

**THE INTERVENTION STRATEGIES OF HUMANITARIAN
AGENCIES IN A COMPLEX POLITICAL EMERGENCY: THE
CASE OF SRI LANKA**

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Abstract

This research attempts to answer the question of how humanitarian agencies engage with the combatants in a complex political emergency. The thesis has been designed as a case study of four non-governmental organisations, two Norwegian and two British, which have been working in Sri Lanka in the ongoing war. I focus on the period from 1995-1998 and build mainly of interview data with agency staff.

Drawing on research literature on non-governmental organisations, I identify three roles which agencies can play in a complex political emergency: service delivery, advocacy and institution building. Ways in which agencies combine these roles are analysed, both in terms of their strategies in relation to actors in their environments, particularly the government and the LTTE, and in terms of the organisational challenges involved. When agencies move beyond a service delivery role issues relating to neutrality and impartiality often arise. Research literature on humanitarian assistance is applied to analyse how humanitarian agencies operationalise neutrality and impartiality and ways in which the agencies may be drawn into the conflict dynamic.

My theoretical framework is organisational theory and, more specifically, research literature on organisations and their environments, and organisational strategy. In particular, I explore aspects of this literature which deal with situations in which organisations are subjected to pressure from their environments. This framework is then applied to identify the sources and types of constraints which agencies operate under and agency responses to these constraints, as well as the ways in which organisations develop strategies for managing their environments.

I conclude that it is possible for agencies to combine different roles, but that in doing so, foreign humanitarian agencies have to actively manage their environments in order to ensure that their actions are perceived as legitimate by actors in the country in which they work.

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 Amended by author. Areas of fieldwork:

CHRONOLOGY OF POLITICAL AND MILITARY EVENTS

1948: Sri Lanka gains independence from Britain.

1956: S.W. Bandaranaike is elected Prime Minister on a nationalist platform.

1972: LTTE is formed as one out of several Tamil militant groups opposing the Sri Lankan government as well as established Tamil political parties. V. Prabhakaran has remained the leader.

1976: The Vaddukoddai resolution declares that a separate state (Tamil Eelam) is the objective of the Tamil United Liberation Front (TULF). The TULF was the largest Tamil political party at the time.

1977: J.R. Jayawardene is elected Prime Minister marking the beginning of a 17 year rule by the United National Party (UNP).

1983: 13 soldiers ambushed by the Liberation Tigers of Tamil Eelam (LTTE) in Jaffna leading to government backed pogroms against Tamils in Colombo and other cities. The exodus of refugees begins and the war starts.

1987: The Indian Peace Keeping Forces (IPKF) arrives in Jaffna to implement the Thimpu accords which were negotiated between India and Sri Lanka towards a political settlement of the war.

1988: R. Premadasa is elected President. He sets out to send the IPKF home and to negotiate with the LTTE.

1990: The last Indian troops leave in March 1990. The war between the government and the LTTE resumes in June. The LTTE assumes control over Jaffna town.

1991: Government troops take control of Elephant Pass in August and thereby gains control over landbased access to the Jaffna peninsula.

1994: Peace talks start in October between the newly elected People's Alliance government headed by President C. Kumaratunga and the LTTE.

1995: Cessation of hostilities from January 8. The war resumes after the peace-talks break down in April. The government takes control over Jaffna town in December. Hundreds of thousands of people were displaced prior to the government capture. Large numbers moved South of the peninsula into the Vanni.

1996: The government expands its control over the Jaffna peninsula and also of areas South of the peninsula as it captures Kilinochchi town. LTTE attacks the Sri Lankan army base in Mullaitivu on the North east coast killing approximately 1500 soldiers in July. LTTE implements its first bomb attacks in Colombo. People start moving back to Jaffna.

1997: The government sets out to open the main road between Vavuniya and Jaffna in Operation Jayasikuri. Assumes control over large areas east of the road but fails in its bid to open the road. The war revolves around control of the road through 1997, 1998 and until the end of 1999 when LTTE launches a counter-offensive.

LIST OF ABBREVIATIONS

AGA:	Assistant Government Agent
CRC:	Convention on the Rights of the Child
CGES:	Commissioner General of Essential Services
CBO:	Community Based Organisations
ECD:	Early Childhood Development
ERRP:	Emergency Reconstruction and Rehabilitation Programme
GA:	Government Agent
IPKF:	Indian Peace Keeping Force
IDP:	Internally Displaced People
ICRC:	International Committee of the Red Cross
IOGT:	International Organisation of Godtemplars
LTTE:	Liberation Tigers of Tamil Eelam
MSF:	Médecins Sans Frontières (Doctors Without Borders)
MoD:	Ministry of Defence
MRRSW:	Ministry of Reconstruction, Rehabilitation and Social Welfare
NORAD:	Norwegian Agency for Development
NGO:	Non-governmental organisation
NGU:	Norwegian Godtemplar Youth Organisation
ORC:	Open Relief Centre
RRAN:	Reconstruction and Rehabilitation Authority for the North
Rs:	Sri Lankan rupees
SCF:	Save the Children Fund
TRO:	Tamil Relief Organisation
TULF:	Tamil United Liberation Front
UN:	United Nations
UNDP:	United Nations Development Programme
UNICEF:	United Nations Children's Fund
UNETF:	United Nations Emergency Task Force
UNHCR:	United Nations High Commissioner for Refugees
UNRISD:	United Nations Research Institute for Social Development
UNP:	United National Party
WFP:	World Food programme

CHAPTER 1: HUMANITARIAN AGENCIES: CHALLENGES AND DILEMMAS

This thesis analyses the strategies of four humanitarian agencies which have been engaged in Sri Lanka since the start of the war in 1983. I want to focus on some of the challenges and dilemmas which these agencies have faced in relation to the two sets of combatants: the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE). Focusing on the period from 1995-1998, I have selected four agencies for this study, two Norwegian non-governmental organisations (NGOs), Forut and Redd Barna, and two British NGOs, Oxfam and Save the Children. They have all been key actors in providing humanitarian assistance throughout the war.

Most of the research which has been carried out on humanitarian assistance has focused on the relationship between the agencies and their beneficiaries. I have chosen to focus on the relationship between the agencies and the combatants. Although these relationships are not written about in reports to funders which generally focus on how money was spent, they provide a key to understanding the success or failure of humanitarian agencies in delivering assistance. A more systematic understanding of these relationships is therefore of importance not only academically, but also for the day to day running of agency operations in a 'complex political emergency'.¹

1.1 Research questions and theoretical framework

My main research question is: How do humanitarian agencies engage with the combatants in a complex political emergency?

The theoretical framework which I shall apply in answering this question draws on organisational theory. There have been few attempts at applying organisational theory to the experiences of NGOs (Hudock 1995). NGOs have instead largely been analysed from the point of view of development theory. More specifically the study draws on

literature on organisations and their environments and literature on organisational strategy. In particular I explore aspects of this literature which deal with situations in which organisations are subjected to pressure from the environment. My assumption is that the conflict in Sri Lanka represents an extreme case in which agencies are constrained by actors in their environment and particularly by the two sets of combatants, the government and the LTTE. It has been argued that the Sri Lankan government is relatively 'strong' and therefore in a position to impose constraints on civil society organisations:

It is the government which determines the framework, the priorities, and given the centralised nature of decision-making in Sri Lanka, the space available for civil society to function (Weerakoon 1994).

The government is also fighting a guerrilla group which can match it in military strength, and which controls large parts of the North where it runs its own administration. In other words, because both sides are strong and well organised, it is likely that both of the warring parties want to make the work of the humanitarian agencies fit into their own agendas. In the literature on humanitarian assistance two perspectives have been developed on the relationship between humanitarian agencies and their environments. The first perspective has been developed within political economy. Its focus is on ways in which agencies are drawn into the conflict dynamic to become part of the agenda of the warring parties (Keen and Wilson 1994, Prendergast 1996). According to the second perspective humanitarian agencies operate more or less autonomously in conflict situations. This mode of operation enables them to pursue their objectives without interference. This latter view has been reflected in literature which has been critical of the work of humanitarian agencies operating in Africa. Proponents of this view have argued that humanitarian agencies undermine both governments and organisations and institutions in the recipient country (Harrell-Bond 1986, Borton 1993, Omaar 1994).

In asking the theoretical questions in this thesis I draw on the 'institutional' tradition within organisational theory. The institutional tradition is concerned with analysing how actors in an environment constrain organisations and how organisations respond to these constraints. However, I also consider more recent contributions, which have merged

insights from institutional theory and 'resource dependence theory', in analysing strategies which organisations can adopt in relation to their environments. In other words, how do actors in the environment constrain the options which are open to humanitarian agencies and which strategies are available to deal with these constraints? I will also look more specifically at what organisational theory has to say about the implications of combining different types of work or roles. Another set of issues relates to the consequences for an organisation in terms of its relationship to the environment and for organisational structure of moving into an advocacy role.

In analysing the strategies which organisations adopt in an adverse environment, I shall focus on the following aspects. Firstly, do organisations develop the same kind of strategies vis à vis the government administration and the *de facto* administration which the LTTE has established in the North of Sri Lanka? The NGO literature offers many examples of the ways in which NGOs relate to governments or states, but the conflict in Sri Lanka offers interesting insights into how NGOs relate to non-state actors. This is an area in which little research has been carried out, except for contributions which address the issue of how agencies may be drawn into the dynamic of a conflict (Duffield 1994a, Keen and Wilson 1994, Prendergast 1996) and how agencies define impartiality and neutrality (Slim 1997b). Secondly, what are the differences in strategy between NGOs and the United Nations High Commissioner for Refugees (UNHCR)? It may be useful to contrast the NGO strategies with UNHCR's strategies because UNHCR has a particular competence in working with displaced people. Therefore the work of the UNHCR is useful and interesting as a benchmark. NGOs and the UNHCR are likely to play very different roles in conflict situations. As an inter-state organisation the UNHCR works with governments and it has a specific mandate to develop standards. It is often argued that NGOs can operate in a much more flexible manner because their role is seen as independent of, and even opposed to, governments.

In addition to this theoretical framework, I also want to relate this thesis to the research literature on NGOs and literature on humanitarian relief assistance. As NGOs became more important as vehicles for development in the 1990s, a large literature developed on different aspects of NGOs in development. With the help of literature on NGOs from

‘development studies’, I shall look at a variety of ways in which humanitarian agencies may define their role in conflict situations. Working in conflict situations on both sides of the front line is a relatively new development for humanitarian agencies (Duffield 1994b) and many agencies have not yet defined their roles clearly. I shall focus on three roles which have been identified in the literature and which are particularly relevant to the work of agencies in conflict situations, namely, ‘service provision’, ‘advocacy’ and ‘institution building’.

It has been suggested in the relief literature that the relationship between advocacy and service delivery may be problematic. Minear and Weiss (1993) have argued that there is a tension between efforts to change government policies and the principle of non-partisanship. Despite this tension ‘advocacy for humanitarian principles is viewed increasingly as an appropriate activity for organisations engaged in the relief of suffering’ (Minear and Weiss 1993: 69). Some authors have argued that humanitarian agencies potentially put their service delivery operation at risk if they decide to pursue an advocacy strategy (Korn 1999, Bratton 1989). Korn describes the dilemma of humanitarian agencies in the following way:

Traditionally NGOs that have engaged in providing relief and development assistance to disaster stricken populations have considered protection and the monitoring of human rights abuses to be outside their mandate. The common view has been that keeping people alive by providing food and medical supplies ensures their most basic human right, and that by their presence alone NGOs discourage governments or rebel organisations from perpetrating serious human rights abuses. Most have been reluctant to engage in activities such as collecting and forwarding information on human rights violations, intervening with governments, and publicly condemning violations. The most common explanation offered is fear that intervention on human rights grounds would put their staff members at personal risk and their organisations at risk of expulsion (Korn 1999: 69).

While working in complex political emergencies, agencies often gain access to unique information about the actions of the combatants and the situation of their beneficiaries. The dilemma that the agencies then face is: should they stick to a humanitarian role or should they use this information for advocacy purposes? What are the advantages in focusing on a limited humanitarian mandate and what are the problems involved in going

beyond a humanitarian mandate? In discussing these questions I consider the issue of how agencies operationalise neutrality and impartiality and ways in which the agencies may be drawn into the conflict dynamic.

If the agencies try to combine several roles, what are the organisational implications of this strategy? Many studies have been undertaken about how development agencies carry out service delivery, institution building or advocacy work. However, the question of how agencies combine these different roles has not been researched in depth. There is evidence from the UK voluntary sector literature that suggests that combining these different roles may be problematic (Taylor 1999). Through analysing the experiences of organisations that are exposed to these dilemmas in a foreign country and in volatile circumstances, this thesis contributes to a discussion about how organisations develop innovative solutions in order to combine these apparently contradictory roles. Experiences from the UK voluntary sector may complement the NGO literature to provide a more thorough understanding of these issues. Efforts to build bridges between these two separate literatures have brought new insights to the field (Lewis 1999).

By first identifying the roles that agencies play in Sri Lanka and then analysing the problems and challenges involved in combining these roles, I hope to contribute to the discussions that are currently taking place among NGOs about these issues. My point of departure in discussing problems related to combining roles, is that they arise because such roles require different types of relationships to the combatants. A service delivery role is based on good working relations with the combatants. Such a role may involve providing goods or services which have been requested by the government or chosen by the agencies themselves. In extreme cases agencies take over the provision of government services in specific geographical areas or in specific sectors. In order to perform their service delivery role successfully, humanitarian agencies have to maintain good working relations with both parties to the conflict.

An institution building role that aims to support the government, organisations linked to opposition groups and civil society institutions, requires more extensive interaction with these actors. Strengthening of local institutions and capacities constitutes an important

principle for the work of humanitarian agencies (Steering Committee for Humanitarian Response 1993). The idea is that local and national response mechanisms would reduce present and future vulnerabilities to crises. For both NGOs and the UN, support to institutions has become an important objective of their development interventions, and increasingly relief agencies are looking at institutional support as a way of integrating relief and development. The government, the private sector and the local community provide the bulk of the support during emergencies (Borton 1993). Estimates show that only 10-15% of required food is supplied through external relief (Duffield 1994a:63).

An advocacy role is based on a different approach to the warring parties. The essence of advocacy in a complex political emergency is making the combatants accountable to international standards and conventions. Inevitably, by pursuing this work agencies end up criticising the conduct of the warring parties. Their good relations with the combatants often suffer as a result. Agencies that want to go beyond a humanitarian, service providing role have to confront this dilemma. Attempts to influence the policy agenda of governments through advocacy typically involve decisions regarding including human rights and conflict resolution advocacy, in addition to more accepted and traditional advocacy on humanitarian issues. Advocacy on human rights and conflict resolution issues is seen as particularly sensitive by the combatants who often label this kind of advocacy as political interference.

1.2 The Sri Lankan context and humanitarian assistance

Sri Lanka

The current war in Sri Lanka dates back to 1983. All the NGOs in this study have been present in Sri Lanka since before the war. The two largest relief agencies operating in Sri Lanka, UNHCR and the International Committee of the Red Cross (ICRC) established their presence in 1987 and 1988. The NGOs carry out relief work as an addition to their core activities that consist of development work. Some of the agencies are becoming more 'rights' orientated in the sense that their work build on the human rights

conventions. My focus is on the work of these agencies among the displaced and war affected population. Government figures regarding the number of displaced people have varied between 500,000 and 1 million. These figures place Sri Lanka high on the list of countries ranked according to number of internally displaced people. Sri Lanka follows Sudan (4 million), Afghanistan (1.45 million), Angola (1.2 million) and Iraq (1.2 million) with numbers equal to those of Myanmar, Colombia and the Democratic Republic of Congo (Hampton 1998).

The conflict in Sri Lanka is waged between government forces and the LTTE. The stated objective of the LTTE is to establish an independent state in the North and the East of Sri Lanka. Estimated to consist of 14,000 fighters, analysts consider LTTE to be the deadliest contemporary guerrilla group (Gunaratna 1998b). The position of the Sri Lankan government is that the Tamils have to settle for some form of self-government short of a separate state. It also maintains that LTTE's claim for control over the East should be dealt with as a separate issue because the Tamils do not constitute a majority in the Eastern Province. The humanitarian agencies in this study supply aid to the Tamil population in LTTE-controlled areas through a cross line operation. Supplies are brought from government-controlled areas in the South and into LTTE-controlled areas in the North of Sri Lanka. There are no alternative supply routes. The agencies therefore have to negotiate both with the government and the LTTE in order to secure delivery of supplies.

Other conflict situations are characterised by weak governments and competing guerrilla fractions, but the Sri Lankan conflict is a relatively clear cut battle between the Sri Lankan government and the LTTE. Other militant groups are considerably smaller. Some of them have received support from the government as allies against the LTTE. The humanitarian agencies therefore have to relate to mainly two sets of combatants.

Defining the concepts: NGOs, complex political emergencies, internally displaced people (IDPs), humanitarian assistance and protection

Agencies which work in conflict situations confront a series of complex choices regarding realistic objectives, appropriate responses and selection of beneficiaries. Agencies and academics who work in and write about complex emergencies use a range of concepts to analyse their work. The definitions of these concepts, and the debate among humanitarian agencies regarding their applicability, constitute an important background to the work of the humanitarian agencies.

The term 'NGO' covers a vast array of organisations and a range of definitions, distinctions and classifications have been presented. Within the development literature the term is commonly used about organisations that are concerned with development issues, but that do not clearly belong to the market sector or the public sector. In studies of Western domestic contexts the terms non-profit or voluntary organisation are often used. More systematic attempts at arriving at a definition of this type of organisation have been made in this literature. The most widely used definition has been suggested by Salamon and Anheier (1992). They outline five characteristics which define organisations that belong to the non-profit sector. Firstly, the organisation must be formal which means that it must be institutionalised to some extent. Secondly, the organisation must be private, that is, institutionally separate from the government. The third characteristic is that the organisation should be non-profit distributing. This means that it should not return profits generated to their owners or directors. Fourthly, the organisation should be self-governing. In other words, it should be equipped to control its own activities and, lastly, it should be voluntary which means it should involve some degree of voluntary participation. In some cases the organisation will have only a voluntary board (Salamon and Anheier 1992: 135). All the organisations in this study satisfy the above criteria.

The UN system defines the term 'complex emergency' as an emergency which is multi causal resulting from civil and ethnic conflict, famine, displacement of people, disputed sovereignty or breakdown of national government and public security (Harris 1995). These emergencies are viewed by the international system as complex because they are multi causal, and because they lead to a breakdown of government and public security. Responses from a wide range of actors in the international system are required (Taylor 1995). Others have pointed out the essentially political nature of complex emergencies

(Duffield 1994b, Vayrynen 1996). In his attempt at classifying emergency situations Vayrynen offers the following definition:

A humanitarian emergency can be defined as a profound social crisis in which a large number of people die and suffer from war, disease, hunger, and displacement owing to man-made and natural disasters, while some other may benefit from it (Vayrynen 1996: 19).

Applying this operational definition (war, disease, hunger and displacement), Vayrynen classifies Sri Lanka as a partial complex emergency since there is no widespread hunger in Sri Lanka. He then compares his list of countries with a list compiled by the US Central Intelligence Agency (CIA). CIA operationalises complex emergency by focusing on two numbers: the total number of persons affected and the share of the population at risk. Using these criteria, he places Sri Lanka in the category of 'simmering emergencies' together with Chechnya, Rwanda, Somalia, Sudan and Tajikistan. Afghanistan, Burundi and Sierra Leone are classified as the most 'intense' emergencies. Clearly conflicts can move between the two categories. Chechnya in 1999 would be classified as an intense emergency while the peace agreement which was agreed in Sierra Leone in 1999 moved the country from the intense to the simmering category.

A lot of the work that the agencies carry out in the North of Sri Lanka focuses on 'internally displaced people'. A broad definition of an internally displaced person is persons:

...who have been forced or obliged to flee or to leave their homes or places of habitual residence in particular as a result of, or in order to avoid the effects of, armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised state border (UNHCR 1996: 2).

There are two elements in this definition that are important in distinguishing an internally displaced person from refugees, on the one hand, and, on the other hand, war affected persons in general. The first is that internally displaced people remain within the national borders of their own state. The second is that their movement is coerced or involuntary. Humanitarian agencies have largely taken on board the views of critics who have argued

that the agencies should not make distinctions between internally displaced and other war affected people because this could cause unnecessary conflict between the two groups (UNHCR 1994a: 74). Agencies often concentrate their work either in areas with large concentrations of internally displaced people or in areas where internally displaced people have returned.

It has been noted that there is no general definition of 'humanitarianism' in international law, and that the term 'has developed piecemeal in a number of distinct but overlapping areas.' (Ramsbotham and Woodhouse 1996: 9). The Red Cross, which is mandated to take a particular responsibility for the implementation of international humanitarian law, defines humanitarian assistance as:

.... assistance without discrimination to the wounded on the battlefield, endeavours to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. (Pictet 1979: 18)

The two key elements of this definition are 'universality in the delivery of assistance' and 'non-discrimination'. Pictet also discusses the related concepts of humanity, humanitarian and humanitarianism. He defines humanity as 'a sentiment of active goodwill towards mankind' and humanitarian 'characterises any action beneficent to man' (Pictet 1979: 20). He goes on to define humanitarianism as:

...a doctrine which aims at the happiness of the human species, or, if one prefers, it is the attitude of humanity towards mankind, on basis of universality. Modern humanitarianism is an advanced and rational form of charity and justice. It is not only directed to fighting against the suffering of a given moment and of helping particular individuals, for it also has more positive aims, designed to attain the greatest possible measure of happiness for the greatest number of people. In addition, humanitarianism does not only act to cure but also to prevent suffering, to fight against evils, even over a long term of time (Pictet 1979: 21).

According to Pictet, humanitarianism is closely associated with charity. He sees charity as above all an expression of Christian morality, synonymous with love for one's neighbour (Pictet 1979: 21). As defined in the Red Cross principles, humanitarianism has

three elements: to prevent and alleviate suffering, to protect life and health and to ensure respect for the individual (Pictet 1979: 22-27).

Humanitarian work consequently has two aspects as defined by the ICRC, namely, protection and assistance:

In Red Cross action, 'to protect' implies preserving victims of conflicts who are in the hands of an adverse authority from the dangers, sufferings and abuses of power to which they may be exposed, defending them and giving them support (ICRC 1979, quoted in Muntarhorn 1988: 352).

Protection is a much more problematic concept to operationalise. Protection work is linked to enforcing humanitarian and human rights law beyond delivery of food and other material goods. Many NGOs are grappling with how protection work should be operationalised and implemented. In order to get a grasp of some of the issues involved in the relationship between protection and assistance, I shall first look at how these issues have been debated within the UNHCR. UNHCR has a dual protection and assistance mandate.

Protection has always been part of UNHCR's mandate. In relation to refugees, the protection mandate has traditionally been implemented through the right to asylum, non-refoulement and non-discrimination. However, in situations of internal displacement, a new approach is needed and is being debated. The discussions have centred around the issues of the establishment of new institutional mechanisms (Deng 1997), what kind of practical measures should be implemented in order to ensure protection of war affected populations (UNHCR 1996), and the relationship between humanitarian assistance and the military particularly in the context of humanitarian intervention (Harriss 1995, Ramsbotham and Woodhouse 1996).

I shall briefly elaborate on the issues of new institutional mechanisms and available practical measures. On the first question of new institutional mechanisms, the Special Rapporteur for internally displaced people² concluded that:

It is also obvious that there is not political will to create a new institution and an ambivalence about designating an existing one to assume full responsibility for internally displaced people.....As a consequence of such ambivalence, operations aimed at providing such protection and assistance remain *ad hoc*, selective and inadequate (Deng 1998: 3).

Deng further argues for a comprehensive and integrated approach to assisting internally displaced people. Although the idea of an institution designed with a specific mandate for internally displaced people was rejected, a range of more general human rights institutions intended to serve as a deterrent against human rights violations have been established during the last few years. The Special Rapporteur has also made significant progress in developing a normative framework. This framework has been translated into a manual for UNHCR staff.

As for the second question of practical measures, UNHCR has a range of practical tools available for its fieldstaff. These tools include monitoring of the treatment of threatened minority groups, interventions with authorities to request protective action, investigation and prosecution of specific cases, assistance to governments to provide personal documentation, assistance in order to ensure safe passage of civilians through front lines, relocation and evacuation of civilians from conflict areas, interventions with local authorities to prevent involuntary return and alerting governments and the public to human rights abuses (Cohen 1998: 7). Most of these measures have in common that they require some kind of advocacy work in relation to the combatants. In other words, protection work requires agencies to move from a service delivery to an advocacy role.

There is apparent disagreement as to how NGOs should approach protection work. Slim has argued that NGOs see protection more and more as an integral part of their work:

Protection is now paramount alongside assistance, even above it on occasion, in a more rounded full humanitarianism which is rightly being pursued, if not actually realised, by many NGOs. The problem of how to implement protection remain tragically elusive. Three main strategies have been tried to date: advocacy, force and law. (Slim 1997a: 6)

He sees ending the false distinction between assistance and protection within NGO practice as one of the great challenges for NGOs in the years ahead. Regarding concrete

measures to achieve this, he suggests that NGOs should study the principles of humanitarian law and also form alliances with human rights organisations.

On the other hand, Cohen (1998) has argued that humanitarian and development agencies in the field do not consider protection part of their mandate. They fear that protection work will compromise their neutrality and provoke restrictions on their access. They also lack the experience and expertise on these issues. Following on from Cohen, my focus is on how agencies deal with these kinds of problems in implementing their protection work. I am interested in how the agencies pursue one of the protection strategies pointed out by Slim, namely, advocacy. In other words, how do agencies combine protection work, such as advocacy, with service delivery? Put more generally, what kinds of advocacy strategies have the agencies developed in a complex political emergency?

1.3 Methodology

My interest in Sri Lanka goes back a long way. I was there for the first time in early 1983 as a student of development studies. I have since then been back at regular intervals. I have had a professional interest in the conflict since I wrote my MA thesis in political science on the mid-1980s peace negotiations between the militant groups and the government. Through my work, as a desk officer for Sri Lanka, for the Norwegian Refugee Council in 1992, I focused particularly on the situation of internally displaced people and refugees. Although I have not at any point worked for any of the organisations which are my concern in this study, I have followed the discussions about many of the issues which are of concern to them, maybe as much from a practitioner's perspective as from an academic perspective.

Design

This study was designed in order to examine the ways in which organisations cope with pressure from their environment. My main research question asks how humanitarian agencies engage with the combatants in a conflict situation. The responses, or organisational strategies, which the agencies employ in relation to the combatants, constitute the unit of analysis of the research. For design purposes there are several ways of conceptualising the relationship between organisational strategies and the environment. Organisational strategies can be treated as dependent variables, while pressure from the environment is treated as the independent variable, or as the condition under which organisational strategies are developed. In this case, this simplified way of looking at the relationship is not entirely satisfactory as organisational strategies are also aimed at influencing the environment. Rather than defining the relationship between two or more variables in terms of independent or dependent variables, I want to analyse organisational strategies as part of a process which shapes the relationship between organisations and their environments. This approach is better suited to capture the complexity of these relationships. The process concept is central to qualitative research designs that are concerned with process and meaning (Denzin and Lincoln 1994:4, Janesick 1994:212).

A range of factors make Sri Lanka suitable for a study of the relationship between humanitarian agencies and combatants in a complex political emergency:

1. The war started in 1983 and many of the agencies have worked in the conflict areas since the mid-1980s. Agencies are, therefore, likely to have developed considerable experience in working in this conflict, in defining their roles and in developing strategies to manage their relationships to the combatants.
2. The agencies in Sri Lanka represent a variety of different approaches to working in a complex emergency. Some agencies were engaged in development work in the conflict areas before the conflict started (Redd Barna and Forut). Other agencies started work as a result of the conflict situation (Oxfam) and focus more on relief.
3. The Sri Lankan conflict is characterised by two main protagonists who are both strong and well organised, and in a position to exert pressure on the humanitarian agencies.
4. Sri Lanka was the first country where the UNHCR developed an operational policy for the internally displaced

5. All of the agencies have advocacy as part of their mandate for their work in Sri Lanka. In the course of their work, the majority of the agencies have developed a stronger emphasis on advocacy.
6. The work of the agencies in Sri Lanka involves engagement with the LTTE in the North of Sri Lanka. Their work may therefore provide a good insight into how humanitarian agencies relate to the guerrilla run administration.
7. Early on, in 1991, the humanitarian assistance programme to internally displaced people was described as a model case (Robinson 1991: 18).

The case study approach

Case studies are suitable as a social research method when a contemporary phenomenon is studied within its real life context, when the boundaries between the phenomenon and context are not clearly evident, and when 'how' and 'why' questions are at the centre of the study (Yin 1994: 13). Yin emphasises that case studies are particularly appropriate when the context is highly pertinent to the phenomena being studied. Hakim argues that case studies are particularly relevant when the focus is on analytical social units and social processes (Hakim 1994:32). According to Hakim:

...case study research is concerned with obtaining a rounded picture of a situation or event from the perspective of all the persons involved, by using a variety of methods (Hakim 1994:8-9).

In offering this definition she draws a distinction between case study research and qualitative research. She uses qualitative research to refer to a particular research design and not 'its looser meaning of any research which does not produce quantitative data' (Hakim 1994:8). She argues that 'qualitative research is concerned with obtaining *people's own account* of situations and events, with reporting *their* perspectives and feelings' (Hakim 1994:8). This study has been designed as a case study for two reasons. Firstly, it attempts to answer a 'how' question: How do humanitarian agencies engage with the combatants in a complex political emergency? Secondly, the boundaries

between the context and the strategies are inter-linked, and the strategies can only be understood within the specific context of the complex political emergency in Sri Lanka.

Yin makes a distinction between exploratory, descriptive and explanatory case studies (Yin 1994: 3-6). This case study is descriptive in that it examines organisational strategies in a context of pressure from the environment. The problem that is being described is how organisations respond. The study also contributes to a better understanding of organisational strategies in conditions of complex and contradictory environments. However, an exhaustive discussion of why organisations employ certain strategies would involve an examination of internal factors in the organisation, for example of decision-making processes. Since the 'why' question is not the main subject of this study, these internal organisational issues will not be covered by the research. Another way of classifying case-studies is to make a distinction according to the rationale on which the case study is based. Yin distinguishes between critical, extreme or unique and revelatory case studies (Yin 1994: 38-41). According to Yin a 'critical case study represents a critical case in testing a well formulated theory' (Yin 1994: 38). A unique or extreme case study is based on an interest in the rareness and uniqueness of a particular case. A revelatory case is based on the researcher's opportunity to 'observe and analyse a phenomenon previously inaccessible to scientific investigation' (Yin 1994:40). Hakim uses a different scheme in dividing case studies into typical, deviant or critical cases (Hakim 1994:63). Following Yin's scheme this study would be classified as an extreme case, since the organisations which are researched in generic organisational literature rarely operate under the kinds of pressure which organisations are subjected to in conflict situations. This study says something about how organisational strategies are affected by complexity and pressure from the environment. The intention is to make a contribution to organisational theory on this topic.

On the other hand, if one follows Hakim's scheme and relates this study to literature on relief, complex emergencies and refugees, I would argue that this is a typical case study. It explores a situation in which the agencies are working in the middle of a conflict, facing pressure from both sides, and having to develop strategies which will be of benefit to people in need. Other studies of humanitarian agencies working in conflict situations

have examined situations in which such agencies have operated in countries with 'weak' states. This context leaves the agencies with space to operate freely, and according to critics, humanitarian agencies have often undermined both national governments, organisations and institutions (Harrell-Bond 1986, Ati 1993). This study investigates the relationship between organisations and their environments in the context of a strong state and a strong guerrilla group. The battlelines between the government and the guerrillas are clearly drawn and the guerrilla group has established a *de facto* administration.

The scope of the study: organisations, sites and timeframe

There are only eight foreign humanitarian agencies which have been continuously working in the North of Sri Lanka since the war started in 1983. They are the International Committee of the Red Cross (ICRC), UNHCR, Care (American), Oxfam, Save the Children UK (SCF), Redd Barna, Forut and Médecins Sans Frontières (MSF). The three organisations which are not included in the study, ICRC, Care and MSF, were not part of the study for different reasons. The ICRC has a very particular mandate which is to implement humanitarian law as enshrined in the Geneva Conventions. Care was not included for two reasons. Firstly, Care was widely perceived to be a service delivery orientated organisation. Secondly, Care is based in the US. Its headquarters is therefore less accessible from the UK than the headquarters of the other NGOs that are based in Europe. MSF was not included from the outset because it has a narrow medical focus. Looking back, I would have liked to have included MSF because of its controversial advocacy policy.³ In the initial phase of this research advocacy was not a key issue; it developed into becoming a central issue during the research process. However, I interviewed Care and MSF staff in Colombo as well as ICRC staff both in Geneva and in Colombo. The insights gained from these interviews are used for discussion purposes. UNHCR has a dual protection and assistance mandate. Its experience in managing the relationship between advocacy and service delivery and in setting standards in this area is a useful yardstick for analysing the work of the NGOs. I have therefore made extensive use of UNHCR's experience for comparative purposes.

I collected material from the head offices and the organisations' offices in Colombo and from two districts in the North and the East⁴ of Sri Lanka: Vavuniya and Trincomalee (see map on page 12). These districts turned out to be the most easily accessible. All of the organisations also had field offices there, except for Redd Barna. Redd Barna did not have any field offices at the time of my field work as a result of its new strategy of working through local organisations. Vavuniya district with Vavuniya town is the gateway to the North. Many refugees pass through Vavuniya on their way Southwards and relief supplies pass through on their way North. Vavuniya was the launch pad for the government's latest offensive that started in May 1996 aimed at opening the road between Vavuniya and Jaffna. This operation, named Jayasikuru, advanced North and East of Vavuniya town. To the North West, Vavuniya bordered on the so called Forward Defence Line. This is a term used by the government to denote the border between government-controlled and LTTE-controlled areas. While I was doing field work, I could look out towards the North West from the UNHCR office in Vavuniya town and see the Forward Defence Line a few hundred meters across the fields. Forut and UNHCR, which operate from Vavuniya town, work in both government and LTTE-controlled areas.

Trincomalee town in Trincomalee District is one of two large towns on the East Coast of Sri Lanka. Before the war the population of Trincomalee was 265,000, while the population in 1998 was 105,000. As of 1998, 50,000 people of the original population were refugees in India, while 110,000 people were displaced in Sri Lanka or had become refugees abroad. The majority of the people fled in the period between 1985 and 1990. Only 25,000 people have come back to resettle and the majority of them have resettled in Trincomalee town.⁵ Trincomalee town is held by government forces, but the LTTE operates in the outskirts of the town. The conflict has taken on a very different form in the East of Sri Lanka. The battle fronts are much less clear. The government holds the cities, while the LTTE makes its presence felt in the surrounding countryside and also in the cities at night. Oxfam, Save the Children and UNHCR operated both in government-held and LTTE-held areas around Trincomalee.

As for the time frame of the study, I focus on the period from 1995 to early 1998, but I also draw on material from the first half of the 1990s. I focus on this period for two reasons. First of all, the intensity of the fighting that followed the collapse of the cease-fire between the government and the LTTE in April 1995 brought a range of issues between the agencies and the combatants out into the open. Secondly, agency staff who worked in Sri Lanka during this period were relatively easily available for interviews as I did my field work in two phases during 1997 and early 1998 (up to March).

Access and ethics

I interviewed staff of the agencies both at headquarters, at the main office in Sri Lanka (Colombo) and in the field. Access to headquarters staff was arranged through formal letters to the desk officers in charge of Sri Lanka. Appointments with other staff at headquarters, mainly regional or programme managers, were arranged either directly by me or through the desk officers. Access to the agency staff in Colombo was either arranged through a request by agency headquarters - in the case of UNHCR and SCF - or directly by me, as was the case for the other agencies. Access to staff in the field offices was arranged by me in agreement with the agency in Colombo. Agency staff responded positively to my requests for interviews and I was provided with the time that I needed to obtain the information for which I asked. In addition to interviews with the international agencies I also interviewed staff from three Sri Lankan NGOs which were working in Vavuniya and Trincomalee: Sewa Lanka, Rural Development Foundation and Sarvodaya. Access to these agencies in the field was arranged by the UNHCR. Meetings with government staff from the Reconstruction and Rehabilitation Authority were arranged by me. UNHCR arranged meetings at the Government Agent level and at the Assistant Government Agent level as part of the field visits to Vavuniya and Trincomalee. Former government employees were contacted through personal contacts.

Everybody who travels across the Forward Defence Line and into LTTE held territory needs a permit from the Ministry of Defence. The application to the Ministry of Defence needs to contain details of the travel route with time for crossing the Forward Defence

Line and the licence number and the engine number of the car. NGOs and UNHCR have formal and informal policies which restrict access to the North for persons not working for the agency. Access is only obtained with an independent permit from the Ministry of Defence. During the first years of the conflict, the agencies had a more relaxed attitude to bringing along people who had not been directly involved in the work of the agency. Due to the government's efforts to impose control on information coming out of these areas, the agencies have now adopted a cautious approach. So, people who want to travel into LTTE-controlled areas are left in a situation in which they can not apply for a permit unless they have got a commitment from an agency. The agencies do not want to give that commitment before the person in question has got a permit from the Ministry of Defence. The result is that it is very problematic to gain access to these areas by following the official route and being transparent about the purpose of one's travel. However, as a researcher I think that it is important to follow the rules of the game and not use irregular methods to gain access because this may create problems for the agencies. They may for example face accusations from the government of having supported 'clandestine' research. The agencies carry out their work under difficult circumstances. I think any actions, on the part of the researcher, which may contribute to a deterioration in their relations with the government must be avoided. Because of these constraints on field work in LTTE-controlled areas, I settled for two areas which border on the LTTE held areas, but which are under government control: Vavuniya and Trincomalee.

Both Vavuniya and Trincomalee border on LTTE-controlled areas and are subject to attacks from the LTTE, specially during the night. Additionally, because of the frequency of checkpoints, it is impractical to travel by private transport. UNHCR, which was my main point of contact in both Vavuniya and Trincomalee, also felt a certain responsibility for my security. I was frequently offered, and I accepted, UNHCR transport wherever I wanted to go in these two towns and their surroundings. In Vavuniya, I also stayed in the UNHCR guesthouse. Since my interest was primarily in the relationship between agencies and the combatants, and not for example in the relationship between agencies and beneficiaries or in the impact that agency projects had in the communities in which they worked, I do not think the fact that I was dependent on

agency goodwill and resources affected the findings of my research. In some instances it was rather the other way round since I gained insights into agency perspectives also outside a formal interview situation. The main negative implication was rather that I could not 'hang around' and be a nuisance for too long. However, I do not think the data collection was hampered in a serious way by these limitations on the amount of time spent in these two locations. Through my main data collection technique which was interviewing, I had ample access and time to talk to everybody I wanted, both in the organisations and the government. Another advantage in working closely with the UNHCR was that I was provided with easy access to top government officials in both towns through meetings which were kindly arranged by UNHCR.

Although I was working within a war context, my interest was in the work on the humanitarian agencies and not in gaining first hand experience of the war and the combatants as such. Issues which have been raised regarding working 'under fire' and in situations of personal risk are therefore not directly relevant to my experience. Such issues have for example been discussed by Nordstrom et. al. in 'Fieldwork under fire' in which they argue that experience and interpretation become inseparable when doing 'fieldwork under fire.' However, I think that it is important to bear in mind, when collecting information from and analysing the work of the agencies, that their staff is exposed to risk in their day to day work.

Data collection

The data which have been collected are mainly of a qualitative character reflecting the how and why questions of the thesis. I interviewed 70 individuals from the organisations which are included in this study as well as from other foreign agencies, local organisations, the government administration, donor agencies, policy makers, research institutions and the diplomatic community. As for the agencies which are included in this study, I interviewed staff both at their headquarters, in Colombo, and in the field. I also interviewed former staff who had worked for the agencies from the early 1990s and up until the time of my field work. The technique which has been most extensively used is

semi-structured interviewing of key agency actors. Semi-structured interviewing is an alternative to structured or unstructured interviews:

It has a sequence of themes to be covered, as well as suggested questions. Yet at the same time there is an openness to changes of sequence and forms of questions in order to follow up the answers given and the stories told by the subjects. (Kvale 1996: 124)

It implies that questions are formulated in advance, but not necessarily strictly adhered to, and that answers are open-ended. Another term used for this type of interviews is 'open-ended' (Yin 1994: 84). Respondents may be asked about facts, opinions or about what their own views on an issue are (Yin 1994:84). Semi-structured interviewing is suitable to obtain information about complex, ongoing processes when central questions are 'how' and 'why' things happen. During the interviews for this study, informants were frequently asked questions about specific events and about issues and problems faced by their organisations. Some of the informants were interviewed several times to allow for more in depth follow up of key issues. Kvale (1996) discusses key aspects of qualitative interviewing. He argues that the ideal interview is to a large extent interpreted throughout the interview. The interviewer should attempt to verify his or her interpretations of the subject's answers in the course of the interview. According to Kvale an interview should be "self-communicating" (Kvale 1996: 145).

Document analysis and observation have been supplementary techniques, mostly used for triangulation purposes. Triangulation is a concept which has been widely used in qualitative research, see for example Rose (1991:201) and Janesick (1994:213). It has been argued that for case studies 'the most important use of documents is to corroborate and augment evidence from other sources.' (Yin 1994: 81). The emphasis on interviewing has also followed from the fact that the subject matter of this study is not routinely documented by the agencies, nor is it treated in agency reports which focus on implementation of projects. Another limitation has been that the agencies consider documents relating to these issues to be of a sensitive nature. As such, they are not part of the formal archives of the organisation, but are kept with the individual agency employees. As a researcher, I did not want to push the issue of access to internal documents because I felt that that this might jeopardise the trust relationship I had built

up with the agencies. With the benefit of hindsight, I can see that I became too focused on the issue of access to the areas under LTTE control, to the detriment of achieving access to agency archives and informal documentation at agency offices in Colombo.

Data analysis

The data have been analysed in four stages. Firstly, key issues were identified. Most of them were referring back to the questionnaire and the data were sorted according to these issues into categories. Secondly, case studies of each of the organisations were written up. Thirdly, the analysis involved going back and forth between the evidence and theory as described in 'grounded theory'. This took place through a process whereby evidence was held up against concepts and theories and concepts and theories were matched with evidence. During this process, thematic matrices were used to systematise categories of evidence which related to both variables and process. This process roughly followed Miles and Huberman (1994), except for the emphasis that was placed upon writing up the case studies. Miles and Huberman identify three steps in the analysis of qualitative data: reduction of the data into a manageable model, organisation of data into data-displays and conclusion-drawing (patterns, explanations, causal flows) (Miles and Huberman 1994:10-11).

The fourth analytical phase has drawn on 'grounded theory' (Glaser and Strauss 1967). One of the key elements of grounded theory is the emphasis on data-theory interplay, the making of constant comparisons, the asking of theoretically orientated questions and the development of theory. Strauss and Corbin have argued that:

Grounded theory researchers are interested in *patterns* of action and interaction between and among various types of social units (i.e. actors) ... They are also much concerned with discovering process-not necessarily in the sense of stages or phases, but of reciprocal changes in patterns of action/interaction... (Strauss and Corbin 1998:277).

This emphasis on patterns of action and interaction fits in with this study's interest in the interaction between the combatants and the humanitarian agencies. This approach is also

suitable in order to analyse how the strategies of the humanitarian agencies are developed in response to and in anticipation of the actions of the combatants.

They further argue that:

Insofar as theory that is developed through this methodology is able to specify consequences and their related conditions, the theorist can claim predictability for it, in the limited sense that if elsewhere approximately similar conditions obtain, then approximately similar consequences should occur (Strauss and Corbin 1998: 277).

This study examines the ways in which organisations respond under conditions of pressure from actors in the environment. It further analyses the strategies which agencies adopt to implement their own mandates while at the same time accommodating pressure from the environment. The analysis has identified the types of pressure which organisations are faced with and the mechanisms through which this pressure is exercised. Under similar conditions organisations would be expected to adopt responses which are similar to the ones identified in this study. The analysis will examine whether the data which have been collected are compatible with any of the assumptions which follow from theory on organisational strategies under conditions of multiple, sometimes incompatible pressure.

The issue of the validity or credibility of qualitative data is more complex than for quantitative data where validity is ensured to specific procedures. In analysing qualitative data this may involve lengthy explanations as to why a specific explanation is credible. Miles and Huberman suggest different ways of ensuring the validity or the credibility of data, including checking for researcher effects, weighting the evidence and getting feedback from informants (Miles and Huberman 1994: 263-276). According to Yin a procedure of pattern-matching or explanation building will also ensure internal validity (Yin 1994:33).

Confidentiality

The research deals with very sensitive issues. Consequently, establishing trust and respecting the wishes of informants for anonymity has been critical (Homan 1991). In the aftermath of escalating tension between the government and agencies in November 1995, the agencies became particularly wary of any information leakage which could damage their reputation with the government. Before I started interviewing, I always emphasised that the information would be used for research purposes only, and not, for example, for newspaper articles. These kinds of limitations, or conditions, are relatively common in research on sensitive topics (Lee 1993: 124). This approach also accommodated requests by some of the respondents who explicitly wanted to make sure that none of the information which they provided would appear in newspapers. My approach to the issue of confidentiality was to always follow the wishes of the respondents and not to strongly push any of the sensitive issues during the interviews. All the interviews were taped and then transcribed. Some of the informants requested that the tape be turned off at certain points in their narrative, while others asked me to erase the interview after it had been transcribed. I have not quoted anything that was said off the record. Although all of the respondents talked most of the time on the record, some of the respondents were concerned that the material should be non-attributable. In writing up the thesis I have therefore chosen to use numbers as a reference when respondents are quoted directly irrespective of whether they requested the material to be non-attributable or not. I have also sometimes used numbers as references when respondents express their views indirectly. Because my material is interesting as an expression of agency policies or actions, the identity of each informant is not significant in my context.⁶

Confidentiality considerations is also one of the reasons why the thesis is structured around issues, rather than organisational case studies. This structure makes it easier to keep the identity of the individual organisations out of the spotlight, while at the same time keeping the focus on organisational strategies. Another reason why the thesis is structured around issues, is that I am interested in the issues rather in the specific organisations. The organisation of the thesis around issues also made comparison between the agencies easy.

1.4 Chapter outline

Chapter 2 starts out by giving an overview of the war context in which the agencies work. The second part of the chapter reviews relevant parts of the relief literature. It discusses some of the changes that have taken place in the delivery of humanitarian assistance and summarises the criticism which has been levelled at humanitarian agencies. This leads up to a presentation of some of the key issues and dilemmas facing humanitarian agencies in complex emergencies. One of them is the question of whether humanitarian agencies should 'stick to the knitting' and focus on delivering relief or whether they should expand their focus to encompass advocacy on a wider range of issues, including human rights. The last section of this chapter provides a profile of the humanitarian agencies which have been researched for this thesis.

Chapter 3 establishes a theoretical framework drawing on theories about organisations and their environments and the strategies which organisations adopt to manage their environment. The chapter also looks at how the organisation-environment relationship has been studied in the NGO literature. The chapter identifies a particular area of theoretical interest which the thesis seeks to address, namely, what are the consequences for organisational strategy when organisations are faced with strong, sometimes incompatible, pressures from actors in the environment

Chapter 4 outlines the policy context in which the humanitarian agencies are working. The first part of the chapter analyses the government embargo of the North and government policies on relief, resettlement and rehabilitation, as well as government policies towards humanitarian agencies.

The second part of the chapter analyses the characteristics of the administration in the North and the links between the government and the LTTE, including their collaboration in relief delivery through the Tamil Relief Organisation (TRO). Finally, the chapter focuses on LTTE's policies towards humanitarian agencies.

Chapter 5 identifies the mechanisms through which the government and the LTTE apply pressure on agencies. It further analyses agency responses to these pressures. The first part of the chapter looks at the relationship between the agencies and the LTTE. The relationship revolves around two major issues: control over resources and the role of local organisations in the implementation of relief and rehabilitation. The chapter then goes on to look at the mechanisms used by the LTTE for influencing the agencies.

The second part of the chapter deals with the relationship between the agencies and the government and focuses on four aspects of this relationship: i) access and permits to the North ii) co-ordination of the work of the agencies iii) the relationship between the agencies and the Government Agent iv) areas of engagement between the government and agencies.

Chapter 6 analyses the strategies which agencies adopt to implement their advocacy mandate. The first section outlines the different kinds of advocacy which agencies may be involved in ranging from advocacy over access to beneficiaries to advocacy about human rights issues. The second section looks at the strategies which agencies adopt to get their message through, and the third section analyses how agencies lobby internationally in pursuit of their advocacy goals.

Chapter 7 draws out some of the key points from the chapters on organisational strategy and advocacy. In the first part of the chapter, I discuss the characteristics of the relationship between agencies and the combatants. I analyse the strategies of negotiations and compromise which agencies employ to manage their relationship to the combatants, including how they operationalise impartiality and neutrality. The second part of the chapter discusses the characteristics of an effective advocacy strategy. The third part of the chapter analyses the organisational challenges which are involved in combining advocacy and service delivery.

Chapter 8 reviews the findings of the thesis in terms of organisational theory, the NGO literature and humanitarian aid policy. The chapter starts with a summary of the main findings of the thesis. It then comments on some key issues related to combining service

delivery, advocacy and institution building. Is neutrality compatible with advocacy? How can humanitarian and human rights agencies collaborate? How can agencies support civil society institutions? Finally, I discuss some implications of my findings in relation to organisational theory.

1.5 Summary

The focus of this thesis is on the strategies which humanitarian agencies pursue to achieve their objectives in a complex political emergency. This is a context which places the agencies under pressure from the government as well as from the LTTE. The thesis was designed as a case study of four organisations which were working in Sri Lanka from 1995-1998. It relies mainly on interview data with agency staff which is supplemented with written documentation. Applying organisational theory, in particular institutional theory, the thesis identifies the sources and types of constraints which agencies operate under and agency responses to these constraints. In relation to organisational theory, the thesis aims to throw light on the issue of how specific kinds of organisations, namely NGOs, develop strategies to cope with pressure from actors in their environments. The thesis further explores the relationship between advocacy and service delivery, and the strategies which agencies employ to combine the two approaches which have very different organisational implications.

All of the agencies in this study have a formal mandate which goes beyond service delivery. Their mandates involve advocacy in different forms, either on humanitarian issues or human rights issues. However, advocacy may easily jeopardise the neutrality and impartiality which is seen as a precondition for successful service delivery. So I ask what types of advocacy strategies have the agencies developed? How do they manage the tension between advocacy and service delivery?

The thesis analyses the complex set of relationships between the agencies, the government and the LTTE. It compares the strategies which the agencies employ vis à vis the government, with strategies vis à vis the LTTE. In particular it looks at how

humanitarian agencies have related to the *de facto* administration in the North of Sri Lanka. Impartiality and neutrality are key concepts in defining the operations of humanitarian agencies, and in steering the course between parties to a conflict. I discuss how the agencies operationalise these concepts in very different ways and what the implications have been for their relationships to the government and the LTTE.

Endnotes

¹ The term 'complex political emergency' became widely used during the 1990s to denote multifaceted emergency situations which had 'man made', or political, rather than natural causes and which required a broad spectrum of responses (humanitarian, political, military) by a range of actors in the international community. For a critique of the concept see Voutira (1997). She argues that: 'complex emergencies' is largely a euphemistic term that obscures the fact that the complexity of a crisis is largely a feature of the organisation and structure of the 'humanitarian response'....' I return to this concept later in the chapter.

² Special Rapporteurs are appointed by the United Nations for a limited period of time to report on issues of concern to the United Nations. Rapporteurs with responsibilities for specific countries may also be appointed, as has been the case for Iraq and Rwanda.

³ MSF's advocacy work is the subject of a study at the Refugee Studies Programme at the University of Oxford. The project is called: Doctors without borders and doctors of the world: a study of medical humanitarianism and human rights witnessing in action, and is ongoing (April 1999-March 2002).

⁴ Although I have collected material from and about both the North and the East of Sri Lanka, I often refer only to the North. This is because large areas in the North have been under LTTE control. The Eastern Province has most of the time formally been under government control. However, LTTE has had a presence in the East throughout the conflict.

⁵ These figures are based on interviews with government staff in Trincomalee.

⁶ For the purpose of examining the thesis, the examiners have been provided with a list of names which is cross referenced with the numbers.

2. HUMANITARIAN AGENCIES IN COMPLEX POLITICAL EMERGENCIES

This chapter seeks to elaborate on some of the key issues that humanitarian agencies are faced with. It provides a review of literature on humanitarian assistance, a narrative of the conflict context in Sri Lanka, and information about the policies and work of the humanitarian agencies which make up this study. The information about the agencies provides a backdrop to the more detailed account of agency strategies which are provided in chapters five and six. The account of the conflict context aims to contribute to an understanding of the environment in which the agencies are working. The first part of this chapter looks at some of the background to the conflict between the government and the LTTE. The second part goes on to give a more general background to some of the challenges and dilemmas that humanitarian agencies are faced with in conflict situations. It discusses some of the criticisms that have been levelled against humanitarian agencies and different ways in which agencies may respond to these criticisms. The third section provides a profile of the agencies which have been part of this study. It ends by giving an overview over some of the issues involved in co-ordination of agency activities in Sri Lanka

2.1 The conflict in Sri Lanka

The government and the LTTE: background to the conflict

The start of the war in Sri Lanka is often dated to July 1983¹ when a group of 13 government soldiers were ambushed by Tamil militants. As a result widespread attacks on Tamil civilians and Tamil property took place in urban areas in the South resulting in the death of an estimated 2,000 people and the destruction of an estimated 18,000 Tamil shops and homes (US Committee for Refugees 1991: 26). Although there had been sporadic ethnic riots since independence, the lack of government efforts to stop the riots further galvanised Tamil opposition to the government. An exodus of Tamils to the North of Sri Lanka and abroad followed². In 1987 talks between the Indian and the Sri

Lankan government resulted in a peace agreement which was enforced by more than 100,000 Indian troops, the Indian Peace Keeping Force (the IPKF). Some of the militant Tamil groups agreed with the accord. The LTTE did not and was soon fighting Indian troops. Talks between the new Sri Lankan President, Ranasinghe Premadasa, who came to power in December 1988, and the Indian government, led to Indian withdrawal from Sri Lanka in March 1990. While continuing to fight the IPKF, LTTE agreed to a mutual cease-fire with the Sri Lankan government in April 1989. Soon after the last Indian troops had left the war between the Sri Lankan government and the LTTE resumed in June 1990. After failed attempts at negotiations in September 1990, the war continued. In August 1991, the Jaffna peninsula was cut off from landbased access to the South when government troops took control of the Elephant Pass (see map page 12) which is the gateway and the only access road to the Jaffna peninsula. This new phase of the war lasted until new talks started after the People's Alliance Government headed by President Chandrika Kumaratunge came to power in August 1994. Expressing their lack of faith in the government's willingness to achieve a settlement, the LTTE resumed the war in April 1995. The war between the LTTE and the government has claimed the lives of at least 10,000 combatants on each side (Rupesinghe 1998: 2), while the number of civilian casualties has been relatively low compared to other internal conflicts.

The LTTE's official aim is to establish an independent Tamil homeland, which would comprise the 7 districts which make up the Northern and Eastern Provinces. Soon after the IPKF left in March 1990, ferocious fighting erupted between government forces and LTTE over control of Trincomalee and Batticaloa, the two large towns on the east coast. The fighting displaced hundreds of thousands of people, between June and September, before the government gained control. Jaffna town, considered the heartland of Tamil culture, remained under Tamil control until late 1995 when it fell to government forces. Since then the government has worked towards reopening the road which links the North to the South, between Vavuniya and Jaffna, without success, but has succeeded in regaining control over large areas on each side of the road.

The Sri Lankan conflict is often called an 'ethnic' conflict as the main protagonists claim to represent their respective ethnic communities. As of the last census, which was

conducted in 1981, Sri Lanka had a population of 17 million people. 74% of the population were Sinhalese, 18% Tamils and 7% Muslims (Deng 1994: 4). In addition, there is a small community of Burghers who are descendants of European settlers. The Sinhalese are mainly Buddhist and speak Sinhala, while the Tamils are Hindus and speak Tamil. The Muslims speak mainly Tamil, but because of their separate religion the Muslims have remained a distinct community which has come to display symbols of their religion more forcefully during the last decade. The Tamils comprise of two groups: the 'Jaffna' Tamils and the 'Indian' or 'estate' Tamils. The Indian Tamils came to Sri Lanka from India in the 19th century to work on the tea plantations in central Sri Lanka. The Tamils comprise the majority of the population in the Northern Province. All Muslims, approximately 100,000, were expelled by the LTTE in October 1990 and forced to leave on short notice (US Committee for Refugees 1994: 7). One consequence of the war, in demographic terms, has been that the Tamil population has become much smaller as a percentage of the total population in Sri Lanka because hundreds of thousands have become refugees. Because no census has been carried out since the war started there are no accurate numbers available. In the Eastern Province the population has been equally divided between Muslims, Sinhalese and Tamils. The main sticking point in the negotiations, which have been taking place at intervals between the LTTE and the government, has been LTTE's demand that a Tamil autonomous area should also include the entire Eastern province.

While Sinhalese and Tamils have co-existed in Sri Lanka for hundreds of years, the political system, which was developed after the British colonial power withdrew in 1947, was not able to accommodate and resolve the conflicting interests between the two ethnic groups which became increasingly apparent during the 1970s. The increasing Sinhala dominance of the state and public administration and the introduction of public policies, which were seen by the Tamils to be in favour of the Sinhalese, led to Tamil resentment. The establishment of a separate Tamil state, Tamil Eelam, became the official objective of the largest Tamil political party, the Tamil United Liberation Front, in 1976, through the so called Vaddukoddai resolution. From the mid-1970s Tamil politics became increasingly dominated by a range of militant political groups. They used assassinations of established political leaders as one way of undermining the

moderate political parties as they fought for dominance of Tamil politics. During the mid 1980s, the LTTE emerged as the strongest group throughout the North and the East. LTTE established its own administration in areas under its control but were seemingly unwilling to compromise with the government or enter democratic politics. Indian involvement in the conflict has been close throughout. During the first half of the 1980s, Tamil militants received Indian support and training camps were set up in Tamil Nadu, the Southern Indian state which comprises 50 million Tamils. As the Indo-Sri Lanka accord of 1987 broke down, the relationship between the Tamil militant groups and India deteriorated, culminating in LTTE's assassination of the Indian Prime Minister, Rajiv Gandhi, on May 21, 1991.

Internally displaced in Sri Lanka: the people left behind

Since the war started in July 1983 people have left for safer areas in Sri Lanka and they have fled to India and the West. Areas where Tamils, Sinhalese and Muslims lived together for decades and centuries have become dominated by one group or groups live in animosity.

The number of displaced people in Sri Lanka has fluctuated between roughly 500,000 and 1,000,000 since the war resumed in June 1990. As of December 31st, 1997, the number of displaced was 804,266 persons or 197,414 families. 635,752 persons lived outside of government welfare centres, while 152,125 persons lived in welfare centres families (Commissioner General of Essential Services, 1997). In addition, an estimated 600,000 Tamils have left for India and the West (Gunaratna 1998b: 301). Compared to the 1981 census figures, which put the number of Tamils at a little more than 3 million, these figures mean that half the Tamil population has become either displaced or refugees. The number of IDPs is a highly contested issue in Sri Lanka. The government offensive against Jaffna in late 1995 led to a large increase in the number of displaced people. The Government Agent, who is the head of the government administration, in the North of Sri Lanka, and responsible for the distribution of aid, was dismissed from his job in November 1995. The government alleged that he was giving exaggerated

figures for the number of internally displaced. The government maintained that 100,000 people had been displaced as a result of the offensive while the Government Agent put the number at 300,000–400,000³. According to UNHCR figures at the time, the total number of internally displaced was one million people, including 400,000 who had been displaced by the offensive (UNHCR 1995).

The majority of displaced people stay with friends and families. Many of them have been displaced three or four times. Probably half of the people who were displaced by the 1995 government offensive returned to their home areas within the first year after the offensive. This is also a disputed figure. The government wanted to show that the figure was high and the LTTE was interested in keeping it low.

Following peace-agreements there have been periods with resettlement which again have been interrupted by war and renewed flight. From 1987-1990, approximately 43,000 out of the estimated 135,000 refugees in India returned, mainly during 1988 and 1989⁴. Two reception centres were established at Talaimannar in Mannar district and in Kankesanthurai in Jaffna district. When the war resumed again in June 1990, people started leaving for India. An estimated 140,000 left during the first three months (Clarence 1991:323) which was approximately three times as many as had repatriated from India during the previous two years. In 1992, the situation began to stabilise. A second wave of UNHCR assisted repatriation took place between 1992 and 1995. The last group of 10,013 refugees returned in March 1995 before the war resumed again in April. Altogether, 54,000 refugees returned from India between 1992 and 1995. Less than 6,000 remained in UNHCR supported transit camps at the beginning of 1997. However, there have been cases of renewed displacement following return to home villages (UNHCR 1997b: 3). In April 1995, return came to a halt. This time the resumption of the war did not lead to a large exodus to India, but the number of IDPs reached one million people as it peaked in the autumn of 1995.

2.2 Humanitarian agencies in conflict situations

Models for delivering humanitarian assistance: towards engaging with both sides

The amount of humanitarian assistance provided by agencies has increased dramatically over the last few years both in absolute terms and relative to development aid. In 1980, emergency relief accounted for \$353 million or 2% of total official development assistance (Macrae 1995). By 1998, emergency relief had increased to 6.2% of the total development assistance of the OECD countries (OECD 2000). Humanitarian assistance is provided directly to beneficiaries as goods or services on the basis of need. According to UNHCR, the number of internally displaced people was almost 5 million in 1997, while the number of refugees was slightly over 13 million (UNHCR 1998).

According to international law, the affected state has the primary role in the initiation, organisation, co-ordination and implementation of humanitarian assistance⁵. An effective government and a well-functioning civil society are often assumed to be preconditions for managing crisis and conflict. However, conflict situations are often characterised by a breakdown of institutions and coping mechanisms opening up space for humanitarian agencies to intervene (UNRISD 1993).

Duffield (1994b) distinguishes between three approaches which humanitarian agencies over time have taken to relief work. Firstly, from the late 1960s to the mid 1980s, the international community generally respected the sovereignty of governments and did not provide aid in contested areas. Only the ICRC regularly carried out work in conflict areas based on its mandate derived from international humanitarian law. Other humanitarian agencies did not have access to conflict zones unless a cease fire was in place. However, NGOs would in exceptional circumstances undertake cross border or cross line operations like in Eritrea and Tigray, Sudan and in Afghanistan. This flexibility was considered a strength of NGOs compared to the UN or the bilateral agencies which could only operate with the consent of governments. Secondly, from the mid-1980s, donors started to accept the provision of aid to areas outside of government control. NGOs were often used as sub-contractors. Thirdly, by the end of the 1980s, the UN itself started to carry out operations in conflict areas at the expense of state sovereignty. Cross-border operations were mandated in South Sudan, Ethiopia and Angola on the

basis of negotiated access. This arrangement secured access for humanitarian aid to conflict areas. The aid was provided by NGOs, but it was negotiated, funded and co-ordinated by the UN. Later, the UN has developed its so called integrated approach to complex emergencies in which UN agencies play different roles (humanitarian, military, political), but where UN assistance is co-ordinated by one lead UN agency.

The critique: becoming part of the conflict dynamic

As the volume of humanitarian aid has increased, and the problems in working in conflict areas are being identified and analysed, both humanitarian agencies and academics have started to question the work of humanitarian agencies in conflict situations⁶. Some have pointed to a crisis of confidence in NGOs (Hanlon 1991, Omaar 1994).

Several aspects of this crisis have been identified by different authors.

1. The consequences of relief have been questioned. It has been suggested that relief disempowers people and undermines organisations and institutions (Harrell-Bond 1986, Ati 1993, Minear and Weiss 1993, Duffield 1994c). United Nations Research Institute for Social Development (UNRISD) has argued this point in the following way:

As a result of its politization and militarization, humanitarian assistance takes ever more massive and spectacular forms and tends increasingly to substitute and destroy local resistance and coping mechanisms and institutions rather than to support and reinforce them (UNRISD 1993:3).

This model is the opposite of what the European Union calls an ideal relief model where relief is integrated into existing government structures or, in their absence, into local NGOs or beneficiary structures (Commission of the European Communities 1996: 2).

Harrell-Bond has shown how 'battles for sovereignty', between local government officials and foreign NGOs, contributed to programme failure in the case of programmes for Ugandan refugees in Sudan (Harrell-Bond 1986).

2. Others have argued that relief often becomes part of the conflict dynamic through various mechanisms, such as diversion of aid to combatants, indirect legitimisation of combatants or indirect support to the strategies of combatants. This has happened as for example roads have been kept open or populations who have had to move have received support (Anderson 1995, Duffield 1994a, Omaar 1994).

3. The security situation for relief workers has deteriorated dramatically. Relief agencies often employ security personnel to ensure the safety of their employees and the safe passage of aid convoys (Omaar 1994, Penrose 1994, Cushing 1995, Martin 1999).

4. There is often a lack of co-ordination of relief efforts between the actors involved (Bennett 1995, Taylor 1995, Aall 1996).

5. After sustaining large-scale relief operations like Somalia, Rwanda, Bosnia and Kosovo, there is now a crisis of funding in many agencies. As government funding focused on these large operations, funding to NGOs for less visible conflict situations were reduced.

6. Relief does not attack root causes, but is used as a welfare net to respond to deep seated economic problems as the West disengages from economically marginal areas and as a cover up for lack of a political response to political problems (Duffield 1994b, ICRC 1996). The international community's main response to complex emergencies has become humanitarian aid. Many argue it has become a substitute for political action in areas of limited interest to the Western powers⁷. This argument is also put forward by Fowler who argues that governments use aid to build up a 'global system of social welfare for the Southern poor - akin to a global soup kitchen' (Fowler 1994: 21).

Responses to the critique: 'stick to the knitting' or widening the focus

The responses to this crisis can be divided into two major categories. One line of argument maintains that humanitarian aid agencies should 'stick to the knitting'. Humanitarian aid should remain humanitarian and the key concern of the agencies should be the needs of the recipients (Halliday 1997⁸, ICRC 1996). This is a view which has been coined 'humanitarian minimalism' (Slim 1997a: 2). According to this view NGOs should develop standards and codes of conduct for their work in conflict situations in order to deal with problems of neutrality and impartiality⁹. Efforts to develop such codes have become increasingly important as a way of self-regulation among relief agencies.¹⁰ The opposite argument says that humanitarian agencies have to widen their focus in three respects. Firstly, they should attempt to link relief and development (UNDP 1993, UNRISD 1993, IDS Bulletin 1994, UNHCR 1995). However, a focus on linking relief and development will necessitate making choices about which institutions and organisations to collaborate with. Such decisions may easily be interpreted as taking sides (ICRC 1996). Secondly, they should work towards integrating relief with human rights and conflict resolution and make sure that aid does not fuel the conflict dynamic (Anderson 1995, 1996). Humanitarian agencies have been accused of neglecting issues of justice and human rights which often lay at the root of conflicts (Omaar 1994). Thirdly, their service delivery work should be complemented by lobbying and advocacy work (Clark 1991, Penrose 1994). In a conflict context, lobbying and advocacy would often focus on the rights of the victims to assistance, as well as on issues like the use of child soldiers, rape and killing of civilians.

The following arguments are often found in favour of going beyond a narrow focus on relief in conflict situations:

1. It is not possible to maintain neutrality and impartiality even if agencies try to, so this no longer serves as a justification for sticking to relief (Slim 1997b: 8).
2. By taking a development approach agencies could start addressing the root causes of conflict and support local organisations and institutions (UNDP 1994, UNRISD 1993).

3. By focusing on human rights issues agencies would target issues at the core of the conflict (Omaar 1994).

4. The access and contacts which humanitarian agencies have should be used to design projects and programmes which bring warring communities together (Anderson 1995).

Firstly, I shall take up two aspects of the debate about linking relief and development. One deals with how relief and development can be linked. The other deals with the implications which linking relief and development have for the conflict dynamic.

In spite of the theoretical disagreement about the nature of the relationship between relief and development¹¹, proponents of both positions agree that by working through, enhancing and supporting local institutions agencies can take a developmental approach to relief. This involves a shift from a focus on individual beneficiaries and needs assessment to a focus on institutions. Working with local institutions could mean:

1. Working with government agencies (Buchanan-Smith and Tlogelang, 1994, Lirenso and Maxwell, 1994).
2. Working with 'civil society' institutions (Duffield 1995, Bennett 1995). In this context, 'civil society' institutions mean institutions which are independent from the state in the sense that they either operate autonomously or they are able to counterbalance the state. I shall return to this concept in the theoretical chapter.

Working with institutions means that agencies have to make decisions about the legitimacy of recipient institutions. It also means empowering these institutions politically and financially (ICRC 1996). In conflict situations this type of work is easily perceived as political in the sense that it supports one side of the conflict. This strategy breaks with the notion of humanitarian assistance as individual and needs based.

Efforts to strengthen the economic base of one of the parties could also be perceived as a way of strengthening this party or taking sides. Economic warfare is often part of a military strategy to weaken the opponent. The Sri Lankan Government has severely restricted supplies of essential goods, such as fuel and fertilisers, to the North of Sri Lanka as part of the blockade to weaken the LTTE. Likewise, the establishment of a

security zone in the Indian ocean in 1986 affected the livelihoods of thousands of fishermen. Education has been disrupted through the use of schools as shelters and lack of equipment which in some cases have been withheld in Colombo.

Development work may have implications for the combatants in several ways:

1. Where refugees or internally displaced people settle has implications for the demographic balance and hence for the political and military balance between groups in internal conflicts
2. Rehabilitation and development work may legitimise the control which one of the combatants holds over one area.
3. Organisations and institutions which agencies work with gain resources and legitimacy.
4. Development work may support the development plans and aspirations of one of the parties to the conflict.

Secondly, widening the focus can mean taking up human rights issues. Conflicts are often characterised by grave human rights violations. According to the UN High Commissioner for Refugees, Sadako Ogata:

Violations of human rights are major - indeed, the major - cause of mass population displacement. This fundamental relationship is not always given adequate recognition. In recent years, it has been commonplace for politicians, the media and even humanitarian organisations to perceive uprooted people as the victims of armed conflict and to describe them as 'war refugees'. In many ways it would be more accurate to describe refugees as people whose human rights have been seriously violated or threatened (UNHCR 1995:58).

A study of the two first High Commissioner for refugees, Nansen and McDonald, conclude that the most striking difference in approach between the two was their willingness to criticise governments for human rights abuses. Nansen adopted a cautious approach, while McDonald resigned when confronted with the unwillingness of Western governments to confront human rights abuses in Germany in 1935 (Skran 1988). In other words, the issue of the relationship between assistance and human rights or service delivery versus advocacy has a long and problematic history.

UNICEF was one of the first agencies to start work with human rights in conflict situations through its work with children. UNICEF has comprehensively taken on board children's rights (Alston 1996). UNHCR has a human rights mandate through its protection mandate which represent one pillar of its twin mandate of protection and assistance. In spite of policy innovations like 'Open Relief Centres' in Sri Lanka and 'Safe Heavens' in Iraq and Bosnia, one of the major challenges of UNHCR is to develop policy instruments for protection in such a way that it would avoid becoming a spectator to grave human rights violations. This point has been expressed by The United Nations High Commissioner for Refugees who has argued that 'If we do not or cannot prevent massive rights abuses, we should at least offer victims a haven.'¹² NGOs are increasingly debating whether and how they should integrate a human rights approach in their work.

A third possibility for widening the focus of humanitarian agencies is to take up issues more directly related to the conflict. Agencies and academics are becoming increasingly concerned that humanitarian agencies may become part of the conflict dynamic making them a part of the problem rather than a part of the solution. In its most general form, this argument maintains that by bringing in new resources to the battle field, agencies prolong wars. Several mechanisms may be at work:

1. Agencies are not able to prevent combatants from making use of agency resources, directly or indirectly. Supplies may be taxed, re-routed or consumed by combatants rather than civilians (Macrae and Zwi 1994).
2. Agency activities directly or indirectly support the military efforts of one or all combatants. The establishment of refugee camps may contribute to ethnic cleansing and air fields which are maintained for humanitarian operations may be used for military operations (Duffield 1995).
3. Agencies provide legitimacy to warring groups. Warring parties may gain legitimacy internationally by gaining access to international news media through agencies. They may gain undue legitimacy with the local population because they are seen to be providing aid (Omaar1994).

It has been suggested that humanitarian agencies can contribute towards conflict resolution. In addition to taking steps to prevent being used by combatants, agencies may more actively seek to reduce tension and create reconciliation by:

1. Facilitating talks on humanitarian issues and thereby creating trust and opportunities for talks about issues which are more directly conflict related. This approach has been called 'humanitarian diplomacy' and is most commonly used by ICRC.
2. Lobbying for cease fires or an end to the war with all parties.
3. Design projects and programmes which are aimed at increasing interaction and reducing tension between all communities (Anderson 1995).
4. Design specific programmes or programme components which are aimed at conflict resolution and reconciliation but which are not specifically concerned with mediation or facilitation. Examples are 'psycho-social' programmes aimed at particularly traumatised groups and cultural projects aimed at increasing the understanding between communities.

2.3 The basis for humanitarian access: neutrality and impartiality

The first principle of the Code of Conduct¹³ for The International Red Cross Movement and NGOs states that unimpeded access to affected populations is of fundamental importance for humanitarian agencies in exercising the responsibilities that they have in offering assistance and in upholding the fundamental principle of right to assistance. Effective humanitarian assistance relies on access to people in need, both those who are within government held areas and those who are in areas outside government control. The relief literature suggests that agencies focus on relief in order to secure access to conflict areas, while human rights and conflict resolution work easily is perceived as being political and consequently endangering access (Duffield 1994c).

Access is based on the principles of neutrality and impartiality which are designed to ensure that humanitarian agencies do not become a party to the conflict and that their work is carried out solely on the basis of need. These principles are enshrined in international law through the Geneva Conventions from 1949 and the two Additional

Protocols from 1977 and have been refined by the ICRC. The Additional Protocols of the Geneva Convention from 1977 states in Article 69 that:

If the civilian population is suffering undue hardship owing to a lack of the supplies essential for its survival, such as foodstuffs and medical supplies, relief actions for the civilian population which are of an exclusively humanitarian and impartial nature and which are conducted without any adverse distinction shall be undertaken subject to the consent of the High Contracting Party concerned.

The principle of neutrality sets out how agencies should relate to the parties to the conflict and impartiality spells out the criteria for distribution of aid.

The ICRC definition of impartiality stresses the primacy of needs and states that:

It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress. (Pictet 1979: 37).

Pictet argues that impartiality is based on the concepts of non-discrimination and proportionality of need (Pictet 1979: 37-51). Impartiality, in other words, provides principles for determining how aid should be provided to victims of war or, to put it another way, to agency beneficiaries.

The principle of neutrality is perceived by humanitarian agencies as more problematic than impartiality which most seem to agree upon. The Red Cross defines neutrality in the following way:

In order to continue to enjoy the confidence of all, the Red Cross may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature. (Pictet 1979: 52).

Pictet calls neutrality a derived principle which is designed to assure that the Red Cross has the confidence of all parties, something which is indispensable to the work of the ICRC. In other words, neutrality is a means to achieving an end; the delivery of assistance and protection of victims. It is not an objective in itself. Neutrality implies not

making any judgements. Pictet makes a distinction between military and ideological neutrality. Military neutrality means not to take sides in armed conflicts of any kind. Ideological neutrality means that the ICRC should not engage in any kind of controversies (Pictet 1979: 54-59). In accordance with its principle of neutrality the ICRC treats governmental entities on the basis of equality. It does not take into consideration their legitimacy or their politics (Pictet 1979: 59). In addition to not taking part in military or ideological battles, it has been argued that neutrality also requires organisations to ensure that neither party is able to use the organisation to its advantage. This has been called preventive neutrality (Slim 1997b: 11-12).

Many NGOs take the view that neutrality is unachievable in practice since aid is so frequently manipulated, or that it is morally not desirable, since it is equated with not speaking up against grave human rights violations. In contrast to the classical Red Cross principles of impartiality and neutrality, solidarity has been suggested as an alternative approach (Omaar 1994, Duffield 1994a). Solidarity could be based on: (i) human rights objectivity and the pursuit of justice (ii) consultation with and accountability to the people with whom solidarity is expressed (iii) shared risk and suffering with the people (iv) concrete action in support of the people and their cause. This may include providing relief and/or political or human rights lobbying and advocacy (Omaar 1994). Solidarity was the basis for humanitarian work in some conflict situations during the Cold War. Afghanistan is one obvious example where NGOs took sides in supporting people in Mujahedin-controlled areas and not in government-controlled areas (Baitenmann 1990). In this thesis, my focus is on how the agencies operationalise neutrality and impartiality and on whether extending the focus to advocacy is compatible with the principles of neutrality and impartiality.

2.4 An overview the case study organisations: Forut, Oxfam, SCF and Redd Barna

This section provides information about key policies of the agencies as well as some historical background. Towards the end of the section, I discuss UNHCR policies since

they have been specifically designed to handle both assistance and protection issues. Lastly, there is a discussion of government co-ordination and co-ordination between the agencies themselves.

Forut

Forut has been working in Sri Lanka since 1982 when the organisation was established there as a joint venture between the Swedish and Norwegian Godtemplar movement¹⁴ to continue the work carried out by the Norwegian Godtemplar Youth Organisation (NGU) since 1964. NGU had been involved mainly with industrial development within the fisheries sector in Jaffna. Forut's entry onto the scene marked a clear shift towards rural development. Later on social mobilisation and organisation became the centre piece of Forut's engagement in Sri Lanka. Forut started out with a very modest programme of 1.5 million Rs. in 1982 (£150,000) and its programme grew to Rs. 84 million (£840,000) in 1996, out of which approximately half, 40 million Rs., was spent in the North. For 1997 the Sri Lanka budget was rupees (Rs.) 83,889 million and for 1998 Rs. 113,962 million. Expenditure started increasing dramatically from 1985. It has gone up every year except for 1991. Forut's overall budget in 1996 was Norwegian kroner (NKR) 15,685,996 (app. £1,423,000). In other words the Sri Lanka programme constitutes more than half of Forut's total budget. Forut's activities in areas under LTTE control are funded by the Norwegian Foreign Ministry. It can be divided into four categories: 'food for work', credit schemes, schools and non-food relief. Forut's rehabilitation work in government-controlled areas is 100% funded by the Norwegian Agency for Development (NORAD) which is unusual because normally an NGO would have to match government funding by 20% own funding.

Forut's vision and mission are spelt out in a policy document dated July 1998 (Forut 1998). Forut's vision is to 'enhance the quality of life of the people by empowering them through their participation' and

The mission of Forut Sri Lanka is to strive to improve the living conditions of the people by acting as a catalyst in building up and strengthening local groups/organisations in order to improve the socio-economic situation of the marginalised, fight alcohol and drug problems,

promote peace and harmony among communities while providing humanitarian assistance in times of need (Forut 1998:6).

Forut's vision reflects the principles of the International Organisation of Godtemplars (IOGT) which was founded as a popular movement in 1851 on the principles of temperance, peace, solidarity and human worth. Forut has a long term perspective on its work in Sri Lanka, and there is a Norwegian-Swedish agreement in place which outlines a 10 year perspective on Forut's work in Sri Lanka (Forut 1996a)

The concept of solidarity has also been central to the work of Forut and the 'sympathy with the Tamil cause has been there all along'.¹⁵ Because Forut was mainly engaged in the North of Sri Lanka, the organisation was 'drawn into the drama' and has also taken a conscious decision to stay with the conflict. However, already in the early 1970s there was pressure on the organisation to also work in the South. Today Forut spends approximately half of its budget in the South. However, it is still, according to Forut staff, often perceived by Sri Lankans as an organisation which works mainly in the North and consequently as a 'Tamil friendly' organisation.

In defining its mission Forut outlines four priorities: to improve the socio-economic situation of the marginalised, to fight alcohol and drug problems, to promote peace and harmony and to provide humanitarian assistance. Forut is the only agency in this study which defines promotion of peace and harmony as part of its mandate; peace is seen as a prerequisite for achieving development. Its 1998 policy document argues that Forut needs to develop strategies to promote and support peace initiatives. The policy document defines relief as something which Forut undertakes as an absolute necessity and which is not normally part of Forut's profile. The document advocates a participatory approach to relief which would facilitate development work. Forut's bases its relief work on the principles of neutrality, impartiality and need regardless of race and ethnicity.

The key to Forut's strategy for achieving its objectives is organisation and mobilisation of local communities. The role which Forut plays in these processes has changed over time, and Forut now defines itself as a 'catalyst' for mobilisation and organisation in

local communities. Forut wants to contribute to capacity building and institution building through training and have to that end established a training department at headquarters as of January 1997. Rather than providing support for already existing organisations, Forut aims to help communities mobilise and organise themselves around for example a credit programme or a pre-school. Forut's objective is to enable these organisations to run on their own, with Forut playing a consultative role. This process through which the organisation becomes less dependent on Forut is called 'localisation' in Forut terminology.

The bulk of Forut's work in the Vanni has been carried out in Vavuniya North and South and Kilinochci. Implementation of relief is very different from Forut's more development oriented work in that it does not build on local organisational capacity to the same extent. For smaller construction projects Forut is often self-implementing, which is considered to be cheaper and more efficient than implementing through others, while for larger construction projects Forut implements through contractors.

Forut aims to have a rehabilitation perspective in its relief work. Lack of inputs due to restrictions on agricultural goods, such as fertilisers and pesticides, and lack of purchasing power, capital, marketing, storage facilities and transport all represent grave impediments to rehabilitation work in the Vanni. However, Forut has managed to keep for example local banks in Kilinochchi functioning under very difficult circumstances. With the massive displacements during 1995, Forut's earlier rehabilitation orientated approach of providing people with land and/or a small loan, which was intended to enable people to get on with their lives in a new setting, was largely abandoned for much more extensive relief interventions.

Forut's major rehabilitation programmes are in Vavuniya South and Jaffna, both areas which are controlled by the Sri Lankan government. Forut's programme in Vavuniya started in 1991 as a resettlement programme helping farmers with cultivation after the population had been displaced during 1990, and continued as a village development programme centred on saving schemes. Forut's focus is on organisation and mobilisation around savings and credit schemes. In Vavuniya Forut has initiated two

training schemes; computer training and vocational training. Forut's rehabilitation programme for Jaffna consists of savings and credit schemes, training (carpentry, masonry, sewing) and rebuilding of infrastructure (schools, health, shelter, sanitation) with emphasis on training and organisation. Much of the work is carried out in communities in which Forut worked prior to the displacement in 1995.

Oxfam

Oxfam started work in Sri Lanka in 1969 through funding of local partner organisations. From 1969 to 1983, Oxfam funded in excess of forty organisations, many of them were religious or church based and many received funding throughout the period. Oxfam's involvement was modest and the grants to most organisations, except for Sarvodaya, were small. The programme was managed first from Oxford and then from India and there was no direct Oxfam representation in Sri Lanka. Geographically, Oxfam's programme favoured the Hill Country, the East and the North. An ethnic balance was sought through the funding of Sarvodaya which is an NGO based in Southern Sri Lanka. Towards the end of the period the budget of the programme was around £100,000. Oxfam supported vocational training, children, displaced people, institutional development as well as providing disaster relief (Plastow 1996). Between 1983 and 1985, Oxfam scaled up its Sri Lanka programme as a response to the conflict. It provided grants to more than 30 local organisations throughout the North and the East in a broad range of sectors, including relief, economic rehabilitation, housing and more traditional development activities (Plastow 1996).

Oxfam established a country office in Sri Lanka in 1986 as a temporary response to the escalating conflict and entered into an agreement with the Ministry of Plan Implementation which defined Oxfam's role in terms of relief and rehabilitation (Plastow 1996: 14). The programme achieved a clearer focus on rehabilitation and focused on Trincomalee, Mullaitivu and Kilinochchi (see map page 12). From 1988 onwards, Oxfam started to work among the Sinhalese in Ampara to achieve an ethnically balanced programme (Plastow 1996). In November 1994, Oxfam's Sri Lanka programme

changed status from an emergency response programme to a regular country programme. The new programme continued the focus on responding to the needs created by the conflict. Following the displacement from Jaffna in late 1995, Oxfam decided to become operational in Sri Lanka which is something that Oxfam is usually reticent about. However, given the scale of the displacement it was assumed that local organisations would not be in a position to cope with the needs of the displaced. In early 1996, an Emergency Office opened in Colombo to manage Oxfam's scaled up response. Oxfam recruited 15 new people and scaled up its programme to £1.3 million from the £5-600,000 which had been the average spending in the beginning of the 1990s. The Department for International Development and the European Union have been the two major funders of Oxfam's Sri Lanka programme. In 1997 the operation was again scaled down to approximately £350,000 for the Vanni relief operation.

The first Strategic Plan produced for Oxfam Sri Lanka, in 1992, began to define a role for Oxfam beyond relief. Three areas of work were outlined in addition to Oxfam's traditional role as funder: (i) working with partners on management issues and project design (ii) co-ordination and lobbying on relief issues and (iii) informing the government and senior military personnel about local conditions and advocating improvements. In the strategic plan for 1996, Oxfam identified four strategic themes for a more comprehensive program for Sri Lanka: conflict, poverty, gender and capacity building (Oxfam 1996). Oxfam listed four desired outcomes of its involvement in the conflict: to meet the relief and recovery needs of people affected by conflict, to target the poor and the vulnerable, to have a clear moral position about its work and to contribute to improved co-ordination of assistance (Oxfam 1996: 71-72). One of the criteria for defining Oxfam's geographic areas of concentration was a need to maintain an acceptable balance between involvement in the North-East and the South. Oxfam wanted to continue to work in Kilinochchi and to a lesser degree Mullaitivu and in Trincomalee, with some work being carried out in Batticaloa and Amparai. For the first time Oxfam also stated that it would work in the deep South, notably Moneragala.

The strategy document defined Oxfam's programme within the context of Oxfam's overall mandate and British Charity law. The emphasis on poverty is derived from

Oxfam's mandate which is to 'relieve poverty, distress and avoidable suffering throughout the world'. For Oxfam, the implications of British Charity law, which prohibits political activities for organisations which are registered as charities, as defined in the Strategic plan, are that advocacy and campaigning can not normally become Oxfam's primary activity. Furthermore, Oxfam can not promote human rights per se as human rights organisations in Britain are not recognised as charities. However, the strategy opens up for Oxfam's involvement in human rights advocacy if 'victims of abuse are poor or unable to make representations on their own behalf'. Advocacy by Oxfam can only be justified if it can be argued plausibly that this work contributes to the alleviation of poverty, distress and suffering (Oxfam 1996:16). Rather than basing its work on the concepts of human rights or basic needs, Oxfam has embraced and campaigned for the concept of 'basic rights'. This concept does not prioritise between civil, political, social, economic and cultural rights. The Oxfam Charter for Basic Rights states that every person has a basic right to enough to eat, clean water, a livelihood, a home, an education, health care, a safe environment, protection from violence, equality of opportunity and a say in their future. The emphasis on basic rights leads to a focus on people and people's participation at the centre of Oxfam's work.

The implications of the above considerations for Oxfam's work in conflict situations are an emphasis on participation and solidarity with the poor and afflicted, engagement in policy dialogue with or behalf of those who are most negatively affected and work towards permanent and acceptable resolutions through non-violent means (Oxfam 1996:2). The strategy emphasises that Oxfam's moral position in a conflict is based on solidarity with the poor and those affected by the conflict. Oxfam's legitimacy is based on listening to the people and responding to them. Moving on to the critical concepts of neutrality and impartiality, the strategy paper links neutrality to root causes. It argues that Oxfam can not be neutral if this means that root causes of a conflict are not considered. Impartiality is being linked to who is right and who is wrong. In cases where it is not possible to make a clear judgement, Oxfam will be impartial which the paper defines as 'not blind to the causes and dynamics of conflict and the effect on vulnerable people, but taking the side of the poor and the afflicted' (Oxfam 1996:11).

Oxfam's programme in the Vanni as of 1997/98 included relief, a water improvement programme, support through the Ministry of Health to rural health assistants and rehabilitation work through local organisations principally through provision of agricultural loans. Oxfam has defined its relief role in the Vanni as a gapfilling role focusing in particular on disadvantaged groups while working through developing innovative approaches and playing a catalyst role. As the situation stabilised after the 1995 displacement Oxfam aimed to become more involved in rehabilitation through local organisations.

Save the Children

SCF started work in Sri Lanka in 1979 and began its relief and rehabilitation programme in the North and the East of Sri Lanka in 1985. From 1995/96, SCF started to fundamentally change its programme in Sri Lanka away from relief, rehabilitation and community development and towards a focus on children's rights through research and advocacy. This change process was largely initiated in the region as a result of taking on board the implications of the Convention of the Rights of the Child of 1989. However, SCF still retained its relief program in Mannar (see map page 12) and was the co-ordinator among the international agencies for relief in Manthai West AGA (Assistant Government Agent) Division in Mannar District. The organisation also implemented small-scale community development projects after it changed its focus. From 1985 to 1993, SCF spent £5,250,000 on relief work in the North East (Hardy, Lewis, Wiles 1993). The budget for 1995/96 was £1.3 mill. and the budget for 1996/97 was £948,000, out of which the bulk, £800,000, was spent in the North and the East.

SCF's new focus on children's rights is reflected in its mission statement:

SCF works to achieve lasting benefits for children within the communities in which they live by influencing policy and practice based on its experience and study in different parts of the world. In all its work SCF endeavours to make a reality of children's rights (Save the Children 1997a: 1).

The adoption of the United Nations Convention on the Rights of the Child (CRC) in 1989 provided SCF with a legal framework for its work with children. Since the mid-nineties, SCF has worked to implement CRC in Sri Lanka, focusing specifically on children in conflict, while also doing some work in areas like exploitative child labour and sexual exploitation and children who are outside of society (street children, children without birth certificates).

The new SCF Sri Lanka strategy emphasises research and advocacy which aim to document the situation for children in Sri Lanka, report on the implementation of the CRC which has been adopted by Sri Lanka and to carefully work with the Sri Lankan government in areas which are of relevance to children, such as education. This strategy is implemented in several ways:

1. Production and dissemination of written material about the situation of children in Sri Lanka.
2. Reporting, with other NGOs, on the follow up of the CRC focusing on explaining failure to implement the report.
3. Support for local organisations who are engaged in children's rights issues.
4. Support for a CRC forum within the Consortium of Humanitarian agencies
5. Close collaboration with the North Eastern Provincial Council, which is the government's administrative unit for the North and the East of Sri Lanka, aimed at implementing a new educational policy for the conflict areas, including funding.

SCF sees implementation of CRC in areas of ongoing conflict as a particular challenge and emphasises education in particular. SCF employed one person based in Anuradhapura to work on children's issues in the Vanni, with a mandate to report on child rights issues based on the Marcel report, and to develop programming options for SCF. The emphasis on education arises from surveys in the Vanni which consistently point to education as the priority of people there. The LTTE has also expressed interest in strengthening education in the Vanni. Two of the main problems in the educational system are the lack of contact between education authorities and teachers and the lack of education among teachers.

SCF's global strategy, dated January 1997, places a lot of emphasis on emergency work and argues that to the general public SCF is best known for its emergency work. The Global Strategy defines the principles for SCF's relief work as threefold: (i) to prevent such emergencies from arising (for example by looking to improve food security) (ii) to base action on good analysis and (iii) to provide material assistance in ways that assist long-term recovery (Save the Children 1997b: 1). This position places the Global Programme Strategy at odds with the Sri Lanka programme which has been downplaying relief since after the Jaffna displacement in 1995/96. This may partly be explained by the fact that the changes in the Sri Lanka programme have been initiated in the region and in Sri Lanka. This has not always happened with the full understanding and backing of the London office.

SCF's relief and rehabilitation programme has been concentrated in four main districts: Jaffna, Mannar, Trincomalee and Anuradhapura/Puttalam. Relief work now focuses on the Mannar area only. SCF's policy is to maintain a relief capacity to assist 4000 families based on what SCF Colombo sees as its 'moral obligation'.¹⁶ SCF's policy in the Mannar area has been to provide displaced people living with friends and relatives with non-food relief items in order to assist both host and displaced communities. Numbers and names of those displaced are obtained from the local administration. SCF then verifies numbers, talks with the recipients and undertakes distribution. SCF strongly emphasises the involvement of the local administration in the process. Between December 1995 and September 1997, SCF distributed non-food relief items to approximately 30,000 people. This was roughly equivalent to 7,500 families. Most of the distribution happened in the Manthai West AGA Division where SCF also has the overall responsibility for co-ordination of relief. In November 1995, during the displacement from Jaffna, SCF scaled up its emergency programme which included distribution of relief items such as clothing, firewood, plastic sheeting and a fifteen day supply of supplementary food items to 1,500 families who moved from Jaffna town.

Because of scarcity of government resources in Mannar, SCF is involved in long term rehabilitation work in Mannar. SCF is also doing rehabilitation work on a limited scale in Trincomalee, including income generation, support to schools and well provision.

Before 1995, SCF operated a large programme in the Jaffna peninsula providing revolving loans and support to fishing and farming communities through local organisations. SCF's was provided with a permit from the government to continue its work in Jaffna. SCF's new programme in Jaffna is on a more limited scale with assistance to people who are resettling focusing on 4-5 communities.

Redd Barna

During 1996 and 1997, Redd Barna in Sri Lanka underwent a total turnaround of the organisation. This change was most clearly manifested in a reduction in Redd Barna staff from 350 to 22 as a result of a strategy which wanted to reach more children by working through local partner organisations (Redd Barna 1998: 1). The reasons that are given for this change of policy are twofold. Firstly, most of Redd Barna's operations world-wide had already gone through a similar process of change. Secondly, 'the country programme had stagnated, created dependency, had too much of a generalist approach to development with an unclear focus, low cost efficiency and low coverage in terms of number of children. There was no realistic strategy for sustainability (Redd Barna 1996:3). This process changed the organisation from a relief and development organisation, which itself implemented credit and community-development programmes, to a child rights based organisation which worked through local partners. A similar process had been carried out in all Redd Barna country programmes but nowhere as quickly and dramatically as in Sri Lanka.

Redd Barna started work in Sri Lanka in 1974 with the establishment of a Maternal and Child Health Clinic in Karainagar in Jaffna. Until 1978, Redd Barna continued to focus on mothers, children and health. In 1978, Redd Barna became heavily involved in relief and rehabilitation work in the Eastern Province after the area was hit by a cyclone. Following a world-wide shift in Redd Barna policies, integrated community development projects became the key component of Redd Barna's work in Sri Lanka. From 1979 onwards, several community development projects were started in Mullaitivu, Matale, Nuwara Eliya, Puttalam and Batticaloa districts. Redd Barna also

took part in settlement projects where families were given new land by the government. Community development projects continued to be the centrepiece of Redd Barna activities until the late 1980s when Redd Barna started to develop a more specific child focus. In 1988, Redd Barna decided to group its community development activities under four headings: early childhood development (kindergartens and pre-schools), youth, credit (Savecred) and health and nutrition as part of a strategy to make its activities more child focused.

With the start of the war in 1983, Redd Barna became even more involved in relief activities. With the expansion of these activities a separate relief unit was set up in 1988. Up to 1995 large scale relief and rehabilitation work was carried out in three areas: Jaffna, Mullaitivu and Batticaloa¹⁷ where Redd Barna focused on three target groups: refugee families in refugee camps, war widows and unaccompanied children. These projects focused mainly on relief, but where possible credit activities were taking place like in Mullaitivu where the rates of repayment were high. In Batticaloa, credit was targeted particularly at war widows, an approach which Redd Barna has later rejected after finding that war widows became labelled and stigmatised as recipients of aid. With the introduction of Redd Barna's new strategy in 1996, traditional relief was gradually reduced and replaced by a more child focused strategy. Redd Barna has stopped operating as a general relief agency and has started to concentrate on psycho-social support to children who according to Redd Barna constitutes 40% of the displaced population. Redd Barna has abandoned its relief role confident that other agencies with clear relief mandates will take over its work. Redd Barna is also prepared to provide relief through other agencies, such as for example SCF, in a potential crisis situation.

In 1995, Redd Barna Sri Lanka became one of the last Redd Barna offices to implement the new global strategy for Redd Barna. This strategy focused on the transformation of Redd Barna into a Child Rights organisation with a focus on implementing the CRC. The country programme strategy for 1998-2001 also outlined four key issues for children in Sri Lanka:

1. Early Childhood Development (ECD), making pre-schools the centre of activities.

2. Children in especially difficult circumstances (CEDC): children in conflict areas, street children and domestic labour.
3. Child advocacy, initially through the establishment of a 'Children's Desk' and co-operation with SCF, making Redd Barna more of a child rights organisation.
4. Partnership, networking and co-ordination.

Redd Barna's relief and community development activities were brought to an end during 1997 to enable the organisation to focus its resources on child rights issues and start working through local partners. Redd Barna concentrated on finding partners and staff which would enable the organisation to implement its new strategy. The programme strategy foresees that Redd Barna will be working with a minimum of 20 partners and with a total yearly budget frame of Rs. 100 million (£1 million). Redd Barna's role is intended to be primarily facilitation and advocacy. By working through local organisations Redd Barna will also support general capacity and competence building, support local institutions and promote local initiative with maximum use of local resources. In its new country programme strategy, Redd Barna defines its mission in the following way:

RBSL is committed in a professional way to support selected, sustainable quality activities to as many vulnerable children as possible in a cost effective way, and to advocate for their full rights as participating human beings in accordance with the UN Convention on the Rights of the Child, through active empowerment and capacity building of genuine partnerships and networking with other organisations and authorities. (Redd Barna 1996:6)

Redd Barna further says that its overall goal is to become:

... a professional partnership organisation supporting selected partners that have common interests with and similar values to Redd Barna. (Redd Barna 1996:3)

Over several years, Redd Barna spent approximately 40% of its budget in the conflict areas.

UNHCR

The United Nations High Commissioner for Refugees was established with a mandate to implement the Convention Relating to the Status of Refugees of 1951. UNHCR's mandate in relation to internally displaced people is provided by the General Assembly of the United Nations on an ad hoc basis. Sri Lanka was the first country in which UNHCR worked with IDPs as opposed to refugees. UNHCR has a protection mandate as well as an assistance mandate relating to IDPs. The discussion within UNHCR regarding carrying out both of these two mandates is of great relevance and interest to NGOs.

UNHCR started work in Sri Lanka in November 1987 and, as of 1998, UNHCR had six field offices in North East Sri Lanka: Trincomalee, Mannar Island, Mannar mainland (Madhu), Jaffna, Mallavi and Vavuniya. UNHCR is, together with the ICRC, the agency with the most extensive operational presence in the North and East of Sri Lanka. The UNHCR programme in Sri Lanka is a special programme funded through appeals which means that none of its expenses are covered through core UNHCR grants. This provides the Sri Lanka programme with a greater degree of independence than would have been the case if the programme was receiving core funding from its Geneva headquarters. According to UNHCR staff in Colombo this status has allowed UNHCR to respond flexibly to the changing nature of the conflict in Sri Lanka. From July 1997 to December 1998, the budget for the Sri Lanka programme was \$12,940,747 (UNHCR 1997a:1). UNHCR is very different from other UN agencies in Sri Lanka in that it implements through NGOs rather than through the government and that its programming cycle is only 18 months.

On 31 August 1987, the Government of Sri Lanka and UNHCR signed a memorandum of understanding which asked the UNHCR to assist in facilitating the return of Sri Lankan Tamils from India. Consequently, during periods of return (1987-1990 and 1992-1995) the role of UNHCR in Sri Lanka has been to facilitate and monitor the repatriation process and to provide assistance to help people resettle and reintegrate.

Repatriation has been based on the principle of voluntary return as stated in the agreement between the governments of India and Sri Lanka.

In 1993, Sri Lanka became the first country in which UNHCR became mandated by the United Nations General Assembly to provide:

... humanitarian assistance and protection to persons displaced within their own country in situations calling for the Office's particular expertise, especially where such efforts could contribute to the prevention or solution of refugee problems (UNHCR 1997b: 1).

With this resolution the mandate of the UNHCR in Sri Lanka was extended from returnees to internally displaced people. The focus also shifted from repatriation and reintegration to prevention or solution of refugee problems. This set the stage for development of new and innovative approaches to working with people affected by war.

Clarence (1991) describes the early background to the 1993 resolution in an article in which he analyses the role of the UNHCR, in June 1990, when the war resumed. According to Clarence, there were two factors which led UNHCR to assist not only returnees from India, but also others who were displaced. Firstly, internal displacement was fuelling an exodus of asylum seekers. Once people had become asylum seekers any solution would be more costly and problematic. Secondly, it was morally unacceptable to draw a legal distinction between categories of people with respect to entitlements to basic humanitarian assistance in emergency conditions. The mandate of the High Commissioner also opens up for ad hoc humanitarian measures, at the High Commissioner's discretion, provided there is strong support from the international community, including the country of origin. Clarence also refers to Executive Committee Conclusion No. 40 (XXXVI) which mentions the need to remove the causes of refugee flows. Assisting people in Sri Lanka could be seen as a way of reducing the pressure on people to leave. The establishment of two so called Open Relief Centres (ORCs) in Madhu and Pesalai were the most visible examples of this new approach. The two open relief centres were designed to provide an alternative to flight by providing assistance and some degree of protection to internally displaced people.

In a later article, Clarence describes the battle with the Head Office in Geneva over the proposal to provide emergency relief for displaced people and others affected by the conflict in Mannar. He argues that the Sri Lanka programme helped pave the way for a protective role for the UNHCR in conflict (Clarence 1993: 11). Prompted by the Head Office in Geneva, UNHCR tried to find other organisations which would be willing to take on its role, but found none. As for NGOs, Clarence argues that they did not have the institutional 'clout' with the government and the military which UNHCR's status as an international organisation brought.

In early 1997, in the absence of any voluntary repatriation programme since March 1995, UNHCR decided to reorient its programme towards IDPs and specifically to promote their return to Jaffna (UNHCR 1997b). The same year UNHCR outlined the objective of its activities as follows:

1. Reduce the hardship of displacement through providing emergency assistance and microproject assistance to communities which are accommodating large numbers of IDPs.
2. Facilitate the return and resettlement of refugees to places of origin.
3. Support the efforts of the government in normalising conditions for civilians living in conflict affected areas.
4. Employ, whenever feasible, UNHCR capacity and operations to minimise additional displacement.
5. Help create conditions which are conducive to the resumption of the voluntary repatriation and rehabilitation of refugees in their places of origin.
6. Through training and technical support, support existing government structures and NGOs in planning, implementing and monitoring projects (UNHCR 1997b: 3).

In implementing this policy UNHCR makes a distinction between three types of areas: 'newly cleared' areas, 'uncleared' areas and 'insecure' areas. In newly cleared areas UNHCR works to achieve resettlement and reintegration in close association with the government. After the government regained control over Jaffna city in 1995, UNHCR has worked towards resettlement of IDPs on the Jaffna peninsula. The agency has encouraged the government to produce a comprehensive plan for rehabilitation which

UNHCR could relate its own plans to. UNHCR is also involved in resettlement in government-controlled areas in Vavuniya, Trincomalee and Mannar. In uncleared areas, UNHCR provides relief and works to strengthen the coping capacities of IDPs and the communities in which they live. In insecure areas, UNHCR aims to stabilise the situation through its presence, both by providing assistance and by monitoring the human rights situation. UNHCR's work in insecure areas is based on the assumption that the presence of UNHCR field staff may encourage people to stay by improving their socio-economic situation and by deterring human rights abuses.

Co-ordination of relief and rehabilitation

The Government of Sri Lanka has carried out several changes in its administrative structure to implement its policies for war affected people. In 1983, the Ministry of Reconstruction, Rehabilitation and Social Welfare was established to handle issues related to war affected populations. In March 1988, the Minister was given cabinet level status. Several institutional mechanisms were set up at the national, provincial and district level specifically to implement the Emergency Reconstruction and Rehabilitation Programme (ERRP) which was started in 1988¹⁸. When the war resumed in June 1990, the Secretary of the Ministry of Reconstruction, Rehabilitation and Social Welfare was appointed Commissioner General of Essential Services to be in charge of food supplies and dry rations. After the massive displacement in the wake of the government offensive starting in the summer of 1995, the Additional Secretary from the Ministry of Ethnic Affairs was appointed focal point for co-ordination of assistance to war affected populations. In 1996, the Reconstruction and Rehabilitation Authority for the North (RRAN) was established to implement the government's policies for the Jaffna peninsula. RRAN also became the counterpart of the UN agencies and the NGOs.

Several formal mechanisms for co-ordination have been established by the humanitarian agencies. An NGO Consortium was set up in 1985 as a collaborative effort between Sarvodaya, SCF, Redd Barna and Forut to facilitate collaboration of the relief work in Jaffna in close collaboration with the Government Agent (Consortium on Relief and

Rehabilitation, undated). Oxfam joined the Northern consortium in 1987. As the group grew to encompass 30-40 organisations it became a forum mainly for information exchange. An Emergency Group was formed under the NGO Consortium in November 1995 consisting of foreign NGOs which were operational in the North, SEDEC (a Sri Lankan Catholic NGO), UNHCR, the United Nations Development Programme (UNDP) and the World Food Programme (WFP). The government has also been represented at meetings, on an ad hoc basis, with representatives from the Ministry of Rehabilitation. Most of the work of the group has focused on information about the type and quantity of relief goods dispatched to the North and co-ordination of logistics and work with health, water and shelter.

Local NGO consortia have been set up in administrative areas throughout the North of Sri Lanka. The UN, foreign NGOs, the Government and Sri Lankan NGOs take part in the consortia which have been established in Vanni, Mullaitivu, Kilinochchi, Vavuniya North and Vavuniya South.

On the UN side, the Resident representative of the UNDP has also been the UN Resident Co-ordinator. The work of the Resident Representative has been supported by a humanitarian advisor. In the autumn of 1995, a UN Emergency Task Force (UNETF), chaired by the UN Resident Co-ordinator, was established. Members of UNETF are UNDP, UNICEF, WFP and UNHCR. UNETF's information focal point, the humanitarian advisor to the UNDP resident representative, produces periodic UN situation reports. In 1998, UNHCR, as the largest operational agency in Sri Lanka, tried to take over UNDP's role as the lead agency in Sri Lanka. This initiative from Geneva was not accepted in New York. It was also opposed by the Colombo office. In UNHCR's assessment one of its major contributions in Sri Lanka has been to improve co-ordination of relief efforts.¹⁹ These efforts have involved the limited number of foreign agencies which have access to the Vanni. Co-ordination has been improved both at the local level in the Vanni and in Colombo and between Colombo and the field operation in the Vanni. UNHCR places particular emphasis on co-ordination with ICRC which is the other large agency in the North and the East.

2.5 Summary

The conflict in Sri Lanka is relatively clear cut. The main protagonists are the government and the LTTE. The frontlines are clear in the North and more fluid in the East. Overall, the humanitarian agencies know how the frontlines are moving and where battles are taking place. Since 1983, the war has been fought in three phases: from 1983-1987, from 1990-1994 and from 1995 and until today. Jaffna town was captured by government forces in 1995, leaving the LTTE with control over areas in what is called 'Vanni', which is the area South of the Jaffna peninsula and North of Vavuniya. Since their capture of Jaffna, government forces have tried to establish control over the major roads in the Vanni. They have failed to achieve their most important objective which has been to open the road northwards from Vavuniya to Jaffna. Their failure to do so has left the Jaffna peninsula cut off from the rest of the island, only accessible through a precarious boat route and by plane.

The above discussion of humanitarian agencies in Sri Lanka points to three roles which foreign humanitarian agencies can play in conflict situations: service delivery, support for institutions and advocacy. Service delivery is the traditional role played by agencies in a conflict situation. As the limitations of this role in attacking the root causes of displacement and in preparing for a post-conflict situation have been identified it has been suggested that agencies widen their role beyond relief to take into account some of these limitations. On the other hand, others have argued that the agencies should 'stick to the knitting' and not jeopardise their humanitarian role and their impartiality and neutrality through expansion into advocacy on humanitarian, human rights and conflict issues.

In quantitative terms the engagement of the agencies in Sri Lanka is not extensive when compared with emergencies like Bosnia, Kosovo, Somalia or Sudan. Agency spending peaked during the displacement from Jaffna in 1995 and 1996, when it reached from £1-1.5 million pounds for each agency. Interestingly, all of the NGOs spent fairly similar amounts, although they vary greatly in size. Forut is a small NGO whose Sri Lanka

programme constitutes approximately half of its budget. For Oxfam, the Sri Lanka programme only makes up a small fraction of its budget. UNHCR spends considerably more with an annual figure of approximately £5 million in 1997/98 (UNHCR 1997a) and provides, together with the ICRC, the bulk of relief delivered in Sri Lanka.

All of the agencies in this study have been operating in Sri Lanka for more than a decade. SCF and Redd Barna have completely changed their programme profiles over the last few years. They have begun to focus on children and implementation of the Child Rights Convention. This focus has replaced a more traditional approach to both relief and community development in its previous work. The experiences of these two agencies provide insights into how agencies develop new strategies which involve both partnerships with local institutions and organisations and advocacy in relation to a mandate provided by an international convention. Oxfam's latest strategy document places more emphasis on advocacy. Oxfam acknowledges that British charity law places restrictions on its advocacy work and that advocacy can therefore never become Oxfam's priority. Advocacy has to be carried out in the context of Oxfam's overall relief and development work. Forut has advocacy as an integral part of its mandate.

For all of the agencies, the concept of partnership with local organisations is at the forefront of their work. Redd Barna and SCF have adopted this approach as part of the process of changing their mandate towards children's rights. Oxfam and Forut have emphasised the importance of working through local organisations. UNHCR has also adopted a partnership approach, either through working with local organisations or through working with Western based NGOs. The experiences of the agencies in working through partners in the conflict areas would provide interesting insights into the constraints of adopting this approach in a complex emergency.

In the next chapter my focus is on developing a theoretical framework for analysing the research findings which are presented in chapters four and five.

Endnotes

¹ Refer to chronology of events page 13-14

² Hinduism Today April 1997, pp. 23-29

³ Reported in the International Herald Tribune November 8 1995.

⁴ This figure is the estimate of the Government of India (Clarence 1991: 320).

⁵ General Assembly Resolutions 46/82 and 43/131 (Harris 1995:71)

⁶ This point was for example made in a seminar presentation on humanitarian aid in the 21st century by Professor Fred Halliday, International Relations, LSE, in March 1997.

⁷ This was argued by David Bryer, Director of Oxfam, in the Guardian February 1997

⁸ Professor Fred Halliday, seminar at LSE, March 1997

⁹ Examples of work towards developing a code of conduct include 'Principles of the Code of Conduct for the International Red Cross and Red Crescent Societies Movement and NGOs in Disaster Relief' developed by the Steering Committee for Humanitarian response in 1993. The NGOs involved were Caritas International, Catholic Relief Services, the International Federation of Red Cross and Red Crescent Societies, the International Save the Children Alliance, the Lutheran World Federation, Oxfam and the World Council of Churches. The Mohonk Criteria for Humanitarian Assistance in Complex Emergencies were developed by the New York based World Conference on religion and Peace.

¹⁰ One key effort is the so called Sphere project which aims to improve the effectiveness of humanitarian efforts and to enhance the accountability of the humanitarian system (Gostelow 1999).

¹¹ The re-examination of the relationship between relief and development is approached from two angles. The traditional view sees relief and development as opposites. Relief assistance is based on individual needs while development assistance often involves collaboration with local organisations and institutions or the state. Relief is temporary and carried out while agencies are waiting to resume development work. According to this view, the problem is that relief and development is not linked in the work undertaken by agencies and that this makes it difficult to move from relief assistance to development assistance (UNDP 1994, UNRISD 1995). It is often maintained that this problem is due to lack of institutional linkages between relief and development agencies. This traditional notion of relief as a stop gap solution while the development process is temporarily interrupted has been questioned by people who argue that these distinctions are meaningless and do not reflect realities on the ground. The idea of development as a linear process of universal social progress in which conflicts are seen as abnormal disruptions is questioned, and it is argued that conflict should be interpreted as part of a process of social change and not as a temporary setback (Anderson 1995, Duffield 1994b, Macrae 1995).

¹² International Herald Tribune May 6 1997

¹³ This Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs was developed by the Steering Committee for Humanitarian Response in 1993. By 1999 nearly 150 agencies and 144 countries had signed up to the Code of Conduct (Gostelow 1999).

¹⁴ The Norwegian Godtemplar Movement is a temperance movement with roots going back to the 19th century.

¹⁵ Interview with Forut employee.

¹⁶ Interview with SCF employee.

¹⁷ Redd Barna worked in Jaffna since 1985, in Mullaitivu since 1979 and in Batticaloa since 1985.

¹⁸ These included a National Reconstruction Committee, Provincial Reconstruction Steering Committees and District Reconstruction Co-ordinating Committees.

¹⁹ Interview with UNHCR staff

3. THEORETICAL FRAMEWORK: STRATEGIES FOR MANAGING THE ENVIRONMENT

My main research question investigates how humanitarian agencies engage with the combatants in a complex political emergency. I want to look at how organisational literature, and more specifically literature on organisations and their environments and literature on organisational strategy, can be applied to analyse this question. In other words, how do actors in the environment constrain the options which are open to humanitarian agencies and which strategies are available to deal with these constraints? I also want to consider, more specifically, what organisational theory has to say about the implications of combining different roles. What are the consequences for the organisation in terms of its relationship to the environment and for organisational structure of moving into an advocacy role?

This chapter focuses on how the relationship between organisations and their environments has been analysed within organisational theory and literature on NGOs. It looks at how this relationship has been described and explained and focuses in particular on the relationship between organisations and governments. It identifies strategies that are available to organisations which are faced with pressure and constraints from their environments. What kind of responses or strategies do organisations develop in this context? The first part of the chapter identifies different approaches to analysing the relationship between organisations and their environments drawing on organisational theory. The second part of the chapter reviews the literature on NGOs and identifies different roles that NGOs can play in relation to one particular actor in the environment: the government. It reviews how this relationship has been analysed in the literature on NGOs. The third part of the chapter looks at various organisational strategies or responses which are available to organisations that are faced with pressure from the environment. This section reviews literature on organisational strategy and in particular contributions which have seen organisational strategy as a response to pressure from the environment.

3.1 Organisations and their environments

After first briefly presenting modernist and post-modernist concepts which have been used to analyse an organisation's environment, I shall introduce five approaches to understanding the organisation-environment relationship. Out of these five, I select the institutional approach for a closer discussion.

Conceptualising an organisation's environment: 'networks' and 'fields'

The importance of the environment to organisational structure and behaviour started to become recognised in the late 1950s. Central to modernist organisational theory, which emerged at that time, was a view of organisations as 'open' systems which rely on inputs from the environment such as raw materials, capital, labour, knowledge and equipment. Later, institutional theory added social legitimacy to this list of organisational resources. Although seemingly obvious to us, this way of looking at organisations replaced an earlier view which had analysed organisations as closed systems. This view was typically reflected in classical management theory (Hatch 1997: 76).

There are several different ways of conceptualising an organisation's environment and the following categorisation is based on Hatch (Hatch 1997: 63-76). Modernist approaches to organisational theory commonly conceptualise an organisation's environment in terms of the *inter-organisational network*, the *general environment* and the *international or global environment*. Aldrich defines an inter-organisational network as 'all organisations linked by a specified type of relation, and is constructed by finding the ties between all organisations in a population' (Aldrich 1979: 281). The concept of the organisational 'network' is the basis for network analysis of organisations. Network analysis analyses the variety and complexity of the linkages between the organisation and its environment. The analysis emphasises various aspects of these relationships such as for example the power relations, resource flows

and coalition formation (Cook 1977). The general environment encompasses more general forces in the environment and is often divided into sectors: social, cultural, legal, political, economic, technological and physical. The international environment consists of factors outside the boundaries of the state in which the organisation operates. By taking into account the actors operating in different sectors of the national and the international environment of the organisation, complex models can be developed to analyse the relationship between the organisation and its environment.

For foreign organisations operating in Sri Lanka these three kinds of environments are all relevant in that they influence the organisations in different ways, as they would any organisation. However, the environment also takes on added importance because foreign humanitarian agencies in different ways have close links to actors in all the three environments. This makes the relationship that these agencies have to their environments particularly complex. The organisations receive their funding from, and are accountable to, actors in their home countries which in the above scheme would be the international environment. Among the general forces in their environments, the war and developments on the military front have a direct impact on the work of the agencies. Although this research focuses on the relationship between the agencies, the government and the LTTE, it is important to be aware of the complexities of these relationships.

Another concept which has been developed to characterise aspects of an organisation's environment is 'field'. Both the 'ecological' perspective and the 'institutional' perspective, which will be discussed below, look at how organisations operate within what they call organisational fields and how fields are developed. DiMaggio and Powell define an organisational field as:

...those organisations that, in the aggregate, constitute a recognised area of institutional life: key suppliers, resource and product consumers, regulatory agencies, and other organisations that produce similar services or products. (DiMaggio and Powell 1991: 78-79)

According to DiMaggio and Powell fields only exist to the extent that they are institutionally defined which happens through a process which consists of four parts:

increased interaction among the organisations in the field, the emergence of an inter-organisational structure of domination and patterns of coalitions, an increase in the information load and the development of a mutual awareness among the organisations that they are part of a common enterprise (DiMaggio and Powell 1991: 79). In other words, an organisational field is that part of an organisation's environment with which the organisation regularly interacts in an institutionalised way. Although this study uses the strategies of individual organisations as its unit of analysis, the concept of organisational field is useful in that it draws attention to how individual organisations are integrated into their environments. This is particularly relevant for international NGOs that operate in foreign countries where they have no legal, funding or membership base. This means that if they want to integrate into the country in which they are working this has to happen through other means.

Organisational theory: approaches to the organisation-environment relationship

Hatch (1997) distinguishes between four theoretical approaches to analysing the relationship between organisations and their environments: contingency theory, population ecology theory, resource dependence theory and institutional theory. In the late 1950s and early 1960s, system theorists started to develop the idea that organisations are open to their environments as opposed to previous research on organisations which regarded organisations as 'closed' systems. Contingency theory, which was developed around 1960, argued that different environmental conditions required different ways of organising and that the most effective way to organise is contingent upon conditions of complexity and change in the environment. From the late 1970s, interest began to focus on the ways in which the environment influences organisational structure and behaviour. Three main strands of organisational theory were developed to account for this influence: population ecology, resource dependence theory and institutional theory. In the 1990s, ideas from chaos and complexity theory were brought into organisational theory.

A 'population ecology' perspective sees organisations from the perspective of the environment, most often within a particular niche of the environment. It tries to explain the pattern of success and failure among all the organisations that compete for certain resources. Since my interest is in how organisations relate to the environment, that is the environment seen from the perspective of the organisation, a population ecology perspective is not useful to my analysis.

A 'resource dependence' perspective aims to understand the power and dependence relations between an organisation and other actors in the organisational network. The key to an understanding of organisational relationships, according to this perspective, is an analysis of resource flows which enable external actors to influence the roles which organisations play. This perspective was developed by Aldrich (1979) and Pfeffer and Salancik (1978). According to this perspective organisations can be understood in relation to the undependable nature of the environment and the resources which they extract from the environment.

To survive, organisations require resources. Typically, acquiring resources means the organisation must interact with others who control those resources. In that sense, organisations depend on their environments. Because the organisation does not control the resources it needs, resource acquisition may be problematic and uncertain. Others who control resources may be undependable, particularly when resources are scarce. Organisations transact with others for necessary resources, and control over resources provides others with control over the organisation. Survival of the organisation is partially explained by the ability to cope with environmental contingencies; negotiating exchanges to ensure the continuation of needed resources is the focus of much organisational action (Pfeffer and Salancik 1978: 258).

Pfeffer and Salancik define organisational dependence on actors in the environment as:

...the product of the importance of a given input or output to the organisation and the extent to which it is controlled by relatively few organisations (Pfeffer and Salancik 1978: 51).

Rather than give in to environmental demands, organisations devise a range of strategies to cope with these demands. Hudock (1995) has applied this perspective to a study of NGOs in West Africa. Her argument is that the relationship between Southern and Northern NGOs can be understood in terms of the funding dependencies that Southern NGOs experience in relation to Northern NGOs. In my case, where I am looking at Northern NGOs, the NGOs themselves argue that funding is not a constraint. They indicate that they cannot operate without the approval both of the government and the LTTE. This points in the direction of a fourth resource, which is also provided by actors in the environment, namely, 'legitimacy'.

'Institutional' theory examines how the environment makes social demands on organisations and how organisations are rewarded for responding to social demands by responding to the values, norms and beliefs in society (Hatch 1997). Through responding to societal values, norms and beliefs, organisations are provided with legitimacy, which according to institutional theory is a critical resource for organisations. Since my main concern in analysing how humanitarian agencies operate in conflict situations, is to understand how they develop strategies in a situation where they are under pressure from actors in the environment, and where this pressure is not related to funding issues and economic resources, I shall focus on institutional literature. This literature deals with the relationship between organisations and the wider values, norms and belief systems in which these organisations operate. Institutional theory addresses three issues that are of relevance to my research question. (i) What are the sources and types of institutional pressure on organisations? (ii) How do organisations respond to these pressures? (iii) How do organisations build legitimacy (Hatch 1997).

Complexity theory analyses how organisations can cope with a complex and unpredictable environment. Trisoglio argues that organisations need to develop resilience, flexibility and adaptability that are similar to those which have been developed by natural systems (Trisoglio 1995: 25). Resilience should be developed, at the level of both strategy and structure, to cope with short-term crisis and shocks. Organisations should be able to cope with turbulence in the environment, and the

structure should also have a back up system to ensure survival if one element of the structure fails. Adaptability is fostered through organisational learning and diversity in terms of cultures, backgrounds and perspectives. Diversity can also be encouraged through decentralised structures (Trisoglio 1995: 22). Although complexity theory is concerned with how organisations relate to their environments, it does not provide concepts which can help analyse the relationship between specific actors in the environment and the organisation.

Post-modernist approaches to analysing the relationship between organisations and their environment questions the categories used by modernists and deconstruct their central assumptions for example that uncertainty is undesirable and unavoidable (Hatch 1997: 94).

Institutional theory: the need for legitimacy

Institutional theory argues that social and cultural pressures on organisations reward organisations which conform to the values, norms and beliefs of society. Philip Selznick is regarded as the founding father of institutional theory. Writing in 1949, he analysed how organisations adapt to the values of external society, and how the Tennessee Valley River Authority systematically co-opted actors in its environment, when it was in its interest to do so (Selznick 1949).

The 'new institutionalism' in organisational theory, which was developed from the mid-1970s, offers a way of understanding why organisations do not pursue their goals in a rational manner. It points to the powerful impact of the organisational environment on organisations and suggests that gaining legitimacy from the environment is a key organisational concern. This concern may explain organisational structure and action and why organisations often have limited options. Influences from the environment may lead organisations to adopt structures that are not functional but which are intended to respond to influences and demands from the environment. This point was first argued by Meyer and Rowan (1977). Looking in

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particular at the school and health sector in America, Meyer, Rowan (1992) and Scott (1992) argue that these organisations have adopted structures which, rather than reflect the technical demands of education and health care, reflect institutional rules. The technical work of education or health care is 'decoupled' from the organisation. New institutionalism often keeps its focus on a so called organisational field which can be industry wide, national or international in scope. It takes as its starting point the similarities which can be found within an organisational field. Organisations are seen as embedded within an organisational field, a sector or society. Institutionalisation occurs at all these levels.

In addition to recognising external social and cultural pressure on organisations, neo-institutionalists attempt to describe the processes by which practices and organisations become institutionalised. Scott defines institution as:

Institutions consist of cognitive, normative, and regulative structures and activities that provide stability and meaning to social behaviour. Institutions are transported by various carriers - cultures, structures and routines - and they operate at multiple levels of jurisdiction (Scott 1995:33).

Scott identifies three 'pillars' which support institutions: regulative, normative and cognitive. These three pillars represent different ways in which an organisation may relate to its environment. The basis of compliance with the environment is different, the mechanisms for ensuring compliance by actors in the environment are different, the logic of organisational adaptation to the environment is different, and the basis for legitimacy for the organisation is different. Table 1 below, which was developed by Scott, visualises the relationship between the different types of pillars:

Table 1: Three pillars of institution

	<i>Regulative</i>	<i>Normative</i>	<i>Cognitive</i>
<i>Basis of compliance</i>	Expedience	Social obligation	Taken for granted
<i>Mechanisms</i>	Coercive	Normative	Mimetic
<i>Logic</i>	Instrumentality	Appropriateness	Orthodoxy
<i>Indicators</i>	Rules, sanctions, laws	Certification, accreditation	Prevalence, isomorphism
<i>Basis of legitimacy</i>	Legally sanctioned	Morally governed	Culturally supported, conceptually correct

From Scott 1995: 35

Scott goes on to link these pillars to legitimacy. He argues that in a resource dependence or exchange approach to organisations legitimacy is often treated simply as another resource. However, from an institutional point of view:

...legitimacy is not a commodity to be possessed or exchanged but a condition reflecting cultural alignment, normative support, or consonance with relevant rules or laws (Scott 1995:43).

According to Scott, legitimisation involves connecting the organisation to wider cognitive frames, norms or rules. The three pillars are based on three different types of legitimacy. For the regulative pillar the basis for legitimacy is legal or quasi-legal requirements, for the normative pillar, the basis for legitimacy is moral, while for the cognitive pillar the basis for legitimacy comes from a common definition of the situation or a shared frame of reference (Scott 1995: 47). This last kind of legitimacy is, as I shall discuss later, the kind of legitimacy which Keck and Sikkink (1998) talk about when they refer to the development of cognitive frames as a precondition for effective advocacy.

Scott (1995) has identified several mechanisms through which institutional influences operate: regulatory structures, government agencies, laws and courts, professions, interest groups and mobilised public opinion. DiMaggio and Powell (1991) argue that

the state and the professions have become the two institutional agents which exercise the most influence on organisations. They 'have become the great rationalisers of the second half of the twentieth century'. The state plays a role through its ability to rely on legitimate coercion and to exercise authority over other organisations, primarily via regulative processes. The professions rule by controlling belief systems and thereby defining reality (Scott 1995: 93-96). Institutional theorists have analysed how the state and the professions affect societal systems, organisational fields, organisational populations and organisational structure and performance (Scott 1995: 92-132).

Institutional theory is frequently criticised for seeing organisations as too passive and not allowing for the development of organisational strategies to shape the relationship to actors in the environment (Oliver 1991). Therefore, authors who have focused particularly on organisational strategy, while building on institutional theory, have complemented institutional theory with insights from resource dependence theory. This theoretical approach assumes that organisations play a more active role in terms of developing strategies in relation to their environments. I shall discuss organisational strategy after first investigating how the relationship between NGOs and their environments has been analysed in the literature on NGOs.

3.2 NGOs and their environments

The literature on NGOs has mainly concentrated on two aspects of the relationship between NGOs and actors in the environment. The first is the relationship that NGOs have with governments. Three main roles which NGOs can play in relation to governments can be identified from the literature: the first is a service delivery role, the second is building institutions and being part of civil society, and the third is an advocacy role. This thesis addresses the issue of the compatibility between these different roles. In particular, there are indications that adoption of an advocacy role may make it difficult to carry out a service delivery role.

The second is the relationship between NGOs. This issue has been a concern in the literature in several ways. Particularly in the relief context, authors, such as Bennett (1995), have analysed the issue of co-operation between NGOs and other organisations working in the same field. It has been pointed out that effective collaboration often seems to have been difficult to achieve (Brabant 1997). Other contributions have analysed the broader issue of why some relationships are collaborative and others are conflictual (Hudson 1993, Najam 1996). I shall concentrate on this part of the literature here, since this literature has relevance for my overall question of understanding the relationships between organisations and their environments.

NGOs and governments: 'uneasy closeness'

Most of the literature NGOs and their environments has concentrated on the relationship to one specific actor in the environment, namely, the government. Contrary to the frequent assumption that NGOs operate independently of the state, many authors have described the closeness of this relationship. This is particularly pronounced when NGOs operate as service providers (Semboja and Therkildsen 1995, Esman and Uphoff 1984, Korten 1990). Authors have discussed how the relationship should be characterised, the factors which influence this relationship and strategies developed by NGOs vis à vis the state, and by the state vis à vis NGOs. There is agreement among authors that the relationship between NGOs and the state is often an uneasy one, varying between dependence, adversity and collaboration, and that the relationship is influenced by the nature of the state and the nature of NGO work (Tandon 1991, Bratton 1989, 1990). Whether NGO and state objectives are compatible (Bebbington and Farrington 1993) is another factor which influences their relationship.

Governments have adopted a range of strategies vis à vis NGOs. Governments may use NGOs as 'policy instruments' for implementation of specific government policies (Annis 1987). Governments may also see the relationship to NGOs as an 'exchange'

relationship in which public resources are exchanged for political obligations (Annis 1987). Frequently, governments seek to control NGOs through monitoring, co-ordination, co-optation and the threat of dissolution (Bratton 1989, Thomas-Slayter 1994). The relief literature gives plenty of examples of situations in which governments and NGOs do not work together (Harrell-Bond 1986, Ati 1993). NGOs have operated without the formal agreement of governments, which both the UN and the ICRC need, and have consequently been in a position to operate in 'cross-border' and 'cross-line' operations. It may be that this lack of collaboration is more prevalent in the relief area. This is because governments are a party to conflicts and not working with governments is seen as one way of safeguarding neutrality.

There does not seem to be any systematic discussion in the literature of the relationship between NGOs and non-state actors. This is the case both in relation to armed groups and to the administration in areas which are not under government control. The exceptions are contributions in the relief literature which have focused on the political economy of war (Duffield 1994a, Keen and Wilson 1994) and neutrality and impartiality (Slim 1997b). The challenge for the organisations in this study is not only to manage the relationship to the government, but also to balance the relationship between the government and the guerrilla, including relating to the LTTE-administration.

Service delivery: a goal in itself?

Western governments, particularly in the UK and the US, make increasing use of non-profit organisations to implement social welfare programmes. This arrangement has been called 'third party government' (Salamon 1987, 1995). The same development can be observed in the increased use of NGOs as implementers of relief aid for Western donors and governments. Many foreign NGOs also work closely with the government in conflict affected countries. It has been argued that foreign NGOs increasingly have become 'social welfare nets' in conflict areas replacing the role of the government as a provider of services (Duffield 1994b). Most of the literature on

NGOs concentrates on the service providing role of NGOs in stable, non-conflict situations. This literature demonstrates that there often is close collaboration between the state and NGOs and that lack of linkages may contribute to project failure (Esman and Uphoff 1984, Bebbington and Farrington 1993, Semboja and Therkildsen 1995). On the other hand, there are problematic issues like unsustainability, parallel structures, patchy welfare nets and government withdrawal, linked to widespread NGO involvement in service delivery (Morss 1984, Fowler 1992, Edwards and Hulme 1995, Fisher 1998).

A particular form of service delivery carried out by NGOs is the practice of public service contracting described by Korten (1990). According to Robinson (1997), the main examples of public service contracting are from donor-funded projects. He gives examples from contracting undertaken by NGOs for the World Bank and USAID. He points to trends towards increased NGO involvement in service provision in South and South East Asia. Discussing Africa, he concludes that the donors are the driving force behind the trend of contracting. There is very little evidence of African government contracting NGOs for service provision. The tendency towards sub-contracting to NGOs seems to be more prevalent in the relief arena. Sub-contracting has been described as one of the major changes in the organisation of relief since the mid-1980s (Duffield 1994b).

Support for institutions and organisations: strengthening civil society

Another way of looking at the relationship between humanitarian agencies and the government is to see humanitarian agencies as part of 'civil society', and to discuss the role of humanitarian agencies as agents within civil society. When analysed in the light of the concept of civil society, foreign humanitarian agencies have two roles: one is to contribute to 'good governance' and the other is to support civil society organisations.

'Good government' and 'good governance' are concepts used by the World Bank. They are seen as vital for the provision of public goods and for establishing the legal and regulatory framework which is necessary for markets to work effectively. Good government requires systems of accountability, adequate and reliable information and efficiency in resource management and the delivery of public services. Good government is based on 'accountability' and 'transparency' (Harriss 1995). The specific problem which humanitarian agencies encounter is that the government is often a party to the conflict. Demands about accountability and transparency are particularly sensitive in situations of conflict when emergency regulations may be in place. However, demands for transparency and accountability are critical to humanitarian and human rights advocacy. One of the objectives of this advocacy is often to obtain information from the government about incidents involving violations of human rights and humanitarian law.

Macdonald (1994) distinguishes between three views of civil society: the 'neo-conservative' view, the 'liberal pluralist' view and the 'critical theory' view. According to the neo-conservatives, civil society is a sphere which is autonomous from, and morally superior to, the state. NGOs play a role in creating a civic culture to restrain the potentially damaging effects of mass politics. Much of the NGO literature reflects this apolitical view, which prescribes that NGOs should protect and value their autonomy by keeping a distance from the state. In the liberal pluralist view, NGOs are seen as interest groups which counterbalance the power of authoritarian states. Critical theory follows Gramsci in that state and civil society are integrally connected. State rule often permeates civil society to consolidate power and there is a porous border between state and civil society. In the context of Sri Lanka, it has been argued that state and society are separate but interdependent (Abeysekera 1997: 19). Keane (1998) criticises an evolutionary understanding of history and what he describes as an idealistic view of civil society and develops the concept of 'uncivil' society. He argues that civil society produces the uncivil society as its antithesis and that the open character of civil society is at the root of their tendency to violence. Van Rooy (1998) has assessed the concept of civil society in relation to the aid industry and argues that three main mistakes have been committed. Firstly, she argues

that the concept of civil society has been simplified. The concept has 'come to the rescue of difficult dilemmas' related to democracy, the role of the state and the promotion of free markets. Secondly, she argues that the concept has been used instrumentally and been part of the 'exit' strategies of donors, while the real issue of power relationships has been left unresolved. Thirdly, civil society is difficult to operationalise within the context of logical framework analysis which is the dominant planning instrument among aid agencies (Van Rooy 1998: 204-206).

In incorporating the concept of civil society, the emphasis in aid policy has been on strengthening civil society by supporting NGOs. This policy is based on three assumptions: (i) that strengthening civil society will strengthen democratic institutions, (ii) that support to NGOs is synonymous with support to civil society and (iii) that NGOs could have a direct impact on the state by influencing public policy or by contributing to reform of the state. The possible role that NGOs can play in building civil society is particularly critical in a conflict situation as conflicts are commonly characterised by a breakdown of civil society institutions.

The above assumptions have already been challenged by several authors. The first assumption, that strengthening civil society will contribute to strengthening democracy, has been questioned. Macdonald (1994) points out that civil society is marked by conflicts between different groups, some of which may be anti-democratic and that democratisation of civil society itself important. Consequently, there is no automatic link between strengthening civil society and strengthening democracy. Using examples from Central America, Macdonald shows how conservative and progressive NGOs had very different ideologies and consequently supported opposing groups in civil society. The role of NGOs in relation to civil society should, in Macdonald's view, be analysed in the wider context of the links that these NGOs have to foreign interests. This is in line with Van Rooy (1998) who argues that the concept may take attention away from what she calls the real issue of power relationships.

The second assumption, that support to NGOs is synonymous with support to civil society, is based on the assumption that foreign NGOs work effectively with local

organisations and institutions either in a support function or as partners. This assumption has been challenged in the relief literature, and some have argued that the opposite process is taking place whereby foreign agencies undermine local organisations and institutions (UNRISD 1993, Duffield 1994c).

Fowler (1995) is pessimistic about the third assumption which asserts that NGOs can influence public policy or contribute to reform of state institutions. He argues that NGOs are unlikely to have any significant impact on political reform. Regimes have effective instruments to contain them, and the legal standing, developmental approach and relations maintained by NGOs, are not sufficient to have an impact on political reform. This view is at odds with another point of view presented below that holds that the very essence of the work of NGOs is advocacy.

Advocacy: influencing the environment

Advocacy has been scarcely covered in the mainstream voluntary sector literature, with a few exceptions (Jenkins 1987, Young 1992), reflecting an emphasis on the economic contribution of voluntary sector organisations as service providing agencies (Taylor 1997). However, advocacy is becoming the subject of increasing attention in the NGO literature (Fowler 1999, Norrell 1999 and Hudson 2000).

Najam argues that:

...to advocate change and to actively try to be catalysts for that change are not 'choices' that NGOs make, but the very essence of what the third sector is all about. (Najam 1996: 15).

The potential for NGO influence in relation to governments and the international system has been discussed within two different contexts. In the international relations literature, the expanded role of NGOs at the level of the international system has been analysed within a new paradigm of 'post-internationalism'. Post-internationalism is characterised among other things by its emphasis on non-state actors in the

international system. Societal structures and the role of citizens are critical within this approach, and state sovereignty is perceived as eroding and state structures as fragmented (Rosenau and Durfee 1995). This approach assumes that NGOs are able to influence state actors to a significant extent. The success of NGOs in the environmental field and on gender issues has received special attention (Adams 1994). Analysing the role of British and Canadian NGOs at two world conferences, in 1974 and 1992, Van Rooy argues that their access to the international system improved dramatically in the time between the two conferences (Van Rooy 1997). Their influence was particularly marked on issues which she describes as 'high salience' and 'low policy' (Van Rooy 1997:104). By 'high salience' she means that an issue has some public and institutional salience and that it has been put on the public agenda. She defines 'low policy' as encompassing policy areas that 'do not threaten national security, are fairly cheap and bureaucratically easy to administer, are unknown, or which are broadly uncontroversial' (Van Rooy 1997: 104). An example of increased influence of relief and development NGOs at the level of the international system is their newly gained access to the UN Security Council. In February, 1997, Oxfam, Care and MSF were invited to brief the Security Council on the situation in the Great Lakes region¹. Other examples within the development and the humanitarian fields are the campaign against landmines and the campaign to write off Third World debt.

In their book 'Advocacy beyond borders', Keck and Sikkink (1998) develop a theoretical framework for analysing international advocacy. They define an advocacy network as trans-national networks which:

...are organised to promote causes, principled ideas, and norms, and they often involve individuals advocating policy changes that cannot be easily linked to a rationalist understanding of their interests. (Keck and Sikkink 1998:8-9)

Keck and Sikkink's definition of advocacy has two aspects. The first relates to what the target, outcome or objective of an organisation's advocacy work is. Their definition is wider than definitions which emphasise advocacy as activities which are aimed at influencing public policy. Secondly, their definition implies a distinction between advocacy and activities which are designed to promote an organisation's self-

interest. Advocacy is carried out to 'promote causes, principled ideas, and norms' and, as in the case of foreign NGOs, often on behalf of disadvantaged groups from another country.

They make a distinction between four types of advocacy politics. Firstly, 'information' politics denotes the ability to quickly and credibly generate politically usable information and to move it to where it has the largest impact. Secondly, 'symbolic' politics which involves calling upon symbols, actions or stories that make sense of a situation. Thirdly, 'leverage' politics which is the ability to mobilise powerful actors to affect a situation. Fourthly, 'accountability' politics, which means holding powerful actors accountable to previously stated policies or principles (Keck and Sikkink 1998: 16). Keck and Sikkink see the construction of 'cognitive frames' as being essential to advocacy strategies. Constructing new cognitive frames within which issues can be addressed may mean redefining issues. For example, an environmental issue becomes an issue of the rights of indigenous peoples. It may also mean redefining an issue, for example relating to traditional customs, into a human rights issue. To be effective a cognitive frame must show that a given state of affairs can be changed through identifying the responsible party or parties and through identifying credible solutions (Keck and Sikkink 1998:19). Advocacy networks must also be able to frame issues so that they resonate or fit with larger belief systems and the real life contexts in which the debate occurs (Keck and Sikkink 1998: 204). They briefly touch upon nationalism as an important impediment to issue resonance as national constituencies may use nationalism to counter international advocacy campaigns (Keck and Sikkink 1998: 202). Therefore, the ability of a campaign to address nationalism may be crucial to its success. They argue that international advocacy networks have been most effective in cases where the issues have involved bodily harm to vulnerable individuals, particularly when the causal chain is short and clear, and when issues have related to legal equality of opportunity (Keck and Sikkink 1998: 27). These issues can be linked to belief systems that are part of most societies.

Keck and Sikkink distinguish between five types of network influence. The first is what they call 'issue creation' and 'agenda setting' which often involve a modification

of the 'value context' in which issues are discussed. Issues may be put on the agenda through meetings, hearings, media attention, and so forth. The second type of network influence is influence on the discursive positions of states and international organisations by, for example, persuading states and international organisations to support international declarations or change domestic policy positions. The third type of policy influence is aimed at changing internal procedures of states or international institutions, for example, to allow for greater NGO access to key players. The fourth type is policy change in 'target' actors such as international organisations, states and corporations. Lastly, network influence may affect state behaviour (Keck and Sikkink 1998: 25-26). Through influencing the state, networks aim to change their conception of their national interests and their calculations of the costs and benefits of certain policies (Keck and Sikkink 1998: 203). Keck and Sikkink argue that network density and target vulnerability are other factors which help to explain advocacy success or failure. Dense networks, in particular local organisations which can provide international networks with information and legitimacy, is an important factor in explaining advocacy success or failure. Another explanatory factor is characteristics of the target organisation and to what extent the organisation is vulnerable to outside pressure. Some human rights campaigns have, for example, targeted states which are dependent on outside aid, and made aid concessional on the state's human rights performance (Keck and Sikkink 1998: 206-208).

In the literature on NGO advocacy, many of the contributions focus on how to go about advocacy work in relation to influencing government policy or multilateral institutions (Clark 1991, Korten 1990, Cleary 1997). Others look at conditions for successful advocacy like organisational conditions (Bratton 1990), the development of policy alliances in trying to influence multilateral institutions or governments (Covey 1995, Clark 1995: 145-174), the need to empower disaffected populations (Hall 1992) or whether there is a fit between NGO advocacy, government policies and priorities, and recognition of the role of NGOs in society (Dawson 1993). More recent contributions have pointed to the increase in third sector policy advocacy. These contributions have been particularly concerned with issues of accountability and legitimacy (Fowler 1999, Edwards 1999, Hudson 2000) as well as analysing the

relationship between NGOs, civil society and policy influence (Fisher 1998, Najam 1999).

Within the NGO literature a more pessimistic view is taken about the ability of NGOs to influence the policy agenda at the national level. This is due to the capacity of governments to control NGOs, the inability of NGOs to co-ordinate their own efforts, and NGO fears about provoking governments and jeopardising their service delivery work. Bratton (1990) and Clark (1991) both point out that NGO efforts at influencing public policy have been very limited. Clark argues that NGOs should move from a doing role to influencing mainstream development policy by constructing global networks of citizens' pressure and working strategically. He warns that NGOs may not be able to play a constructive role in influencing policy if they continue to receive increasing funding from government donors. Clark further argues that even though NGOs, particularly large, operational, developmental NGOs, have been slow to take up advocacy, Northern NGOs are increasingly being challenged by Southern NGOs to take up advocacy issues as their special niche in development work (Clark 1991: 152-153).

Clark (1995) describes three strategies which NGOs can follow in relation to the state. The first is to keep a distance by running parallel projects, the second involves playing an opposition role and the third strategy is to represent the 'voice of the weak'. The relationship of NGOs to the state is seen in a 'scaling up' perspective whereby NGOs attempt to influence mainstream development. According to Clark (1995), this strategy may be divided into several sub strategies including (i) encouraging official aid agencies and government ministries to adopt successful approaches developed within the voluntary sector (ii) attuning official programs to public needs through acting as a conduit for public opinion and local experience (iii) operational collaboration with official bodies (iv) influencing local development policies of national and international institutions.

Bratton (1990) identifies three strategies which are commonly adopted by NGOs which work in Africa: keeping a low profile, selective collaboration which is most

often worked out at the local level and policy advocacy. As regards policy influence, he argues that this has been extremely limited in Africa. He attributes this to the following factors: (i) NGO advocacy tend to be concerned with the operational requirements of NGOs, like tax exempt status, duty free privileges, access to blocked funds or registration requirements (ii) NGOs do not have an institutional basis for playing a policy advocacy role (he refers to national NGOs) and (iii) NGOs are often not seen as independent players by the government because most of their work is based on foreign funding.

The difficulties involved in advocacy become aggravated when they are seen from a relief perspective. It has been argued that from a government perspective complex political emergencies are often perceived in terms of national security and sovereignty. In situations where humanitarian agencies work with opposition groups or in contended geographical areas their presence may be seen as a threat by the government (Bratton 1989). This is particularly the case when their advocacy work focuses on human rights and conflict resolution issues.

Based on the above discussion Table 2 lists possible factors which, according to the literature, contribute to advocacy success:

Table 2: Factors which promote advocacy success:

<i>Issue characteristics</i>	fit with widely held beliefs in society, fit with governmental policies, high salience, low policy
<i>Organisational characteristics</i>	cognitive frames, strength of the alliance, network or field
<i>Target characteristics</i>	vulnerability

Whether humanitarian agencies decide to stick to a humanitarian role or to extend this role to advocacy has implications for the relationship between the agencies and the combatants. In order to develop a more comprehensive framework for how the

relationship between the combatants and the agencies can be understood, I shall look at some of the ways in which this relationship has been analysed in the literature.

Understanding the government-NGO relationship: goals and interest

Najam (1996) proposes to study the relationship between NGOs and governments by analysing the 'strategic institutional interest' of both governments and NGOs. He sees NGOs as 'policy entrepreneurs' which contribute to the making of public policy at different stages in the 'policy stream'. He defines three phases in the policy stream: agenda setting, policy development and implementation, and argues that the contribution of NGOs to the policy stream is the normative values and the social visions represented by NGOs. Using the concepts of *confrontation*, *complementarity* and *collaboration*, Najam develops an interest-based model of NGO-government relations. The relationship between governments and NGOs is determined by the degree to which NGOs and governments share the same objectives and strategies. Collaboration is likely to occur when governments and NGOs share the same objectives and strategies. A complementary relationship is likely when the government and NGOs share the same objectives but chose different strategies. A confrontational relationship is likely when the government and NGOs consider each other's goals and strategies to be antithetical to their own. However, he qualifies the model by saying that ultimately the relationship between NGOs and governments will depend on the strategic decisions taken by the two. By adopting this approach, he wants to stress the importance of strategic decisions taken by both parties. The emphasis placed on the character of the government, and the nature of government policies, is important, as argued by Clark (1991) and Annis (1987). However, these are not the only factors which explain the relationship between governments. To support his point, he argues that all types of government-NGO relations can often be found within the same polity (Najam 1996).

In a study of the implementation of income-generating projects in Bangladesh, Sanyal (1991) found that the government, international donors and NGOs have highly

diverging opinions about the role and viability of these projects. In spite of their differences, they continue to work together with these projects in 'antagonistic co-operation'. He explains this in terms of the institutional interests of these different actors. The projects cater to important institutional interests for both government (are seen to be doing something about youth employment and the rural landless), donors (support civil society) and NGOs (exemplifies an alternative approach to development). According to Sanyal, institutional interest is often determined historically and evolves with changing political-economic environments.

Inter-organisational relationships: collaboration and confrontation

Literature on inter-organisational relationships approaches the issue of the relationship between organisations and their environments from a different angle. This literature identifies concepts which describe, and help explain, the relationships between organisations (Thompson, Frances, Levacic and Mitchell 1991, Robinson, Hewitt and Harriss 2000). This approach is of interest to this study because it attempts to explain why collaborative or confrontational relationships develop. Hudson (1993) draws together much of the literature on inter-organisational relations. He also discusses the role played by goals and interests. However, rather than talking about interests, he talks about organisational needs. In his article, he distinguishes between three modes of organisational co-existence: independence, inter-dependence and conflict. Independence characterises a situation in which neither needs the other's resources to accomplish its goals, and neither is interfering in each other's goal achievement. Inter-dependence exists when each organisation perceives that its own goals can be achieved most effectively with the assistance of the resources of others. In a situation marked by conflict, goal achievement of one organisation occurs at the expense of goal achievement of others. He then identifies the factors which explain why different patterns develop and describes different patterns of interaction.

Hudson identifies three major concepts which throw light on inter-organisational co-operation: *inter-organisational homogeneity*, *domain consensus* and *exchange*. The

idea of inter-organisational homogeneity implies that similar objectives and value systems facilitate collaboration. A lack of overlapping goals, or only partially overlapping goals, becomes the fundamental problem of co-operation in this perspective (Ouchi 1991). 'Domain consensus', as defined by Thompson (1967), is as a set of expectations about what other organisations will, or will not, do. Domain consensus allows organisations to operate in certain spheres and facilitates co-operation. 'Exchange' is a much used concept in inter-organisational studies (Levine and White 1961). An exchange relationship is based on reciprocity and fulfilment of the needs of both parties.

By entering into collaborative relationships agencies lose some of their freedom to act independently and they:

...must invest scarce resources and energy in developing and maintaining relationships with other organisations, when the potential returns on this investment are often unclear or intangible (Hudson 1993).

According to this model, given a situation of inter-dependence, that is a situation in which the organisation's goal can be achieved most effectively with the assistance of resources from other organisations, the most sensible thing to do for agencies would be to collaborate with other actors in the field.

The concepts of organisational independence, dependence and inter-dependence have been extensively discussed in the organisational literature (Blau 1964, Cook 1977, Pfeffer and Salancik 1978, Baldwin 1978, Aldrich 1979, Molnar and Rogers 1979, Provan, Beyer and Kruytbosch 1980). There seem to be three elements which make up these kinds of relationships; one is exchange, the other resources and the third is influence or power.

As discussed above, collaborative relationships can develop around common goals and the pooling of resources towards these goals. However, the attention that has been paid to collaboration or co-operation in organisational theory has been limited.

This is now a subject that is increasingly being placed on the research agenda (Smith, Carroll and Ashford 1995).

3.3 Strategy in a context of multiple pressure

Institutional theory has brought attention to ways in which the environment may influence organisations. Organisational strategy, on the other hand, refers to how organisations actively manage their environments. This section first examines how the concept of strategy has been defined. It goes on to see how strategies can be developed as a response to pressure from the environment. It then looks at a particular situation in which actors in the environment exert conflicting pressure on an organisation. Lastly, I look at how organisations which enter new environments, or develop new activities, may build legitimacy.

Organisational strategy: positioning the organisation vis à vis its environment

The concept of strategy was developed within the rational approach to organisational studies. In the rational approach to organisational analysis the concept of strategy is closely linked to agency objectives. Organisational strategy has been defined by Chandler as:

The determination of the basic long term goals and objectives for an enterprise, and the adoption of courses of action and the allocation of resources necessary for carrying out these goals (Chandler 1962: 13).

Strategy as defined above is developed through a rational process of intentionally going through the weaknesses and strengths of the organisation while at the same time analysing the opportunities and threats in the environment. Through such an organisational analysis core competencies, which define the strength of the organisation in relation to the environment, are identified.

According to Hatch, strategy formulation aims to develop alternative courses of action to achieve, or maintain, a fit between environmental needs and organisational abilities. According to Hatch the term 'strategic fit' is central to strategy. She defines a successful strategy as:

...one that brings what the organisation can do (its competencies) into alignment with the needs and the demands of the environment. When the competencies of the organisation fit the demands of the environment, then the organisation is selected and retained (the population ecology view), provided with resources (the resource dependence view), and legitimised (the institutional view). Strategy is concerned with actively managing fit in order to achieve **competitive advantage** which will ensure the organisation's survival, profitability and reputation (Hatch 1997: 103).

Other organisational theorists see strategy not as part of an intentional process, but as evolving from disparate activities taking place throughout the organisation. In this view, strategy is not a result of a top down process, but is the result of decisions made, and actions taken, throughout the organisation. Strategic planning in this view becomes only one factor which influences strategy, and strategy is seen as a way of adapting the organisation to the environment. Mintzberg (1994) makes a further distinction between what he calls strategic planning and strategic thinking, which he argues together make up the strategy-making process. Strategic thinking is a process whereby intuition and information is synthesised, while planning is a process of analysis. Strategy, according to Mintzberg, has to do with the overall direction in which an organisation is heading. It may be more or less formalised, sometimes even left as broad vision, in order for the organisation to adapt to a changing environment

Others, who take a symbolic perspective, see strategy formulation as taking place after action. Strategy is used as a symbol that fulfils rationalistic expectations for leadership and which mobilises support for an organisation's activities. Hatch argues that the institutional perspective sees strategy as a symbolic question having to do with whether the organisation looks successful, and whether it conforms to external expectations about its products and practices (Hatch 1997: 104).

The next two sections address the issue of how organisations develop strategies to respond to pressure from actors in the environment.

Strategy as a response to pressure from the environment: acquiesce, compromise, avoid, defy and manipulate

New institutionalism emphasises the role of conformity, adherence to external rules and norms, passivity and pre-conscious acceptance as organisations adapt to their environments. This perspective has tended to overlook the role of active agency. It has been criticised for not paying attention to strategy and self-interest as a response to environmental influences (Oliver 1991). On the other hand, the resource dependence perspective assumes that organisations exercise some degree of control or influence over the environment and that inter-dependencies are negotiated to achieve stability. Pfeffer and Salancik (1978) identify three strategies which are available to organisations to manage demands from their environments and to avoid dependencies. Management of demands can be implemented, firstly, through adaptation and avoidance. Secondly, demands can be managed through the management of the conditions of social control, for example, by controlling the demands, the formulation of demands, or by creating a context which prevents the organisation from fulfilling its demands. The third way in which demands can be managed is through management and avoidance of dependence. Pfeffer and Salancik suggest that this can be achieved through organisational change strategies, attempts to alter the environment for example through mergers, co-optation and change of rules, strategies for avoiding resource dependence, including developing buffers and resource diversification, and lastly through strategies for avoiding control through regulatory means and co-optation.

They argue that as the relationships between organisations and their environments become increasingly interdependent, organisations try to stabilise critical exchanges and to absorb the environment through vertical integration, horizontal expansion and diversification. Organisations also establish collective structures of inter-

organisational action such as co-optation, trade associations, advisory boards, joint ventures, etc. Another strategy is to work to create a favourable environment by influencing the state.

Several authors have aimed to develop a more comprehensive analysis of organisational strategy taking into account insights from different strands of organisational theory, while retaining the emphasis on how organisations develop their strategies in response to actors in their environment, primarily the government (Elsbach and Sutton 1992, Oliver 1991, Suchman 1995). Oliver (1991) discusses strategies which are open to individual organisations that are under pressure from their environments, ranging from strategies predicted by the new institutionalism perspective to strategies predicted by the resource dependence perspective. According to Oliver, both institutional and resource dependence theories suggest that organisations attempt to obtain stability and legitimacy (Oliver 1991: 149). She distinguishes between five strategies which differ by the degree to which active agency is involved: acquiescence, compromise, avoidance, defiance and manipulation.

The first strategy, 'acquiescence' or 'conformity', is emphasised by most institutional theorists and, according to Oliver, this strategy may take alternative forms including habit, imitation and compliance.

The next strategy, 'compromise', is most likely when organisations face conflicting demands so that institutional demands and organisational objectives come into conflict. As a response, organisations may balance or accommodate demands from multiple constituencies, or they may try to pacify these constituencies by complying with some, but not all, demands. Another way of accommodating multiple demands is to bargain in order to extract concessions from their constituencies. Bargaining or negotiations as an organisational strategy has been explored by resource dependence theorists.

The third strategy, 'avoidance', involves disguising non-conformity, 'buffering' parts of the organisation from impact of demands and escaping from institutional rules or

expectations. Buffering consists of 'decoupling' or detaching an organisation's technical activities from external contact. Decoupling is discussed further in the next section. This tactic has been pointed out by Pfeffer and Salancik (1978), Scott (1995) and Thompson (1967). Escape is used by organisations when they exit the area where pressure is exerted, or significantly alter their goals, activities or domain, to avoid having to conform to external demands.

The fourth strategy, 'defiance', includes dismissing, challenging or attacking institutional rules and values. Organisations are most likely to dismiss rules and values where the prospects for enforcement of these rules and values are low, where the rules and values conflict dramatically with the organisation's objectives, or in cases where the rationale behind the pressure is not clear to the organisation. Organisations:

...will be more likely to challenge institutional rules and values when they attach considerably less significance to widely shared external beliefs than to their own insular and elevated vision of what is, or should be, appropriate, rational or acceptable (Oliver 1991: 157).

Attack is a more aggressive strategy than challenge and happens when an organisation actively departs from institutional pressures and expectations. According to Oliver:

An attacking strategic posture is most likely to occur when institutional values and expectations are organisation-specific rather than general or defocalised, when these values and expectations are particularly negative and discrediting, or when the organisation believes that its rights, privileges, or autonomy is in serious jeopardy (Oliver 1991: 157).

According to Scott, defiance is likely to occur when the norms and interests of the organisation being studied diverge substantially from those attempting to impose requirements on them (Scott 1995: 130). Defiant organisations would not only resist pressure, but also do so publicly.

The fifth, and last, strategy mentioned by Oliver is 'manipulation' which means to co-opt, influence or control the environment. These strategies all represent different ways of linking the organisation to important sources of power. Co-option was

demonstrated by Selznick (1949) in his book on the Tennessee Valley Authority. He describes how outside interests were co-opted by the organisation in order to neutralise opposition and increase legitimacy. Another type of manipulation is expressed in efforts to influence institutional values or beliefs and criteria of acceptable practices or performances. According to Meyer and Rowan (1992), powerful organisations attempt to build their goals and procedures directly into society as institutional rules. Efforts to establish power and dominance over their constituencies is the last manipulative strategy listed by Oliver.

Strategies in situations of multiple, conflicting pressure: 'decoupling', staggering and inaction

As researchers realised that institutional pressure is not always consistent, some began to explore the effects on organisations of environmental complexity, instability and inconsistency (Brunsson 1988, Scott 1995). Pfeffer and Salancik explain why it is important for an organisation to respond to demands from their environments. They argue that organisations survive to the extent that they are effective and that:

Effectiveness is an external standard of how well an organisation is meeting the demands of various groups and organisations that are concerned with its activities...The most important aspect of this concept of organisational effectiveness is that the acceptability of an organisation and its activities is ultimately judged by those outside the organisation (Pfeffer and Salancik 1978: 14).

They then go on to point out that different people, groups or organisations, may have different criteria for evaluating the organisation. This situation creates problems for the organisation, because the existence of competing demands may mean that the organisation is unable to maintain the necessary support from its environment.

Meyer and Scott (1992) suggest that organisations that confront complex environments, for example multiple authorities, respond through developing more complex and elaborate internal structures. Often the requirements of organisational

activities and demands from the environment are at odds. According to Meyer and Rowan, one way of achieving legitimacy and survival for organisations is to:

...buffer they formal structures from the uncertainties of technical activities by becoming loosely coupled, building gaps between their formal structures and actual work activities (Meyer and Rowan 1992: 72).

Brunsson also discusses decoupling as a way of handling inconsistent demands from the environment. According to Brunsson (1988), organisational survival and legitimacy depend both on action, such as production of goods and services, involving exchange of resources with its environment, and on the ability that the organisation has to create a symbolical accord with the environment. Brunsson argues that it is difficult to generate action when organisations are faced with inconsistent demands from the environment. Reconciling inconsistent demands from the environment with the co-ordination and consistency needed for action pose a fundamental dilemma for organisations:

...diametrically opposite structures and processes are required by an organisation which is expected to be good at acting and another which has to be good at reflecting inconsistencies. The double basis for legitimacy presents the organisation with a dilemma. If they try to satisfy one legitimisation base, they will mismanage another. The demand for action requires an integrative structure; the demand for politics require dissolution. This is a genuine dilemma, an insoluble problem. It is not possible to be good at both politics and action. It is not possible to solve the problem, only to handle it (Brunsson 1988: 33).

The most basic strategy, used by organisations to overcome this dilemma, is to 'decouple' activities from politics. His distinction between politics and activities is based on the distinction that he makes between action oriented organisations and political organisations. Action oriented organisations are mainly concerned with the production of goods and services. The most typical examples of this type of organisation can be found in the business sphere. Political organisations, on the other hand, are organisations whose main concern is their relationship to their environments through for example their constituencies (Brunsson 1988: 45-32). Elements of these two ideal types of organisations: the business organisation, whose only concern is

action linked to production of goods and services, and the political organisation, whose main concern is to keep its different constituencies happy, can be found in most organisations. However, these elements are not compatible and tensions and conflicts between the 'action people', represented by the rank and file in the organisation, and the 'political people', represented by the leadership, are therefore persistent phenomena in most organisations. The talk and the symbolic decisions of leaders satisfy some demands from the environment, while the actions of the rank and file satisfy demands for goods and services.

Brunsson argues that organisations can respond to organisational inconsistencies either by trying to avoid them or by developing ways of handling them. Avoidance strategies include creating market niches, which place consistent demands on the organisation, and exploiting norms shared by all relevant external groups. However, in Brunsson's view, most organisations have to learn to handle inconsistent demands. As indicated above, he suggests decoupling as a common way of handling this tension. Decoupling of action from politics can happen in four different ways. The first involves chronological separation. This means that the conflicting demands are dealt with at different points in time. Secondly, issues may be separated according to subject matter so that some issues are handled by action and some are handled by politics. Thirdly, an issue may be dealt with in either an action manner, or a political manner, depending on the constituency. Fourthly, organisational units may be created that deal with either action or politics (Brunsson 1988:33-38).

Elsbach and Sutton (1992) describe how two organisations in America acquired legitimacy for their unlawful actions by decoupling the illegal activities from the legitimate structures of the organisations. They also used impression management techniques where spokespersons for the organisation "often highlighted institutional conformity in their accounts of illegitimate actions" (Elsbach and Sutton 1992:715). The organisations used publicity generated by illegitimate actions to acquire support for their causes from broader segments of the public. Following Pfeffer and Salancik's definition, they argue that legitimacy is acquired when the organisation is endorsed and supported by audiences that are crucial to the organisation's reputation and

viability (Elsbach and Sutton 1992: 722). Elsbach and Sutton measure legitimacy by three indicators: positive statements by spokespersons of credible organisations, financial or technical support from outside constituents, increased organisational membership (Elsbach and Sutton 1992: 722).

Christensen and Molin have applied the concept of 'decoupling' to a historical study of the Danish Red Cross. In an article, in which they analyse the development of the Danish Red Cross from its inception to the 1990s, Christensen and Molin conclude that:

The resilience of an organisation is increased if the organisational form conforms closely to institutional requirements, and if its governance and activities are decoupled from the structure. It is further increased if the values of the organisation (its identity) are consonant with the institutional logic of the organisational form, but are ambiguous enough to allow for a diversity of potential resources (participant, problems and solutions) to get connected to the organisation (Christensen and Molin 1995: 89-90).

The above quote points to decoupling of governance and activities from structure as a way of making the organisation more resilient. The quote also brings in the relationship between organisational values and an organisation's potential for mobilising resources by arguing that ambiguity of values allows for a diversity of resources to be mobilised.

Although decoupling is the most commonly mentioned strategy in the literature, there are other strategies which have been suggested to deal with conflicting pressure from the environment. Hatch points to three ways in which organisations can deal with multiple and conflicting demands by stakeholders. Firstly, the organisation can specialise so that different parts of the organisation deal with different sets of demands. This is the strategy that has been called 'decoupling' by other authors. This approach does not solve the conflict of interest in the environment. It merely internalises the issues. Secondly, conflicting issues may be given sequential attention so that all interests are satisfied some of the time. Thirdly, all interests can be partly, but not completely satisfied all the time (Hatch 1997:122).

The above strategies all represent different ways in which organisations actively manage their relationships to actors in the environment and continue to carry on with their activities. However, Scott identifies inaction as a possible consequence of competing demands on an organisation:

Who these are varies from time to time and place to place, but in our time, agents of the state and professional associations are often critical. Certification or accreditation by these bodies is frequently employed as an indicator of legitimacy. In complex situations, individuals or organisations may be confronted by competing sovereigns. Actors confronting conflicting demands and standards find it difficult to take action because conformity to one set of requirements undermines the normative support of other bodies (Scott 1995: 46).

There is, in other words, a range of possible responses from organisations which are faced with conflicting pressure from the environment.

Building legitimacy for a new activity: building the sector and creating new constituencies

As discussed above, institutional theory emphasises legitimacy as a key factor in the relationship between organisations and their environments. According to Hatch (1997), one of the key contributions of new institutionalism to organisational theory is the concept of 'social legitimacy'. Social legitimacy is seen as an organisational resource alongside raw materials, labour, capital and equipment which had been identified by systems theory. A discussion of Parsons concept of institutions is often used as a starting point for a discussion of legitimacy. Parsons was interested in the ways in which the value systems of organisations were legitimated by its connections to the 'main institutional patterns' in 'different functional contexts' (Parsons 1960 quoted in Scott 1995:20). According to Parsons, organisations tend to become differentiated at three distinct levels: the technical, the managerial, and the institutional. The institutional level is concerned with relating the organisation to the norms and conventions of the community and society, in other words, to ensure the legitimacy of the organisation. According to institutional theory, being perceived as

legitimate is necessary for organisations in order to gain support and to survive. Meyer and Rowan (1977) argue that organisations adapt to rationalised myths, which are part of the environment, in order to maintain social legitimacy:

..., organisations are driven to incorporate practices and procedures defined by prevailing rationalised concepts of organisational work and institutionalised in society. Organisations that do so increase their legitimacy and their survival prospects, independent of the immediate efficacy of the acquired practices and procedures.' However, 'conformity to institutional rules often conflicts sharply with efficiency criteria; conversely, to co-ordinate and control activity in order to promote efficiency undermines an organisation's ceremonial conformity and sacrifices its support and legitimacy (Meyer and Rowan 1977:340).

According to Meyer and Rowan, rather than reflecting the demands of their work activities, the formal structures of many organisations reflect the myths of the organisational environment, and organisations which innovate in important structural ways often bear considerable costs in terms of legitimacy.

Pfeffer and Salancik (1978) also emphasise the importance of legitimacy. They argue that organisational goals and activities must be legitimate or have worth to the larger social system. If objections are raised by a social group about the acceptability of the organisation, the problem that arises for the organisation will be a function of how widely the concerns are dispersed, and the support which is generated in favour of the organisation. 'For the organisational strategist, the ambiguous, retrospective, and socially constructed nature of legitimacy are important features.' (Pfeffer and Salancik 1978: 195). They outline how the organisation can manage social legitimacy through altering or designing its actions so that they fit a concept of established legitimacy or by attempting to change the social definition with respect to its own operations. The latter approach is more difficult.

More recent contributions have emphasised how organisations not only adapt to the environment, as argued by Meyer and Rowan, but how they actively try to build legitimacy by influencing the environment. Suchman distinguishes between three types of legitimacy: pragmatic, moral and cognitive. Suchman defines legitimacy broadly as:

... a generalised perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs and, definitions (Suchman 1995: 574).

Pragmatic legitimacy is based on the self-interested calculations of an organisation's most immediate audiences (interest). Moral legitimacy reflects a positive normative evaluation of the organisation and its activities (evaluation). Cognitive legitimacy stems from the availability of cultural models that provide plausible explanations for the organisation and its work (taken for granted). The latter is the most powerful and subtle form of legitimacy and describes a situation where the organisation has become institutionalised. Suchman addresses the problem of how organisations can build legitimacy for new lines of activity:

... upon embarking on a new line of activity...organisations often face the daunting task of winning acceptance either for the propriety of the activity in general or for their own validity as practitioners (Suchman 1995:586).

In other words, building legitimacy for a new activity has two elements: to persuade other actors that the activity is proper and to persuade other actors that the organisation is a 'valid practitioner'. Building legitimacy consists of two challenges. The first is to build the sector or to disentangle new activities from pre-existing regimes. The second is to create new, allegiance constituencies and to convince pre-existing legitimate entities to lend support.

3.4 Summary

The purpose of this chapter has been to identify and discuss organisational concepts which may be useful to an analysis of the relationship between humanitarian agencies, the government in Sri Lanka and the LTTE. First of all, the chapter has identified organisational theory as the overall framework for analysis. Within organisational theory there are two areas which are particularly useful. One is literature which deals with the relationship between organisations and their environments. The other is

literature which looks at organisational strategy. Within these two bodies of literature, I have focused on institutional theory, and on strategies which deal with how organisations respond to pressure from their environments. I have focused on institutional theory because it offers a way of analysing the relationship between an organisation and its environment which acknowledges the pressure that the environment may exert on an organisation. It also helps in locating the sources of these pressures and in analysing organisational responses. This is an approach that has been missing from earlier literature on NGOs. The government is in this perspective seen as a particularly influential actor in the environment, characterised by its ability to exercise legitimate authority.

The focus in institutional theory on values, norms and belief systems, is particularly useful because the mandate of humanitarian agencies is to promote certain values, which have been codified in human rights and humanitarian law. The literature on organisations and their environments analyse situations in which organisations operate within their own societies. However, the organisations which are being studied here are foreign NGOs operating within a highly politicised national framework. How do these foreign NGOs fit in with the regulative, normative and cognitive frameworks which exists within Sri Lankan society? What are the implications for the legitimacy of these organisations if there is a mismatch between these frameworks and the mandates of the organisations? The concept of legitimacy, which is central to institutional theory, provides a way of analysing the relationship between the values of the organisation and its environment, as well as the implications of a lack of compatibility between the two. Suchman (1995) analyses how organisations attempt to build legitimacy with new constituencies or to change the basis for legitimacy with old constituencies. How do organisations do this in a context in which their new activities are highly contested by their environments?

In trying to go beyond a description of these relationships and to look at why these relationships are either collaborative, complementary or conflictual, I shall also consider concepts like institutional interests. When there are common institutional interests, relationships may be collaborative, while a lack of common interests leads to

conflict. The most common assumption underlying relief work, is that the organisations involved work towards a common goal which is to provide aid to people in need. This assumption is based on a theory of organisations as rationally pursuing their goals (even if there may be multiple and conflicting goals and rationality is bounded or contingent) and organisations are designed to pursue their goals. If agencies change their role from service delivery to institutional support or advocacy, their goals may become incompatible with the goals of the combatants and a basis for collaboration may no longer exist.

As for organisational strategy, it may be divided into two categories: strategies which consist of organisational changes, like 'de-coupling', and strategies which represent different degrees of active agency in relation to the environment. Oliver (1991) has provided a comprehensive analysis of the kinds of strategies which organisations employ in relation to actors in their environments. Others have focused specifically on strategies which organisations employ when they are under pressure, and they have identified de-coupling, avoidance and inaction as three possible strategies. What kind of strategies do the different agencies in this study use, and are there any differences between UNHCR and the NGOs in this respect?

Secondly, I have tried to link concepts from the literature on NGOs to the organisational literature. These concepts have previously not been linked. Service delivery, institution building and advocacy, are concepts which have been used within these two bodies of literature, and which assume different relationships between an organisation and its environment. Advocacy aimed at influencing key players in the environment may lead to conflictual relationships, while service delivery is dependent on collaboration with those same actors. A key policy question is how these different roles can be combined.

All of the organisations in this study state in their mandates that they should contribute to changing their environments either through advocacy or through building partnerships with other actors in the environment. Advocacy is a term which is not used in the organisational literature. This is probably because that literature is

concerned with how an organisation takes care of its own interests vis à vis the environment. The concept of advocacy is used about activities which concern efforts of organisations to influence their environments in ways which can not be linked back to a rational definition of an organisation's self-interest. So, defiance and manipulation in Oliver's terminology are different concepts from advocacy in that they are designed to promote the organisation's own interest. However, in terms of the relationship between an organisation and its environment, advocacy challenges the policies of actors in the environment. Advocacy can, therefore, within Oliver's scheme be seen as containing elements of both defiance and manipulation. As discussed by Oliver, this strategy can be expected if there is a large gap in the values or belief systems of the organisation and its environment. Does this still apply in situations in which the environment has the capacity to inflict serious damage on the organisation?

In the next chapter, I investigate government and LTTE policies in relation to internally displaced people and war affected populations, and their policies in relation to the humanitarian agencies. These policies form an important part of the context in which the agencies operate, both as opportunities and constraints. This makes it important to identify these policies.

Endnotes

¹ Guardian 13 February 1997

4. DUAL GOVERNMENT ADMINISTRATION IN THE NORTH: LTTE POWER AND GOVERNMENT RESOURCES

This chapter provides an outline of government and LTTE policies in relation to areas under LTTE control. These policies constitute an important part of the context in which the agencies carry out their work. Some aspects of these policies are helpful to the work of the humanitarian agencies, while other aspects constitute constraints on the work of the agencies. In the first chapter, I asked the question of how the humanitarian agencies relate to the guerrilla administration. In this chapter, I shall identify some of the characteristics of this administration, including how it defines the role of humanitarian agencies. This information is useful as a background to the next chapter which focuses on the strategies that the agencies develop in relation to this administration. I have called the administration in the North a 'dual' administration. In order to understand how this administration operates, it is necessary to consider both the roles played by the government and by the LTTE in the running of the administration.

The first part of the chapter explores government policies. The Government of Sri Lanka has developed a set of policies towards LTTE-controlled areas. These policies have five main elements: an economic embargo of the North, continuation of a dual administrative structure with Government Agents as the centrepiece, provision of food supplies to LTTE-held areas, resettlement and rehabilitation plans for government-held areas and allowing international agencies access to LTTE-controlled areas, but under tight controls. The second part of this chapter is divided into three sections. The first describes LTTE's administrative structure. The second section looks at how the LTTE has retained links with the Sri Lankan government through collaboration in the delivery of relief. The third section discusses the role of the Tamil Relief Organisation (TRO) and looks at LTTE's policies towards humanitarian agencies.

4.1 Government policies towards the North: avoiding a 'break up'

The Sri Lankan government's approach to relief delivery has been called a model for other countries (Robinson 1991: 18). The Sri Lankan government has in principle taken on its legal responsibility of providing relief to all citizens, regardless of whether they live in LTTE-controlled or government-controlled areas. There is also 'co-operation between the Sri Lankan government, the international humanitarian agencies, and even the Tigers' (Court 1991: 2). However, this model image needs to be complemented with a discussion of the embargo and also of the limitations on delivery of relief to the North.

Embargo: crippling the enemy and an obstacle to peace

An economic embargo was first introduced in the North in January 1987 when the LTTE leadership was forced to leave Madras and moved to Jaffna (Court 1991: 26). As part of the peace deal in July that year the embargo was lifted, but when the war resumed in June 1990 severe restrictions were introduced on goods to the Northern province. The restrictions included a range of items which, according to the government, could possibly be of benefit to the LTTE, including key commodities like fuel, concrete and fertilisers. Despite stories of great ingenuity among the population to cope with the lack of commodities which their daily life normally depended on, the embargo became a major obstacle to any normal economic activity. In addition to the embargo, fishing off the Northern coast was banned as a consequence of the establishment of a security zone to control LTTE travel in the Palk Straits between Sri Lanka and India.

The embargo became an important element in the peace talks following the election victory of the People's Alliance in August 1994. Within two weeks of assuming power, in August 1994, the People's Alliance Government (PA Government) lifted restrictions on 28 out of 70 items in an attempt to improve the climate for negotiations with the LTTE. The items included local and foreign soaps, tinned foods, coconut and vegetable oils, chocolates, medicines, candles, school bags, plastic cans, kerosene, polythene and polythene bags, radios and spare parts, bicycles, tyres and tubes (Rajanayagam 1998). The government also announced that it would act to send electricity generators to Jaffna

pending the repair of the electricity power station which had left Jaffna without electricity since June 1990 (Rajanayagam 1998).

When direct talks started with the LTTE in Jaffna, on October 13 and 14, 1994, they centred on the following issues: economic hardships, rebuilding of the severely damaged infrastructure, rehabilitation of displaced people, and the reopening of a free passage for civilian travel between Jaffna and the mainland (Rajanayagam 1998). After the meeting, Karikalan who was the leader of LTTE's delegation, LTTE's Batticaloa commander, as well as number two in LTTE's political wing, said that he would expect the talks to proceed in two stages. The first stage would involve finding solutions to the immediate problems that people were suffering. The second stage would focus on finding a political solution. The government, on the other hand, apparently saw the alleviation of the day to day problems of the people as confidence building measures which would run parallel to political negotiations (Rajanayagam 1998). During talks, in January 1995, when modalities for a cessation of hostilities were agreed, the government made an offer of Rs. 40 billion for rehabilitation and development of the North and the East. On January 26, 1995, the government lifted the ban on transport of all items to the North except for 18 items.¹ On February 3, a Presidential task force was appointed for rehabilitation. On February 15, the President informed the LTTE that reconstruction projects could start almost immediately on electrification of Jaffna, roads, reconstruction of the public library and repairs to the Jaffna General Hospital. On February 24, the government unilaterally announced pulling back the Forward Defence Line at the Pooneryn Army Camp in order to facilitate safe passage of civilians between the peninsula and the mainland (Rajanayagam 1998).

By some observers these moves were seen as an effort to force the pace of the peace process and the LTTE reacted negatively. It argued that the government was ignoring key issues. The government argued that it had gone a long way in meeting its commitments towards lifting of the embargo, reconstruction and rehabilitation, and opening up of free passage between the mainland and Jaffna. The government also issued a separate statement listing all the items which had been sent to the North after the initiation of peace talks (Rajanayagam 1998)². However, after the government agreed to

lift the embargo on fuel and to remove restrictions on fishing, LTTE agreed to resume negotiations on April 10, 1995. The LTTE was not prepared to discuss political issues, but wanted to restrict the talks to issues related to the creation of normalcy in the North and the East. On April 18, LTTE sank two navy gunboats in Trincomalee harbour. The war resumed. In an interview with BBC World Service shortly after, the LTTE leader Velupillai Prabhakaran argued that the PA government had not implemented the lifting of the embargo and the removal of the ban on fishing. This failure showed that the government was not sincere about improving the difficult circumstances under which the Tamil people were living. Rather than seeing these issues as a matter of the welfare of the Tamil people, the government saw them in a military perspective and as a matter of national security. The LTTE also viewed the lack of implementation as yet another example of the inability on the government side to stick to promises given.³ In other words, issues related to relief and rehabilitation had seriously affected the peace process.

Between the government and the LTTE: the Government Agent

The policy of the Sri Lankan government has been to maintain an administrative presence in the conflict areas, and to continue to play a role in the delivery of services in these areas through the Government Agents who have acted as co-ordinators of relief efforts. Under President Premadasa, 1989-1993, administrative powers were transferred from the Government Agents and to the Divisional Secretaries. In the North this shift happened in 1997, but it has not been implemented to the same extent as in the South. There have also been serious problems in the North in filling the administrative posts with qualified people. One reason has been the lack of recruitment of Tamils into the civil service in the 1980s. Another reason has been the exodus of educated Tamils from the war affected areas.⁴ Government services are affected by lack of personnel, including teachers and health personnel. For example, in a letter dated January 1995, the Government Agent in Mannar stated that there was a shortfall of 355 teachers while 614 teachers were working in Mannar (Croon 1995). In another statement the same Government Agent says:

Unless at least 10 Class 1 officers are posted, the District Administration may collapse at any moment. This has been brought to the notice of all concerned (Croon 1995).

This meant that more than one third of the teacher posts were not filled. Another problem for the education sector was that schools were frequently used to provide accommodation for IDPs and could not be used for teaching purposes.

The administration in the North has suffered not only from lack of personnel, but also from lack of resources. The two major resources, which are channelled into LTTE held areas through the Government Agents, are relief and money for the payment of salaries and pensions. Government departments do not allocate other money as they have no way of monitoring how money is spent. In addition to relief and payment of salaries, there is a decentralised budget allocation which is spent through members of parliament elected from these areas. For example each of the six members of parliament in the Vanni receives 2.5 million Rs. (app. £22000) to spend in the three districts.⁵ The money is spent on basic services and infrastructure.

The Government Agent is the highest ranking civil servant in the district and is appointed by the government. Because Government Agents are Tamils and because of LTTE efforts to influence them the relationship between the Government Agents, as civil servants, and the government is complex:

The Government officials are Tamils. They support the objectives of this war. The government is suspicious of their own officials. They do not trust them. GA's are berating the government. This is very complex. These government officials are also part of the Tamil community (1).

As the top government civil servants in the districts of Jaffna, Mullaitivu, Kilinochchi, Mannar and Vavuniya in the North, the Government Agents have been the link between the central government, the LTTE and the agencies. Government Agents who work in LTTE-controlled areas are formally accountable to the government. In practice their link to the government is often restricted to the receipt of money for payment of salaries and pensions and the receipt of relief goods for war affected populations. They are accountable to the LTTE for the work that they carry out. For Government Agents who

work in government-held areas where LTTE is present and wield influence, the situation may be even more complex. They are, to a larger extent than the Government Agents working in LTTE-controlled areas, accountable to the government for implementation of programmes and projects. At the same time, the LTTE wields indirect influence on the Government Agent's decision-making. Consequently the Government Agent's position becomes very vulnerable to accusations from both sides:

Working in an area where both are there, army as well as the LTTE. During my time, only the LTTE was there. So, we were happy, in a sense, one to deal with. There (in Jaffna) there are two masters, one will say, do not go, the other will say, if you do not come, leave. So this fellow has to go there in the night and meet, and one fellow will write to the army, this fellow came to see the LTTE. Jaffna is also coming to that level now, because the army has gone in. Army has almost captured, the LTTE in a few places, they will also send word, come and see. That is the real situation (2).

The government has sacked two Government Agents in Jaffna for being too close to the LTTE. The last of the two was arrested by the government and charged with withholding information about the LTTE. Commenting on the arrest of the latter of the two, a former civil servant who had worked in Jaffna said:

But he is a very good officer. Jaffna has lost a very good officer. Maybe even if he had some connections, that was the day. If all the government servants say we can not work. The LTTE knew: you people are connected because of salaries. Bombs and guns. They are also scared. I have seen these lamp post killings (2).

The statement captures the dilemma which the Government Agents, working in government-controlled areas, but under LTTE influence, have found themselves in. On the one hand, they are paid by the government and as civil servants their loyalty is to the government. On the other hand, they are subject to LTTE pressure which is not based on empty threats. The LTTE has killed four Government Agents in Mullaitivu, Mannar, Jaffna and Batticaloa.

In addition to being under pressure from the central government, Government Agents have had to relinquish power on security related issues to the military. In the

government-controlled areas, the military co-ordinating officer has assumed responsibility for key decisions including decisions as to which areas can be resettled and issuing of permits to leave welfare centres. The military also requested to be consulted by international organisations which proposed to start relief and rehabilitation work in Jaffna. In government-held areas, the Government Agents have relinquished power to the military. In LTTE-controlled areas, the Government Agents have lost much of their prestige and stature as the LTTE have assumed control over the means of law enforcement. The change in the status of the Government Agent in LTTE-controlled areas is described by a former civil servant in the following way:

Those days the GA (Government Agent) post was very prestigious, very respected, but nowadays it is not much. If we do not satisfy their needs...Those days at every function you are the chief guest. It is a ceremonial GA, but what function? (laughs) Even the police is under them. Even now it is supposed to be like that. But will the police honour that. I can remember those days when the police entered our room, they saluted. Because we are the government. So that was the situation, but now we have to salute (laughs). Now we have to show identity card. They will ask: AGA (Assistant Government Agent), so what? So what, open, open, open [your bag]. That is the situation. I was in the Eastern Province. I grew a beard. That helped me on several occasions to go as a Muslim. They did not check the identity card those days (2).

Provision of food supplies to LTTE held areas: 'winning their hearts and minds'

The Government of Sri Lanka has repeatedly expressed its intention to remain in charge of relief efforts, and it has established mechanisms and instruments for management and delivery of relief. Although the Government of Sri Lanka assumes that relief falls into the hands of the LTTE, the government continues its policy of providing assistance to the Tamil people of the North. How can this apparent paradox be explained? According to government employees, the government sends a minimum of the supplies which are required, while the LTTE asks for the maximum. The Ministry of Defence keeps stocks low to 'keep LTTE on their toes' in order to avoid that the LTTE breaks off.⁶ The government wants to keep the country united both by having officials posted in the North, and by being perceived as providers of food by the people of the North. LTTE,

on the other hand, is interested in food coming through. If the government food supplies ceased, it would be up to the LTTE to provide food. In the current situation, whatever the problem is in getting food through, the LTTE can put the blame on the government. The balancing act of the government is captured in the following paragraph which describes the situation in Jaffna in 1990/91:

But the stuff was limited. They sent only very limited quantities. They thought that this stuff will go to LTTE. So they were very careful. But still it was manageable. We were not running short of food items. It was sufficient. Nobody was starving. We could not stock. We keep it for this week only. Next week we will see. But medical items were short. Especially that tetanus injection...The government authorities did not release the goods thinking everything going to the other side. Similarly cash also, at one point we did not have the cash. To pay the pensioners, to pay the salaries of the government servants. So money was brought by the GA, 5 million rupees 1000 rupees notes in a small box (2).

The government has in principle provided dry rations or the equivalent in cash to all IDPs in Sri Lanka. According to government statistics, as of 31st December 1997, 804,266 persons or 197,414 families were receiving dry rations. The majority, 750,422 were receiving dry rations or cash from the government. 53,844 persons in Puttalam, Anuradhapura and Polonnaruwa, which all are government held areas, received assistance from the World Food Programme (see map page 12). A majority of the IDPs, 635,752, were staying with friends and relatives, while 152,125 persons were staying in 370 welfare centres. In addition, 16,389 persons who had been economically affected by the war were receiving dry rations cash (Commissioner General of Essential Services 1997). The government spends around 250 mill. Rs., or £2,5 million, on dry rations every month. This amounts to Rs. 300 or £3 pr. person. However, the caloric value of the free dry ration does not meet the requirement of an individual as defined by international humanitarian standards. According to international standards, a person would need around 1900-2000 kilocalories pr. day. The dry rations amount to around 1100-1200 kilocalories. The provision of dry rations is based on monetary value and not caloric value. There are two categories of food which is being sent to the Vanni⁷: food which the Commissioner General for Essential Services provides for the displaced and food which is sold through the multipurpose co-operative societies.

After the massive displacement following the military operations Riviresa I and Riviresa II in the Jaffna peninsula in 1995, the government reduced the quantity of food sent to the displaced. The quantity of food provided is linked to the controversial issue of the number of people who live in the Vanni as displaced. Up to the month of April 1997, approximately 400,000 persons were entitled to food rations according to government figures. In May 1997, the Commissioner General for Essential Services decided that this figure should be reduced to around 185,000, a drastic reduction of about 55%. The aid agencies, Government Agents in the North, and some Tamil members of Parliament expressed their concern about the reduction. In September, the decision was reviewed at a meeting between the Commissioner General for Essential Services, Ministry of Defence (MoD) and the World Food Programme. It was decided that the government would target six metric tonnes of food pr. month, specifically for displaced persons, to the Vanni. Six metric tonnes of food at the standard rate of 15 kg pr. person would be enough to feed around 400,000 displaced persons which is the figure which was quoted in the Commissioner's report. In other words, at the meeting it was decided to increase the quantity of food, but without finalising the government's position with regard to the population figure and with regard to the number of people who would receive food.⁸ The issue of how many displaced there are in the districts of the North erupted again in November 1998. The MoD and the Government Agent for Vavuniya provided very different figures for the number of displaced in the districts of Mullaitivu and Kilinochchi. The Government Agent's figures were 36,000 and 28,000 respectively, while the MoD figures were 13,000 and 8,300. The Ministry of Defence reiterated the position of the Sri Lankan government on food rations to the North:

The government has followed a consistent policy of supplying food requirements of the people in the North-East particularly in the 'uncleared' areas of the Vanni, although it is common knowledge that the LTTE has been siphoning away a substantial part of these food supplies for its terrorist cadres...The government policy of food supplies remains the same as it has always been. However, from time to time there have been operational difficulties, delivery and distribution problems due to deliberate obstructions caused by the LTTE after it has built up its own stocks from Government supplies⁹

There are mainly three types of gap in the government's policy of providing rations to internally displaced people:

1. Groups of displaced do not receive dry rations because of the circumstances under which they became displaced, or because they are not willing to return to the areas which they were displaced from.
2. Displaced do not receive dry rations or cash because of disagreements between the central and the local government authorities over the number of IDPs and consequently over the amount of food required to meet needs.
3. People do not receive food because of delays in cash disbursements or delays, or temporary stops, in convoys travelling into uncleared areas.

Generally, people who have been recently displaced have easier access to food than formerly displaced people. For example, during the military operation Jayasikuri, which started in 1997, people who were displaced by that operation would get access to food. However, the formerly displaced people from Kilinochchi or from Jaffna would not always get the food regularly. Some of them would not get food at all. At least 30,000 persons who left Jaffna early 1996, when the army had already retaken the Western part of Jaffna and was involved in operations Riviresa 2 and Riviresa 3, did not receive dry rations. In the government's judgement, it had not been necessary for these people to leave because there was only limited fighting at the time of their flight. Another example is from Trincomalee where, in 1997, 1000 families from Jaffna, who were not willing to go back, did not receive dry rations. They came after Riviresa in 1995 and the local authorities were told by the government not to give them any dry rations.¹⁰

Organisation of relief at the local level: mobilising resources

At the local level, relief distribution is organised by the Government Agents, the Assistant Government Agents or the District Secretary and the Grama Sevakas who represent the government at the village level. When displacement occurs lists of numbers of displaced are usually worked out by the Grama Sevakas. The distribution of food and

non-food relief items is carried out based on these lists. The displaced frequently stay in schools or with friends and relatives.

The following is an account of how relief was distributed when the first shipment of supplies arrived in Jaffna after the war started again, in June 1990:

In the meantime a ship was arranged. The food items: 3 metric tonnes of flower, white flower, all that. We had to ration it. So we printed out cards. Ration cards. That is for displaced people. Those who are staying in refugee camps and those who are staying with friends. So we distributed the food items according to what we received...Food items were distributed to the multipurpose co-operative societies, and from there the people showed the cards. To distribute the cards, the respective AGAs gave the cards (2).

The most common way of accommodating people, who do not have friends or relatives to go to, has been to house them in schools. But acquiring schools for temporary housing was not always be easy:

Most people said firewood was a problem, for cooking. And you know Jaffna was very famous for education, the previous experience the refugees broke the legs of the chairs and made it as firewood. So when we wanted to ask for schools, the principals refused to give the school to be used as refugee camps. We had powers, the AGA during a time of regulation we can even acquire somebody's vehicle. We can, but what is the use of showing our powers without convincing them. To use our powers we must have our police and army to back us, so in Jaffna we do not have those things, so better to keep quiet (2).

Some of the problems involved in relief distribution are illustrated by the same account. First, about how government servants may enrich themselves:

For the cooked meal normally the Grama Sevaka, who is working below, those days if 500 people come they put 700 people, so that 200, that money or that thing for them. I told them, look, be careful, LTTE is around you, they are watching you, be careful, so they could not do any out of hand work (2).

The next paragraph gives an account of how the army would target food supplies which had been provided by the government:

We could not go to the KKS harbour, so it was a jetty in mid sea. So we had to unload in a barge, from barge to the boat and from boat to the shore and from shore to the store. From there we had to bring it to Jaffna town. So while bringing also there were lorries attacked by helicopter. For there is a five mile stretch, open, it is a very open space, with no escape, a very dangerous point. 2 miles from the shore.

Q: So the helicopters were firing? When they see, they think it is LTTE. Even with the flag. It is unheard, unseen. I am telling the truth.

Q: Could you not inform the army? We told them. They will say, we saw one fellow crossing. Tigers were there in Jaffna Town, we can not say, do not come while we are going, those fellows will cross. Cycling. We can not argue with those fellows.

Q: Did the army attack the convoys often? Yes, especially when there was an attack and there was a lot of loss to the army (2).

The above account provides an insight into weaknesses and contradictions in the government's own distribution systems, with resources being siphoned off at the bottom and government planes threatening supply lines from the skies. The government servant who gave this account pointed out that, although local government officials had the powers to mobilise resources, their ability to mobilise resources was curtailed because they did not control the powers of law enforcement.

Most of the IDPs stay with friends and relatives. At the end of 1997, there were 370 government run welfare centres. 188 were in districts outside the conflict areas. The largest concentration was in Puttalam with 104 welfare centres. 57,027 people lived in the 188 welfare centres in the South. 94,298 people lived in 182 welfare centres in the conflict areas in the North and the East (Commissioner General for Essential Services 1997). The facilities at the welfare centres are generally very basic. Families live in large halls where minimum space for the individual family is demarcated by cloth which have been hung up as walls. As of January 1998, the government had also taken over management of UNHCR run camps.

Resettlement and rehabilitation: giving the appearance of normality

During periods of peace, and in areas in the North and the East which are under government control, the government and international agencies have implemented programmes for resettlement and rehabilitation. The first such programme, Emergency Reconstruction and Rehabilitation Programme I (ERRP 1), was started in 1988 following the Peace Accord in 1987. It ended in 1994. Rs. 22.65 billion (£200 million) was spent on the programme. Rs. 12.27 billion (£100 million) was spent on relief items leaving Rs. 10.38 billion (£90 million) for resettlement and rehabilitation related activities. None of the money for the reconstruction component of the programme which amounted to Rs. 5.6 billion (£50 million) was spent in 'uncleared' areas, while half of the money was spent outside the North and the East. Most of the money for reconstruction was spent on infrastructure (Resources Development Consultants 1994: i). The total cost for Rehabilitation and Resettlement in the North and the East were put at Rs. 67 billion, divided between Rs. 50 billion for reconstruction and Rs. 17 billion for resettlement.¹¹ Two major limitations were pointed out in a review of ERRP I. Firstly, a lack of money and, secondly, the absence of peace in the sense that large areas of the North and the East remained under the control of the LTTE and were not included in the programme.¹²

Following the change of government in August 1994, the new government carried out a review of ERRP I and worked out new guidelines for its own programme. These guidelines included an emphasis on the integration of development with relief, rehabilitation and reconstruction, and a recognition of the fundamental rights of the internally displaced people:

The displaced persons are citizens of this country and their rights, freedom and privileges will be honoured as that of any other citizen of the country. The fact of displacement or the status of refugees should not be a disqualification to any Sri Lankan citizen to enjoy basic amenities of a modern and civilised living to which his fellow citizens in the neighbourhood are entitled to (Ministry of Shipping, Ports, Rehabilitation and Reconstruction 1996: 16).

Further objectives of government policy were defined as the provision of basic necessities and food assistance to displaced and affected people, as well as resettlement, relocation, rehabilitation and reconstruction and financial support and loans.¹³ However,

the programme was implemented on a limited scale of in excess of Rs. 4 billion (£30 million) pr. year in 1995 and 1996.¹⁴ In all, a resettling family is entitled to Rs. 65,000 (£565). This amount includes Rs. 7000 (£60) as a housing grant, with Rs. 1000 (£9) for temporary implements, Rs. 5000 (£45) as settling in allowance, Rs. 25000 (£220) a grant for a house, and Rs. 25000 as an optional loan for a house from the National Housing Development Authority. As long as the numbers who resettle are relatively low, the local authorities may be allocated the necessary amounts of money. For example, in Vavuniya in 1997 and 1998, the numbers who resettled were 800 and 1000 respectively.¹⁵ Resettlement is often not a clear cut process as people go back and forth between welfare centres and areas of resettlement in situations where this is allowed by the distance between the two sites.

There are several problems linked to resettlement and rehabilitation. Firstly, government officials point out that inputs are insufficient. Resettlement often takes place in areas which have been completely destroyed and where there is no infrastructure. Rs. 25,000 which is provided to set up a house is, according to government officials, only sufficient for one room, one door and one window. The 'settling in allowance' as well is inadequate. Government officials estimate that a farmer needs Rs. 25,000 to restart farming, while a fisherman needs Rs. 75,000 (£660).¹⁶ As IDPs are not seen as stable people by banks, they often have problems in obtaining regular bank loans. Secondly, the most common reason, stated by agency officials, as to why people do not resettle is that the areas which they came from are not secure. Lack of security is mainly due to threats from the army as it works to prevent what it calls 'LTTE infiltration'. For example, during 1997 and 1998, eight resettled people were killed by the army in two resettlement areas around Trincomalee. Thirdly, extensive rehabilitation is hampered by a lack of Tamil professionals and a lack of transport facilities. This is particularly the case for Jaffna where the only available transport route is by sea.

Government policies towards humanitarian agencies

In a statement to Parliament, on November 24 1995, Foreign Minister Lakshman Kadirgamar, revealed the ambivalence the government feels towards foreign humanitarian agencies:

I must make it clear that there are NGOs which are doing very valuable work in our country. Take one example, the ICRC. We have had our differences. I have had to pull them up. I have had to be a little sharp with them but they do a lot of good work and at the moment they are very valuable collaborators with the government in the relief operations in the North...all over the world there are problems with NGOs trying to do their own thing, sometimes with funding that is mysterious and dubious; sometimes they interfere politically in a particular country. We must be careful. That is all I am saying. In Sri Lanka NGOs have been allowed to come and go freely. You know very well that in India, for instance, they do not enjoy any such freedom as they have here. These are the parameters of the problem. I would like to say that there is a balance that must be struck.¹⁷

In this paragraph, the Foreign Minister describes NGOs as valuable collaborators in the relief effort in the North. At the same time, he expresses the need to be careful as NGOs try to do their 'own thing' and sometimes interfere politically. Officials in other Ministries also describe the role of NGOs primarily as one of service providers.¹⁸ The present government stated in its policy guidelines for reconstruction and rehabilitation that it wanted to mobilise the bilateral and multilateral agencies and NGOs towards the reconstruction effort.¹⁹

During the 1990s, there have been continuous discussions about the need to regulate the work of NGOs in Sri Lanka. This debate has primarily been aimed at Sri Lankan NGOs. It was at its height interpreted as a battle between President Premadasa and the leader of the largest Sri Lankan NGO, Sarvodaya, Ariyaratne (Perera 1997). However, the debate reflects the attitude of the government towards organisations which operate outside government control. It is therefore relevant to a discussion of government policies towards foreign humanitarian agencies as well. In 1990, an unpublished report by an unidentified government committee within the Ministry of Policy Planning and Implementation pointed to the growth in the number of NGOs, which was put at 3000, an increase in the flow of funds to NGOs, and closer links between NGOs and foreign donors. In December 1990, President Premadasa established the 'Presidential

Commission of enquiry in respect of Non-Governmental organisations', often called the NGO Commission. When the report was submitted to the President, it was not made public. The report rejected excessive legislation, but acknowledged the right of the state to supervise the proper use of funds. The report recommended compulsory registration, the monitoring of foreign funds, creation of a post of NGO Commissioner, the establishment of an NGO fund and a co-ordinating mechanism for NGOs (International Commission of Jurists 1991).

According to more unofficial summaries of the report, the NGO sector was seen as chaotic, anarchic and in disarray. Large NGOs were considered undemocratic, 'overheads' were considered too large and NGOs were seen to be undertaking 'unlawful religious conversions' (Van Brabant 1995). On December 21 1993, NGO legislation became part of emergency legislation under chapter 40 of the public security ordinance. The legislation was concerned with the monitoring and receipt of receipts and disbursements²⁰. In the autumn of 1995, there were new moves by the PA Government to impose tighter state control over non-governmental organisations in a proposed amendment to the Voluntary Social Service Organisation (Registration and Supervision) Act of 1982. The amendment would allow the Minister to appoint an interim board of management of certain types of non-governmental organisations, if a board of enquiry reports fraud or misappropriation.²¹ In 1998, a law which provided the Minister of Social Services with the power to appoint an interim board of management upon evidence of fraud or misappropriation in an NGO was enacted.

At the local level, NGOs supplement and complement government services. The following paragraph describes how the government mobilised national and foreign NGOs for the relief effort in Jaffna after the war had restarted, in June 1990:

So when it comes to the NGOs coming in. After three days the government could not do anything. We are supposed to give only three days cooked meals. We are supposed to send them to a refugee camp, to find alternative ways, maybe rations. But where is the food stuff, the food stuff is coming later. Then and there only then we called all the NGOs. I personally went and invited all the NGOs. I was also AGA in the Kachcheri, so Care International, Redd Barna, I think and all that, SCF, TRO, TRRO, Sarvodaya, so all the people came. Then the GA said, this is

the present position, so many people are in these schools, we need your help. So they volunteered to take, OK, I will take this school, I will take this school, so every international NGO and the local NGO took responsibility of that school. They supplied their own food items, of course we also gave some assistance by going there...The NGOs were frequently meeting, once a week there was a meeting. At that time there was no consortium. They were reviewing the situation. For example cadjans, some NGOs said if you can provide that we can give money, so money was available by the NGOs but stuff was not available, so we had to co-ordinate that. We made arrangements for those things (2).

The above paragraph refers to a time when NGOs were providing food in addition to non-food relief items. When the local government was faced with a shortage of food, they called on the NGOs which divided the schools between them and supplied food. Towards the end of the paragraph, the opposite situation is described where the NGOs have the money, but where the government is asked to co-ordinate provision of cadjans.

The district administration in Trincomalee sees the NGOs as supplementing and complementing government services. It defines its own role as one of ensuring the effectiveness of NGO programmes within an overall policy framework.²² However, the need to work with NGOs is seen more as a result of lack of government capacities and a weak private sector than as a result of enthusiasm for NGOs:

The capacities and institutional capabilities of GOO (governmental organisations) in the Province are extremely inadequate to handle even the normal functions. On the other hand, cultivating an able private sector to share the responsibilities in public affairs will take some more time.²³

The memorandum goes on to say that in some areas and sectors NGOs have taken over the role of the government in provision of services:

...many people have become dependent on services provided by NGOs. They have even taken over the Government's role in providing primary services, poverty alleviation and the development of basic public amenities in certain areas. ...Sometimes the programmes so implemented are never known to the administration in charge of the area.²⁴

The local government also relies on NGOs for implementation of resettlement projects and argues that using NGOs is a better and quicker way of implementing.

Implementation is done collectively, and overhead costs become less as compared to a scenario where people are provided with the resettlement allowance individually.²⁵

4.2 LTTE: the power behind the government administrators

While the LTTE has been in control of large areas of the North, they have allowed the government's administrative system to continue operating. This section seeks to describe LTTE's administrative system in more detail as well as its relationship to the government-administration and NGOs. After the IPKF moved out in 1990, LTTE seized control of Jaffna town which remained the centre of the LTTE-administration until the town was captured by Sri Lankan forces in December 1995. After this government offensive, LTTE shifted its base to the Vanni. Most observers seem to agree that the LTTE-administration had been weakened.

The LTTE administrative system: 'We are running a government here'

During the Indian presence in Jaffna, from August 1987 to April 1990, Jaffna was run by the town commandant who reported directly to General Kalkat at the Indian Headquarters. He worked closely with the Government Agent for Jaffna, Panchalingham, who later was killed by the LTTE (Sardeshpande 1992). The Indian army found it difficult to establish an administration in Jaffna as LTTE viewed any person who accepted an administrative post from the Indians as a collaborator (Marino 1987). LTTE worked effectively to dissuade people from using public services, such as courts, banks and trains, with the effect that:

...everybody got pay from Colombo for not doing any work at all! Colombo did not want to cut off the last slender link of bureaucracy, as that would have meant the final severing of the authority of the states. So these non working officials could not be fired since they could not be replaced (Sardeshpande 1992: 19).

Anton Balasingham, the London-based LTTE spokesman, described the role of the LTTE in the following way in 1998:

We are running a Government here, we have established an administrative system, a de facto Government, we have a police system, we have an army. So what we are saying is the LTTE have established an effective administrative machinery of self-government here. We have...a judicial system, various structures are there where thousands and thousands of civilians are participating. We have an army. You are not dealing with a political party. You are dealing with a national liberation movement...which has liberated its own homeland to some extent. So you have to take us seriously, that is what we say, just don't ignore us.²⁶

In addition to the functions mentioned by Balasingham, LTTE collects taxes both in Sri Lanka and from Tamils living abroad. It has been estimated that the Tamil Diaspora, directly and indirectly through LTTE, contributes \$120 million annually to Tamils in Sri Lanka (Gunaratna 1998b: 302). The collection of taxes is based on intimate knowledge of the financial situation of Tamils both abroad and in Sri Lanka:

They would say everybody should pay Rs. 5000 or one salary. So everybody has to pay. If you go and say, I have no money I can not pay. Right, you can not pay, but your brother or your sister, they live in Switzerland and in Norway. So they know the history. You can not play fool with them. They have their people. So keep mouth shut only is the best means. Never speak. With the family only, I talk. With an outsider I never talk. They will listen to me and they will go and tell: he is talking like that. Then it is dangerous (2).

The LTTE also controls movement in and out of LTTE-controlled areas through a pass system which requires everyone travelling to or from LTTE held areas to have valid 'visas'. Generally, people who are between 10 and 40 years are not issued with 'visas', and the people who do get them have to pay high fees. People who are caught without 'visas' face possible execution (European NGO Forum on Sri Lanka 1995: 30). From November 1, 1996, the pass system was extended to also include local employees of humanitarian organisations working in Sri Lanka, all of whom had to have passports in order to travel outside the North. The passports were renewable every two months and were valid for official use only.²⁷ There was also an LTTE rule which said that movable and immovable property belonged to the LTTE when people left Jaffna.²⁸

According to Balasingham, LTTE was running an administration and a government in the North. Others have described the LTTE set-up as departments or secretariats which operated in close collaboration with the skeleton government machinery that existed in areas under LTTE control. According to Karikalan, LTTE did not have their own ministries, but rather their own departments.²⁹ The departments served several functions, including monitoring, influencing decision making, planning and receiving complaints. LTTE would submit plans, for example for schools, to the government-administration. Because of lack of funds, the requests from LTTE would pile up. LTTE departments would inform the local administration about problems, from inefficient use of resources allocated for development projects, to lack of teachers and demand action. The information would often be based on complaints from people to the LTTE departments. For example, in relation to lack of teachers the LTTE would ask the Government Agent and the Director of Education to write to the Ministry. On other occasions, LTTE would mobilise people to work, for example to clear lagoons and ponds for irrigation, after the local administration had allocated the appropriate funds.³⁰ In 1991, the LTTE produced a master town plan for Jaffna with the help of Tamil architects brought to Jaffna from Singapore. The plan was discussed with government officials in the Kachcheri (local administration) but was never implemented due to lack of funds. A former government servant in Jaffna also falls short of calling the LTTE-administration ministries. He calls them secretariats. LTTE had secretariats for food, education, co-operatives, health, etc. Every department had representatives for every sector and in every area. The perception among both government servants and NGOs, which worked in LTTE-controlled areas, was that LTTE knew of everything worthwhile knowing.³¹

In Jaffna, LTTE ran an effective communication system which was based around local information placed on boards in villages, together with broadcasting by the Voice of the Tiger radio station. The communication system was designed to support a strong Tamil identity, as well as to mobilise for action, including collection of taxes. LTTE also used street drama to get their message across. LTTE controlled important sectors of the economy, such as the rice or paddy market. The LTTE would buy the paddy, mill it and

then sell it to Jaffna, Mannar or the South³². It also controlled toddy-tapping and transport (Sardeshpande 1992: 26).

Relief delivery: building up the TRO

In delivering relief, the LTTE collaborates both with the government and with the humanitarian agencies. During the early 1990s, LTTE built up its relief arm, TRO, which was administrated under the political wing of the LTTE. During 1992 and 1993, TRO expanded quickly, when it was recommended for funding by the Sri Lankan government for implementation of a large scale German programme for the North of Sri Lanka. It has been suggested that the government at this point did not realise that the TRO was the relief wing of the LTTE.³³ By 1995, when the large exodus from Jaffna took place, TRO had become the largest relief organisation operating in the North of Sri Lanka. The LTTE saw the role of TRO as one of co-ordinating the humanitarian agencies in the Vanni as well as implementing its own relief work:

The Tamil Rehabilitation Organisation will co-ordinate the relief activities of all non-governmental aid organisations on an area basis. The TRO will be responsible for providing cooked meals to the new arrivals. The TRO shall make financial arrangements to off-set funeral expenses. It shall also provide monetary help to pregnant mothers, feeding mothers and girls who attain puberty. With the assistance of Oxfam, Care, Redd Barna, Forut and such international agencies the TRO shall hold itself responsible for the actual settlement of the arrivals.³⁴

Following the exodus from Jaffna into the Vanni in the autumn of 1995, TRO was left without the government administrative structure to cope with a sudden influx of between 300,000 and 500,000 IDPs who were looking to them to provide for their basic needs. It has been argued that, because there was no government structure, TRO was faced with all the demands from the displaced. Because they were stretched they were unable to cope with all the demands, leading to complaints being passed upwards to the LTTE leadership.³⁵

There seem to be a consensus among most of the people who work in the North and the East that TRO is disciplined, effective and systematic in its work.

In general, what is visible, they are very effective. They are almost like the Ministry of Social Welfare. They are very well organised, they are effective. What they are useful for is relief. We do not have the capacity to track everything (3).

However, TRO was also characterised by bureaucracy and slow decision-making because of the need for clearances and information vis à vis the LTTE.³⁶ There is a range of local organisations which are linked to the TRO, including UDRO, NDRO, NERDO, KDRO.³⁷ It has been pointed out that TRO has a very flexible structure. The organisation mobilises people in the communities and works with local organisations in these areas. On the other hand, the relationship between TRO and other local organisations is not always the best. TRO has been accused of being arrogant and trying to dominate other local NGOs.³⁸

At the local level, the LTTE plays a 'supervisory' role vis à vis the government in relation to relief. The LTTE is also, to a certain extent, accountable to the local population as described by the two quotes below:

For the cooked meal normally the Grama Sevaka who is working below, those days if 500 people come they put 700 people, so that 200, that money or that thing for them. I told them, look, be careful, LTTE is around you, they are watching you, be careful, so they could not do any out of hand work. They were doing the exact number, because the LTTE was watching them. The LTTE is watching whether the really affected people are given. So they should not grumble against the LTTE. That was their motive. So they were watching, how many people. They were also counting people in the camps. LTTE is also taking their own statistics. We are also taking our own statistics. So there can not be two. They will come and compromise. If it is five or six difference, it is OK. There can not be a vast 100-200 difference.

So a fine thing happened. By 2 o'clock, refugees started coming in to Jaffna, so the Red Cross official came and told me, sir, refugees are coming. So they have to cross the lagoon, the Jaffna lagoon. We are going to bring them. So I told my wife, I will just go. At that time another food controller was appointed. So I said I will go to meet him to see how the food position is because we have to give free meals. Then I went there and

after 1 hour I came back. I asked my wife whether LTTE came and she said yes. They had asked for me and the wife had said he has gone to check up with the food. 'So he has already left, uh' Like a hint. 'So he has left, OK, OK.' Had I not done that they would have underestimated me. These people are struggling and coming, this fellow is just waiting here. I knew it, I knew the trend also. They would just come and tell, you are not helping the people' (2).

In other words, if government officials were caught being dishonest or not doing their jobs, the LTTE would take action.

LTTE policies towards NGOs

According to aid workers, before 1992, there were few attempts from the LTTE to influence NGOs. There were very few contacts. National, international and local NGOs, as well as the UN, were perceived to be doing good work by the LTTE. Therefore, LTTE would not interfere with their work.³⁹ The change in LTTE attitudes towards NGOs coincided with the start of the large programme for the Jaffna peninsula funded by the German government in 1994 mentioned above. The programme was implemented by local NGOs whose participation had to be recommended by the Sri Lankan government. The large influx of money and the lack of implementing capacity by local NGOs, drew the attention of the LTTE to NGOs. At this time the LTTE also started to develop its rehabilitation wing which was under the political wing. TRO received 10 million Rs. (£80,000) out of the total funding package of 288 million Rs. (£2.5 million)⁴⁰ While setting up their own rehabilitation wing, the LTTE started to visit other NGOs to find out what they were doing by asking questions about sources of funding, budgets etc. This new-found interest from the LTTE raised concerns, especially from the international NGOs which asked for a meeting with the LTTE to discuss the new situation. At that meeting with Karikalan, from LTTE's political wing, NGOs expressed their worries and the need to retain independence and to be able to work in an impartial way.

Responding to questions from NGOs regarding how the LTTE would view NGO collaboration with government departments and whether this would be seen as an

attempt by NGOs to restore the authority of the government, LTTE's reply was that the people in the Vanni area were Sri Lankan citizens. They deserved assistance. It was the responsibility of the government to provide assistance to them. Therefore, the LTTE understood that aid agencies worked with government departments.⁴¹ The LTTE also said that it had its own departments, and that the aid agencies should always check with the LTTE before they implemented projects, in particular because funds were not always spent in the appropriate way. LTTE's concern for how funds were being spent in the Vanni has been stressed by several aid workers. They argue that the LTTE takes a sincere interest in ensuring that funds are spent appropriately and that money is not wasted. This is also in line with LTTE policies on ensuring that civil servants do their work and work hard.⁴²

From 1992 onwards, accounts from international NGO staff show that they feel under pressure from the LTTE. One of the ways in which LTTE applied pressure on NGOs was through NGO consortia which were established in several districts in the North and the East. LTTE would encourage the formation of consortia and try to influence their work. LTTE pressure was often expressed subtly through the representatives of TRO or local organisations in the consortium. The contacts with the NGOs would take place outside the formal meetings, making it more difficult for international NGOs to realise what was going on. The LTTE was very careful in applying its influence and the meetings were never openly hijacked by the LTTE.⁴³ More independent local organisations would not want to speak freely in the presence of people who were reporting to the LTTE.⁴⁴ The influence that LTTE has exerted on local consortia has made it difficult for the consortium of NGOs in Colombo to have formalised links with district consortia.⁴⁵

According to some of the aid agencies, LTTE has been very keen to promote a view of the food situation in the Vanni which says that there is malnutrition. Their own statements, which depict situations which are on the verge of widespread malnutrition, are often at odds with the analysis of aid agencies which favour what they call more subtle, objective statements. The statement below is from the LTTE:

The political department of the Liberation Tigers of Tamil Eelam (LTTE) urgently appeals to all government and non-government agencies in Vanni to help defeat the famine engineered by the Government of Sri Lanka. Totally blocked off from the outside world the situation is too desperate to ignore any longer. The effects of being stranded without medicine and food for such a long period are taking their toll on the men, women and children here, who are depleted and hungry (LTTE 1997).

Aid agencies may also hesitate before they go into issues which they know are contentious. An example is household coping strategies:

What we have not been able to do is to study those household coping strategies We have not known exactly how to do that. The other is...it is very political. All of a sudden you start telling that this has been going down. The LTTE is going to want this to go this way, and the government wants to argue that it is up this way (refers to chart).⁴⁶

This quote is an example of how agencies avoid taking up issues which are controversial, even though they are of importance to the work of the agencies.

4.3 Summary: The Government and the LTTE: agreement on the framework for assistance to the displaced

Both the government and the LTTE see the provision of relief to people affected by the war in Sri Lanka as the responsibility of the government. The government implements this policy through the provision of dry rations to war affected people, although the amount of dry rations delivered routinely fall short of international standards. However, when major displacements take place, both the TRO, foreign NGOs, UNHCR and ICRC, come in to supplement government supplies with non-food items.

The 'dual' administration in the North of Sri Lanka consists of a skeleton government presence and an LTTE 'shadow' administration or departments. This 'dual' administration constitutes a *de facto* LTTE-administration. The 'shadow' LTTE-administration carries out its own activities and monitors the activities of the government, the foreign humanitarian agencies and the Tamil people. LTTE effectively

controls the activities of the government-administration through subtle influence, backed by force and brutal assassinations. The government-administration is mainly responsible for the distribution of relief and the payment of salaries and pensions. Except for limited disbursements by Members of Parliament, the central government provides no other resources. The economic embargo has effectively kept economic and developmental activities in the North at a minimum level. Having played a key role in the breakdown of the peace talks in 1994-95, the embargo has also had severe consequences for the work of the agencies as the next chapter will demonstrate. The Government Agent plays a key role in keeping this system going at the level of the Province by co-ordinating the activities of the aid agencies with the policies of the government and the LTTE.

The combination of military and political imperatives has led the government to adopt policies which are apparently contradictory. On the one hand, military imperatives have led the Sri Lankan government to impose an embargo on the North of Sri Lanka. On the other hand, political imperatives dictate that the government should retain an administrative presence in the North. Through its presence, the government provides a minimum of welfare to its Tamils citizens in order to encourage their support. Concern for the welfare of the Tamil people has led the government to accept the provision of assistance to war affected people from foreign humanitarian agencies. The government is concerned about potential criticisms from the same agencies and is also worried that aid will fall into the hands of the LTTE. Consequently, the government has imposed severe restrictions on access to the LTTE-held areas as described in more detail in the next chapter.

The LTTE and the government agree on the overall framework for provision of assistance to displaced and economically affected people. Tamils living in these areas are considered Sri Lankan citizens both by the government and by the LTTE. Both parties agree that it continues to be the responsibility of the Sri Lankan government to provide assistance to them. This arrangement suits the interests of both parties. From the government's point of view, the arrangement secures government links with the population in LTTE-held areas. From LTTE's point of view, government involvement and responsibility ensures that the LTTE does not have to take the responsibility for

providing aid to the displaced population. LTTE has built up an effective and flexible relief administration based on local mobilisation and participation.

The next chapter takes a closer look at government and LTTE policies in relation to the humanitarian agencies, and the issues which define the relationship between the government, the LTTE and the humanitarian agencies. It also investigates how the humanitarian agencies have responded to pressure from the government and the LTTE. The chapter focuses on issues of contention and conflict between the government and the agencies, and between the LTTE and the agencies. It is, however, important to keep in mind that the overall framework for provision of assistance in Sri Lanka is one of collaboration between these different actors.

Endnotes

¹ These items were arms/ammunition, explosives/pyrotechnics, remote control devices, helmets (other than for motorbikes), binoculars, telescopes, compasses, cloth material similar to those worn by security forces, iron and iron rods, oxygen/welding equipment, barbed wire, wire cutters, inflammable material except kerosene, camphor, urea fertiliser, penlight batteries, lead/lead items, petrol/diesel (Rajanayagam 1998).

² The list, which showed the items sent from 15 August 1994 to 28 February 1998 included: drugs, dressings and X-rays: Rs. 33,3 million, surgical, medical and narcotics: Rs. 2,1 million. Supplies to Jaffna: 7,650 metric tons of rice, 21,100 metric tons of flour, 5,860 metric tons of sugar, 420 metric tons of milk food, 2,000 metric tons of other food items, 51 metric tons of other essential items. Supplies to Kilinochchi: 2,530 metric tons of flour, sugar and other food items. Supplies to Mullaitivu: 2,120 metric tons of flour, sugar and other food items. Supplies to Mannar: 3,574 metric tons of flour, sugar, milk food, and other food and essential items. Supplies to Jaffna: 9,000 barrels of kerosene, 1031 barrels of diesel, 69 barrels of petrol. Supplies to Kilinochchi: 2,200 barrels of kerosene, 11 barrels of diesel, 1 barrel of petroleum. Supplies to Mannar: 2,200 barrels of kerosene, 20 barrels of diesel, 12 barrels of petrol. Supplies to Mullaitivu: 1980 barrels of kerosene, 5 barrels of diesel and 1 barrel of petrol (Rajanayagam 1998: 219).

³ BBC World Service 1995, Interview with Velupillai Prabakaran reprinted in Hot Spring, September-October 1998.

⁴ Interview with former government employee 1998 (2)

⁵ Interview with government employee 1998 (27)

⁶ Interview with government employee 1997 (10)

⁷ Vanni is the term which is used to denote the dry zone North of Vavuniya town and South of the Jaffna peninsula.

⁸ Interview with agency staff (6)

⁹ Sunday Times 15 November 1998:1

¹⁰ Interview with government employee (26)

¹¹ Resources Development Consultants 1994: ii

¹² Resources Development Consultants 1994

¹³ Ministry of Shipping, Ports, Rehabilitation and Reconstruction 1996: 16-17

¹⁴ Ministry of Shipping, Ports, Rehabilitation and Reconstruction 1996: 14

¹⁵ Interview with government employee (27)

- ¹⁶ Interview with government employee (26)
- ¹⁷ Hansard (official Parliamentary records) 24.11.95, p. 816, Foreign Minister Lakshman Kadirgamar
- ¹⁸ NGO consortium (undated): Notes from meeting with Ministries on the proposed reform of the NGO consortium on the North and East
- ¹⁹ Ministry of Shipping, Ports, Rehabilitation and Reconstruction (1996)
- ²⁰ The legislation had two main elements:
1. Every NGO in receipt of money, goods or services, from foreign or local sources, or from both foreign and local sources in excess of Rs. 50,000 (app. \$1000) pr. year, should be registered with the Director of Social Services
 2. Every NGO in receipt of more than Rs.100,000 should submit to the Director a statement of accounts setting out: all receipts whether money, goods or services received by the organisation, sources of all income, all disbursements made, information about the persons to whom monies, goods or services were rendered, assets and liabilities of the organisation and any person shall have the right to inspect statement of accounts submitted to the Director of the Social Services
- ²¹ Island October 1 1995
- ²² Chief Secretary (1995), North East Provincial Council: Provincial Planning Committee Memorandum no. 2, 11.2.95.
- ²³ Chief Secretary (1995), North East Provincial Council: Provincial Planning Committee Memorandum no. 2, 11.2.95:1.
- ²⁴ Chief Secretary (1995), North East Provincial Council: Provincial Planning Committee Memorandum no. 2, 11.2.95:1
- ²⁵ Interview with government employee (26)
- ²⁶ Sunday Leader 26.3.98, interview by Frederica Janz, quoted in Rajanayagam 1998: 234
- ²⁷ Karikalan, S. (1996): Letter dated October 22 to co-ordinator of Consortia of NGOs in Vavuniya, Mannar and Kilinochchi. Karikalan is number two of the Political Wing of the LTTE (Rajanayagam 1998)
- ²⁸ Interview with former government employee (2)
- ²⁹ Interview with agency staff (6)
- ³⁰ Interview with former government employee (2)
- ³¹ Interviews with former government employee (2) and agency staff (6)
- ³² Interview with agency staff (4)
- ³³ Interview with former agency staff (6)
- ³⁴ LTTE Press Release (1995), 11 December, Political Committee Liberation Tigers of Tamil Eelam
- ³⁵ Interview with P. Esmonde, Advisor on Humanitarian Affairs, Canadian Development Agency, Colombo
- ³⁶ Interview with agency staff (4)
- ³⁷ Interview with agency staff (5)
- ³⁸ Interview with agency staff (1)
- ³⁹ Interview with agency staff (6)
- ⁴⁰ Sunday Times 19 November 1994
- ⁴¹ Interview with agency staff (6)
- ⁴² Interview with agency staff (2, 7)
- ⁴³ Interview with agency staff (6)
- ⁴⁴ Interview with agency staff (5)
- ⁴⁵ Informant interview (8)
- ⁴⁶ Interview with agency staff (9)

5. FACING CONTRADICTORY PRESSURE: AGENCY RESPONSES TO THE COMBATANTS

In trying to answer my overall research question, which deals with how agencies engage with the combatants in a conflict situation, I asked the question of how the agencies deal with the constraints which they are faced with in a conflict situation. I also asked whether they develop the same types of strategies in relation to the government-administration as they do in relation to the LTTE-administration, and whether there are differences in approach between the UNHCR and NGOs. In this chapter, I look at what the evidence from the field has to say about these issues.

The first half of this chapter examines ways in which the LTTE applies pressure on the agencies and agency responses. Three issues have created tensions between agencies and the LTTE: resources, LTTE influence on local organisations and LTTE pressure on agencies to implement their projects through local organisations. The chapter examines the mechanisms which the LTTE applies to exert influence on the agencies and ways in which the agencies have responded to this pressure. The second half of the chapter analyses government pressure on agencies. The last section analyses agency responses to pressure from the government, and looks at how some agencies have developed policies for broader engagement with the government.

5.1 Agencies and the LTTE: at 'arm's length'

The relationship between guerrilla groups and humanitarian agencies has not been systematically studied. Exceptions are references to diversion of resources in some of the literature on humanitarian agencies (Duffield 1994a, Keen and Wilson 1994) and discussions about the principles of neutrality and impartiality (Slim 1997b). In this chapter, I look at how the relationship can be characterised in a broader perspective. I examine in more detail ways in which the work of the agencies is influenced, and the mechanisms for this influence.

The battle for resources

There are two issues related to the battle for resources between agencies and the LTTE. The first issue relates to LTTE pressure on agencies to provide as much resources as possible into the Vanni. The second issue has to do with how these resources are being utilised once they are present in areas which are controlled by the LTTE. All agencies state that they are under pressure from the LTTE to bring in more resources to the North. The question of how much of these resources actually end up with the LTTE, and not with the beneficiaries, has not been addressed by this research. However, all of the agencies emphasise that they have in place monitoring systems to ensure that resources are not being diverted. On the other hand, it is well known among the agencies that the relief chain in Vanni is open to interventions, both via taxation and diversion of supplies. In some instances, diversion happens quite openly. Agency staff has observed that relief supplies, which have been unloaded at Point Pedro, have been picked up by the LTTE and transported to the Vanni, rather than to the government depots as intended. Resources which are brought in for agency projects are also attractive to the LTTE. Several of the agencies have had cars and motorbikes stolen and returned after threats of withdrawal by the agency. Additionally, resources are vulnerable when agencies temporarily or permanently close their offices during times of displacements or as a result of changes in agency policies.

Another aspect of this policy, is that LTTE is reluctant towards shifts in agency policies which may lead to fewer resources going to areas under LTTE control. For example, when people started returning to Jaffna after the situation there had become more stable, the LTTE at first opposed a return of the agencies to Jaffna. They agreed as the agencies made it clear that their mandate was to follow the population:

I think the LTTE had let out a few intimidating noises, implicit threats from the LTTE, saying look, you are then in government controlled area, we can not take responsibility for your security, implying that you may run into security risks. So then a meeting took place and there was a discussion where the agencies essentially said we will follow the

population. We will not be in a position to accept refusal from the LTTE. I think the LTTE said fine, we are not forbidding you to work in those areas. The government is responsible for security, we can not take responsibility for that, we will instruct our cadres never knowingly to attack you. But they also said, we will not look favourably upon any type of programme or project that would go beyond immediate relief (11).

In other words, the dispute ended in a compromise whereby the agencies agreed to keep their operations at roughly the same level as it had been before the government took control. Simultaneously, there was pressure on the agencies from the LTTE to implement more long term resettlement projects in the Vanni.

Once resources have been brought to LTTE-controlled areas, agencies face pressure about how to use the resources:

Karikalan was in the Vanni at the time. There had been messages coming through to the international agencies that the LTTE wants to have full knowledge about the projects, stock inventories, accounts, a say in the recruitment of local staff, etc. At that time there were discussions about a collective stand and the LTTE backed off (11).

LTTE may influence project design and the selection of areas in which projects are implemented. These suggestions may be followed by agencies if they feel that they are in line with agency policy. Sometimes agencies may agree to LTTE proposals but in a modified form which makes the proposal compatible with agency policy. Agencies acknowledge that the LTTE has good knowledge of local needs. LTTE advice may therefore be taken into account. Additionally, some agencies argue that some of the interventions which LTTE makes are based on a genuine concern for the civilian population and a scepticism towards the effectiveness of agency projects. This view is expressed in the following quote:

Their strength was their extensive contacts with the grassroots. They had a good grasp of people's needs and clear ideas about the work needed in different areas. In some of the contexts in which we worked, it was not difficult to agree on needs and priorities. They built their legitimacy and strength on providing the population with a minimum level of services (12).

If LTTE pressure coincides with agency priorities, agencies may go along with the LTTE.

Agencies have responded to LTTE pressure mainly by trying to tightly control the resources which have been brought into LTTE-controlled areas, and by designing their projects in ways which would make them look less attractive to the LTTE. SCF, for example, avoids particular activities which would require input of resources which are attractive to the LTTE. In an area like Muttur outside Trincomalee, this approach has led SCF to concentrate on goat rearing. Forut argues that, as a consequence of the embargo, the organisation has only been allowed to take in very limited resources. Consequently, their approach has to a large extent been based upon mobilisation of local resources, something that has resulted in fewer opportunities for the LTTE to appropriate resources.

Limitations on partnerships : LTTE influence on local organisations and lack of capacity and competence

All of the agencies involved in this study implement their programmes through local organisations, either NGOs or community-based groups. All of them use 'partnership' as a key concept in defining the relationship to local organisations. Except for Forut, all of the agencies also use this model for implementation in LTTE-controlled area. There are two problems which are of particular concern to agencies working with local organisations in areas under LTTE control. Firstly, local organisations are to a varying degree subject to the influence of the LTTE, both directly and through the relief arm of the LTTE, the TRO. Secondly, local organisations in these areas have limited capabilities and competence.

Oxfam tries to avoid the organisations which are under the control of the LTTE, because, in its view, it makes a partnership relationship based on transparency very difficult. Although Oxfam has funded the TRO, Oxfam has also tried to support and build up organisations which are fairly independent of the LTTE. This was also in line

with Oxfam's strategic plan for the years 1996-2000 which singled out capacity building as one of four themes. By organisational capacity Oxfam means a general capability in terms of organisational and programme design, management and a specific capability with regard to working on poverty and conflict. According to Oxfam, local organisations need to strengthen a range of areas, including programme design, monitoring and evaluation and financial sustainability (Oxfam 1996).

The weakness of the NGO sector means that we tend to use NGOs as Oxfam agents in relief work, rather than being able to rely on them to put forward comprehensive proposals of their own design.¹

One advantage of this strategy of building local capacity has been that Oxfam has been less easily diverted by relief situations. Oxfam has been able to carry out more development oriented work, such as support for vegetable gardens, psycho-social counselling and stipends for rural primary health workers. The fragility of these organisations became clear during the displacement from Jaffna. The local organisations which received Oxfam support were marginalised, and TRO took charge of the situation. Another related problem in the relationship between local and foreign NGOs as Oxfam sees it, is that there is too much money chasing too few good organisations and projects in Sri Lanka. It is easy for an organisation, which has been dropped by one foreign NGO, to obtain support from another foreign NGO. Consequently, the standards of NGO work can deteriorate with few consequences for their finances.

Redd Barna acknowledges that there are specific problems related to working with partners in conflict areas, that local organisations are under pressure from the LTTE, and that many are effectively front organisations for the LTTE. Redd Barna's policy has been to avoid implementation through organisations which are close to the LTTE. This has often proved difficult. In some instances, Redd Barna has not been able to find partner organisations which have had a sufficient degree of independence from the LTTE. This was the case on the east coast when Redd Barna was looking for local partner organisations as part of its new strategy. When Redd Barna wanted to restart its activities in Jaffna after the displacement in 1995, Redd Barna also had problems in finding legitimate partners in the area. Redd Barna has kept 20-30 staff in the East, on a

contract basis, to facilitate implementation of its work in the absence of suitable local organisations. Redd Barna has also had problems in finding organisations which have capacity and competence within the area of children's rights, although most of Redd Barna's partners have the promotion of the Child Rights Convention in their programmes. Approximately two thirds of the programme portfolio of Redd Barna focuses on pre-schools and Early Childhood Development. None of the partner-organisations in the conflict areas have a specific child focus. They are all more orientated towards general relief and development. However, following their involvement with Redd Barna they have developed the pre-school components of their programmes (Redd Barna 1998: 22-24). All of Redd Barna's partner organisations working in conflict areas are working or have been working with other Western based NGOs or the UN. A common problem among the local organisations in the conflict areas is organisational overload. However, any organisational input from Redd Barna has been difficult to justify vis à vis donors who are primarily interested in the impact that Redd Barna's work has on children.

UNHCR are aware that local NGOs are more or less influenced by the LTTE, but it does not see any alternatives to implementation through local NGOs as UNHCR's own implementing capacity is limited. UNHCR has adopted a pragmatic approach. As long as implementation through local NGOs is acceptable to the government, UNHCR does not see any problems in implementing through local NGOs. One way in which LTTE tries to influence local NGOs is through the district NGO consortia. In a review of UNHCR microprojects, it is stated that district NGO consortia in Kilinochchi and Mullaitivu have tried to enforce a policy whereby microproject proposals had to come through them first, and then be forwarded to an implementing partner, because they were not happy with UNHCR's policy of accepting proposals from organisations outside the consortium. The report states that:

There are clear signs of attempts by the LTTE to control NGOs and exert greater control over the microproject programme (Kyle-Botejue 1995: 14).

The same consultant also states that, in 'uncleared' areas, LTTE prefers all projects to be approved locally which means that agencies should keep their proposals below Rs. 500,000 (app. £3500). The local District Review Boards, which handle them, are seen as 'rubber stamp' bodies which are easily subjected to LTTE influence.

Local organisations, implementing for the UNHCR, experience different kinds of pressure from the LTTE. The experience of one organisation which worked in uncleared areas illustrates LTTE tactics towards NGOs. This local NGO felt that from the outset the LTTE was positive, and did not apply any pressure as the organisation planned to implement small construction projects under the UNHCR micro project scheme. As the organisation started implementing its projects, LTTE turned up during a site visit and demanded defence money and cement which was intended for construction projects. The organisation consequently considered withdrawing.

LTTE pressure on agencies to implement through local organisations

All of the NGOs seem to have been subjected to pressure to implement their projects through local organisations. The following paragraph explains the rationale for working with TRO:

In order to maintain the understanding with the LTTE, all the INGOs have chosen to appease the TRO to some extent by letting some projects be implemented by them...If one chooses to implement all projects oneself, the TRO will be dissatisfied and problems may occur with local authorities [LTTE]. If too many projects are implemented by TRO, this will be problematic in relation to the government who regards TRO involvement as having close ties with the LTTE. In other words working in the Vanni involves a difficult balancing act between the two authorities.²

The main contentious point between the LTTE and Forut has been the question of to what extent Forut should implement through local organisations. Forut's general policy for LTTE-controlled areas is not to implement through TRO, and to implement through local organisations as little as possible. Forut feels that implementation through

TRO deprives the organisation of control of how money is spent. Implementation through TRO and local organisations is also more expensive. Both TRO and the LTTE have put pressure on Forut to implement through TRO and to use local organisations more. For example, after people fled Jaffna there was pressure on Forut to work through TRO which was the largest operational agency responding to the displacement.

Forut withdrew from implementation of UNHCR microprojects in the Vanni in 1994-95 as a result of pressure from the LTTE to implement via local organisations:

Construction of these houses were started in collaboration with UNHCR which was abandoned in the middle part of the year due to external pressures (Forut 1996b).

On other occasions, Forut has threatened to withdraw and LTTE has backtracked. LTTE has also denied Forut personnel access to areas because Forut has said no to working through local organisations. The bottom line for Forut, regarding support to specific projects, is that the project falls within Forut's mandate.

The relationship between Redd Barna and LTTE has been described by Redd Barna employees as a 'continuous battle for space'.³ LTTE wants as much material aid as possible, and they have also wanted Redd Barna to work through local organisations, like the TRO. In other countries, Redd Barna has worked through organisations which are considered to be the relief wing of a political group. Redd Barna's policy is that co-operation must be decided on a case by case basis, depending on the neutrality of the organisation. Redd Barna has worked with TRO. In its new partnership strategy, Redd Barna puts more emphasis on independence from the LTTE than it did in its relief and community development work. Redd Barna's new policy of implementing through local organisations was explained to, and accepted by, the LTTE leadership. Despite these efforts, Redd Barna encountered problems during the process of phasing out in the Vellavelly area, when the LTTE did not understand, or accept, its new policy of working through local partners. The problem was only settled through intervention at a high level:

It was the second time in a year that Redd Barna had to stress its independence, protect its assets and interests and implement its own policies in the area. (Redd Barna 1998: 12).

UNHCR has adopted a pragmatic approach to working with TRO and uses TRO as one of its implementing organisations in the Vanni.

It is true and we are aware that those local NGOs are more or less really influenced by LTTE or we have NGOs like TRO. But again, we can not say forget it, they are influenced by the LTTE, we do not use them. Then there is nothing we can do there. We need to use them (3).

and

TRO still is, even after the latest offensive, the largest relief group in the North. International agencies do co-operate with them and use them to implement projects, but there is an understanding of what their association is with the LTTE, an understanding also that needs assessments may differ slightly, and there is an assessment of the danger of providing funds through them. In general, what is visible, they are effective. They are almost like The Ministry of Social Welfare. They are very well organised. They are effective (13).

In UNHCR's judgement TRO, as the largest relief organisation in the North, is very effective and well organised. According to the UNHCR, there is strict monitoring of the funds which go through TRO. The question about whether or not to implement through TRO has not been an issue within UNHCR. UNHCR's collaboration with TRO has not led to problems between UNHCR and the government. However, some donors are not happy with implementation through the TRO. Subsequently their funds are being employed through other channels.

Oxfam has adopted a position between Forut and UNHCR as far as their relationship to the TRO is concerned. They say that they have a critical approach to TRO, while working with them in some situations.

A former Oxfam employee writes:

It is felt that the LTTE prefers to keep the international presence to the absolute minimum and would like international agencies to fund and develop the capacity of local NGOs. The latter, however, have little potential to negotiate LTTE directives (Brabant 1995: 6).

This quote points out that the LTTE may want agencies to implement through local organisations to avoid the presence of international agencies, presumably in a witnessing role, in LTTE-controlled areas. Another possible interpretation would be that LTTE more easily can acquire resources and have influence on choice of projects when projects are implemented through local organisations. This is suggested by the second part of the quote which maintains that local agencies have little potential to negotiate LTTE directives. A more benign interpretation can be deduced from an argument which says that the LTTE finds that the international agencies are ineffective and that the funds could be put to better use by local organisations.

Mechanisms for influencing the agencies: NGO consortia, bilateral meetings and pressure on local staff

The following quote captures some of the dynamic which characterises the relationship between the LTTE and agencies:

I think the LTTE has always had a very subtle and difficult relationship with the agencies. It seems to come in waves, periods of growing pressure on the agencies, when the agencies get really concerned, and want a collective meeting with the LTTE, etc. and start saying this is becoming unacceptable, the LTTE back off again (11).

LTTE attempts to influence agencies through the NGO consortia, by calling the agencies for joint or bilateral meetings, and through applying direct pressure on local staff, in some cases by abducting local staff.

LTTE pressure on the local NGO consortia, which have been formed in most of the districts in the North and the East, is intended to influence agency activities and reporting. It often has the side effect of intimidating members from local NGOs to such an extent that they fall silent in the presence of the LTTE. For example, from 1992 onwards, TRO began to apply pressure on local SCF staff who attended the meetings of the Jaffna NGO forum. As a result of worries over pressure from TRO, SCF decided

to change its status as a member of the Jaffna consortium and decided to become an observer. This meant that SCF was no longer responsible for statements issued by the consortium. Following the military operations directed at Jaffna in 1995, the consortium decided to write to the Secretary General of the United Nations without consulting all of the members. Consequently, in December 1995, the Field Director of SCF decided to withdraw from the NGO Council of Jaffna. In January 1996, Care changed its status from member to observer. Likewise, Forut resigned its membership of the Jaffna consortium as a result of pressure on the consortium from the LTTE.

Collective meetings between the LTTE and agencies take place infrequently. They are usually linked to either increased pressure from LTTE on agencies, or policy changes underway in the way in which agencies operate. This type of contact is illustrated by a meeting in the Vanni in 1994 between the LTTE, represented by Karikalan, and agencies. The meeting was precipitated by messages from the LTTE to the agencies saying that the LTTE wanted to have full knowledge about projects carried out by agencies. When the agencies objected, LTTE backed off their demands. Another meeting between LTTE and the agencies took place in May 1996, at which time the LTTE was represented by its political wing. The subject of the meeting was agency operations in areas of the Jaffna peninsula cleared by the government. Earlier, the LTTE had indicated that it could not take responsibility for agency security in government-controlled areas, a position which was perceived by some of the agencies as an implicit threat. At the meeting, the LTTE agreed that it would accept the position of the agencies which was that they would follow the population as it returned to the Jaffna peninsula. The LTTE also said that it would not look favourably upon programmes or projects that would go beyond immediate relief, and if rehabilitation or development projects came up they would like to discuss them. They also made it clear that supplies for relief and rehabilitation transported on government ships would be a legitimate target for the LTTE.⁴ At other times agencies would raise issues of concern to the whole group like, for example, problems with drivers having to obtain passports to move in and out of LTTE-controlled areas.

Agencies also have bilateral meetings with the LTTE in the Vanni. According to one agency, these meetings often involve criticisms of the agencies by the LTTE. The message, that is put forward at these meetings, is frequently that agencies are not doing enough, they are not spending enough money, and they should do more work through local organisations:

We get summons to meetings, perhaps once a month. Usually we are treated to: why [are you] so bad at this and bad at that. You are just driving around in cars, the next thing you hear is that [somebody else] has had exactly the same sermon. It is a political discussion. Debate is not really on the cards. It is relatively humbling. It is quite a relief to be allowed to go. Depending on the seniority of the people who go up there, we can raise some issues (14).

Meetings between agencies and the LTTE are often precipitated by pressure from the LTTE on agencies. Staff would then travel from Colombo and into the Vanni to meet with number two or three in the LTTE hierarchy. On these occasions, the LTTE would present their political points of view, advocate for more money to be spent, and for channelling more of the aid through TRO and local organisations. LTTE may also put forward their views about where the agency should work or not work. Discussions are often open and frank. Demands from the LTTE are often met with the argument that the agency has limited resources or referred up the chain to Colombo or abroad. The LTTE also has more indirect ways of approaching agencies. LTTE may show that they are in control of an area by suddenly turning up, for example, during meetings between agencies and local leaders.

Local staff in 'uncleared' areas is under continuous pressure from the LTTE. At one point, LTTE abducted a Redd Barna employee who was said to be close to the IPKF. The person was later released, after Redd Barna threatened to withdraw from the area. On another occasion, Redd Barna staff negotiated with LTTE's London office for the release of other Redd Barna staff. These incidents took place in the late 1980s. When Redd Barna felt that its nurseries were being exploited for political purposes, they were closed. One of the major arguments that agencies have for employing foreign staff in the Vanni is that foreign staff finds it easier to resist pressure from the LTTE. Through

their presence in the Vanni, they also have the possibility of intervening with the LTTE when pressure is applied on local staff.

A working relationship: defining the limits

All the agencies see their relationship to the LTTE as, primarily, based upon practical considerations which results from a need for security guarantees from the LTTE. The bottom line for the relationship between the agencies and the LTTE is that in order to be able to operate in LTTE-controlled areas, the agencies need LTTE's consent and security guarantees. They also need the co-operation of the LTTE with regard to practical issues, such as passes for drivers. The agencies keep the LTTE informed about their activities. They would also seek approval from the LTTE for major changes to their programmes. The LTTE is informed about policy changes. For example, both SCF and Redd Barna informed the LTTE about the policy changes which were taking place as the organisations embarked upon their new policies of focusing on children's rights. The LTTE stated that it was quite agreeable to all things to do with the Convention on Children's rights. LTTE also expressed positive interest in SCF's work on education in the Vanni.

Redd Barna blames some of the problems which they have had with the LTTE on lack of discipline among local commanders. It has argued that the relationship to the LTTE has been easiest in Jaffna which is closest to the LTTE leadership. Redd Barna has not defined LTTE ideologically and does not have a point of view about whether LTTE is fighting a just cause. Forut defines the LTTE and TRO as the 'local authorities' in the Vanni. Most of the contact between Forut and the LTTE happens locally in the Vanni. In spite of the continuous bargaining which characterises the relationship between Forut and LTTE, Forut describes the relationship as close, particularly before Jaffna was captured by the government forces. LTTE has detailed knowledge of the work carried out by Forut. Forut emphasises the importance of providing TRO and LTTE with information as to what Forut is doing. Overall Forut's assessment is that the pressure from the LTTE has not constituted a major hindrance to their work. Concrete

problems are either settled locally or, on special occasions, LTTE's headquarters in London may become involved. This was the case for example when a car was stolen and returned after Forut met with Kittu, a leading figure of the LTTE, in London.

UNHCR tries to maintain regular contact with the LTTE. According to UNHCR staff, regular contact is important in order to avoid problems and to keep a dialogue going on humanitarian issues:

It is important to meet them regularly. The problems come if we do not meet them regularly. If you meet them only once in a while then you get this whole political...as far as we are concerned we get that out of the way. We meet them once a month and then we discuss humanitarian issues. The LTTE leadership understands very well what the UNHCR is about (3).

UNHCR describes its relationship to the LTTE as being very much at a pragmatic, practical level. UNHCR's main contact point is the political wing of the LTTE, at the LTTE headquarters. There are also almost daily contacts between UNHCR field offices and local LTTE commanders. There seem to be three kinds of issues raised at these meetings: security issues, information about UNHCR programmes and sensitive issues of concern to the UNHCR relating to the humanitarian situation. UNHCR operations in LTTE-controlled areas are dependent on security guarantees from the LTTE. These arrangements include the operation of ORCs. LTTE is informed about all UNHCR movements and, as a special precaution, UNHCR only travels during daylight hours. Throughout UNHCR's more than 10 years of operations in Sri Lanka there have not been any casualties involving UNHCR staff. The relative security of the situation for agency staff is stressed by UNHCR staff:

I was there in August, it is really quite nice to see, you are driving through an area where there are mines, snipers and you have nothing except this vehicle with blue flags. The UN means something (13).

In areas which are administrated by LTTE, UNHCR keeps it informed as to what the UNHCR is doing or is planning to do. LTTE is also kept informed about changes in UNHCR policy. For example, the LTTE was informed, and expressed its reservations,

when UNHCR decided to start work with rehabilitation in Jaffna. LTTE knows the UNHCR projects and budgets in detail and questions the UNHCR as to how and why money is spent in certain ways. The LTTE has also questioned the efficiency of UNHCR spending. Karikalan is especially well known among agencies for taking a strong interest in, and having in-depth knowledge about, their work. Agencies see him as being genuinely concerned about the welfare of displaced persons. LTTE also intervenes with individual beneficiaries to make them repay loans with the result that some people are more indebted after the loan than before. UNHCR has closed down its operations two times due to LTTE actions. On the first occasion, in November 1993, LTTE instigated demonstrations in the Madhu camp protesting against a drop in the food rations provided by the government. UNHCR temporarily closed the camp (UNHCR 1993). The second incidence occurred when LTTE took two motorbikes which had been provided to local NGOs on Mannar Island. Eventually, UNHCR suspended operations both in 'cleared' and 'uncleared' areas and the motorbikes were returned.

The relationship which agencies have with the LTTE is different from the relationship which the agencies have with the Sri Lankan government:

We do not deal with the LTTE when they are administering the area like we would deal with the Sri Lankan government. For example we would identify an area where we would expand an open relief centre, and we would tell the LTTE, look, is this OK, or do you anticipate any military activities in this area. We keep them informed. It is not a dialogue (13).

This quote illustrates a general reluctance from the agencies to become involved with the LTTE, beyond securing an acceptable working environment.

5.2 Agencies and the government: between the Government Agents and the Ministry of Defence

The section below focuses on some of the problematic aspects of the relationship between the agencies and the government. These problems must, however, be

understood within an overall framework where the government a lot of the time grants the agencies access across the Forward Defence Line and into LTTE-held areas. The government and the agencies have, over a long period of time, developed a working relationship, despite all its limitations. As one agency employee put it:

To summarise, it is respect for the flag, and I think also because we have been here a long time, we are trusted. They trust us, but not a 100%. (3)

Access and permits: the main constraints on agency operations

One of the agencies summarises the position of the government on access to LTTE-controlled areas in the following way:

It is a game. It is brinkmanship by the government. They let the situation deteriorate and at the last moment they give in. The food situation. They sabotage. When the story is becoming grisly, when there are lots of children dying and suddenly before it explodes they change. It is very difficult to plan. Difficult to work. There are never any major crisis because just before that happens they change and give in. Especially with medicines...The government feels that the medicine which goes in goes to the LTTE, to treat LTTE cadres. Again, the government can not prove that (16).

The policy of the government is seen by agencies as unpredictable and without consistency. For all the agencies, access is the main constraint on their work in LTTE-held areas. Since 1990, when the economic embargo was reimposed on LTTE-controlled areas, restrictions on bringing in goods have been the main constraint on agency operations. Permissions have to be obtained for goods and people with exact dates and travel plans. Answers to applications are often severely delayed or answers are not provided. At times almost all items have been covered by the embargo. This was for example the case in the period before the government captured Jaffna in 1995, leading to a serious deterioration in the food situation in the peninsula. On the one hand, the government has taken on a humanitarian role in supplying food to the displaced. On the other hand, the government makes it extremely difficult for organisations to work because of restrictions on permits.

Forut's ability to exert pressure on the government is limited by its need for government approval to gain access to the North. After the government took control of Jaffna town in the summer of 1995, all the agencies had to apply for permits to restart activities in Jaffna. Forut was not, unlike Care, SCF and the UN agencies, given a permit until the autumn of 1998. It is not clear to Forut why the Government of Sri Lanka refused the organisation a permit. Forut fulfilled the general requirements for work in Jaffna which were previous presence of the agency in Jaffna and employment of an expatriate in charge of the operation. The government did not give any explanations regarding the difficulties that Forut had in obtaining permission for work in Jaffna. The impression that some NGOs had was that Norway is perceived by the Sri Lankan government as a Tamil friendly country and that Forut could not be trusted to be neutral.

The government, represented by the Ministry of Defence (MoD), routinely turns down Oxfam requests for permits to bring goods into the Vanni. For example, the government rejected a request to bring in a drilling rig for wells worth £170,000 and requests to bring in emergency shelter during the Jaffna emergency in 1995. Explanations were never given as to why permits were granted, or not, or as to why they were granted to one organisation and not another:

There was never any rationale as to why permits were granted or not or why they were granted to one organisation and not another. We felt that we had no way of figuring out what the logic was (11).

Oxfam has questioned the consistency of the government's policy in relation to access to the Vanni. On the other hand, in Oxfam's view, there have been serious failures relating to co-ordination between the agencies allowing the government to get away with their restrictive policies. Inflated requests have been presented. Agencies have applied for the same goods and requests have not been chased up after they were submitted. Co-ordination between agencies has been improved recently. Applications have been streamlined and information about applications has been exchanged.

Redd Barna was unable to obtain approval from the Sri Lankan Ministry of Defence to restart activities in Jaffna. The agency was not willing to employ an expatriate in Jaffna which was the government's condition for a renewed permission to work in Jaffna. Consequently, Redd Barna decided to discontinue its activities in Jaffna.

In spite of a number of formal and informal contacts with various government bodies at different levels during the year, Redd Barna was not authorised by the Ministry of Defence to reopen its programme in Jaffna. The reasons for this are not clear. SCF (UK) is allowed to operate, having an expatriate present (Redd Barna 1998:4).

Redd Barna was also denied travel permits to assess the situation on the peninsula (Redd Barna 1998: 4). Before closing its office, in June 1997, Redd Barna identified a local partner, HUDEC, a church based organisations, to implement its pre-school programmes. Redd Barna's view of government policy is that Redd Barna acknowledges that the government has a legitimate need to control the activities of NGOs. Redd Barna has described the organisation as guests in Sri Lanka.

In UNHCR's view, and the view of the NGOs, UNHCR has easier access to the North than the NGOs. UNHCR transport has been requested by the government during periods when the government has denied NGOs access to the Vanni. Nevertheless, UNHCR's work is subject to many of the same restrictions as the work of the NGOs. In its guidelines for microprojects produced in 1997, UNHCR states that one of the selection criteria for support to microprojects is that the inputs should not be subject to MoD restrictions. Restrictions on access to and from LTTE-controlled areas make it difficult to supply the required inputs, such as cement, steel items and fertiliser, at an appropriate standard and at the planned time. Consequently, planning is made difficult. Because inputs produced in the Vanni often is of an inferior quality, breakdowns are common. Sale of products outside the Vanni is also restricted by the very limited transport facilities and limitations on getting permits to travel out.

One story, which illustrates the problems which agencies have come up against, is the process which led up to the approval of an application from an agency to bring radios into the war zone. At first, the government refused to let agency staff in the Vanni have

radios. Agency staff explained to the government that LTTE does not need radios as they have advanced satellite equipment. After a long delay MoD, agreed to permit radios into LTTE controlled areas, but on the condition that the radios were of a certain model so that frequencies could not be changed. Consequently, old fashioned radios from agency operations in Africa, were obtained.

Co-ordinating with the government: whom do you talk to?

Several of the agencies have remarked that key government officials are difficult to access, and that there is a lack of co-ordination of the relief effort on the government side:

It is not so much in terms of the physical assistance of our operations as it is in terms of the dialogue, I think that that is probably the most dissatisfactory part of this work here, in terms of, we have good dialogue with various parties, but the sort of co-ordination or leadership from the government side (3).

On the government side, the responsibility for co-ordinating the work of the agencies in the North rests with the Reconstruction and Rehabilitation Authority for the North (RRAN). However, being a relatively small agency with little resources and authority, the degree to which RRAN can provide co-ordination and leadership is limited. The agencies' dealings with RRAN are further complicated by the fact that final decisions regarding the work of the agencies in the North of Sri Lanka, are not made by RRAN. They are made by the Ministry of Defence. According to some agency staff, this makes it difficult to work. MoD is seen by agencies as hard to access and unpredictable in the way applications are handled.

During the Jaffna displacement, Oxfam found it difficult to approach the Sri Lankan government to lobby for access, because the responsibility for relief was not clearly assigned to one particular unit within the government. Even if discussions were held with responsible people within the administration, for example, with the focal point, which was appointed to have dealings with humanitarian agencies, the real power to

make decisions rested with the MoD which Oxfam could not get through to. Apart from a meeting with the secretary to the Defence Minister, a civil servant, shortly after his appointment, in July 1995, Oxfam found that they could not access the senior military within the MoD. Oxfam also felt that discussions which were held with the Foreign Ministry were not helpful. Because of the lack of communications, there was no possibility of starting a dialogue which could explain Oxfam's position and points of view. Oxfam argued vis à vis the government that they were very much aware of the government's fear that bringing in material would help consolidate the displacement, and that their material would be designed to leave it to the displaced where they wanted to go. In addition to the lack of communication, Oxfam also felt that the government did not have a policy in relation to internally displaced people. Like Oxfam, other agencies have found the Sri Lankan government bureaucratic and difficult to approach because there is not one single decision making authority with whom the organisation can deal.

When exchange works: linking up with the Government Agent

All the agencies state that they, generally, have good working relations with the Government Agent. Forut says for example:

We definitely have a very good and positive relationship to the Government Agent. This relationship has become both personal and direct; they are squeezed between the two parties. They do appreciate the work of the international organisations (17).

Forut co-operates very closely with the Government Agents, for example by providing relief supplies at the request of the Government Agent, and by funding the Government Agents' requests for rehabilitation work. Forut also provides Government Agents with transport, as their means of transport is very limited, given the restrictions on vehicles and fuel in LTTE-controlled areas. Forut also facilitates meetings with people at the local level.

Like Forut, Oxfam works closely with the Government Agent in relief work, both by providing relief through local Government Agents and by giving them discretionary relief funds. However, the relationship to the Government Agents is ambivalent because military and political considerations sometimes influence the Government Agents' decision-making. According to Oxfam:

It is very important for the government to show that people are coming out of the uncleared areas and that they are better off in the newly cleared areas (18).

The strong position of the Government Agent in some districts has raised the issue as to whether agencies have become implementing agencies for the Government Agent. Is the Government Agent assigning projects to the agencies, rather than co-ordinating projects that have been initiated by agencies? Oxfam says that, in general, they are able to work where the needs are, and they have not been pushed into working in areas where Oxfam does not think there are needs. This is a concern which has also been voiced by UNHCR. The Government Agent is the Chair of the District Review Board which handles UNHCR microprojects.

UNHCR has argued that its excellent and close working relationship with the competent Sri Lankan authorities, specially at the local field level with Government Agents and officials in line ministries, was fundamental in the development of UNHCR's role in facilitating the reintegration of returnees in their home areas (UNHCR 1989: 3). UNHCR has continued to have a good working relationship with local government representatives. The relationship is particularly close in Vavuniya where the Government Agent and the UNHCR are located in the same town and meet on a weekly basis. The Government Agent benefits from the relationship to the UNHCR in a number of ways. UNHCR provides him with transport and means of communication for his travel in 'uncleared' areas. The UNHCR may also provide resources in 'uncleared' areas making it easier for the Government Agent to accommodate the LTTE. When the Government Agent submits project proposals to the UNHCR, he knows that these projects are usually implemented without further worries for the government administration. A good relationship to the Government

Agent is also critical to UNHCR, as he is the person designated by the government as responsible for the transport of food and medicines into the Vanni. All transports of food and medicine into the Vanni go through Vavuniya.

Engaging with the government: funding, scaling-up and getting things started

In its most recent policy document Forut states that:

Forut's collaboration with the Government is an essential precondition for a successful operation. Forut's intention is not to take over tasks, which naturally belongs to the Government but based on clear agreements supplement official service... (Forut 1998: 18).

In order to obtain a permit to work in Jaffna, Forut complied with the general policy of the Sri Lankan government for Jaffna. This policy stated that funds should be channelled through the government. Forut planned to use a variety of government agencies as implementing partners, including the National Youth Service Council, the Provincial Health Director, the Department of Education, the Divisional Secretary and the Palmyrah Board (Forut 1997).

Oxfam characterises its relationship with the government as one of 'suspicious co-operation' (Oxfam 1996: 91). Oxfam has employed former government officials as project officers, thereby securing close links with the government's administrative departments. Oxfam's policy is to work closely with government departments when it is likely to benefit people. This co-operation has the potential of influencing government policy more widely throughout the country.

We have no problems working with the government and we see some positive advantages provided they are reasonable partners. It has the potential of influencing government policy more widely throughout the country (15).

In line with this policy, Oxfam funds health workers in the Vanni through the Ministry of Health.

Redd Barna states in its policy document on partnership that:

When working with government or political bodies, Redd Barna will endeavour not to act as an instrument of their policy, except in so far as it coincides with Redd Barna's own independent policy (Redd Barna 1997: 5).

Redd Barna has a general agreement with the Ministry of Plan Implementation which has provided Redd Barna with a large extent of freedom to work in Sri Lanka. Redd Barna describes its relationship to the Sri Lankan authorities as twofold. On one hand, Redd Barna has a lot of leeway to develop projects with the local population in areas in which Redd Barna is working, without any kind of interference from the authorities, except for relief work in the North which is subjected to strict controls by the authorities. On the other hand, a general climate of suspicion towards NGOs has put pressure on NGOs. Accusations that Redd Barna has been Tamil friendly have made work unpleasant at times. These accusations have not been followed up by any further restrictions on the work of Redd Barna. Redd Barna implements large educational projects in partnership with the government in some other countries. However, Redd Barna has only to a limited extent entered into partnership with the government in Sri Lanka. This has been the case because of the nature of Redd Barna projects in Sri Lanka, and because such an arrangement would have made it more difficult for Redd Barna to appear neutral throughout the conflict. Redd Barna has always worked with local line ministries. Redd Barna has not had any agreement with the Ministry of Education or the Ministry of Health at the national level, except in the 1970s when Batticaloa Public Health System was built up with the assistance of Redd Barna.

In its work with the Child Rights Convention, SCF has wanted to work closely with the Sri Lankan government. SCF's work with the education authorities in the North-Eastern Provincial Council has been a test case for this approach. SCF aims to influence a new educational policy for the North and the East of Sri Lanka, mainly by focusing on the development of a new curriculum, which would be adapted to a conflict situation, and by training for pre-school teachers. If this approach is successful, SCF sees great opportunities for scaling up its work in this area. An Early Childhood

Development Unit has been set up within the North-East Provincial Council. This close collaboration has been facilitated through the collaboration of the secretary to the Educational Minister based in the North-East Provincial Council.

It is UNHCR's policy in Sri Lanka to work closely with the government and, in particular, to support government policies in relation to finding durable solutions to the problems of IDPs and returnees. However, UNHCR staff stress that they do not want to do things which the government should be doing. For example, all the camps which were originally set up to receive returnees from India have been taken over by the government. The last two were Pesalai in Mannar Island and Alles Garden in Trincomalee (see map page 12). The Open Relief Centres are also run by the government, with practical and operational monitoring from the UNHCR which is also responsible for bringing in materials. UNHCR's counterpart at the national level is RRAN. At the district level UNHCR works closely with the local administration, either Government Agents or Assistant Government Agents.

UNHCR microprojects are implemented in close co-ordination with the local government through a system which was started in 1995. The system was designed to involve district level government in project planning and decision-making and, to some extent, also in implementation through the establishment of District Review Boards. District Review Boards were set up to increase transparency of the microproject programme, improve agency capacity through appropriate feed-back mechanisms, streamline the approval process and strengthen inter-agency decentralised planning at the district level (UNHCR 1997c). Project proposals are submitted to the District Review Board which has the authority to approve projects up to Rs. 500,000 (approximately £6500). Projects over Rs. 500,000, or projects which fall outside the agreed project criteria, must be submitted to the Selection Review Board in Colombo. The government is represented by the Rehabilitation and Resettlement Authority for the North and the East (RRAN) and the Ministry of Shipping, Ports, Rehabilitation and Reconstruction.

Theoretically, ideas for concept papers and project proposals are supposed to come from NGOs which are mediating the needs of communities and which are supposed to be 'our feelers at village level'. Local NGOs are trained by UNHCR in participatory rural appraisal (PRA), but the extent to which PRA is applied is unclear. Rather than being a result of PRA, projects are often a result of the requests of community based organisations. Microprojects are also often initiated by the Government Agent who suggests projects which fit into the resettlement plans of the district. The Government Agent would then allocate projects to the agencies according to the profile and priorities of the agencies. Microprojects which have a technical component are generally implemented in close co-operation with the relevant technical departments of the government whose officials are sometimes paid to monitor or review implementation. For construction projects, for examples schools and dispensaries, the agreement is most often that the building is transferred to the government upon completion. According to a UNHCR review of the microprojects, increased government participation has had a positive impact on the overall programme by encouraging greater government input into, and responsibility, for the programme.

5.3 Summary: agency responses: withdrawal, avoidance, compromise, closer collaboration and dialogue

The agencies working in the North have a multifaceted relationship to the LTTE. On the one hand, they generally have a good working relationship in terms of security arrangements. They are also often able to agree on priorities for the work of the agencies. On the other hand, agencies at times experience undue pressure from the LTTE. Firstly, LTTE wants the agencies to bring in as much material resources as possible and to use the resources in areas, and for projects, which the LTTE suggests. Secondly, LTTE applies pressure on the agencies to persuade them to implement through local organisations. The LTTE exerts this pressure through the NGO consortia and pressure on local agency staff, as well as through meetings between the LTTE leadership and the agencies in the Vanni. Despite this pressure, all the agencies have what they call 'working relationships' with the LTTE which involve different degrees

of communication and dialogue with the LTTE. The agencies approach the need for a dialogue with the LTTE differently. Some agencies, such as UNHCR, actively seek a dialogue with the LTTE. On the other hand, Oxfam avoids contact with LTTE to the extent possible. Agency policies, regarding the extent to which they work with TRO, range from being opposed to implementation through TRO in principle, to pragmatic implementation through TRO on the grounds that TRO is the most effective implementing agency.

Agencies respond to pressure from the LTTE by engaging in dialogue or negotiations with the LTTE at different levels, depending on the issue. Negotiations often take place at the top level, with the political leadership. The outcome of the negotiations falls into three categories. Firstly, a compromise may be reached between the agencies and the LTTE whereby the agencies, for example, agree to implement certain projects through TRO. Secondly, faced with unacceptable pressure, agencies may decide to withdraw from a local area until the LTTE accepts agency conditions. Thirdly, agencies resist LTTE pressure and the LTTE backs down. Another approach to LTTE pressure is to prevent being pressurised in the first place by designing 'unattractive' projects. This means that the projects do not involve resources which are attractive to the LTTE. In Oliver's terminology, this approach amounts to an avoidance strategy (Oliver 1991).

The agencies in this study have found it difficult to implement a policy of partnership in LTTE-controlled areas because of LTTE's influence on local organisations and a lack of capacity among local organisations. I shall discuss this finding in chapter seven in relation to the idea that NGOs should contribute to building civil society.

Control over agency access to LTTE-controlled areas is the carrot and the stick which the Government of Sri Lanka uses to keep agencies in line. The restrictions on permits are the main constraint on agency work in the Vanni. Every movement in and out of LTTE-controlled areas is carefully monitored by the government. Permits to work in the government-controlled areas of the Jaffna peninsula were only approved after agencies agreed to work according to government guidelines. These guidelines included implementing programmes through the government and employing expatriate

personnel. The episode with the radio demonstrated, particularly to the UN agencies, the government's capacity, and will, to go through with a policy which did not make sense to the agencies. It does seem that the agencies are treated differently by the government in terms of being allocated permits, and that it has been easier for UNHCR to obtain permits than it has been for NGOs. Another problem which the agencies have pointed out in relation to the government is that they find it difficult to access government officials and to engage in a fruitful discussion and dialogue on assistance issues.

However, in spite of the tensions at the national level, collaboration between the government and agencies take place at the level of the Government Agents who co-ordinate relief and rehabilitation activities at the district level. All the agencies report a good relationship to the Government Agent, and it seems that this is because a collaborative relationship works to the advantage of both parties.

Rather than responding to problems by withdrawing from collaboration with the government, some of the agencies have stated that they want closer collaboration. None of the agencies have developed policies whereby they distance themselves from the government. The mechanisms for government-agency collaboration vary. They include agency funding of government personnel and agency involvement with government departments based on the idea of scaling up. Agencies may also initiate services which are then taken over and run by the government.

Chapter six looks at how agencies implement their advocacy mandates which potentially set them on collision course with the government and the LTTE. In other words, how do the agencies handle issues which potentially may create confrontation within a context where they depend on good relations with the combatants for access to beneficiaries?

Endnotes

¹ Oxfam's Strategic Plan 1992, Section 3.2.4, quoted in Plastow 1996

² This is a paragraph from a memorandum written by one of the NGOs to a donor.

³ Interviews with Redd Barna staff

⁴ Interview with agency employee (14)

6. CONFRONTING THE COMBATANTS: IMPLEMENTING AN ADVOCACY MANDATE

All of the agencies in this study see advocacy as part of their mandate. In the first chapter, I suggested that advocacy necessarily involves criticisms of the combatants, and that advocacy may lead to conflict with the government and the LTTE. I asked how agencies manage this dilemma alongside their work in a service delivery role. This chapter identifies the advocacy mandates that the different agencies have, and analyses the strategies which agencies adopt in order to implement their advocacy mandate

The first section outlines the mandates and policies which the agencies have for advocacy work. The second section looks at the strategies which agencies adopt to get their message through to the combatants. Towards the end of the section, I examine the formats which agencies use when they raise issues with the combatants, including their approaches to going public with information. The third section analyses how agencies lobby internationally in pursuit of their advocacy goals.

In chapter three, I looked at different advocacy concepts from the NGO literature. Within a humanitarian context, Médecins Sans Frontières defines advocacy in the following way:

Being present among the victims and speaking out about their plight in order to improve their basic living conditions and to protect their fundamental human rights (Milliano 1996: 13).

This definition points to an important characteristic of advocacy within the context of complex emergencies. Humanitarian agencies are often present among the victims of violations of humanitarian and human rights law. Consequently, they have access to information about these violations, and the question which the agencies are faced with is: what should they do with this information?

6.1 Mandate and policies: moving beyond the right to food

I shall first, briefly, provide a description of where the Sri Lankan government and the LTTE stand in relation to key humanitarian and human rights instruments. The Sri Lankan government is a signatory to the Geneva Conventions of 1949, in which article three deals with internal armed conflict, but not to the Additional Protocols of 1977 which treat internal armed conflict in more detail. In February 1988, the LTTE declared its commitment to act in accordance with humanitarian law at all times. As for the LTTE's pledge to abide by humanitarian law Amnesty International states:

We have noted the LTTE's announcement in February 1988 that it would abide by the provisions of the Geneva Conventions and its Optional Protocols I and II. Despite the LTTE's continuing pledges, we have received consistent reports that it fails to do so (Amnesty International 1995: 2).

Amnesty International goes on to list a series of areas where the LTTE acts in breach of international human rights and humanitarian law. These actions include killings of civilians, torture and killing of prisoners, kidnappings for ransom, incommunicado detention and lack of access for the ICRC to Tamil civilians held by the LTTE and to members of Sri Lankan security forces held by the LTTE. (Amnesty International 1995: 2). In connection with the visit, in May 1998, of the UN Special Rapporteur on Children, Olara Otunnu, the LTTE leaders undertook to observe the provisions of the UN Convention on the Rights of the Child and to refrain from recruiting children or engaging them in combat. They also agreed not to impede refugees to return to their home areas or to interfere with humanitarian aid (Sri Lanka Monitor, May 1998: 4).

The Sri Lankan government has taken several legal and institutional steps to improve its human rights record. These include the establishment of a national Human Rights Commission, commissions set up on a regional bases to investigate disappearances and ratification of the Convention Against Torture. However, following operation Riviresa to capture Jaffna in 1995, extrajudiciary executions, "disappearances", torture and arbitrary arrests continued to take place under the Prevention of Terrorism Act and Emergency Regulations (Amnesty International 1996).

Humanitarian law and human rights law: defining the principles

UNHCR has discussed and developed its dual protection and assistance mandate further than NGOs. Therefore, I shall use the debate within the UNHCR and the position of the UNHCR as an introduction to the relevance of humanitarian and human rights law in internal armed conflicts, and to the dilemmas faced by agencies which take up both protection and assistance. As noted in chapter two, Sri Lanka was the first country in which UNHCR started to work with internally displaced people. UNHCR's mandate, as defined by the Refugee Convention of 1952, states that UNHCR's responsibility is for refugees. UNHCR's protection role vis à vis internally displaced people is much less clear. The UN General Assembly has reaffirmed UNHCR's role in providing both assistance and protection. Unlike what has been the case for returnees, there is no Memorandum of Understanding between the UNHCR and the Sri Lankan government as to the role of UNHCR in relation to internally displaced people. The responsibility for protection rests with the Sri Lankan government. Any efforts undertaken by the UNHCR to effectively widen its mandate to include internally displaced people have to be negotiated with the government.

There are three bodies of law which are applicable to the work of UNHCR: the Refugee Convention, international humanitarian law and human rights law. In refugee situations, UNHCR's operations are based on the 1951 Refugee Convention. In situations of internal displacement, the Refugee Convention does not apply. Other bodies of law, primarily international human rights law and humanitarian law, provide the framework for the protection of internally displaced people. The principal sources of humanitarian law are the four Geneva Conventions of 12 August 1949 as well as Additional Protocols I and II of 1977. The Geneva Conventions are the world's most widely ratified multilateral treaties. Most of the provisions in the Geneva Conventions are applicable to conflicts between states. Protocol II which is applicable in non-international conflicts is not as widely adopted¹. Article three of the Geneva Conventions, which is common to the four conventions, deals with internal armed

conflict. The article outlines the principle of humane treatment without discrimination of persons taking no part in active hostilities and provides for the collection and care of wounded and sick. The article also says that an impartial body, such as the International Committee of the Red Cross, may offer its services to the parties to the conflict. Human rights law² remains applicable in situations of internal conflict but its rights and guarantees are increasingly subject to restrictions and derogations³, except for the core of non-derogable rights. Human rights law, generally, restrains the abusive practices of only one party to the conflict, namely, the government and its agents. Humanitarian law binds both parties to the conflict. Article three imposes obligations on both parties to the conflict for the protection of people who do not, or who no longer, take an active part in the hostilities.

Because internally displaced people remain within the territorial borders of their own state, the primary responsibility for their protection and well being rests with their own government. UNHCR stresses that UNHCR's protection role should not be a substitute for national protection, but rather a support to it. In the case of Sri Lanka, the Sri Lankan government has accepted this responsibility, and has been the main provider of assistance to internally displaced people both in government-controlled and LTTE-controlled territory. The protection division of UNHCR argues that under conditions where governments are unable to meet the needs and guarantee the rights of their citizens, the UN and NGOs may assume a certain protection role on an ad hoc basis. Protection activities may encompass monitoring of the situation, comparing it with appropriate standards and seeking ways to redress violations and to enhance national protection. However, according to UNHCR, 'lack of guidance on applicable legal standards has created problems and uncertainties' (UNHCR 1996).

To remedy this situation, UNHCR published a reference manual for UNHCR staff on protection issues which draws on human rights law and humanitarian law. Amongst the provisions applicable to internal armed conflict are the following:

1. Prohibition of attacks against displaced persons and other civilians living in combat zones (Prohibited by customary law, reflected in General Assembly Resolution

2444 (XIII) of 19 December 1968). The complementary principle is the need to distinguish civilians from combatants at all times.

2. The right to food which is related to the non-derogable right to life. Common article three of the Geneva Conventions provides for the humane treatment of all persons including internally displaced persons who do not, or no longer, take an active part in hostilities. Protocol II, Article 14, prohibits starvation of a civilian population as a method of combat.

3. Conditions under which displacement may take place. Under human rights treaties, the freedom of residence and movement is derogable during genuine emergencies and governments may be allowed to temporarily suspend these freedoms during internal conflicts. However, article 17 of Protocol II, as a general rule prohibits the forced movement or displacement of civilians, 'unless the security of the civilians involved or imperative military reasons so demand.' In such cases, there is an obligation to take 'all possible measures' for a reception of the displaced under satisfactory conditions of safety. The right of internally displaced persons to return to their place of origin or residence, as derived from the guarantee of freedom of movement and residence, is derogable.

4. The practice of forced disappearances is not mentioned explicitly in common article three, nor in Protocol II, and must be inferred from the guarantees which prohibit violence to life and person, outrages upon personal dignity and the passing of sentences and carrying out of executions without due process (common article three) and provisions dealing with humane treatment (articles four, five and six of Protocol II).

5. The prohibitions against torture and cruel, or inhuman, treatment are non-derogable in human rights law and fully applicable in situations of internal armed conflict. In addition, acts of violence and, particularly, torture are proscribed in article three common to the Geneva Conventions and in article four of Protocol II.

6. The right to one's liberty can be derogated from under human rights instruments that contain derogation clauses. However, article five of Protocol II refers to persons who are 'deprived of their liberty for reasons related to the armed conflict', and thereby implicitly allows for the internment or detention of internally displaced persons.

7. Protocol II, article 4(3) prohibits the government and opposition groups to conscript children under the age of 15. UNHCR and NGOs are supporting work to raise this age limit to 18 years.

8. As for the health care needs of people affected by war common article three requires the parties to treat humanely persons who do not, or no longer, actively participate in the hostilities and to collect and care for the wounded and sick. Protocol II further elaborates on this obligation (UNHCR 1996).

As Table 3 illustrates, the rights which are of particular concern to the UNHCR: the right not to be displaced, freedom of residence, freedom of movement and the right of return, all belong to the derogable rights. Thereby, they become less straightforward to enforce as the combatants could argue that the imperatives of the war situation allow for non-compliance with these rights.

Table 3: Non-derogable and derogable rights

<i>non-derogable rights</i>	<i>derogable rights</i>
prohibitions against attack on civilians	right not to be displaced
prohibitions against torture and cruel and inhumane treatment	freedom of residence
right to food	freedom of movement
prohibitions against disappearances	right of return
	right not to be detained/interned

Children's rights: a new advocacy instrument

The adoption of the Convention on the Rights of the Child (CRC) provided SCF and Redd Barna with a legal framework for their work with children. This framework has since been integrated into the mission statements of both organisations. Since the mid-nineties, SCF has worked to implement CRC, focusing specifically on children in conflict, while also doing some work in areas like exploitative child labour and sexual

exploitation and children who are outside of society (street children and children without birth certificates). SCF's mission statement states that:

SCF works to achieve lasting benefits for children within the communities in which they live by influencing policy and practice based on its experience and study in different parts of the world. In all its work SCF endeavours to make a reality of children's rights (SCF 1997a: 1).

SCF's new strategy is implemented through:

1. Production and dissemination of written material about the situation of children in Sri Lanka.
2. Reporting, with other NGOs, on the follow up of the CRC, focusing on explaining failure to implement the report.
3. Support for local organisations which are engaged in children's rights issues.
4. Support for the CRC forum within the Consortium of Humanitarian agencies
5. Close collaboration with the North Eastern Provincial Council to implement a new educational policy for the North and the East, including funding.

SCF Sri Lanka sees the CRC as a suitable instrument for the promotion of children's rights vis à vis governments. The Convention provides for procedures and mechanisms both on the government side and the NGO side which are intended to help ensure implementation of children's rights. As the Sri Lankan government has ratified the CRC, the next steps on the government side would be to incorporate children's rights into national law and integrate children's rights into government policies. The government also has reporting obligations vis à vis progress on implementation. However, the government has limited expertise and capacity to follow up its reporting obligations. There is no comprehensive and consistent policy from the government in this area. Work on the follow-up of CRC picked up speed amongst the NGOs from late 1996, when child rights organisations met up for a regional meeting to look at how to prepare for the first of the five-year reporting cycles. That year, the UN released a set of guidelines on reporting for the first five years, basically looking at process indicators:

I think it was when we started looking at that material we started to understand what exactly it was we were supposed to be doing and how the process was supposed to be working. We were pushed to think

about: what are we looking for? It is quite a comprehensive set of guidelines. The guidelines inspire a lot of thinking. It is not how many percentage of the children have been immunised, it is more saying if Sri Lanka has say 87% of coverage or whatever it is, let us analyse the 13% who remain and find what the problems are. To what degree has anybody tried to do anything about that 13%? So the reporting basically looks at the 13% rather than at the success of it. For the whole of the Convention this is a set of guidelines for what to look for....it transfers the convention into real life situations, that is what stimulated the interest. For example in terms of peace, you have to sit down and really look at plans of action and that is what is happening now (19).

Like SCF, Redd Barna has refocused its work towards CRC. In its present country programme strategy, Redd Barna aims to develop and increase the importance of advocacy by supporting local organisations and specialised agencies. Advocacy is seen as the main tool for achieving Redd Barna's overall objectives of promoting children's rights and children's participation (Redd Barna 1996: 3). This strategy has been developed using the CRC and the Machel report as points of reference:

It provides us with backing. I think the Convention is the most useful tool that we have. When so many countries have signed up, they are accountable in a way. We are justified in telling a government: you have signed the convention and the report is due by Christmas. What kind of assistance do you need in order to finalise the report? We have helped writing many reports complimenting government reports and we have also helped governments produce reports when they have had insufficient capacity (20).

When contrasted with Redd Barna's previous advocacy policy, it becomes even clearer how the Convention has created the framework for agencies to do advocacy work:

During the recent years, advocacy as a programme component has been virtually non-existent. It was considered too complex and sensitive (Redd Barna 1996:12).

In Redd Barna's view, local organisations are more suitable for advocacy work than international organisations which can easily be dismissed as foreign. Redd Barna's advocacy strategy is implemented through three partner-organisations. Subodi aims to promote communication between different communities through programmes for children. Lawyers for Human Rights and Development is working to establish a

Children's Desk which will promote children's rights. Inasia is documenting the situation of children in selected villages. However, there are situations when Redd Barna may consider direct advocacy. This was the case when the government brought child soldiers from the war areas to Colombo for a press conference in the autumn of 1998. UNICEF responded by a general statement. Redd Barna and SCF were about to issue a joint statement when they retreated because they were uncertain about what the effects of an additional statement would be. The head-office in Oslo advised that a carefully designed advertisement in the newspapers, aimed at informing the public about the issue of child soldiers, might be a better way of responding.⁴

Peace: people's priority

Oxfam's report 'Listening to the Displaced', which was based on interviews with displaced people in the Vanni, concluded that the people who were interviewed wanted the international agencies to focus on advocating for peace (Oxfam 1997). The same finding was made among villagers in the East of Sri Lanka where many villagers mentioned the witnessing role of NGOs (Goodhand and Lewer 1999). However, except for Forut, none of the organisations in this study have peace as part of their mandate. Nevertheless, all of the agencies work to a limited extent with reconciliation at the community level. Most often they either fund local organisations which are involved in that kind of work or they work with all three communities within one project or programme. All the agencies define reconciliation at the level of national institutions as too political and outside of their mandate. The following quote captures this approach:

As far as the peace process is concerned this is something we can not work with because that is a political issue....We emphasise the rights of people there and peace is essential for that. We do not say it just like that, why do you not stop it etc. but the need for the respect of the human rights of the people there, that is the role that we play. Our position is of course that peace is the best ingredient for that. On a day to day basis we do not really talk to the government like that (13).

Forut is the only agency in this study which defines promotion of peace and harmony as part of its mandate. Peace is seen as a prerequisite for achieving development:

The mission of Forut Sri Lanka is to strive to improve the living conditions of the people by acting as a catalyst in building up and strengthening local groups/organisations in order to improve the socio-economic situation of the marginalised, fight alcohol and drug problems, promote peace and harmony among communities while providing humanitarian assistance in times of need (Forut 1998:3).

Forut's vision reflects the principles of the International Organisation of Godtemplars (IOGT).⁵ Forut readily admits that to implement all aspects of its mandate is very difficult. Beyond the issue of the right to food, Forut takes a cautious approach to advocacy in its work in Sri Lanka. The agency does not get directly involved in issues relating to the conduct of war and advocating for peace. This position has been developed as a result of hostility from the Sri Lankan government towards people and organisations taking an active role in relation to the peace issue:

In fact the authorities display a hostile approach to anyone trying to offer their assistance. It is therefore not the policy of Forut Sri Lanka for the time being to actively involve themselves in the peace issue inside the country (Forut undated: 3).

However, Forut provides support to organisations working on the peace issue, and the organisation is trying to work with different ethnic groups at the local level. Forut has organised courses together with the Quaker Peace Service. Forut has also worked internationally in support of peace through sponsoring and participating in conferences related to peace issues.

Opening up for advocacy: balancing advocacy and access

Until the mid-90s Oxfam's advocacy work was minimal except for:

...practical matters that concerned relief and rehabilitation and therefore something that the government sees as part of our legitimate concern (Plastow 1996).

This was the case both for the country office and for the desk in Oxford. Advocacy was seen to be the domain of the Sri Lanka NGO Forum of which Oxfam was not a member. However, the 1992 strategy had opened up for advocacy on issues relating to relief and also for briefing the government and the military about the situation on the ground. A more active advocacy role was sparked off with the mass displacement in the autumn of 1995 (Oxfam 1996). In its 1996-2000 strategy, Oxfam states that the organisation will engage in policy dialogue with or on behalf of those who are most negatively affected, but advocacy can under normal circumstances not become Oxfam's primary activity (Oxfam 1996:16). However, 'advocacy (was) being more consciously considered as of 1995' (Oxfam 1996:39). In other words, Oxfam's strategic framework 1996-2000 cautiously opened up for an advocacy role, but without providing any clear guidelines for this work. Consequently, decision-making was left with people in the field. At the programme level staff faced a range of issues: over what kind of issues should Oxfam engage in advocacy work, when, if at all, should Oxfam go public and how should the organisation balance advocacy and relief? Oxfam's advocacy role was linked to ensuring that people's basic rights are met. In its Charter for Basic Rights, Oxfam defines the ten basic rights as the right to enough to eat, clean water, a livelihood, a home, an education, health care, a safe environment, protection from violence, equality of opportunity and a say in their future. In a situation of displacement, people are frequently deprived of all these basic rights.

Oxfam's dialogue with the Sri Lankan government has focused on food security, water needs and other basic rights relating to displaced people. The question of access has been the key to the discussion. However, some of the issues which are linked to access to the North are not clearly within Oxfam's mandate, and there are no clear guidelines as to whether these issues should be raised with the government. Issues related to human rights law and humanitarian law is formally not within Oxfam's mandate. These issues are not raised formally with the combatants:

We are not primarily a human rights organisation. We are not making judgements based on actions in the battlefield. We do not deal with the armed side of this conflict. It is a tightrope...it has been difficult. I just think it requires very thick skin basically (18).

Oxfam's bottom line for advocacy work is that it should not jeopardise Oxfam's service delivery role which depends on government permits. This emphasis, on relief over advocacy, is in line with Oxfam's strategic plan for 1996-2000. It is also considered important for the legitimacy of Oxfam vis à vis people in need that the organisation is delivering services, as opposed to a role which would focus mainly on advocacy:

Because if you only pursue one thing, the chances are that you end up in really dirty circumstances, that you are only delivering services, but you fail to witness, but if you only witness and not deliver any services, what is your legitimacy in the eyes of the local people who are suffering? (18).

Access is not only considered important in itself in order to deliver goods and services to people in need. It is also considered to be important for the credibility of the organisation's advocacy role. This follows from the importance which Oxfam attaches to 'witnessing'. In order to play an effective advocacy role it is important for Oxfam that the organisation is perceived as credible. Credibility amounts to having witnessed events in the field in order to be absolutely sure that only facts are reported. Through its increased presence during the autumn of 1995, Oxfam also increased its capacity to witness. A witnessing role is:

...very sensitive ground because you never get it right. The Sri Lankan government will say you are siding with the Tamils, the Tamils will say you are siding with the government (18).

Inaccuracies are quickly picked up by the combatants and used to question the credibility of agencies.

6.2 Strategies for 'getting the message across': the limitations on lobbying the combatants

On the ground in Sri Lanka, there seem to be three main strategies for influencing the combatants on humanitarian and human rights issues. The first strategy, protection by presence, has most explicitly been used by UNHCR, but also implicitly by NGOs when

they have emphasised the need for expatriate presence in the conflict areas. The second strategy, direct lobbying of the combatants, has only been used on a limited scale by NGOs, but is more frequently used by UNHCR. The third strategy, building up knowledge, has been developed as NGOs have taken up advocacy as part of their mandates, thereby realising the need for information and knowledge to back up their views.

Protection by presence: keeping the dialogue open

Most of UNHCR's protection work falls within the category of protection by presence. The concept of protection by presence is built on the assumption that the presence of UNHCR will deter violations of human rights and humanitarian law by the combatants because UNHCR will potentially act as an advocate for people whose rights are violated. The former representative to Sri Lanka of the UN High Commissioner for Refugees, Clarence, strongly argues for the concept of 'protective presence':

The fundamental lesson learned from Sri Lanka is that international field staff outposted in the affected areas are essential, and that the sooner they are in place, the more protective - and indeed cost-effective - they are likely to be (Clarence 1993:13).

Clarence further argues that the most notable element of the programme was not the material assistance, but the:

...protection impact of having UNHCR field offices in the principal areas of return. UNHCR field officers were in close contact with government Agents and their technical support staff as well as with the returnees themselves.' '...the UNHCR presence was undoubtedly a restraining influence on the action of combatant parties towards the civilian population (Clarence 1991: 322).

Describing its protection role again in 1997 UNHCR says that:

...its operational and widespread presence in the conflict areas has allowed it to play a protection oriented role for IDPs, including facilitating IDPs return to their home areas, monitoring of the human

rights situation and interventions with the concerned parties (UNHCR 1997 b: 15).

UNHCR further writes that its presence provides 'some measure of assurance to repatriants.' However, UNHCR staff stresses the limitations on protection by presence. Some play down the idea saying that protection by presence only apply as long as it does not directly interfere with the interests of the combatants and that UNHCR places less emphasis on the concept now than before.

The basic idea of protection by presence is that the very presence of international field staff has a restraining influence on the combatants. This result is achieved through the following mechanisms:

1. The presence of international field staff provides people with a channel for reporting about human rights violations.
2. UNHCR field staff actively seeks out human rights information and makes it available
3. UNHCR works with both national and international human rights organisations, like the Sri Lankan government's Human Rights Commission and Amnesty International. The awareness that their actions may receive national, as well as international, attention has a restraining effect.
4. Protection issues of concern to UNHCR may be raised informally at the local level in the context of discussions about UNHCR projects. UNHCR may also take up issues which are of concern to NGOs or others.

The Open Relief Centres have been the main instrument for operationalisation of UNHCR's concept of protection by presence. In the autumn of 1990, two Open Relief Centres were established, one in Pesalai, in government-controlled Mannar Island, and one in LTTE-controlled Madhu. In addition, several so called sub-centres linked to these two centres have been established. Sub-centres do not have permanent UNHCR staff and do not require new agreements with the combatants. For Pesalai Open Relief Centre, which was situated in government-controlled area, an agreement on conditions of access by the government security forces was negotiated with the Northern High Command. In Clarence's assessment, this agreement significantly strengthened security

at Pesalai although not providing an 'ironclad guarantee' against unauthorised incursions by the military (Clarence 1993). As for Madhu, which was established on the site of an old catholic shrine, UNHCR needed guarantees from the LTTE to ensure the security of UNHCR personnel. The High Commissioner at the time, Poul Hartling, argued with a reluctant Sri Lankan government for the need to talk to the LTTE to ensure the safety of the Open Relief Centre.⁶ In order to ensure the safety of the Open Relief Centres, UNHCR keeps communication lines with the combatants open. Violations are reported either to local commanders or at higher levels by Open Relief Centre staff or by UNHCR Headquarters in Colombo.

Nobody has attacked the Open Relief Centres in Sri Lanka, and in that sense they have been a success. However, the LTTE has repeatedly carried out 'roundups' in the Open Relief Centres, but with the constraint that the UNHCR has registered the names of the people who have been removed by the LTTE. The UNHCR has also had to ask the army to stay out of the Open Relief Centres. In November 1993, UNHCR activities in Madhu were temporary suspended at a time when there were over 30,000 people in the camp. In a statement by the UNHCR, explaining the decision, UNHCR said:

The decision was sparked off by a violent demonstration by almost a thousand camp residents apparently instigated by 'outside elements' which endangered the safety of UNHCR staff (UNHCR 1993).

The centre was reopened as the situation calmed down. In 1997, UNHCR got the agreement of both parties to open a new centre in the Vanni. However, it had to be closed down when it turned out that it was too close to LTTE military positions. As of January 1, 1998, the Open Relief Centre in government-controlled Pesalai was closed as UNHCR decided it was difficult to argue in favour of protecting people from their own government.

There are different viewpoints within the UNHCR as to how much emphasis UNHCR should place on protection issues:

I do not see much of a protection mandate. I do not know what it really means. In a normal situation there is government responsibility (16).

Rather than emphasising protection, the informants consequently focused on assistance and on improving co-ordination between agencies. At the time of my field work, UNHCR defined its role primarily in terms of providing assistance to IDPs and UNHCR came to question the scope and effectiveness of protection by presence. The concept was removed from the UNHCR background description of microprojects. However, UNHCR has not abandoned protection by presence entirely. In its programme appeal for the period up to December, 1998, UNHCR points to the need to develop a clearly defined approach or framework for protection of IDPs. This is needed to enable field officers to increase the effectiveness of 'protection by presence' in what they see as a very sensitive situation (UNHCR 1997a). UNHCR Headquarters has also gone through a process of clarifying and developing its protection mandate for IDPs based on the work of the UN's Special Rapporteur for IDPs, Francis Deng. During 1997, a delegation from Headquarters in Geneva visited Sri Lanka. It was decided that more emphasis should be placed on protection issues through recruitment of more protection staff. One of these protection officers was to be posted to Vavuniya to focus on human rights issues like the right to movement of people in and out of government welfare centres.

Confronting the combatants: lobbying the government and the LTTE leadership

UNHCR has on several occasions intervened with the Sri Lankan government when it has cut food rations. This was, for example, the case when the government instructed local government authorities to cut dry rations to IDPs in the Kilinochchi, Mullaitivu, Mannar and Vavuniya districts, from 450,000 to 185,000 persons, in early May 1997. The people who were affected by the cut were those who had been economically affected by the war. They are people who are either affected by the fishing ban or who can not farm their land for security reasons. The UNHCR Resident Representative met with the secretary to the President and the issue was resolved. On another occasion, the government announced that food rations should be distributed only in government-controlled areas of Mannar so that people would have to cross from LTTE-controlled

areas to pick up the food. Before that happened, people had already started to move into government-held areas. UNHCR responded by requesting the government to distribute food as close as possible to the beneficiaries.⁷

The derogable human rights, the right not to be displaced, freedom of residence, freedom of movement and the right of return, are all inter-linked. They are issues which are closely linked to UNHCR's dual mandate of prevention and resolution of refugee flows. These are also issues which are often highly contentious as the control of people becomes part of the agenda of the combatants. However, UNHCR's policy has been to promote return and to prevent displacement as long as these policies are not opposed by the combatants. Within the UNHCR framework, the Jaffna programme is defined as a way of encouraging return and thereby promoting durable solutions. LTTE, although initially sceptical to UNHCR and NGO involvement in Jaffna, has accepted UNHCR involvement. However, LTTE objected when the Sri Lankan government, in the summer of 1997, requested UNHCR to help move people from the Vanni to Jaffna by use of a ferry from Mannar to Jaffna. At that point, for the first time, UNHCR tried to go beyond contacts with the political wing at the headquarters in Sri Lanka and contacted the LTTE office in London. When the UNHCR offer was rejected, UNHCR expressed its disappointment through their offices in London and Paris and issued a statement which was critical of the LTTE. The LTTE responded swiftly with a statement from its London headquarters which said that the safety of the returnees had not been ensured.⁸ Before UNHCR was able to take the negotiations any further, the government resumed the ferry service with navy escort. This service was, however, terminated fairly quickly. LTTE adopted the same line in 1992 when it entered into protracted negotiations with the UNHCR about providing safe passage for civilians across the Pooneryn strait, at the Western end of the Jaffna lagoon. At that time, people who crossed the lagoon had to wade across part of the lagoon. UNHCR transport would have enabled IDPs to return safely to the Jaffna peninsula, but again this was opposed by the LTTE (Del Mundo 1993).

Speedy resettlement of refugees is an objective of the People's Alliance Government, but upon coming to power in 1994 the government agreed not to carry out forced

resettlement. Forced resettlement happens when people do not want to resettle. The most common reason is that people do not feel that the area is safe to move back to. In Kucheveli, North of Trincomalee, an area which borders on LTTE-controlled territory, the local UNHCR office intervened with the local military and the Government Agent, in early 1998, to discourage forced resettlement from Alles Garden. UNHCR argued that if forced resettlement took place, UNHCR would not be in a position to facilitate such a resettlement. Resettlement was postponed as a result of UNHCR intervention.

In the Vanni, which is the area which is most affected by the conflict, there is according to UNHCR little scope for protection activities. However, there are protection issues related to for example freedom of movement in and out of welfare centres and also in and out of the Vanni. People who live in welfare centres in and around Vavuniya need passes to go out, for example to work or to school. They are not allowed to move south from Vavuniya without government permission. People who need to go out to school or work or for other purposes are provided with passes which cover the amount of time that they spend outside the welfare centres. Restrictions were also imposed on movements to Vavuniya in early 1998. People who arrived from the Vanni and wanted to proceed through the Vavuniya-Mannar road, were asked to return to the Vanni.

UNHCR defines its relationship at the top level of the government and the military as good. UNHCR says that their monitoring in respect of human rights violations, which according to UNHCR often happens at lower levels, is appreciated by the government. However, having been repeatedly briefed that the UNHCR mandate is internally displaced people, the Sri Lankan army is not keen to have the UNHCR interfere in issues which they do not regard as within UNHCR's mandate.

The power and limitations of information: authoritative reporting and going public

As Redd Barna and SCF changed their programme profile and started to work with children's rights, the organisations discovered that they had little knowledge about the

situation of children. The ability to marry the organisations' general knowledge about children's rights with country specific knowledge was a pre-condition for advocacy for children's rights. Subsequently, both SCF and Redd Barna commissioned a range of studies about key aspects of the situation of children, incorporating input from children themselves. In early 1996, Oxfam undertook a survey entitled 'Listening to the displaced' in Kilinochchi and Mullaitivu districts. A similar exercise was repeated in the summer of 1997. Working closely with Oxfam, SCF conducted a survey in Mannar in June 1997 aimed at evaluating existing SCF services and identifying new areas where support from international NGOs were needed. Through this process of gaining new knowledge about the situation of children, SCF has tried to carve out a new role for itself:

So much of the work that we have done over the past couple of years, although small, it has been able to better inform us as to the things that come with the long term effects of the conflict. So we are positioning ourselves to be authoritative perhaps, to try and pressurise people to try and take something other than a short term approach to everything, and hence our interest in education comes from work that started with this, what we talked to communities about, what was important to them: water, shelter, pots and pans did not come on top of the list. It was consistently education. Families whose children have known nothing but the conflict were thinking about the future of their children rather than the next night in the shelter. So we tried to consistently produce material that reflect what people are thinking (19).

In addition to general reporting on the rights of children, both organisations also report vis à vis the Child Rights Convention as seen from an NGO perspective. This reporting takes place through the Consortium of Humanitarian Agencies and the Child Rights Group within the Consortium. The objective of this reporting is not only to assess the government's performance vis à vis the implementation of children's rights, but it is also to build knowledge which can provide a basis for further action by both NGOs and the government. Reports on specific issues may also be used strategically to influence government policy. This happened in late 1997 when Oxfam commissioned a study about the nutritional situation in the Vanni and used the information to advocate for an increase in the shipments of food into the Vanni. A strategy which, according to

Oxfam's assessment, was successful in that it was instrumental in increasing the amount of food which was allowed into the Vanni at the time.

UNHCR may raise issues informally with the army and the government, preferably at the local level, based on what they observe in the field or what they hear from other organisations. However, UNHCR has no clear mandate to raise these issues. UNHCR does not have a policy which says that they have to have witnessed an event to raise it with the authorities. UNHCR often takes up issues which have been reported to them by NGOs. Only very rarely does UNHCR go out officially and publicly with statements criticising either one of the parties:

We do not really go to Colombo or issue releases or something. We do not do that. I think we have never done that. We are more on the operational level. When we do interventions with the government it is like this food distribution kind of thing. We remain operational rather than, what do you call it, political in a sense (13).

Another informant pointed to the risk of jeopardising access by giving public statements:

We certainly have our limits, in terms of issuing controversial statements to the point that our humanitarian activities are jeopardised in terms of the situation in LTTE-controlled areas (3).

Oxfam staff indicates that even though Oxfam's relationship to humanitarian law is not defined in Oxfam's strategic plan, the organisation will act if it is a witness to violations of humanitarian law. The emphasis on witnessing is based on incidents where Oxfam has been strongly criticised by the government for not having got their facts straight. However, according to Oxfam, there have been no major incidents of breaches of humanitarian law in areas in which Oxfam has been working. In other words, Oxfam has not been a direct witness to breaches of humanitarian law. This was the case, for example, during the offensive in the summer of 1995 when the Navalay church in Jaffna was bombed by government troops. Oxfam did not speak out publicly, in spite of pressure on the organisation to do so, because Oxfam had not itself been a witness to the incident. ICRC had been present and did go public. Oxfam staff felt that its

credibility would be damaged if Oxfam went public.⁹ Oxfam's approach to the question of whether to go public was not clearly defined by Oxfam and assessments of this kind were left to the field office:

We found ourselves in the lucky position that nothing serious, blatant, happened in the areas that we were in. If something had happened...I had no guidance from the organisation in that respect which I find unsatisfactory. Develop policy on the spot. I was in a very difficult position (11).

Oxfam has often chosen not to go public and rather to provide information to other actors which are seen as influential vis à vis the Sri Lankan government.

Unlike the organisations in this study, ICRC has a set of guidelines for when the organisation should go public. According to the guidelines, the ICRC must have been a direct witness to ensure absolute certainty about the facts which are being reported, a breach of humanitarian law must have taken place, it must be serious, it must be repeated, and the intervention must not affect the victims.¹⁰ However, the ICRC's main criteria seem to be whether speaking up will help the victims concerned (Sommaruga 1997: 7, Sandoz 1992: 225). One aspect of this is an assessment of the risk that the ICRC will be denied access to the victims, in serious cases thrown out of the country, leaving the victims even more vulnerable than before.

When the Sri Lankan army bombed Navalay church in the Jaffna-peninsula on July 9 1995 resulting in the deaths of over one hundred people¹¹, the ICRC went out publicly with a carefully worded statement which not directly mentioned either the government nor the LTTE. It expressed its concern 'by the series of violent acts that have claimed innocent victims' and called upon the parties 'to respect civilian lives, property and places of refuge' (ICRC 1995). The government countered both by disputing the facts, arguing that it was not a direct hit on the church, but in the churchyard, and by fuelling a harsh press campaign against the ICRC. The ICRC-government relationship became strained for months and the ICRC had a difficult time operating. However, in ICRC's assessment, going public worked as there have been no large scale incidents of civilians

being killed by bombs after the Navaly incident. On the other hand, ICRC staff has argued that going public is problematic:

This is not the tool that we prefer, because more and more it is a difficult tool that we do not control. The day after no one cares at all. Tomorrow the news is something else, but we are still around. So we have to try to act behind the scenes. There is no quick fix. You have to work in the long term. We have to have the people to listen to you, find a dialogue, to understand their point of preference. To convince them. That is the main point (23).

When they engage in advocacy work the agencies run the risk of facing criticism from the government, often reinforced by hostile publicity in the newspapers. Both UNDP and UNHCR have been criticised by Sri Lankan newspapers. UNDP came under attack during the government offensive on the Jaffna peninsula in July 1995. The UN was sharply criticised by the Sri Lankan Foreign Minister after reports by Reuters news agency that the Secretary General of the UN, Boutros Boutros Ghali, had offered UN help to assist the people displaced by the Jaffna offensive in November 1995. At a press conference, Kadirgamar stated that the appeal by the UN Secretary General, Boutros Boutros Ghali, was not made 'in the full knowledge of available facts' and that 'We do not intend to permit any outside agencies, including the United Nations itself, to carry out independent operations.'¹² Asked if that was because they were not considered to be neutral and impartial, he responded:

There is a perception like that. We can't give irrefutable proof but there are reasons to believe that there's a certain lack of impartiality on behalf of some international organisations.¹³

In addition to the issue of UN assistance, the other contentious issue related to the number of displaced. In the Reuters report, it had said 400,000. This was a Reuter's assessment and not a UN assessment.¹⁴ Kadirgamar had put the number of displaced at 100,000, while aid agencies said that up to 500,000 had fled Jaffna and that the town was deserted¹⁵. Within days, the Foreign Ministry announced to the diplomatic community in Colombo that the government had entered into an agreement with the ICRC to deliver relief items. It further stated that the government had appointed a focal point, Seneviratne, the Additional Secretary to the Ministry of Ethnic Affairs and

National Integration, to co-ordinate the relief efforts. Shortly after, the Emergency Group of the Colombo NGO Consortium offered to work with Seneratne to undertake a joint assessment of the scale of the displacements and the nature of the needs arising from the displacement¹⁶. Efforts by the government to control the agencies have had a profound effect on both the NGOs and the UN in that they have been discouraged from doing advocacy work in Sri Lanka.

6.3 International lobbying: ‘decoupling’ advocacy and service delivery

The two main arenas for international advocacy related to the Sri Lankan conflict has been the UN Human Rights Commission, the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities and the annual meeting of the major donors to the Sri Lankan government in Paris. The UN Human Rights Commission first passed a resolution on Sri Lanka in 1987 in which it asked the government to allow the ICRC to offer its services in Sri Lanka. The UN Sub-commission on Prevention of Discrimination and Protection of Minorities adopted a resolution on Sri Lanka in 1984 (Whall 1995: 323). NGOs have raised both peace and human rights issues on these occasions. They have urged the parties to find a peaceful resolution to the conflict, as well as trying to make donors make their aid programs conditional on the human rights performance of the Sri Lankan government. The linkage between aid and human rights has not been welcomed by the Sri Lankan government. The tension culminated in mid-1991 when the British High Commissioner was declared *persona non grata* and asked to leave following criticism of the conduct of the local election in May. Consequently, Britain froze a £13 million aid package (Whall 1995: 329).

The NGO-forum: linking Sri Lankan and European NGOs

Forut and Redd Barna have both been members of the NGO forum on Sri Lanka, while SCF and Oxfam have not been members. The NGO forum was set up as an advocacy group comprising European based and Sri Lankan based NGOs. It was located at the

British Refugee Council in London. The forum has worked on advocacy issues relating to poverty and human rights, carried out studies on poverty and made representations to the annual UN Commission on Human Rights in Geneva. The group has not had any specific focus on conflict related issues and has been criticised for being of little use in mobilising international opinion during the large scale displacement in 1995.¹⁷ From 1991-1995 the NGO Forum commissioned three reports on poverty in Sri Lanka. These reports were instrumental in creating an economic lobby in Sri Lanka which linked Sri Lankan and European NGOs in discussions with the Sri Lankan government and the World Bank (Cleary 1997). However, because of disagreements between Sri Lankan NGOs over an appropriate advocacy strategy, no effective advocacy strategy was developed in spite of substantial interest both from the World Bank and the government in the results of these studies. These disagreements reflected deep divisions in the Sri Lankan NGO community over World Bank and government economic policies (Cleary 1997):

To a considerable extent, therefore, the development of the Sri Lanka economic lobby has been of considerable benefit to the NGO Forum and its Sri Lanka partners. Both are now perceived by Bank staff as being capable of developing viable recommendations to alleviate poverty in the island, an unstated but nonetheless clear intention of the discussions with Bank staff from the perspective of both the NGO forum and the Bank. It is ironic, however, that having achieved this goal, both Forum members and their Sri Lanka counterparts backed away; Bank staff consistently demonstrated far more enthusiasm for practical co-operation to achieve poverty alleviation than the NGOs (Cleary 1997:181-182).

Cleary concludes his analysis by stating that Sri Lankan NGOs and the NGO forum were able to represent the economic interests of poor and marginalised communities. However, they achieved little success in the area of human rights, although the need to address human rights and governance issues was central to the analysis provided in the reports by the NGO Forum (Cleary 1997:183).

For Forut, membership in the NGO forum has been a key instrument in implementing its human rights and peace mandate. Forut has remained a core group member since the Forum started its work (Forut 1996a). Through the NGO Forum, Forut has played an active role in international lobbying, but has also lobbied through direct briefings of

Norwegian authorities. Forut's participation in the NGO Forum has been backed financially by the Norwegian government. Its involvement with the NGO Forum has reflected the policies of the Norwegian government which state that it is necessary for NGOs to commit resources to more long term peace work in addition to their humanitarian role. Forut argues that continued membership of the NGO Forum has to do with the integrity of the organisation. Forut acknowledges that its involvement with the NGO Forum may have led to an impression that Forut is positive towards the Tamil cause, something which has consequently created problems vis à vis the Sri Lankan government. In Forut's own assessment, international advocacy efforts are becoming more important as direct interventions in Sri Lanka have become more difficult.

As a member of the NGO Forum on Sri Lanka, Redd Barna saw its participation primarily as a way of gaining information about the situation in Sri Lanka. Redd Barna did not actively use the Forum to bring up issues for advocacy purposes. Redd Barna pulled out as a core group member based on an assessment which argued that a high profile role in the Forum made Redd Barna more vulnerable with respect to its work in Sri Lanka.

The annual meeting of the NGO Forum November 1995: a watershed event

On November 15, 1995, the annual meeting of the NGO forum on Sri Lanka, which was held in Bentota on the south west coast, had to be cancelled after police in Bentota said they could not guarantee the security of the participants following the gathering of a mob outside the hotel in which the meeting was held. On November 16, the second day meeting of the Forum which had been rescheduled to Colombo, was adjourned following a request from the police for an official permission required under the emergency regulations and citing security risks to the participants. The mob which gathered outside the Bentota Hotel, and mobs gathering later outside the meeting venue in Colombo and at the participants' hotel in Colombo, had all been informed through the radio or newspapers about the events and about the venues for the meetings. National newspapers, state radio and television and FM radio stations had,

from the morning of the 14th onwards, claimed that the NGO Forum meeting was held to urge the government to call off its military offensive, Operation Riviresa. During the meeting on November 16, the Forum Secretary and the Sri Lankan co-chair were 'invited to the police station' to clarify matters. Later in the day, two government ministers arrived at the meeting venue and expressed their grave concerns about what had happened. One of the Ministers spontaneously invited Forum participants for a reception that evening. The Prime Minister also sent a personal representative to the reception to convey her apologies. In a written account of these events, the co-chairs of the NGO Forum called upon the government of Sri Lanka and Members of Parliament to resolve three issues which had emerged as a result of the events related to the NGO Forum meetings. The first serious issue which they pointed out was the inability of the government, the army and the police to intervene and effectively stop the mob from besieging a meeting, intimidating its participants and inflict injuries and damage. The second issue was the printing and broadcasting by the national news media of :

... totally inaccurate and defamatory information in the full knowledge it was false and would inflame the situation. This had been done despite being provided with correct information by the Forum and direct contact with senior executives in all the major media (Abeysekera and Reoch 1995: 3).

Thirdly, the co-chairs said that the population had been given the impression that the NGO community was anti-government and pro-terrorist. The co-chairs requested the government to act on these three issues to prevent a situation from developing which would make it difficult for NGOs to operate.

Throughout the above events, the NGO Forum had kept in close contact with the Foreign Ministry which had also been informed about the meeting in a letter dated October 19, 1995, which the Foreign Ministry had not responded to. However, there was a strong feeling among people centrally placed in the NGO forum that the events surrounding the NGO Forum were carefully orchestrated by the government as part of an attempt to neutralise and control NGOs that were associated with human rights work. The media reported not only inaccurately about the purpose of the NGO forum meeting, but there was a series of articles in the press expressing strong national

viewpoints which were suspicious about anything foreign. The articles, including in the government press, portrayed NGOs as 'trojan horses' out to help the cause of the LTTE¹⁸ and as neo-colonial forces representing the interests of foreign governments¹⁹.

The sense of the government being an accomplice, together with the frenzied media coverage that followed, led to a response of extreme cautiousness from the NGOs with regard to doing anything that could further upset their relationship to the government. In this sense, the strategy of intimidation worked. The NGOs themselves became secretive and careful about revealing any sides of their activities which would not please the government. To make matters worse, shortly after the meeting the SCF office was stoned and SCF had serious problems in recruiting people for positions in Sri Lanka.²⁰ Sri Lankan NGO members of the Forum also experienced demonstrations outside their offices (Abeysekere and Reoch 1995).

Using others: passing on information to relevant organisations or more powerful players

UNHCR employees see it as one of their tasks to provide objective information to the international community. UNHCR informs organisations such as the Sri Lankan government's Human Rights Commission, the ICRC and Amnesty International, regularly:

At the same time I think one of our tasks is to make available objective information. We have international staff there, of course most of the information comes from local staff which can be verified within limits. Information then is made available to the international community, so a lot of this information comes from us. Without us being directly involved. It is up to the politicians to decide on action. Both sides are really looking for the support of the people and they are both interested to be seen as adhering to basic international standards (3).

UNHCR staff emphasises, as in the above quote, that UNHCR stays away from statements and actions which can be perceived as political. Beyond reporting to other organisations, human rights issues are not followed up by UNHCR. UNHCR may also

publish analytical reports which deal with human rights related issues like, for example, asylum seekers, but UNHCR does not publish human rights reports.

Oxfam's organisational capacity to play an international advocacy role was strengthened in the aftermath of the large displacement from Jaffna in late 1995. Oxfam Oxford employed two people on a part time basis to ensure that information about the situation was fed into the offices of critical decision makers, such as the UN, the EU, donors and the British government, in order to make sure that those in power had the relevant information. Parallel to this, the British High Commission in Colombo was kept informed. During the height of the displacement daily situation reports were produced in Oxford. A huge amount of information was compiled, but in spite of sitting on abundant information, Oxfam staff felt that there were no international mechanisms in place which this information could be passed on to. Additionally, there was no advocacy network which could make use of the information in an effective way, because no organisation was dealing specifically with conflict issues.²¹ Oxfam also worked with the other NGOs in the North. Oxfam's resident representative played a leading role in co-ordinating the efforts of the NGOs in Sri Lanka. The NGOs signed a joint communiqué to the President of Sri Lanka on the question of humanitarian access in September 1995. Letters were sent to ten embassies highlighting the need for surgical staff in Jaffna and informing about ICRC's offer to provide surgical staff. A paper was presented in October, 1995, about the detrimental effects of the fertiliser ban to the North (Plastow 1996). Oxfam's support for the consortium of humanitarian agencies in Colombo was also a way of contributing to the strengthening of the NGOs' capacity for policy dialogue which had been spelt out as part of the mandate of the consortium of humanitarian agencies.²²

On the critical issue of how much pressure Oxfam should put on the government for access to the Vanni, the Emergency Department, on one side, and the programme department and the Sri Lanka office, on the other side, disagreed fundamentally. The emergency department advocated a high publicity strategy to gain access. The Sri Lanka office warned that the Ministry of Defence would not allow material into the Vanni and that a large scale relief operation could play into the political and military

strategies of the LTTE which at the time were seen to be forcing people to leave Jaffna as government troops advanced. The outcome of the debate was that Oxfam scaled up significantly, increased its international staff and became operational which is something which Oxfam is normally reticent about. Oxfam was unable to spend the money budgeted as permits were not given from the MoD for much of the material which Oxfam had planned to bring into the Vanni.²³ Since the displacement in 1995, Oxfam has also used its influence vis à vis the annual Paris donor meeting to get better access to the Vanni, and in relation to the World Bank in emphasising the need for a political solution. Oxfam also uses the strategy of passing on information to others on issues which do not fall directly within Oxfam's mandate, like human rights. According to Oxfam's strategic framework for 1996-2000, advocacy on human rights issues falls outside Oxfam's mandate. However, Oxfam's policy at the field level is that actors who are in a position to raise human rights issues should be briefed by Oxfam when Oxfam is in possession of direct evidence.

6.4 Summary

Two of the organisations in this study, SCF and Redd Barna, base their advocacy work on a mandate which is derived from the Child Rights Convention. Forut has an organisational mandate to work on the peace issue, while Oxfam through its own work in the Vanni has been asked by its beneficiaries to work more on the peace issue. Both Forut and Oxfam state that human rights generally fall outside their mandate. In other words, the mandates of the organisations in this study have their sources in very different places. This seems to open up for different types of advocacy politics.

The agencies have employed two main types of advocacy strategies. The first strategy is lobbying of the combatants in Sri Lanka. The second strategy is lobbying of international actors who presumably can apply pressure on the combatants.

UNHCR's first approach to lobbying, 'protection by presence', is based on the idea that the presence of international field staff has a restraining influence on the

combatants. Furthermore, field staff will raise humanitarian and human rights issues with the combatants when they observe violations. The second approach is direct lobbying of the government and of the LTTE leadership. UNHCR has lobbied the government regarding food rations, and both the government and the LTTE regarding the right not to be displaced, freedom of residence, freedom of movement and the right to return. From the lobbying efforts which UNHCR staff has provided information about, it seems as though UNHCR has had more success in its lobbying vis à vis the government than vis à vis the LTTE. A third approach to advocacy is lobbying based on reports produced by the agencies themselves. This is a strategy which has been used by Oxfam, SCF and Redd Barna. In other words, there seems to be a difference in approach between the UNHCR and the NGOs. UNHCR carries out advocacy work directly, both in the field and in relation to the government and the LTTE leadership. When the NGOs carry out advocacy work, they seem to do this in a more indirect way, for example through the publication of reports which serve to place issues on the agenda. All these approaches are based on keeping the combatants accountable in terms of humanitarian and human rights law, in Keck and Sikkink's (1998) words accountability politics.

When agencies do advocacy in a conflict situation on sensitive issues, one main consideration is whether they should go public with their information or not. In most cases, the agencies do not go public with their information but prefer to work informally. Only the ICRC has developed relatively clear guidelines as to when they should go public. In the same way as UNHCR was met with a sharp response from the LTTE when the organisation publicly criticised the LTTE, ICRC's relations with the government suffered when the ICRC publicly criticised the government. Advocacy on the peace issue has run into serious problems and the agencies have not been able to advance peace advocacy. One possible reason for this failure is that the agencies can not adopt accountability politics as there are no conventions in this area.

The second advocacy strategy seems to be the one favoured by NGOs: to lobby more powerful actors, what Keck and Sikkink would call 'leverage politics'. Forut and Redd Barna formalised their international advocacy efforts through membership in the NGO

Forum on Sri Lanka. Oxfam worked through the British High Commission in Sri Lanka and international organisations. UNHCR also has a policy of providing information to both national and international human rights organisations.

Agencies have encountered severe obstacles from the government when attempting to implement an advocacy mandate. These constraints have mainly taken two forms. One has been direct government interventions with agencies where the government has told them that it disapproves of their activities. The other has been statements by government spokespersons in the media which dispute the facts of a matter as they have been stated by the agency. Only on one occasion did the government intervene physically to prevent agencies from carrying out their activities; it happened in connection with the NGO Forum meeting in November 1995. These confrontations between the government and the agencies have resulted in periods of strained relations between them. The implicit threat which the agencies face is that the government will deny them access to displaced people in the Vanni or that it will deny them permits to work altogether. Therefore, it seems that the agencies have been reluctant to put themselves into a position in which they have to confront the government.

Agencies have tried to overcome these constraints in different ways. Redd Barna and SCF have developed an advocacy strategy as part of a CRC framework in which the Child Rights Convention provides them with a mandate for advocacy on children's rights. Simultaneously, they have worked to build alliances with local organisations and institutions which are working on related issues. For Redd Barna these efforts have resulted partly from a recognition that foreign organisations may be more susceptible to criticisms than local organisations and partly from a wish to build local capacity on child rights and to strengthen local capacities for advocacy. By basing their work on the Conventions, Redd Barna and SCF have opened up for what Keck and Sikkink have called accountability politics. They hold the government and the LTTE accountable to the commitments they have made in relation to children's rights as stated in the CRC. Keck and Sikkink also talk about network influence and distinguish between different types of network influence. The first, issue creation and agenda setting, which aims to place the issue of children's rights on the political agenda in Sri Lanka, has been carried

out through the gathering and systematising of information about the situation of children in Sri Lanka. The second, influence on the discursive positions of states and international organisations, is something which the agencies have worked on by encouraging the government to adopt children's rights as part of domestic law. The third type of advocacy influence, which is aimed at changing internal procedures to allow for greater NGO access, is problematic to achieve for foreign agencies in Sri Lanka due to the scepticism which exists towards these foreign agencies. This is where their alliances with local organisations come in as these organisations more easily can argue for access to the political decision-making process. The other aspects of advocacy influence, policy change and change in state behaviour, are more difficult to achieve and possibly require success in terms of the two first types of influence.

Having concluded that relief can not be a goal in itself, Oxfam developed a strategy for passing on information about humanitarian and human rights issues to more powerful players, such as the UN, the EU and donors. At the same time, Oxfam felt that there was no international mechanism which could act on the information which was provided by the organisation. Like Oxfam, Forut has worked out an international advocacy strategy for issues which are not strictly humanitarian. Forut's advocacy strategy for peace and human rights has been implemented through the organisation's active role in the London-based NGO forum on Sri Lanka. However, over time Forut has become less involved in advocacy in Sri Lanka as a result of the hostile response from the government.

In taking on a role which goes beyond the purely humanitarian, SCF and Redd Barna have discontinued their relief role, while Oxfam and Forut have to some extent decoupled their operational relief role from an advocacy role on human rights and peace issues. UNHCR is trying to integrate protection and assistance work by assigning protection officers to the field together with assistance workers.

The next chapter discusses the findings which have been presented in this chapter and the previous chapter in relation to some of the key concepts presented in the theoretical framework which was developed in chapter three.

Endnotes

¹ As of July 1 1996 the 1949 Geneva Conventions were ratified by 186 states and the Additional Protocol II was ratified by 136 states as of July 1 1996

² The main universal human rights treaties are: International Covenant on Civil and Political Rights of 1966, International Covenant on Economic, Social and Cultural Rights of 1966, International Convention on the Elimination on All Forms of Racial Discrimination of 1965, Convention on the Elimination of All Forms of Discrimination against Women of 1979, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1985, Convention of the Rights of the Child of 1989

³ If a human rights clause is derogable it means that states are permitted to suspend certain specified rights under narrowly described circumstances, for example by declaring a state of emergency.

⁴ Interview with agency employee (20)

⁵ IOGT was founded as a popular movement in 1851 on the principles of temperance, peace, solidarity and human worth (Forut 1996).

⁶ Interview with agency staff (21)

⁷ Interview with agency staff (3)

⁸ Interview with agency staff (7)

⁹ Interview with agency staff (18)

¹⁰ Interview with agency staff (22)

¹¹ Based on figures from Human Rights Watch Asia (1995), p. 1

¹² International Herald Tribune November 7 1995

¹³ International Herald Tribune November 7 1995

¹⁴ Interview with agency staff (24)

¹⁵ International Herald Tribune November 7 1995

¹⁶ Island November 17 1995

¹⁷ Interview with agency staff (18)

¹⁸ Island December 19 1995

¹⁹ Sunday Times 19 November 1995

²⁰ Interview with agency staff (19)

²¹ Interview with agency staff (18)

²² Consortium of Humanitarian Agencies 1997: 1

²³ Interview with agency staff (18)

CHAPTER 7: THE DILEMMAS OF HUMANITARIAN AID AGENCIES

This chapter draws together and reflects upon the two major issues which were discussed in chapters five and six: the strategies which agencies develop to manage their relationships to the combatants in a complex political emergency, and the problems and constraints which agencies face in developing and implementing these strategies.

The first part of the chapter concentrates on agency strategies. It identifies negotiations and compromise and maintaining neutrality and impartiality as two ways in which agencies manage the relationship to their environments. I also discuss some of the problems and constraints which agencies face in relation to local NGO partners since the agencies, with one exception, implement their projects and programmes in the conflict areas largely through local NGOs. The second part focuses on advocacy, including changes in agency policies, limitations on advocacy work, the need to build legitimacy for advocacy, as well as conditions for successful advocacy. The third part discusses the organisational challenges which are involved in going beyond relief when agencies work in a complex emergency. It identifies building a knowledge based organisation, 'decoupling' and alliance building, as ways in which agencies may adapt the organisation to advocacy.

7.1 Agency strategies

Before analysing the strategies which agencies employ, I shall look at how the relationship between the agencies and the combatants can be characterised.

Relationships with the combatants: complementarity, collaboration or confrontation?

This section intends to give an overview of the relationship between the agencies, the government and the LTTE. The relationships between these actors, at the central and local levels, are characterised by a mix of collaboration, complementarity and

confrontation. The continuity of the relief operation in Northern Sri Lanka depends on the smooth running of this delicate system. This finding is in line with Fisher's argument that 'co-operative strategies often coexist with advocacy within any given NGO' (Fisher 1998: 117). As discussed in chapter three, I make the distinction between these three different relationships based on the contributions of Hudson (1993) and Najam (1996), although the two authors have not specifically discussed situations where the three types of relationships co-exist.

At the heart of the relationship between the agencies, the government and the LTTE, is collaboration around supplying a minimum of food items provided by the government and non-food relief items provided by the agencies. This system has been based on close collaboration both at the national and the local level. The agencies and the combatants have had the same objectives and have employed the same strategies while working together to provide a minimum level of welfare services to the war affected population. There have been temporary halts during periods of military offensives and supplies have been below what the local government officials and the agencies have asked for. However, together with local coping mechanisms, this system has prevented any large scale starvation among the up to one million displaced people in Sri Lanka. The relatively smooth functioning of this system of relief delivery can be interpreted as a reflection of genuine good-will from all the parties involved. Alternatively, it could be interpreted in a more cynical way as a fortunate outcome of a set up in which elements in the army, the LTTE, as well as private business, take advantage of a relief situation to make money for themselves in different ways (Rajasingham 1999).

For some of the agencies collaboration with the government seems to have become closer. Both SCF and Forut started to work with the government as they initiated new programmes in the North after the government regained control over large areas on the Jaffna-peninsula. SCF collaborates closely with the North-East Provincial Council as part of their programme on children's rights. Forut works closely with the government in its rehabilitation work in Jaffna. Forut's close collaboration with the government was a prerequisite for permission to work in Jaffna, while for SCF close collaboration with the government may be seen as a way of 'scaling up' its work. Both organisations had

experienced confrontation with the government or Sri Lankan civil society before the new programmes of close collaboration were implemented. SCF was very negatively affected by the NGO forum meeting in November 1995. Forut waited for much longer than the other NGOs before the organisation got approval to work in Jaffna. There may not be a direct link between the efforts to collaborate more closely with the government and the problems that these organisations had experienced before. However, Oxfam, for example, argued that it did not need to work in newly recaptured government-controlled areas and, by implication, closely with the government because its relationship to the government was already good. Redd Barna did not restart their programmes in Jaffna because the organisation felt that it did not want to employ expatriate staff there which was a government condition to allow agencies to resume work.

The agencies do not have any collaboration with LTTE's administrative structure or departments except for the relationship that some of the agencies have to the LTTE's relief department, the TRO. However, when there is complementarity between LTTE's objectives and agency objectives at the local level, the agencies work in LTTE-controlled areas based on pragmatic agreements around security issues. Confrontations between the agencies and the LTTE have been mainly at the local level and have mainly taken place when agencies have experienced undue pressure from the LTTE. Sometimes these local issues have been brought up to higher levels within the LTTE and even to LTTE's international offices. As far as the NGOs have been concerned their communications with the LTTE have been of a practical nature. Communication has involved the provision of information from the agencies to the LTTE and agency efforts to deal with pressure from the LTTE. It seems that only the UNHCR and ICRC have raised humanitarian issues with the LTTE leadership. This strategy has, in some cases, led to open conflict between them and the LTTE.

The differences in the relationship that the agencies have with the government and the LTTE-administration are demonstrated in Table 4.

Table 4: The relationship between agencies, the government and the LTTE at the central and local level

	<i>collaboration</i>	<i>complementarity</i>	<i>confrontation</i>
<i>government</i>	central/local level		central level
<i>LTTE</i>	indirectly, through TRO	local level	central level/local level

Table 4 shows that the ways in which agencies relate to the government are different from the ways in which they relate to the LTTE. The agencies collaborate with the government both at the central and local level. The agencies are very careful in the way that they approach the LTTE-administration. They keep the LTTE-administration at arm's length and ensure that any collaboration is only of an indirect nature. The exception to this picture is the close relationship that Care and UNHCR have with TRO. The reason why the other agencies keep a distance is likely to be threefold. Firstly, the agencies see this as one way of retaining their independence, neutrality and impartiality, because having a close relationship with the LTTE-administration is seen as incompatible with these principles. Secondly, there is a general feeling among the agencies that a close relationship to the LTTE may jeopardise the government's goodwill which they depend on for access to areas under LTTE control. Thirdly, the agencies want to avoid any undue LTTE pressure regarding where and how they should work. In other words, the agencies feel a particularly strong need to stress their independence vis à vis the LTTE-administration. The two exceptions in this regard, UNHCR and Care, implement through TRO because, in their view, this is an efficient way of implementing their programmes. The Sri Lankan government does not have any objections to this particular aspect of their programmes.

However, all of the agencies want to avoid being seen as relating too closely to the LTTE. There are no formal agreements in place which define the work and role of agencies in LTTE-controlled areas. Unlike in government-controlled areas, where agencies have entered into collaborative efforts in rehabilitation, the agencies resisted calls from the LTTE to establish more permanent structures for settlements of the displaced from Jaffna in the Vanni. The agencies claim that LTTE advice about their

work is only taken into account if it fits in with agency policies and plans. The agencies relate to LTTE on security issues which includes informing the LTTE about travel itineraries, new projects and programme initiatives and, generally, making sure that the lines of communication are kept open so that misunderstandings can be avoided.

Hudson (1993) and Najam (1996) both discuss relationships that organisations have to their environments using compatibility of goals as one variable which could explain these relationships. According to both these authors, collaboration happens when there are overlapping goals. Najam argues that similar strategies is another precondition for collaboration. Without it, the relationship that emerges is complementary rather than collaborative. This turns out to be an important distinction in this study in order to understand the different relationships that the agencies have with the government and the LTTE. The relationship to the government is collaborative on issues where the agencies and the government have similar goals and similar strategies, as they generally have in the delivery of relief supplies. On the other hand, the relationship to the LTTE is complementary for most of the agencies. They have the same goals, which is to provide assistance to internally displaced people, but their strategies differ because the LTTE and the agencies disagree on how to implement the assistance. The LTTE argues that aid should go to local organisations which are often LTTE-controlled. The agencies either want to be self-implementing or they want to implement through independent local organisations. Agencies, such as Care and UNHCR, are closer to a collaborative model because they implement a lot of their work through TRO.

This model can also help explain why advocacy on human rights and peace issues is more controversial than delivery of relief, and why these issues easily become confrontational. As organisations move from service delivery to advocacy, collaboration and complementarity diminish as goals become less overlapping. The potential for confrontation with the combatants increases. Similarly, as organisations move from humanitarian aid and towards rehabilitation, human rights and peace goals, become less overlapping and the potential for confrontation increases. Moving in this direction increases the potential for conflict. However, if human rights and peace work is implemented as services, such as training programmes, the potential for conflict

becomes less. This is an approach which has been adopted widely by, for example, the ICRC which has implemented extensive training programmes for the Sri Lankan army on humanitarian law. These training programmes reflect the government's view which maintains that the war is fought against the LTTE and not against the Tamil people. Therefore, the relationship between the army and the civilian Tamil population needs to be improved. The distinction between the LTTE and the Tamil people is based on the idea held by the government that the LTTE does not represent the Tamil people (Kadirgamar 1996: 3) but is a terrorist organisation.

Table 5: From service delivery to advocacy: increased confrontation

<i>role/goals</i>	humanitarian	rehabilitation	human rights	peace
service delivery	A	B	C	D
advocacy	E	F	G	H

As agencies move towards the right in Table 5 to a situation where human rights and peace issues become more prominent on the agenda, the potential for confrontation with the combatants increases. Similarly, as their role changes from service delivery to advocacy this change also increases the potential for confrontation. For example, activities which fall within box A, service delivery of humanitarian aid, are less controversial than activities within box H: advocacy on the peace issue. This pattern fits in with Van Rooy's (1997) concepts of 'high salience' and 'low policy' as discussed in chapter three. Humanitarian issues have high saliency and low policy, while peace has low saliency for foreign NGOs, although it has high saliency for other actors, and high policy. This combination makes peace issues hard to tackle for foreign NGOs.

Negotiations and compromise

Negotiations and compromise is a strategy which agencies employ to manage their day to day relationship with the combatants. This strategy is based on the existence of an area of common interests between the agencies and the combatants. As pointed out by the head of one of the agencies:

I draw this little picture. This is the government's interest. It is big. It is omnipresent, especially in Sri Lanka. An NGOs interest is smaller and parts of it overlap. Where we can work with the government is where we overlap. Where we can go into the uncleared area a force to be reckoned with is the LTTE. Believe it or not, the interests of the government and the LTTE overlap. There is food. There is agriculture. The only place where we can operate in the uncleared areas is where all the three of those intersect...and it always changes. When it is peace that area gets bigger (9).

This is in line with the arguments of Najam (1996) and Hudson (1993) who also refer to common interests as a basis for collaboration. In other words, negotiations and compromise would be aimed at finding an area of work which all the three parties, the government, the LTTE and the agencies, can agree on. Negotiations and compromise are based on the existence of channels of communication which facilitate the information flow which is necessary for agencies and the combatants to reach mutual understandings.

Sandoz, explaining the ICRC position, has argued that:

Negotiating with a government or with dissident authorities is not an objective but a necessary means of attempting to achieve as effectively as possible, in time of armed conflict, the objective set by the principle of humanity. To boast that one has reached victims without the consent of the military authorities controlling a territory implies deliberately forgetting that 95 per cent or more of humanitarian needs can be met only with the consent of such authorities (Sandoz 1992: 224).

Communication between the agencies and the LTTE differ from communication between the agencies and the government. Communication between the agencies and the LTTE seems to be initiated by the LTTE and is often perceived by the agencies as undue pressure. The agencies adopt different strategies when it comes to actively seeking communication with the LTTE. Some agencies, like Care and Oxfam, say that they try to avoid contact with the LTTE. Other agencies, for example UNHCR and Forut, stress the importance of having regular contacts with the LTTE. Through regular contact agencies provide the LTTE with information about their work in order to avoid misunderstandings so that a pragmatic relationship, which is not dominated by LTTE

rhetoric, can be developed. Communication between the agencies and the LTTE contribute to clarity in the relationship in the sense that the agencies are aware of LTTE views with regard to agency operations. LTTE policies are generally considered to be consistent throughout the organisation. Contrary to what is the case in relationship to the LTTE, communication with the government is actively sought by the agencies. Their problem is rather what they perceive as a lack of focus and interest from the government in having a dialogue. According to the agencies, repeated organisational changes on the government side have not resulted in significantly better accessibility. Whether the government is particularly difficult to access in relation to humanitarian issues, or whether the government-administration is generally difficult to access, is a question which goes beyond the scope of this work.

Agencies compromise with the government mainly in the sense that they give in to government demands of not expanding their work beyond relief. Agencies compromise with the LTTE mostly in terms of giving in to LTTE demands for certain projects in certain areas in situations where these concessions are compatible with agency policies. The outcome of these negotiations in terms of organisational theory is that the agencies and the combatants are able to temporarily agree on the organisational domain of the agencies (Hudson 1993). When the agencies compromise with the combatants, they emphasise that they do not implement activities which are not in line with their mandate and policies. One could say that they argue that they do not give in to the power of the combatants. Without going into a detailed discussion on the vast subject of power and the implications of being subjected to the power of another actor, I shall just briefly suggest that this may indeed be what they are. Power as defined by Dahl in his classic definition says that an actor A has power over an actor B if A can get B to do things which he would otherwise not have done (Dahl 1957). Using this definition, it becomes clear that the agencies sometimes, despite what they say, give in to the power of the combatants because they implement projects and programmes in a way which they otherwise would not have done.

Managing the relationships: a 'balancing act'

All of the agencies claim that they adhere to the principles of impartiality and neutrality in their work. Of these two concepts, the concept of impartiality seems to be the most straightforward to operationalise. Impartiality relates to the relationship between the agencies and their beneficiaries. It means that aid should be provided on the basis of need only, without taking into account any other factors, like race, sex, age, beliefs, etc. All the agencies agree that humanitarian aid should be provided on the basis of need only. The concept of neutrality is the key element in defining the relationship between the combatants and the agencies, and it is a much more problematic concept to operationalise. The agencies in this study base their work on the principle of neutrality, but they operationalise the concept in different ways although there is also agreement on some points.

First of all, all of the agencies agree that an important aspect of maintaining neutrality is to work with both the Sinhalese and the Tamil communities. So, for example, agencies, such as Oxfam, Forut and UNHCR, which started out by working only in the North have all established programmes in Sinhalese areas as well.

Secondly, all the agencies agree that transparency is important in the sense that the government and the LTTE should be kept informed about the activities of the agencies. The emphasis on transparency also prevents misunderstandings between the agencies and the combatants.

Thirdly, agencies have different policies in terms of how they implement their projects and programmes. Only two of the agencies working in the North of Sri Lanka are self-implementing: Forut and ICRC. Both of these agencies argue that self-implementation is a necessary requirement for remaining neutral vis à vis the combatants. The other agencies argue that by implementing through local organisations they help build local capacity. They also argue that funds that are channelled through local organisations are closely monitored. UNHCR and Care are the two largest agencies operating in the North and also the two agencies which routinely implement through TRO. Both these organisations argue that they implement through TRO for effectiveness reasons. Oxfam

has also implemented through TRO, but only as an exception from the general policy of trying to avoid NGOs which are closely linked to the LTTE.

Fourthly, the agencies have had different policies in terms of how they should work with rehabilitation in areas which have come under government control after having been held by the LTTE. ICRC argues that it would be contrary to the principle of neutrality if the organisation were to start rehabilitation work in areas which had been formerly held by the LTTE, like Jaffna. Oxfam and Redd Barna have had different reasons for not starting work in Jaffna. Oxfam did not feel any need to balance its portfolio by going into more projects in government-held areas. Redd Barna could not accept the conditions laid down by the government which went contrary to Redd Barna policies.

At last, the issue of whether or not the agencies have employed expatriate staff is important. It is assumed by the agencies that expatriates are in a better position to resist pressure from the LTTE. In line with their policies of transferring responsibility to local staff, both Redd Barna and Forut have had a policy of having very limited expatriate staff in their office in Colombo. The other agencies have employed expatriate staff in the field to a much larger degree.

Table 6: Operationalising neutrality

<i>issues</i>	UNHCR	Oxfam	SCF	Forut	RB	ICRC	Care
balance ethnicity	yes	yes	yes	yes	yes	yes	yes
implementation	PS	PS	PS	S	PS	S	PS
TRO	yes	yes	*	no	no	no	yes
rehabilitation Jaffna	yes	no	*	yes	*	no	yes
resettlement Vanni	yes	no	no	no	no	no	no
expatriates	yes	yes	yes	no	no	yes	?

* Empty spaces mean that this is not applicable to the agency. In the case of rehabilitation this is because SCF and Redd Barna no longer do rehabilitation work.

PS=partnership

S=self-implementing

Table 6 summarises the discussion about how agencies operationalise neutrality. It shows that the agencies have very different ways of operationalising neutrality. The only issue which all of them treat in the same way has to do with balancing ethnicity which means that all of them work with the Tamil as well as the Sinhalese community. To what extent do these definitions of neutrality and impartiality explain the relationship between the agencies and the combatants? It is a widespread assumption among agencies that access is dependent on the degree to which they are seen as impartial and neutral by the government. It seems that UNHCR and ICRC get preferential treatment as far as access is concerned. These two organisations have been provided with access during military offensives when the NGOs have been denied such access to the North. However, the two organisations have very different ways of operationalising impartiality and neutrality. On four out of the five indicators above they have different approaches. Being self-implementing, ICRC does not become involved with the combatants in implementing its relief programme. UNHCR works very closely both with the government and TRO. UNHCR seems to successfully balance its close relationship to TRO, and frequent meetings with the LTTE, through close collaboration with the government. Both agencies also have a relatively large number of expatriate staff employed in the North and the East.

All of the NGOs have at some point been denied access to the Vanni for their relief operations. However, as for access to Jaffna after the government regained control, the two Norwegian NGOs experienced considerably more difficulties in obtaining permits than the other foreign NGOs which applied. What have these two NGOs done differently from the other NGOs in terms of the above criteria? They differ from the other NGOs on two points: self-implementation and the use of expatriate staff in the field. Forut, like the ICRC, is the only other organisation that thinks that self-implementation is necessary to remain neutral. During the time it was doing relief work Redd Barna was also self-implementing. On the other hand, Care has relied heavily on the opposite strategy which has been to implement through TRO and local NGOs. As far as their neutrality is concerned, self-implementation does not seem to have been important in the government's assessments. Maybe the government has been more

concerned about the lack of expatriate staff in the field which the government made a requirement for permits to work in Jaffna, after large areas of the peninsula came under government control. Forut has not had any expatriates employed in the field, while Redd Barna did not want to employ an expatriate in Jaffna.

There may be other factors, which are not included in the above table, which may help explain the difference in access between the different organisations. One obvious one, is that UNHCR as a UN organisation is seen as less of a threat to the government than NGOs. UN organisations normally work closely with governments and often have long-term programmes of collaboration. As for the ICRC the organisation has a clear international mandate which the Sri Lankan government has signed up to. Another factor is that UNHCR and ICRC have by far the largest service delivery programmes in the North and the East of Sri Lanka. Consequently, it is in the government's interest to maintain a good relationship with these two actors.

Regarding the difference in the ways in which the NGOs are treated by the government one point which was repeatedly brought up by non-Norwegian NGOs was the 'Norwegian connection'. The Norwegian connection could be defined as the connection which Norwegian NGOs have had to Norwegian aid policy, foreign policy and Norwegian refugee policy. Norwegian foreign policy towards Sri Lanka has emphasised the need for peace and reconciliation. There is also a relatively large Tamil community in Norway. These two factors have been coupled together in the Sri Lankan media to create an image of Norway as a country which would intervene in the peace process on the Tamil side¹. Although Britain has played a very active role on the peace issue, the Sri Lankan media has not suggested that Britain would give preferential treatment to the Tamils.

Building civil society: support for local organisations and institutions

One criticism which has been voiced against humanitarian agencies is that they undermine local institutions and organisations. The policy advice, which is provided by

the critics, is that humanitarian agencies should work with local organisations and institutions in conflict affected areas (Harrell-Bond 1986, Ati 1993). However, to implement this policy advice in a conflict situation poses a series of dilemmas for the agencies.

In their service delivery role, the agencies work closely with the government-administration. Some of the agencies have supported the government-administration directly by paying salaries, for example for health personnel, and by providing infrastructure. However, agencies easily get into problems if financial aid is provided to the administration in the North and the East. The administration is controlled by the LTTE and the money which is channelled through the administration may fall into the hands of the LTTE. This is the reason why the central government itself only provides the administration with minimum funds for salaries and relief assistance.

All the agencies have a policy of implementing their programmes through local organisations. However, this strategy encounters two problems in LTTE-controlled areas. Firstly, most of the local organisations in these areas are under LTTE control. As an authoritarian guerrilla group, the LTTE does not allow dissenting groups to form in their areas of control, regardless of whether they are humanitarian or charitable. Analysing the areas around the towns of Trincomalee and Batticaloa in the East, Goodhand and Lewer divide local NGOs into two, possibly three, categories. The first category of NGOs comes from a church based, welfare and charity background and a lot of them were functioning before the conflict. Many of the employees have a civil servant background. The second category has emerged as a result of the increased availability of funding for NGOs in the 1990s, and tends to be staffed by younger, more middle class technocrats, with more of a contractor ethic. The third possible category can be found in LTTE-controlled areas and is made up of community based groups of young activists who work mainly on a volunteer basis (Goodhand and Lewer 1999: 73-74). Local NGOs have also been started by militant groups. EROS for example formed the Trincomalee District Development Foundation. EROS' policy was to disrupt any work which was started without their permission. For example, they assumed

responsibility for killing a Sarvodaya employee who acted against their policy (Kanthasamy 1988: 92).

Secondly, there are few organisations which have the capacity to implement programmes according to the requirements of the foreign humanitarian agencies. The ones which have such capacity easily become overloaded with projects from foreign agencies. For these reasons, finding local counterparts which are independent of the LTTE has been a major problem for the foreign agencies. In other words, if agencies were to support civil society, they would find that they have very few avenues for channelling their funds to organisations which are both independent of the LTTE, and have the capacity to implement substantial programmes. This problem is a reflection of a much deeper problem in the conflict areas where it has been argued that:

Civil society has virtually disappeared in place of which a wholesale process of militarisation has been undertaken (European NGO Forum on Sri Lanka 1995: 30).

This dismantling of civil society has also been observed by Goodhand and Lewer in their study of civil society in the conflict areas in Eastern Sri Lanka where the frontlines are less clear than in the North. They argue that violence perpetrated by the LTTE, militant groups, home guards and Sri Lankan armed forces:

... has created new incentive structures and new hierarchies that have undermined the previous institutional arrangements (Goodhand and Lewer 1999: 77).

Furthermore, according to the two authors, new organisations which have emerged and which are dependent on external funding, lack roots and a strong leadership. Lack of leadership is a general problem which they identified in the insecure areas of the East. To help build local organisations and institutions as a counterweight to the culture of violence requires long-term, consistent interventions by the NGOs. However, according to Goodhand and Lewer what the villagers see is:

...a succession of organisations with short attention spans and shallow analysis, descending on them briefly to distend largesse (often to the

wrong people) and then leaving never to be seen again. Where an NGO came consistently to a village and built up a long-term relationship, this was commented upon and obviously appreciated (Goodhand and Lewer 1999: 81).

The weakening of civil society is partly the result of LTTE policies. In areas under LTTE control, civil society organisations have to a large extent been banned, suppressed or their members have been killed by the LTTE. The legal system has been dismantled and replaced by an LTTE run legal system. National newspapers have been banned and all newspapers produced in LTTE-held areas are under the control of LTTE. All political parties or groups have been banned (European NGO Forum on Sri Lanka 1995: 30).

However, there are examples of organisations which have tried to work in a developmental way in the east of Sri Lanka using what they have called participatory development. Their objective has been to organise communities to be able to mobilise resources during periods of destruction and displacement, to access resources and services provided by the state, and to develop institutions with the capacity to negotiate with the armed fractions to establish parameters for acceptable living conditions for the civilian population. Because of repeated displacement, the population in these areas had become dependent on government and NGO welfare. At the same time people felt a sense of alienation from the civilian administration which had become militarised (Sachithanandan 1997).

It has been argued that capacity building efforts run the risk of providing support to rival fractions, and that the idea of making relief developmental has to be rethought (Macrae 1997). Duffield argues that the emphasis on civil society and institution building is a way of exporting the model of liberal democracy to societies in conflict. Aid provided with the intention of supporting liberal democracy breaks with the idea of universal humanitarianism (Duffield 1997). Both of these two positions represent what Slim has called a return to 'minimal humanitarianism' (Slim 1997a: 2). How do these ideas apply in the Sri Lankan context? First of all what has happened in Sri Lanka is a dismantling of civil society institutions and organisations in the conflict areas as a result of deliberate policies of the LTTE. Supporting civil society institutions in this context

does not mean to impose a Western model of liberal democracy, but to support and rebuild already existing institutions. Secondly, whether support to civil society and capacity building means the export of a liberal democratic model depends on how civil society is defined. Without going into a detailed discussion of the different ways in which civil society has been defined, I shall consider the liberal view of civil society. According to the liberal view, civil society is conceptualised as consisting of interest groups which interact with the state in different ways. Civil society represents the interests of individuals at an aggregate level and is a countervailing power to the state (Macdonald 1993). Support to civil society institutions in Sri Lanka would mean to support groups which would represent individuals vis à vis the LTTE, mediate between the LTTE and individuals, and protect individuals from unwanted interference by the LTTE. Without civil society institutions individuals become vulnerable to LTTE violations, and the LTTE is allowed to assume absolute power. When civil society is defined in this way, the concept can hardly be said to be an imposition of Western liberal democracy. It is rather a way of counteracting concentration of absolute power in the hands of one actor and of increasing the accountability of the LTTE.

7.2 Advocacy

After first briefly describing changes in agency policy towards more emphasis on advocacy I shall discuss four issues which can be linked to the literature on advocacy presented in chapter three: (i) the need for a cognitive framework (ii) the need to be prepared for attacks from the advocacy targets (iii) the concept of vulnerability and (iv) the need for legitimacy.

A fundamental rethink and change in policies among several of the agencies began to take place in the early and mid-1990s. SCF and Redd Barna changed their policies from having relief and development at their core to a focus on children's rights. UNHCR shifted its policy from support to returning refugees, to protection of IDPs. Oxfam began to put more emphasis on advocacy within the framework of Oxfam's definition of basis rights. These shifts have meant that all of the agencies have come to take up a

mandate which would involve some degree of advocacy work as part of a strategy to promote children's rights or the rights of internally displaced people. The shift towards protection and rights based issues have had implications for the role which the agencies play vis à vis the combatants. From having concentrated on service delivery, the agencies have had to try to define an advocacy strategy, both at the local, national, and international level. An advocacy role potentially brings the agencies into conflict with the government and the LTTE as they work to promote the rights of their beneficiaries and other war affected people.

Forut has travelled a different path from the other agencies as Forut has always had advocacy for human rights and peace as part of its mandate. From early on in the conflict, Forut played an active role in supporting peace and reconciliation efforts internationally, as well as being active in the European NGO forum.

Advocacy: the need for a cognitive framework

According to Keck and Sikkink (1998) advocacy work requires a clear cognitive frame within which an issue can be defined and explained to a target audience. A cognitive frame serves to show that a given state of affairs can be changed through identifying the responsible parties and credible solutions. Successful advocacy issues have been issues involving either bodily harm or equality of opportunity. Both of these issues can be projected within cognitive frameworks which are common to most belief systems. If one looks at advocacy issues which have been projected by the humanitarian agencies in Sri Lanka, they fall into four categories: i) issues connected to the delivery of assistance to war affected people which can be linked to humanitarian law and human rights law ii) issues like forceful resettlement or disappearances which are linked to human rights law iii) issues around birth certificates and documentation which have been looked at within the more specific framework of the Child Rights Convention iv) issues which are associated with the peace question.

Out of the four types of advocacy politics which Keck and Sikkink refer to, and which I discussed in the theory chapter, the efforts of the humanitarian agencies have focused on information politics and leverage politics and to some extent accountability politics. Information politics have been the essence of the work of the Humanitarian Consortium and the NGO Forum on Sri Lanka. The new emphasis that Oxfam, SCF and Redd Barna have put on documentation and reporting is also an element of information politics. However, in order to be effective, information politics have to be coupled with leverage politics and accountability politics. Leverage politics have taken place vis à vis the donor community at the annual donor meeting in Paris and also at the annual session of the UN Human Rights Commission in Geneva. Representatives of NGOs, either bilaterally or through the NGO Forum, have linked up with donors and governments to project peace and human rights issues.

As for accountability politics in relation to the Sri Lankan government, it has been argued that the NGOs were unaware of the commitments made by the Sri Lankan government and by the tools available to the NGOs to pursue this line of activity. Consequently, the NGOs remained passive in this respect:

The NGO were individually and collectively unprepared to argue for humanitarian principles and humanitarian space. There was no clear concept of what was considered basic rights of civilians in a war situation. They did not master humanitarian and human rights conventions, and were generally unaware of which ones the GoSL had signed. They even failed to take the GoSL's [Government of Sri Lanka] existing policies of entitlement for the poor, the drought affected or IDPs and GoSL guidelines on resettlement as reference. They were unaware, until much later, of the Red Cross and NGO Code of Conduct in disasters, on which they might have based an argument for their own role and humanitarian principles (Brabant 1997: 20).

For issues which are associated with humanitarian law and human rights law, international conventions provide a cognitive framework which agencies can take advantage of in carrying out accountability politics. However, the hesitations and difficulties which agencies have had in developing an advocacy strategy on the peace issue can partly be explained by the lack of an existing cognitive framework and the inability of the agencies to develop such a framework. The agencies see the conflict in

Sri Lanka as an ethnic conflict in which they do not want to take sides, because the conflict does not lend itself to simple definitions regarding who is right and who is wrong. They argue that their side is the side of the people. Although in the 1980s, the Tamil side was often seen as the wronged side, and their claims to self-determination won a sympathetic hearing in the West, this situation changed in the 1990s. The Government of Sri Lanka was increasingly able to define the conflict as a terrorist problem. The LTTE was defined as a terrorist organisation² and efforts were made to delegitimise the organisation internationally and to seek a military solution to the conflict. Within this increasingly dominant cognitive framework, the NGOs were unable to develop an alternative framework which could explain and justify an advocacy strategy on the peace issue. This position placed some of the agencies at odds with the wishes of the population in the areas in which they worked. The people had clearly stated that their priority was peace and that that was the issue which they wanted the international agencies to work on (Oxfam 1997). Without a cognitive frame to spearhead their work on the peace issue, the agencies were left at the mercy of the government's cognitive frameworks.

Criticisms and attacks: the need to be prepared

When organisations carry out advocacy work which involves criticism of the actions of one or both of the parties to a conflict the party which is being criticised often responds by attacks. In order to manage attacks it is necessary for the organisation to be prepared for this response. If the organisation is not prepared, a harsh response from one of the combatants may lead the organisation to retreat from advocacy work, at least temporarily. The events surrounding the meeting of the Sri Lanka NGO forum, in November 1995, seem to have had such consequences for some of the foreign NGOs working in Sri Lanka. They became reluctant to carry out activities which could be seen by the government as provocative. The mechanism at work here is rather self-censorship then continued probing of where the government would place the limit on advocacy work. Organisations would be careful with the words which they used to describe certain activities. Agencies would take great care to invite government officials for

meetings as part of an effort to keep the government continuously informed about the activities of agencies. Advocacy would be carried out very discreetly and in a non-public manner.

Attacks by the government seem to be aimed at questioning the legitimacy of the organisations. There are two elements which are prominent in the attacks. The first is that the description of a situation is questioned, which means questioning whether the organisation got the facts right. One good example of this is ICRC's criticism of the government's bombing of Navaly church in July 1995. The ICRC claimed that the government had hit the church, while the government argued that the church had not been hit, only the church yard. Similarly, if there are factual mistakes in reports produced by agencies, the government is quick to pinpoint this. The second way in which the government attacks the legitimacy of an organisation, is by indicating that foreign humanitarian agencies can not be trusted. For example, as Foreign Minister Kadirgamar put it: their funding is 'mysterious and dubious' and 'sometimes they interfere politically in a particular country'³. Newspaper articles frequently go further as in feverish attacks on humanitarian agencies following the meeting of the NGO Forum in December 1995. Newspaper articles stated that resources brought in by the foreign humanitarian agencies tended to fall into the hands of the LTTE, that the agencies were supportive of the LTTE and that the humanitarian agencies represented foreign interests which were often Christian and, by implication, anti-Buddhist in nature.

During the cold war, NGOs played an advocacy role in the Afghan conflict, in the Ethiopia-Eritrea conflicts and in Guatemala, Nicaragua and El Salvador, among others. In all of these conflicts, NGOs advocated for peace. They also actively supported what they saw as the wronged party to the conflict, be it guerrilla groups or the relief arms of these guerrilla groups, through cross-border operations (Duffield 1994b). The conflicts were either framed as liberation struggles or as struggles for indigenous rights and NGOs took on the role of advocates of the liberation - or the indigenous rights agenda. This agenda constituted a common cognitive framework for donors, NGOs and civil society groups in the countries of conflict. The Sri Lankan conflict can not be easily defined as the 'good guy' against the 'bad guy'. Therefore, to develop a cognitive

framework for advocacy purposes, which identifies the responsible parties and credible solutions, has not been straightforward. To the contrary, the Sri Lankan government has been successful in defining the conflict as a terrorist problem and not only for the consumption of nationalists at home, but also internationally. These efforts culminated in the banning of the LTTE as a terrorist organisation by the Sri Lankan state and by the United States government. This strategy has had some success because it fits into the cognitive framework developed by the United States which has targeted terrorism as a major international problem. By defining the LTTE as a terrorist organisation, and the conflict as a terrorist problem, the Sri Lankan government has also defined a cognitive framework which is at odds with a peace agenda. This is because, unlike conflicts between groups which can be settled politically, the solution to a terrorist problem is military.

The advocacy target: vulnerability

Keck and Sikkink (1998) argue that an actor who is vulnerable is more likely to respond to advocacy pressure. They mention vulnerability as a result of aid dependency as the most common type of vulnerability. The Sri Lankan government has to a certain degree been vulnerable in this respect and the annual donor meeting in Paris has provided a focus for NGO advocacy. However, by far the largest two donors, Japan and the Asian Development Bank, have not been targeted. When it comes to the potential for applying leverage and accountability vis à vis the LTTE this is much more limited. Being a largely self-reliant guerrilla group raising funding through taxation and trade the LTTE is not dependent on any large donors which are accessible to advocacy pressure.

As for accountability politics, only states are signatories to human rights law. Humanitarian law is binding both for states and for non-state actors. LTTE is, therefore, bound by humanitarian law. It has publicly stated that it will abide by humanitarian law. However, in practice, LTTE argues that humanitarian concerns are secondary to military imperatives, and that the group has limited resources to spend on ensuring that humanitarian law is upheld.⁴ The Sri Lankan army has a hierarchical structure whose top

and intermediary leadership is accessible to advocacy efforts and whose rank and file can be brought together for training. LTTE has a much smaller number of mid-level officers, its rank and file is much less accessible and the leader, Prabakaran, has only been seen once by the ICRC, and not at all by representatives of the NGOs.⁵ Amnesty International and Human Rights Watch have drawn attention to human rights abuses by the LTTE. It seems likely that one of its sources is NGOs operating in these areas (Amnesty International 1996, Human Rights Watch/Asia 1995). So, although the LTTE is not formally accountable in relation to human rights law, as far as the LTTE is concerned with its image and international position it is presumably vulnerable to human rights criticisms.

The need for legitimacy: pragmatic, moral and cognitive

Institutional theory suggests that gaining legitimacy from the environment is a key organisational concern which may impact both on organisational structure and action. According to Scott, making an organisation legitimate involves connecting the organisation to wider cognitive frames, norms or rules (Scott 1995). This process equals organisational institutionalisation. In other words, organisational institutionalisation is based on three different types of legitimacy: legal, moral or cognitive.

The legitimacy of foreign humanitarian agencies vis à vis the Government of Sri Lanka is based on legality which means adherence to rules and regulation. In terms of this kind of legitimacy, the agencies have not had problems. However, the government has openly questioned their moral legitimacy because of their foreign funding. In spite of this, agency staff say that they feel that they share a common frame of reference for their relief work with government officials, both in some of the ministries and among top army personnel. On the other hand, agencies do not connect either morally or cognitively to vocal, nationalistic elements of civil society who have ample access to the national media. This situation becomes a problem for the humanitarian agencies in so far

as they are sensitive to projections of negative images of them in the national media. Negative publicity may also affect government policies and the funding base of agencies.

Foreign humanitarian agencies are susceptible to criticism exactly because they are foreign and primarily accountable to Western donors and their home constituencies. One lesson which is reflected in much writing about advocacy work is the need for alliances with parties both inside and outside the NGO sector. Alliances may be with the business sector, churches or trade unions (Hall 1992, Covey 1995). This idea may be particularly pertinent to foreign humanitarian agencies. In the Sri Lankan context, the importance of alliances between civil society and sensitive agents inside the establishment has been pointed out (Weerakoon 1997). The NGOs working in Sri Lanka have until recently not entered into alliances with organisations outside the NGO sector. However, this is changing with Redd Barna's and Save the Children's advocacy work. They are developing relationships with civil society institutions, such as research institutions and advocacy groups, on children's rights. One pronounced aim of this policy is to give legitimacy to the advocacy work that is carried out on child rights issues.

According to Suchman, building legitimacy for a new activity consists of two challenges. Firstly, to build the sector or to disentangle new activities from pre-existing regimes. Secondly, building legitimacy involves creating new allegiance constituencies or persuading pre-existing legitimate entities to lend support (Suchman 1995: 586). Redd Barna's and SCF's efforts to support child rights groups and research on child rights can be seen as part of an effort to build a child rights sector as part of civil society in Sri Lanka. In relation to Suchman's second point about the importance of building alliances, something which the literature on advocacy also lends support to, it would be important to build alliances with already existing legitimate entities which may not at first appear to be close to the child rights issue. The government is one actor which SCF, in particular, is trying to develop a close relationship to. In other countries, Redd Barna has had a very close relationship with governments, for example in Cambodia where Redd Barna worked closely with the Ministry of Education to develop a new curriculum. Other relevant actors may be the church or businesses. The potential for

building alliances is much more limited in LTTE-controlled areas. One of the characteristics of the LTTE held areas is a very weak civil society and lack of organisations which are allowed to operate independently of the LTTE.

As pointed out by Keck and Sikkink, an important element of a successful advocacy strategy is to build a cognitive framework which explains the actions of the organisation. Attempts at this have been made through publication of material on child rights as well as translation of the Convention on the Rights of the Child into concrete work with the government and the LTTE. These efforts help to familiarise actors in the environment with the concepts which make up the cognitive frame around childrens' rights. The ultimate aim of such a strategy would be, following Suchman's typology of legitimacies, to establish child rights as an area which has cognitive legitimacy or 'taken for granted' legitimacy. For that to have been achieved, the work on child rights would have to be seen as appropriate and easy to explain within widely held belief systems in Sri Lankan society.

7.3 Combining different roles: the organisational challenge

This section first looks at the different mandates which the organisations in this study have for their work on humanitarian, human rights and peace issues. Secondly, I identify organisational responses which agencies have taken up when they have expanded their mandate beyond a purely humanitarian one.

Different mandates: humanitarian, human rights and peace

The organisations in this study differ in terms of priority given to human rights. Redd Barna and SCF have made human rights the core of their work, whereas Forut and Oxfam see human rights as peripheral to their main activities. As for peace, only Forut has a specific mandate to work for peace. UNHCR's policy is to give equal weight to human rights and the provision of assistance.

The differences in the mandates of the organisations also lead to different questions as to their possible human rights role. For SCF and Redd Barna the situation is clear, and they have implemented organisational changes in line with their new mandates. Redd Barna has abandoned its relief role. SCF has limited its relief role. In terms of the human rights role of Oxfam and Forut, it has been argued that humanitarian agencies should be willing to provide information to organisations which work on human rights because of their unique access to conflict areas (Milliano 1996). This means that humanitarian organisations are not required to do their own advocacy work, but they should support the advocacy work of other organisations. The counter argument is that this work may easily jeopardise the assistance role which these agencies play. As for UNHCR's, its human rights role vis à vis internally displaced people is not clarified legally. The organisation has employed protection officers whose brief it is to look into human rights issues. The main challenge for these officers is to define their own role and to make protection issues an integral part of the work of UNHCR, despite scepticism as to the potential for UNHCR to do human rights work.

As for advocacy for peace, I have argued that this is difficult to achieve. Efforts in this direction are met with sharp criticism from the government. The agencies have been ill equipped to handle this response. Being part of the larger UN system, UNHCR has argued that the organisation should play a role in preventive diplomacy by promoting humanitarian action and by supporting the peace-making and peace-keeping activities of the Secretary-General of the UN, as well as liaising with the political, security and humanitarian arms of the United Nations Secretariat. However, UNHCR activities should retain their humanitarian, non-political character (High Commissioner 1992). As for Sri Lanka, the UN has not played any role beyond its traditional humanitarian and development role. The Sri Lankan government has rebuffed any suggestions that the United Nations should become involved in the peace issue. Therefore, there has not been an opportunity for UNHCR to link up with the wider UN system in terms of work related to promoting peace.

Although it has been argued that the Red Cross has a hidden agenda which is to end wars (Berry 1997), the ICRC stresses its very limited tools. Initiatives to promote peace easily become political and they come into conflict with its principle of neutrality (Pictet 1979: 28). In arguing for a strictly humanitarian role for itself, ICRC stresses that humanitarian action should not become a substitute for political and military action. Humanitarian action should not be used as an extension of foreign policy because then it loses its neutrality (Sommaruga 1995: 11-12). In cases in which the ICRC is the only direct channel of communication between parties, the ICRC sometimes acts as a messenger between the parties who have the option of taking this process one step further and start political negotiations. This happened for example in Sri Lanka in 1994 and in the case of Santo Domingo in 1995.

It is interesting to note that studies among the displaced have shown that they think foreign agencies should play a role in terms of advocacy for peace. Some of the local NGOs also state that they think that the foreign NGOs are in a position to play an advocacy role in relation to the situation for internally displaced people and that they should do so. Among the foreign NGOs there is a tendency to say that the UN is in a better position to play an advocacy role than they are. In other words, the responsibility for advocacy and more confrontational politics is pushed over to other organisations. It is not taken up with a great deal of enthusiasm at any level among the organisations which also are involved in assistance activities.

Organisational responses: knowledge, 'decoupling' and alliances

Advocacy is inherently political work. Keck and Sikkink (1998) use the word advocacy politics and talk about different types of advocacy politics. When the organisation which is doing advocacy and the advocacy target have different goals, advocacy may lead to conflict between the two. Therefore, an organisation which is doing advocacy work often finds that its relationship to the environment is very different from an organisation which is doing service delivery work. What are the implications for organisational structure and behaviour of these different types of relationships to the environment?

When organisations take up advocacy work, one component of this work is information politics as described by Keck and Sikkink. The need for organisations to collect reliable information leads the organisation to emphasise knowledge and knowledge creation as an important aspect of their work. Sometimes this approach is based on an acknowledgement that the organisation does not in fact know much about its beneficiaries. Developing a knowledge based organisation involves collecting information about relevant issues, and how they can be defined, within the local context as well as taking on new staff or training existing staff. Building a knowledge based organisation may happen within the framework of an already existing structure, or it may involve radical changes in structure. The latter approach was taken by Redd Barna and, to some extent SCF, when their organisational policies changed to a focus on children's rights.

Several of the organisations have 'decoupled' advocacy work from service delivery work. This is the model which is most widely prescribed in the literature as a means of managing pressure from the environment (Meyer and Scott 1992, Brunsson 1988, Elsbach and Sutton 1992). According to this model, only very limited and discreet advocacy work is carried out in the country of conflict, and a more active role is played by the organisation abroad. The advocacy work carried out abroad could be either on specific issues related to the conflict in Sri Lanka, as has been the case with advocacy work carried out by Oxfam and Forut, or it could be on more general issues as has been the case with the advocacy work carried out by the ICRC. Forut's experience has demonstrated that the strategy of carrying out advocacy abroad does not work in terms of avoiding controversy if information about the advocacy work abroad is fed into the country of conflict and ends up in the public domain.

Another way in which organisations have developed their advocacy work is through the creation of alliances, either with institutions which are involved in the same area of work, with beneficiaries or with the government. Redd Barna and SCF have opted for the first strategy and have been working to establish links, often through partnerships, with organisations in their fields. Oxfam, Forut and SCF have adopted the second

strategy, which is to try and link up with the views of their beneficiaries, through different processes whereby the views of their beneficiaries are sought. However, the agencies have not taken the next logical step which would be to change their policies so that they would become more compatible with the views of their beneficiaries. UNHCR, Forut and SCF are the organisations which have most explicitly decided to work with the government in particular areas, either out of necessity or based on the idea of scaling up. All these strategies take into account the need to strengthen links between the agency and its environment so that the organisation can become more effective and also increase its legitimacy.

What all of these strategies have in common is that they should enable the organisation to build a more shock resistant structure in the sense in which chaos theory, discussed in chapter 3, talks about the importance of withstanding turbulence in complex environments. Another point, which I think is equally important, is that the organisations develop a culture which is prepared to handle criticism from the environment in a way that does not lead to inaction, even if inaction may be an appropriate strategy in the short term (Scott 1995). However, it has been pointed out by observers that the agencies in Sri Lanka, despite their long-standing presence in the country, have been slow in developing innovative approaches. One explanation for this is a cautiousness in developing relationships with new and unknown actors in a conflict situation based on a fear of destabilising the balance which the agencies have struck in their dealings with the combatants. Another explanation may be the large turnover among agency heads which may have prevented the agencies from becoming so familiar with the situation that they have been able to do a realistic assessment of the risks and opportunities involved in taking up more innovative strategies.

7.4 Summary

I have argued above that in their relief delivery role, the humanitarian agencies generally have the same goals or objectives as the government and the LTTE. However, there may be disagreements over timing and who the beneficiaries should be. Throughout the

conflict an understanding has developed between the government, the LTTE and the agencies about the relief delivery role of the agencies. When the agencies move beyond relief this understanding, based on common objectives, long term communication and a shared framework of understanding, is effectively challenged by the agencies.

The problems which the agencies have had with the government are different from the problems which the agencies have had with the LTTE. The responses from the agencies towards these two actors in their environments have also been very different. The agencies have experienced two kinds of problems vis à vis the government. Government action, or rather inaction, has been the main constraint on agency relief operations. The government has restricted agency access to the North by not approving agency applications for permits. Agencies have experienced a second type of problem when they have ventured into activities which are perceived by the government to be political or outside the range of what the government considers humanitarian. The government has then put pressure on the agencies, either directly by calling them in for discussion, or indirectly through attacks in the newspapers, to make them stop these activities. The pressure from the LTTE has been for more resources and for these resources to be used in a way which is in line with LTTE priorities.

The negotiations and compromise strategy, including efforts to balance the relationships to the actors through operationalising the concepts of neutrality and impartiality, is the most commonly used strategy by the agencies. This fits in with Oliver's scheme where she argues that compromise is the most likely strategy when organisations are faced with conflicting demands (Oliver 1991). Through employing this strategy, at times complemented by closer collaboration or avoidance, the agencies have managed to maintain a good working relationship with both of the combatants over more than a decade. The agencies have responded to government pressure by closer collaboration, rather than by taking up a more confrontational line. However, in response to heavy handed LTTE pressure the agencies have withdrawn temporarily from working in the areas where they have experienced this kind of pressure.

If information is to provide an effective advocacy tool, it must be provided and projected as part of a cognitive framework which is perceived as legitimate by the constituencies and allies of the organisations which carry out the advocacy work. If this is not the case, the advocate can become an easy victim of efforts by the target of the advocacy work to undermine the advocacy organisation. This is particularly the case when the target is the government. The advocacy mechanisms which are available in relation to the LTTE are more limited and different from the ones which are available vis à vis the government.

Table 7: Factors which impact on advocacy success

<i>factors</i>	<i>examples</i>
issues	right to food/assistance, human rights violations, peace
cognitive frame	international conventions, national law, belief systems
targets	government and LTTE, nationally and locally
actors	embassies, governments, donors, international development organisations, human rights organisations
mechanisms	lobbying nationally and internationally
information politics	media, reports, documentation
symbolic politics	definition of reality
leverage politics	availability of sanctions, integration in the international community
accountability politics	commitments made to legal instruments, accessibility of targets

Based on Table 7 it is possible to deduct that an optimal situation for successful advocacy would be a situation characterised by an issue which is humanitarian in character, a cognitive frame consisting of an international convention and a compatible, national belief system, a target which is integrated into the international community to allow for leverage politics to be employed, and possibly sanctions to be imposed, and a target which has made commitments either to international legal instruments or to national law. If one compares the Sri Lankan government and the LTTE on these characteristics, it becomes evident that an advocacy strategy vis à vis the government is more likely to succeed than an advocacy strategy vis à vis the LTTE. This is because the government has signed up to binding international, legal instruments. The government is integrated into the international community of states. As a recipient of aid, the government is also vulnerable to pressure from donor governments and organisations.

In 1997 and 1998, the United Kingdom was the fourth largest donor of development aid to Sri Lanka, providing US\$16 million. Norway was the fifth largest donor, providing US\$15 million.⁶ Sri Lanka received a total of US\$ 329 million in official development assistance in 1997 and US\$ 490 million in 1998 (OECD 2000). As a guerrilla organisation, the LTTE is only committed to limited sections of international humanitarian law. There is little scope for leverage politics as LTTE is not dependent on funding from any governments or international organisations.

If one tries to place advocacy within Oliver's scheme of responses to pressure from the environment, one finds that advocacy can not be easily fitted in. Oliver's strategies are all thought of as strategies which promote the interests of the organisation itself. Advocacy is designed to promote the interests of the organisation's beneficiaries. Unlike the defiance strategy, which in Oliver's scheme means that the organisation actively departs from institutional values and expectations, advocacy is an attempt by the organisation to make actors in the environment, the government or the LTTE, adhere to values which they have committed themselves to and which are codified in humanitarian or human rights law. Advocacy defies these two actors in the sense that it expresses a criticism of their actions. Both the government and the LTTE have let it be known through their sharp responses to agency advocacy that they do not approve of it.

In terms of organisational adaptations to conflicting demands or the organisational challenge involved in combining different roles, there seem to be three ways in which the agencies have adapted to their environments. Firstly, through 'decoupling' advocacy activities from their service delivery activities. This is the most widely discussed strategy within organisational theory and one which Oliver classifies as avoidance. Secondly, building alliances with actors in the environment is another strategy which will be discussed further in the last chapter. In terms of Oliver's scheme, this strategy may result in efforts to manipulate their environments to their advantage, either in terms of co-opting other organisations or manipulating institutional values or beliefs. Thirdly, changing the competencies and skills of the organisations, possibly coupled with focusing their activities more, is another way for the organisation to handle its

environment. This is what Redd Barna has done by focusing on advocacy and stopping more traditional relief and development activities.

The next and last chapter returns to some of the questions raised in the first chapter and reviews the findings of this thesis both in terms of organisational theory and humanitarian aid policy.

Endnotes

¹ Island May 26 1997, Sunday Times July 27 1997

² The Gazette of the Democratic Socialist Republic of Sri Lanka, no. 1,012/16, Tuesday January 27 1998 proscribed the LTTE.

³ Hansard November 24 1995

⁴ Interview with agency staff (23)

⁵ Interview with ICRC staff

⁶ Japan provided US\$ 166 million, the Asian Development Bank Special Funds provided US\$ 92 million and IDA provided US\$ 76 million.

8. CONCLUSION: MANAGING THE ENVIRONMENT

The question which I have attempted to answer in this thesis is 'How do humanitarian agencies engage with the combatants in a complex political emergency?' I have considered the roles which humanitarian agencies can play, the strategies which they employ vis à vis the government and the LTTE, and the pressure which the combatants apply on the agencies. I have argued that when agencies go beyond service delivery and take up advocacy and support to local organisations and civil society, the ways in which they manage relationships to actors in their environment become critical to their ability to carry out their work. This is particularly true in a conflict situation which is characterised by the disappearance of the 'middle ground' as more and more actors in the environment of the organisations are drawn in by the dynamic of the conflict. They are either forced by the combatants to take sides, or their actions are perceived by the combatants as taking sides. As a result of this process, it becomes more difficult for the agencies to maintain neutrality and impartiality.

After first summarising the thesis' findings, I discuss some issues which have emerged from this work from a humanitarian assistance and NGO perspective. First, I consider whether the principle of neutrality is a barrier to advocacy. Then, I discuss the potential for collaboration between humanitarian and human rights agencies. The final issue which I look at is ways in which agencies can strengthen civil society.

From a theoretical perspective, I shall discuss four issues which I think are relevant in analysing the relationships that humanitarian agencies have to actors in their environment. Firstly, I discuss the relationship between humanitarian independence and organisational inter-dependence. Secondly, I argue for the need for scanning the environment as a way of actively seeking out the activities and policies of other actors in the environment. This is of importance in order to manage precarious relationships with the combatants and in order to build productive relationships with potential partners and allies. Thirdly, I look at transparency as a way of managing relationships. The emphasis which the agencies place on transparency is surprising in the context of

organisational theory, which argues that in order to protect themselves organisations tend to withhold information. Fourthly, I discuss the issue of legitimacy and accountability in relation to foreign humanitarian agencies. I conclude the chapter by suggesting some policy implications.

8.1 Constraints and strategies: the need to engage with actors in the environment

Foreign agencies in Sri Lanka: implementing a 'cross line' operation

As this research has shown, the Sri Lankan government has played an active role in delivering services during the conflict. It has provided the bulk of the food which has been delivered to the North. The government and the LTTE have agreed that it is the responsibility of the government to provide food to war affected people, both in government and LTTE-controlled areas. The government has also established different mechanisms over the years to help co-ordinate the relief efforts. The problem for the agencies in Sri Lanka has not been 'weak' government but rather government restrictions on agency access to war affected people. These restrictions have been applied particularly when a sudden deterioration of the situation has occurred characterised by increased displacement as a result of an escalation of hostilities. In addition, the agencies have faced pressure from the LTTE.

The humanitarian agencies in Sri Lanka have been implementing a 'cross line' operation from the mid-1980s. Humanitarian aid has been brought in from government-controlled areas and reloaded at the Forward Defence Line, which demarcates the areas under government control from areas under LTTE control. Once inside LTTE-controlled areas, aid has been distributed jointly between the local administration, foreign humanitarian agencies and local organisations. The relief operation has over the years been characterised by stability. The large agencies operating in the North have been the same throughout the conflict: Oxfam, SCF, Redd Barna, Forut, Care, MSF, UNHCR and ICRC. After Sarvodaya and SEDEC stopped its work in the North in the early 1990s, only Sri Lankan Tamil NGOs were engaged in the work in the North until Sewa

Lanka was given the go ahead to operate in LTTE-controlled areas in Vavuniya in 1997, and later in Trincomalee in early 1998. So, in a way, the aid operation also became divided along ethnic lines as Sinhalese NGOs worked in the South and Tamil NGOs worked in the North.

Constraints on the agencies: government restrictions and LTTE pressure

The agencies maintain that the main constraint on their service delivery work is restrictions imposed by the government on permits to bring in goods to LTTE-controlled areas. However, there has also been a lack of co-operation around this issue from the agencies' side, something which has made it relatively easy for the government to turn down applications for permits. The dependence on permits that are difficult to obtain, and the possibility of being denied access to LTTE-held areas altogether, make agencies vulnerable to government pressure. When agencies venture into advocacy work, the government strategy is to question the accuracy of the facts which are presented by the agencies. This works as a subtle way of challenging the reliability of agency information and the legitimacy of their actions. This may happen either through asking the agencies to explain their positions to the government or by questioning agency positions in the media.

LTTE pressure on the agencies is of a different nature because the LTTE is interested in attracting as many resources as possible into the areas under its control. There is therefore pressure on the agencies from the LTTE to bring in more resources. Once resources have entered LTTE-controlled areas, pressure shifts to persuading agencies into using local organisations to implement their programmes or projects. In some cases LTTE has confiscated equipment with the result that the agency has stopped its work until the issue was resolved. Not only do agencies see these latter actions as a threat to their integrity, but they also see them as compromising their impartiality and neutrality.

Although the agencies face pressure and constraints from the combatants, it is important to bear in mind that the security situation for the operation in Sri Lanka has

been generally satisfactory. There have been no major incidents involving aid workers, although there have been potentially critical situations. Aid workers do not feel that they are targets in the conflict. Another factor to keep in mind is that despite the presence of up to a million displaced people, there has been no widespread starvation since the war started in 1983.

Agency strategies: responses to the combatants

Three questions which I posed in the first chapter were (i) how do agencies deal with the constraints which they are faced with in a conflict situation, (ii) do the agencies develop the same kind of strategies in relation to the government-administration as they do in relation to the LTTE-administration, and (iii) are there differences in approach between NGOs and the UNHCR?

For the purpose of discussing the first issue of how agencies deal with constraints, I have used literature which analyses how organisations respond to situations in which they work under pressure from actors in their environments. Although I have considered internal organisational changes, my main focus has been on the strategies which the agencies adopt vis à vis actors in their environment. My findings indicate that the agencies most frequently adopt negotiations and compromise to manage their environments. Negotiations and compromise are strategies which are discussed both by institutional theorists and resource dependence theorists. According to new institutional theorists, negotiation and compromise are most likely to take place when institutional demands and organisational objectives come into conflict, and when organisations need to balance or accommodate demands from multiple constituencies (Oliver 1991). Organisations may also try to pacify their constituencies by accommodating some of the demands, but not all. In the Sri Lankan case, the need for negotiations and compromise is reinforced by the collaborative and complementary nature of the relationships between the agencies and the combatants.

As far as Oliver's (1991) response strategies are concerned, agencies do not generally apply acquiescence as a strategy because of their need to adhere to the principles of neutrality and impartiality. Neither do they apply defiance and manipulation because their relationships with both the government and the LTTE are inter-dependent. Defiance and manipulation may lead to confrontation and seriously affect the service delivery role of the agencies. Two less confrontational strategies have been adopted by the agencies. Firstly, rather than openly challenging the government and the LTTE, the agencies 'decouple' controversial activities from the work which the agencies carry out in Sri Lanka. These activities are performed by the head office or alternatively information is provided to organisations whose mandate it is to carry out these activities. Secondly, through training programmes agencies disseminate the values and practices inherent in humanitarian law.

Agencies adopt different responses to government pressure, as opposed to LTTE pressure. When under attack from the government, for example during the NGO forum meeting in November 1995, their response has been to try and explain their position to the government. Confrontation also seems to have been followed by attempts at closer collaboration with the government. This is surprising because organisational theory predicts that confrontation would be followed by avoidance and withdrawal (Pfeffer and Salancik 1978, Brunsson 1988, Oliver 1991). When faced with strong pressure from the LTTE, the agencies have used different strategies. I have argued that avoidance and withdrawal seem to be more common as a response to LTTE pressure. These strategies correspond to escape in Oliver's terms as organisations exit the area where pressure is being exerted (Oliver 1991).

On some occasions the agencies have confronted not only pressure, but incompatible demands from the two parties to the conflict. When hundreds of thousands of people were displaced from the Jaffna peninsula and into the Vanni following the government's offensive against Jaffna town in the fall of 1995, the LTTE pressed for long term agency operations in the Vanni. The government only wanted temporary aid in the Vanni and prioritised rehabilitation in Jaffna. At the time, the agencies chose not to start any long term rehabilitation activities in the Vanni. Neither did they start any large

scale operations in Jaffna. Through this compromise, they managed to satisfy the demands both from the government and the LTTE. The disadvantage of this policy was that the agency programmes continued to be smaller and less ambitious in terms of money spent and long term direction than the agencies would have ideally liked.

Another example of how potential reactions from the combatants may stifle agency action and lead to inaction, as predicted by Scott (1995), relates to the dispute between the government and the LTTE over the description of the ground situation in the Vanni. The LTTE consistently claims that the situation is worse than what the government says. Agencies have been careful in terms of researching and describing the situation knowing that the results will be controversial. As a result, the agencies' work has been based on less accurate information than it would have been, if the agencies had risked going into these controversial issues. As I documented in chapter four, the government has on several occasions reprimanded agencies for operating with inflated figures for internally displaced people or for giving an overly negative picture of the situation in the Vanni. This lack of agreement over facts has hampered the relief effort.

To the second question of how the agencies manage their relationships with the government and the LTTE, I have argued that the agencies manage these two relationships in very different ways. In spite of having faced difficulties in relation to the government in Colombo, the Ministry of Defence in particular, the agencies have maintained close collaborative relationships with local government officials, in particular with the government agents. The relationship between the agencies and the government is based on engagement. Engagement takes different forms such as collaboration in the delivery of services or confrontation on issues of humanitarian and human rights law. Some of the agencies even seem to have wanted to develop closer relations with the central government after they have experienced confrontation.

The relationship to the LTTE is based primarily upon practical considerations as a result of the need that the agencies have for security guarantees from the LTTE. The agencies do not collaborate with LTTE's administrative structures or departments, except for the relationship that some of the agencies have to TRO, the relief arm of the

LTTE. As argued in chapter seven, the agencies do not seem to have developed a clear framework for interpreting the conflict and for defining the LTTE. The government's interpretation of the conflict, which is to see the LTTE as a terrorist organisation, may therefore spill over into the cognitive framework of the agencies. However, despite the reservations that the agencies have, they often have good working relationships with the civil servants who are formally government employees.

There are also differences between the agencies in the ways in which they relate to the LTTE. Some of the agencies emphasise the need to keep channels of communication open and to engage in dialogue and communications, while others want to avoid contact as much as possible. With some exceptions, the NGOs seem to follow a policy of disengagement, both when it comes to implementation through TRO and when it comes to raising humanitarian issues with the LTTE. The results of negotiations between agencies and the LTTE have varied from compromise to agency withdrawal and resistance to LTTE demands. None of the agencies have tried to defy or manipulate either the government or the LTTE, possibly because of the inter-dependent relationships that they have had with the combatants in their service delivery work.

The third question raises the issue of whether there are differences between the NGOs and UNHCR in the way that they relate to the government and the LTTE. One difference, which is frequently pointed out by agency staff, is that the government gives UNHCR privileged access to areas under LTTE control. This has been the case in times of crises and on a more regular basis in the issuing of permits for entering areas under LTTE control. UNHCR's strategies vis à vis the Sri Lankan government do not seem to be very different from the strategies of the NGOs. UNHCR's collaboration with the government is more formalised, while UNHCR's advocacy strategy seems to be as cautious as the strategy of NGOs. As for its relationship to the LTTE, UNHCR has a policy of engaging with the LTTE and to keep a continuous dialogue going also on issues which may lead to confrontation. UNHCR implements many of its projects through TRO. The NGOs generally take a more cautious approach to engaging with the LTTE.

Advocacy: risking confrontation

In chapter one, I asked about the consequences for the organisation in terms of its relationship to the environment and for organisational structure of moving into an advocacy role.

None of the agencies in this study limit their role to service delivery. They also cautiously do advocacy work either in relation to humanitarian law or human rights law. The challenge which the agencies face is to maintain good relations with the combatants, which is crucial for the effectiveness of their service delivery work, while simultaneously criticising the agencies about breaches of humanitarian and human rights law. The agencies employ a range of strategies to achieve this balance. Firstly, they work to influence the combatants while generally trying to avoid publicity. Another route is direct lobbying of the two combatants, whereby agencies raise violations in meetings with the combatants at different levels. Issues of concern to the agencies are also raised through publication of reports. These efforts at lobbying can generally be described as designed to make the combatants accountable to humanitarian and human rights law.

I have shown that agencies have adopted several organisational strategies for combining advocacy with service delivery as they have moved beyond focusing on service delivery only. Redd Barna and SCF have to a large extent stopped service provision and have started to build knowledge and competence in the area of child rights. Oxfam and Forut have followed a strategy of 'decoupling' advocacy activities from the service delivery work carried out in Sri Lanka. UNHCR is trying to balance the two, something which has turned out to be a difficult task. Redd Barna and SCF have put a lot of effort into building alliances with local organisations.

Government reactions to advocacy work range from direct interventions expressing disapproval to statements in the media which disputes the fact of the matter and hence the reliability of the agencies. Besides the embarrassment involved in being publicly

criticised, agencies face the implicit threat of being denied access to the displaced population. In order to be able to manage and cope with government criticism and negative publicity, I have argued that it is important that foreign humanitarian agencies have a cognitive framework for their advocacy work. As the international human rights regime has developed, it has become available as a framework for agencies, in addition to humanitarian law. The advocacy challenge is to use these frameworks to engage with both the government and the LTTE, as well as refining a strategy of leaving controversial issues to human rights organisations or more powerful actors.

All the agencies in this study have a policy of working through partnerships with local organisations. However, the implementation of this policy in LTTE-controlled areas has proved to be fraught with difficulties. There are very few independent civil society organisations and there is also a lack of capacity or competence among the existing organisations. In a context in which civil society has become weakened, partly as a result of deliberate LTTE policies and partly as a result of an exodus of civil society leaders and potential leaders, I have argued that it is important to provide support for local organisations. They can provide an alternative voice to the LTTE and they can act as channels for the needs and aspirations of the population vis à vis the LTTE.

8.2 Combining different roles: service delivery, advocacy and support to civil society

The question of how agencies combine different roles is relevant in the literature on NGOs as well as in the literature on relief. I have argued that the agencies in this study have combined these roles in a variety of ways. I now want to take a closer look at three issues which I think have emerged as important to this question in the context of a complex political emergency. Firstly, is neutrality a barrier to advocacy? Secondly, what are the possibilities for co-operation between humanitarian and human rights agencies on advocacy? Thirdly, in what ways can agencies build institutions, or put differently, support civil society in a conflict situation?

Neutrality: a barrier to advocacy?

The reason which is often given against taking up advocacy work, is that advocacy is not compatible with maintaining a neutral position. The argument is that advocacy could be perceived as taking sides or engaging in controversy. According to Slim, many agencies are retreating from the principle of neutrality because neutrality is equated with being unprincipled, or because neutrality is seen as unachievable in practice because relief aid is frequently manipulated (Slim 1997b: 8). Slim maintains that many NGOs which have abandoned neutrality have embraced impartiality. They have taken this position based on the need that they see to speak out about human rights abuses and violations of humanitarian law and the moral dilemmas involved in not speaking out. Following this argument, impartiality allows for advocacy, for example in the way it has been developed by MSF through its concept of 'active impartiality'. 'Active impartiality' involves carrying out advocacy work in relation to violations of human rights and humanitarian law (Slim 1997b: 12). However, the problem with using the concept of impartiality is that impartiality defines the relationship to the beneficiaries and as a guide in conflict situations it does not help define the relationship to the combatants. Neutrality, on the other hand, has to do with not taking sides or engaging in controversies of a political, racial, religious or ideological nature (Pictet 1979).

The findings from Sri Lanka do not support this idea that neutrality is on the retreat. Rather all of the agencies emphasise their desire to remain neutral based on an operational definition of neutrality. Neutrality is seen as an instrument to achieve delivery of assistance within an environment which at times is perceived as hostile. The efforts which agencies make to balance their relationships to the combatants, in such a way that they are not perceived to be taking sides in the conflict, reflect this understanding of the concept of neutrality. While holding on to the concept of neutrality, agencies have explored avenues for advocacy.

They have engaged in advocacy work on the basis of their mandates which reflect international laws and conventions, or on the basis of particular knowledge which they have gained through their access to the conflict areas. Their advocacy is strictly linked

to the consequences that the actions of the combatants have for their beneficiaries. Through these mechanisms the agencies aim to depoliticise the information that they use. The agencies also keep a low profile and they tend to 'decouple' advocacy work from their service delivery work. These strategies have worked in terms of maintaining neutrality in the sense that the agencies in general have been able to continue their service delivery work in the conflict areas. MSF and ICRC are the strongest exponents of the strategies of using their mandates and knowledge obtained through their work in conflict areas as ways of depoliticising advocacy work.

The MSF model is to make advocacy an integral part of service delivery work. MSF was established as a response to the lack of public advocacy in the Red Cross by people who felt that they wanted to speak up about the atrocities which they witnessed through their work in the Biafran war, where the Nigerian army prevented relief supplies from getting through to secessionist areas (Rieff 1999).

On the relationship between advocacy and service delivery, the MSF view is that advocacy is an integral part of service delivery:

Advocacy is an integral part of our humanitarian mission. Therefore we do not talk about populations in need. We prefer to describe them as populations in danger. The concept of danger indicates that people should be protected against violence and human rights abuses. If they are not, then aid can easily be part of the repressive policies that have caused this suffering in the first place. Aid agencies have to be aware of the permanent danger of becoming government sub-contractors (Milliano 1996: 13).

By emphasising advocacy in this way, MSF becomes vulnerable to being denied access. MSF has been expelled by governments which have disliked their advocacy work. This happened in 1985 when MSF denounced population transfers in Ethiopia and was expelled in November 1985 (Ramsbotham and Woodhouse 1996). ICRC was also expelled from Ethiopia as well as from Iran in mid 1992 (Minear and Weiss 1993: 67).

In implementing its mandate in Sri Lanka, MSF Sri Lanka states that: 'We say what we are doing and what we are seeing' (25). MSF emphasises the need for absolute

transparency vis à vis the combatants. In other words, MSF keeps the combatants informed about their work while also making public instances of violations of humanitarian law committed by the combatants. When MSF witnessed violations of humanitarian law in, September 1995 and July 1997, the organisation publicised the violations through press releases. MSF reporting vis à vis humanitarian law is based on medical evidence collected by MSF field staff. Lobbying carried out by MSF is also based on medical evidence. As for human rights issues, MSF hands information on to the ICRC. The MSF approach to combining service delivery and advocacy was awarded the Nobel Peace Prize in 1999, as the Nobel Committee acknowledged the merits of combining service delivery work with advocacy.

When the ICRC does advocacy work, ICRC still sees this as being within the framework of neutrality, because advocacy work is carried out in order to hold combatants accountable to international humanitarian law. The agency has developed principles for when it should go public in relation to advocacy in order to avoid being blamed for taking sides. More informally, ICRC also assesses the political impact of their advocacy work and may avoid serious, frequent criticism of one party. Such criticism is detrimental to having a constructive working relationship with that particular party to the conflict, because there is a danger that the criticised party may start to question ICRC's neutrality.

What then are the policy implications for NGOs of the approaches of the MSF and ICRC? Through a combination of transparency and of basing their advocacy work on medical evidence, MSF manages to achieve its dual objectives of service delivery and advocacy. ICRC's advocacy work is based on humanitarian law and observance of the organisation's rules for when and how advocacy should be carried out. The best measure of the ability of these two organisations to remain neutral in the eyes of the combatants is probably their continued work in Sri Lanka for over ten years. In other words, based on carefully developed principles and balanced in relation to all parties to the conflict, advocacy and service delivery have been combined in the field. Could this model be adopted by NGOs and the UNHCR as well? One factor which may explain why this model has worked for MSF and ICRC is that these two organisations provide

services which may be considered of a more urgent character than some services provided by NGOs. MSF and ICRC have a strong focus on medical services which may be seen by the combatants as less dispensable than, for example, income generating projects. The government may therefore tolerate more in terms of advocacy from these two organisations than from smaller NGOs. However, what NGOs and the UNHCR can learn from these two models is that an advocacy policy has to be carefully designed and planned by the organisation. Potentially negative consequences for the organisation have to be assessed. Advocacy should not be left to the individual initiative of field staff.

Co-operation between humanitarian agencies and human rights organisations: new alliances

As argued in chapter seven, human rights advocacy is often controversial and beyond the mandate of humanitarian agencies, unlike, for example, advocacy on humanitarian issues which agencies often consider part of their mandate. The evidence from Sri Lanka further suggests that the limited information sharing which takes place is ad hoc, dependent on the interests of current staff and linked to sudden crises, rather than institutionalised. However, humanitarian agencies have unique access to information in the areas in which they operate. They have staff in the field, unlike human rights organisations which often do not. It has been pointed out that although humanitarian assistance and human rights protection are viewed conceptually and operationally as closely linked, they require different competencies and different relationships with political authorities (Minear and Weiss 1993). It could therefore be argued that, rather than themselves taking up human rights issues, humanitarian agencies should co-operate with human rights organisations.

The possibilities for such co-operation is being explored and it was the topic of several conferences with participation from humanitarian and human rights agencies in the late 1990s¹. It has been argued that these conferences reflect a growing awareness of shared interests in this area (Minear 1999). The conferences were aimed at establishing an

agreement regarding a definition of protection as well as suggesting activities aimed at improving protection. The activities which have been suggested fall into the categories of service delivery and advocacy as well as what the agencies call 'environment building', which means to help create an environment which is conducive to the rights of the individual, for example work aimed at strengthening the legal system (Flüe and de Maio 1999: 26). Both the UNHCR and ICRC are working towards closer co-operation with NGOs on issues involving violations of human rights and humanitarian law. ICRC and UNHCR have also started to co-ordinate more closely on protection issues (Gasser 1996). The risks of co-operation have been defined as blurring identities, missions and specialised roles, increased security risks in the field and less access to populations in danger (Milliano 1996). However, there are also plenty of examples of human rights advocacy which has increased access to victims for example in Burundi (Milliano 1996).

There was virtually no co-operation between human rights and humanitarian organisations during the cold war, when human rights work was seen as an insurmountable threat to field operations. However, during the 1980 and 1990s, new channels for human rights advocacy was established which opened the way for human rights advocacy in complex political emergencies.² This issue was placed on the agenda with full force after the extensive breaches of human rights law and humanitarian law which took place in Rwanda and Bosnia. The role of NGOs has been defined as being alert to possible evidence and as witnesses (Blewitt 1996). This is exactly the role which NGOs have played, on a limited scale, in Sri Lanka in relation to human rights organisations. I would argue that if humanitarian organisations are to play a more active role in terms of human rights and peace, it is necessary that mechanisms are put in place to allow for more effective information sharing. A discussion of organisational barriers to closer co-operation between humanitarian and human rights organisations are beyond the scope of this study, although this may be a fruitful area for further research which could take into account new contributions on inter organisational relationships (Robinson, Hewitt and Harriss 2000).

Strategies for support to civil society institutions in a complex political emergency

It has been argued in the relief literature that humanitarian agencies should work through local organisations as a way of strengthening civil society in conflict situations (Duffield 1995, Bennett 1995). However, the findings from Sri Lanka demonstrate that foreign NGOs experience problems in finding organisations and groups which are independent of the combatants. As an authoritarian force, the LTTE does not allow for independent organisations to emerge. However, support to civil society organisations which can work as channels for communicating the needs and aspirations of the population and as a way of counteracting the concentration of power in the hands of one actor, is even more important in this kind of situation. I argued in chapter seven that support to civil society institutions can not be seen as an imposition of Western democratic ideas. In Northern Sri Lanka civil society institutions existed before the war and one of the results of the war has been that civil society has been destroyed. This has happened as a result of the flight of community leaders and people with resources and as a result of LTTE policies of not allowing independent organisations in the areas that they control.

Keane's discussion about civil society as 'wreckable' leading to 'uncivil society' taking over is particularly relevant to a discussion about civil society in war contexts (Keane 1998). Civil society in the North and the East of Sri Lanka has unravelled through the emergence of the LTTE and the flight of community leaders. LTTE rule has in some ways led to a more 'civil' society in the sense that crime rates have come down. However, other forms of violence within Tamil society have increased during the war, including summary executions and killings of members of militant groups. The rule of the gun has replaced old authority structures in what was once a hierarchical Tamil society. In addition to violence perpetrated by Tamils within the Tamil community the Sri Lankan government has been criticised by human rights groups for its record on disappearances in Tamil areas under government control. Lastly, there is battle related violence which mainly affects the combatants, unlike in most other war situations in which there are more civilian than military casualties. Keane argues that the open character of civil society is at the root of their tendency to violence and that every

known form of civil society seems to produce its uncivil society anti-thesis (Keane 1998). The problem with Keane's concept of uncivil society is that it does not address the issue of how societies move from being civil to becoming uncivil other than in a very general manner by pointing to the openness of civil society which allows for destructive forces to emerge. This amounts to saying that all societies which are open societies are prone to developing violent tendencies. The argument can also be applied in support of authoritarian rule and one party states.

I would argue that for the purpose of looking at the policy implications of working in situations of uncivil societies, it may be more useful to apply the liberal concept of civil society. In the liberal view civil society is a counterbalance to the state in that civil society organisations and institutions represent the interests of the people vis à vis the state. In the Sri Lankan case the 'state' may in this context be either the Sri Lankan government or the LTTE-administration. One policy implication of this view of civil society is that foreign NGOs should strive to support civil society organisations which represent the views of the population in the areas where they work. These organisations should be independent of the combatants. If support to civil society groups is provided in this manner, agencies should be able to remain neutral and impartial while carrying out this work. Because of the frequent lack of organisations and organisational capacity in war contexts, I think it is important for agencies to be flexible in terms of who should receive support. It also seems to be a need for better information sharing between the agencies with regard to the capacities and weaknesses of existing civil society groups and organisations.

8. 3 Organisational theory: managing relationships under pressure

A humanitarian assistance perspective sees independence as an important value for humanitarian agencies. An organisational theory perspective maintains that the relationships between humanitarian agencies and the combatants are inter-dependent. This apparent contradiction provides a clue to understanding the tensions that exist between humanitarian agencies and their environment. It also highlights the need for

analysing and understanding what goes on in an organisation's environment. This section begins with an analysis of the relationship between humanitarian independence and organisational inter-dependence. It goes on to discuss three issues that I think are of importance when organisations operate in complex political emergencies in which they find themselves under pressure from actors in their environments. The first is scanning of the environment, the second is transparency and the third is legitimacy. Finally, I conclude by suggesting some policy implications.

Reconciling organisational inter-dependence and humanitarian independence

The Code of Conduct states that humanitarian agencies should operate on the basis of independence. The concept of independence is closely linked to the concepts of neutrality and impartiality which prescribe how the agencies should relate to the combatants and to their beneficiaries. Neutrality means that the agencies should not take sides in a conflict and impartiality means that aid should be distributed on the basis of need alone. ICRC has written and thought most carefully about these concepts. For the ICRC, independence is a means of achieving its stated objectives of humanity and impartiality in relief delivery and protection (Pictet 1979). The mandate of the ICRC is to engage with the combatants in order to ensure adherence to humanitarian law. Engagement is different from collaboration. Its relief operations are implemented without the collaboration of either the government or the LTTE, but as a complementary operation. ICRC does not collaborate with other actors in its field operations, with the exception of local Red Cross branches. ICRC argues that this policy is necessary in order to maintain its independence. However, the ICRC is mandated to ask the consent for its work from the government as a party to the conflict.

The need for independence is also stressed by UNHCR:

The non-political and humanitarian nature of UNHCR's mandate. An important aspect of this mandate is UNHCR's institutional independence, and its capacity to intervene directly, through its field presence and in an

impartial manner, with the governments and parties concerned in situations involving internally displaced people (McNamara 1998: 58).

On the other hand, all the NGOs in this study, as well as UNHCR, base their work on collaboration with the government. Some also collaborate with the relief wing of the LTTE, the TRO, while all of them have a complementary relationship to the LTTE. This collaboration, or complementarity, is based on the simple premise that the government, the LTTE and the agencies have the same goals for provision of relief (Hudson 1993, Pfeffer and Salancik 1978). Collaborative relationships develop when organisations have the same goals and strategies, while complementary relationships develop when agencies have the same goals but adopt different strategies. So, from an organisational theory perspective, rather than being independent from the combatants, the agencies in this study have an inter-dependent relationship to the combatants. Hudson defines an inter-dependent relationship as a relationship where an organisation can best achieve its objectives with the assistance of the resources of other actors (Hudson 1993). He argues that organisations are independent when neither needs the other's resources to achieve their goals. It can be argued that both collaborative and complementary relationships are inter-dependent because they rely on the resources of the government and the LTTE to achieve agency objectives in terms of service delivery. The most important resources which are provided by the government and the LTTE are permits, either formal or informal, to operate in these areas, organisational capacity, knowledge and expertise, as well as legitimacy. The inter-dependent character of these relationships explains why the agencies want to avoid confrontation and why it is easy for agencies to be accused of not being independent in a humanitarian sense of the word. What are the implications of this inter-dependence for agency independence?

The collaborative and complementary nature of these relationships to the combatants takes the agencies in the direction of negotiation and compromise. The agencies tread a fine line between negotiation and compromise and giving in to pressure from the combatants. The key to independence for humanitarian agencies seems to be their ability to resist pressure from the combatants and to implement their programmes as planned without giving in to pressure. LTTE efforts to influence the amount of resources which are brought into areas under their control and efforts to control the way in which these

resources are spent, threaten the independence, neutrality and impartiality of the agencies. The pressure exerted by the government is different. Government pressure is designed to minimise the service delivery work of the agencies and to discourage them from entering into advocacy work. As discussed in the previous chapters, agencies adopt a series of strategies to resist this pressure, including 'decoupling', avoidance and negotiation.

Finally, what are the policy implications of this discussion? How should agencies reconcile organisational inter-dependence with humanitarian independence? Organisations may have inter-dependent relationships with actors in the environment and still be able to claim that they are independent. Humanitarian independence in a context of inter-dependence means that an organisation somehow has to resist pressure and balance its relationship to the parties to the conflict and to other actors in the environment. One way of achieving balance is to have collaborative relationships with both of the parties to the conflict, which is the UNHCR and the Care model. The other way is to have complementary relationships with both of the parties, which is the Red Cross model. When engaging with other actors then the combatants, the principle of balance also applies in that all of the organisations have engaged with civil society organisations in both predominantly Tamil areas and in predominantly Sinhalese areas.

Scanning of the environment: creating and maintaining organisational 'space'

Pfeffer and Salancik argue that identifying critical information in the environment, or as they say 'scanning' of the environment, is an important but neglected organisational activity. They argue that this activity is one key to organisational survival in externally controlled environments (Pfeffer and Salancik 1978). In the context of a complex political emergency and pressure from actors in the environment, I would argue that 'scanning' is one way of creating and maintaining organisational space. Agencies need critical information about the combatants, potential partners, civil society organisations, the staff which they employ, as well as about a range of other issues.

Scanning of the environment is part of the day to day work of the agencies exemplified by the quote below:

Ethical positions are applied selectively so NGOs may make a public statement on the lack of humanitarian assistance for war widows, but are reluctant to 'go public' on human rights abuses by the Tamil militant groups.' (Goodhand and Lewer 1999: 82).

This quote reflects a resistance towards public advocacy in relation to the LTTE which is likely to be related to a possible fear of reactions from the LTTE. In other words, based on assessments of likely reactions from their environments agencies decide for or against certain actions. I would argue that agencies need to refine these kinds of assessments and develop a broader information base to make such assessments.

The need for agencies to analyse their environments takes on an even stronger urgency in more sudden and volatile situations when relief workers have to scan the environment along a multiplicity of dimensions under almost impossible time constraints. As Slim has noted, the exercise requires a range of skills in areas like political analysis, negotiation, conflict analysis and management, public relations, human rights monitoring, working with the military, in depth country knowledge, peace building and rehabilitation and personal security (Slim 1994). The ICRC has also argued for the need to strengthen the ability of humanitarian agencies to understand conflicts. Against a background of increasing security threats to humanitarian personnel working in conflict situations, ICRC has further argued that agencies should develop a more coherent approach to the various authorities that they have to deal with in the field (ICRC and GHS 1997: 6). Similarly, Prendergast has argued for the need to analyse conflicts more deeply and to diversify sources of information (Prendergast 1996: 53-58).

This study has demonstrated the importance of good working relationships between agencies and the parties to a conflict. Agencies also benefit from being able to identify suitable partners both for implementation of projects and programmes and for advocacy work. Timely and appropriate information makes it easier to maintain and develop such relationships. Information also enables agencies to seize opportunities or to keep a low

profile, depending on the circumstances. I have argued that the continuation of the relief operation in Sri Lanka is based around common interests between the government, the LTTE and the agencies. The area of common interests keeps changing depending on developments in the battlefield: in periods when the war intensifies the area becomes smaller and in more peaceful periods the area expands. To be effective, humanitarian agencies must adapt flexibly to these changes and scale down or up their operations as well as adapt the contents of their operations. For planning purposes, it is important that agencies are aware of information which can enable them to identify and exploit areas of common interests as well as areas where they could potentially find themselves in conflict with actors in their environments.

In order to develop good relations with civil society players and beneficiaries, agencies must have an understanding of whom their work benefits. This is of particular importance in contexts in which resources are scarce. Such assessments can only be arrived at through having access to adequate information through a wide range of informants. There may be a convergence of interests between the combatants and the agencies, but it is important for organisations to realise that their activities are not necessarily perceived as legitimate in the wider society in which they operate. Often a lack of legitimacy is due to perceptions about whom the agencies support in the conflict context. In Sri Lanka, for example, groups belonging to the Buddhist majority have argued that foreign NGOs support Christian, western oriented and English speaking organisations and institutions. At the local level, NGOs may be seen to support certain political parties or certain networks at the expense of members belonging to other political parties or networks.

When NGOs in this way enter into unconscious alliances with particular groups in a highly politicised context it may be assumed that benefits are not distributed evenly, but that a disproportionate share falls into the hands of the supporters of certain political parties or members of certain networks. These mechanisms have been discussed in the context of Southern Sri Lanka by among others Warnapala and Woodsworth (1987). They argue that allegiance to a political party has become increasingly important in determining access to welfare in Sri Lanka. Fernando has argued that when entering a

village agencies assume that they are supporting the entire village, while what often happens is that certain groups in the village are being supported.³ As for the Tamil Diaspora, Fuglerud has documented how translators for the Norwegian immigration service were LTTE supporters, something which prompted many of the interviewees to give false information (Fuglerud 1998). The question of whom the foreign NGOs employ is probably another important factor in creating an image of the organisation and one which would have to be answered through further research. For example, it has been suggested that some NGOs have employed a disproportionate number of people from one particular Tamil political party, thus creating a question mark about their neutrality.

Transparency: projecting and protecting the image of the organisation

The organisational literature identifies two types of strategies which agencies can adopt in relation to their environments. The first type deals with how organisations respond in relation to actors in their environments who apply pressure on them. The second type looks at how organisations implement internal organisational changes in order to cope with incompatible demands from the environment. The application of these strategies in the Sri Lankan context was discussed in chapter seven. Here, I shall concentrate on transparency as a strategy designed to operationalise impartiality and neutrality and thereby achieve legitimacy. Transparency is a strategy which is used by all of the agencies, but which has not been given attention until recently in the organisational literature.

The emphasis which the agencies place on transparency, provision of information and dialogue with the combatants, is surprising in the context of organisational theory. Pfeffer and Salancik have argued that:

... organisations attempt to avoid influence and constraint by restricting the flow of information about them and their activities, denying the legitimacy of demands made upon them, diversifying their dependencies, and manipulating information to increase their own legitimacy (Pfeffer and Salancik 1978: 261).

The organisations in this study provide the combatants with information about their activities for at least three reasons. Firstly, to pre-empt allegations that they are not impartial and neutral. Secondly, to use as a defence in case they are accused of inappropriate activities and thirdly, to build legitimacy for their work. So, contrary to Pfeffer and Salancik's argument, organisations under pressure supply information about themselves and their activities to key actors rather than restricting it. Providing information serves the purposes of projecting and protecting the image of the organisation. By continually providing information, agencies attempt to persuade other actors that the activity is proper and that the organisation is a valid practitioner. These are the two elements which Suchmann (1995) defines as part of a strategy to build legitimacy. The emphasis which the organisations place on transparency suggests that transparency should be regarded as a separate strategy designed to achieve a constructive relationship with the combatants.

To what extent the government has an accurate perception of the work of the agencies can not be ascertained based on the data in this study. However, indications are that its understanding of the work of the agencies is limited, as for example reported by the NGO Forum after meetings that they had with the government (NGO Consortium 1995). As discussed in chapter five, the LTTE is seen by the agencies to be in possession of detailed knowledge about the work of the agencies.

In addition to regular meetings and reporting to the combatants, which are activities that all the agencies carry out, Red Cross has taken transparency a step further. Red Cross has started to publish its own newsletter in Sri Lanka, as well as explaining its work in the national newspapers to reach a broader constituency. These efforts could be seen as ways of countering negative views about the work of humanitarian agencies in the national press and among nationalist segments of the population.

Building legitimacy as a foreign organisation: the relationship between legitimacy and accountability

First, I am going to summarise four ways in which organisations build legitimacy for their activities when they go beyond service delivery. The first is to refer to their service delivery activities and to argue that these activities provide them with access to, and information about, war affected people that other actors do not have. This is the line of argument which is used most forcefully by MSF to justify advocacy based on medical evidence. The second way of providing legitimacy for advocacy activities is to refer to international conventions. Both the ICRC, SCF and Redd Barna are in a position to refer to international conventions. Thirdly, Oxfam, SCF and Redd Barna have used research among the displaced to build legitimacy for knowledge-based advocacy on behalf of the displaced population. Fourthly, all of the agencies have development of partnerships as part of their policy, something which enables them to use the links to their partners as a way of giving legitimacy to their work. Some of the organisations, such as Redd Barna, aim to develop the advocacy capacity of local organisations based on the assumption they are less likely to be criticised by the government.

The Code of Conduct for humanitarian agencies says the following about accountability:

We often act as an institutional link in the partnership between those who wish to assist and those who need assistance during disasters. We therefore hold ourselves accountable to both constituencies. All our dealings with donors and beneficiaries shall reflect an attitude of openness and transparency. We recognise the need to report on our activities, both from a financial perspective and the perspective of effectiveness. We recognise the obligation to ensure appropriate monitoring of aid distributions and to carry out regular assessments of the impact of disaster assistance. We will also seek to report, in an open fashion, upon the impact of our work, and the factors limiting or enhancing that impact. Our programmes will be based upon high standards of professionalism and experience in order to minimise the wasting of valuable resources.⁴

These principles recognise the dual accountability to sponsors and beneficiaries in the work of humanitarian agencies. They state that agencies should report both from a financial perspective and from an effectiveness perspective and that openness and transparency should be reflected in all dealings with donors and beneficiaries. A

financial perspective leads to questions about efficiency and honesty in resource use (Avina 1993, Edwards and Hulme 1995). The effectiveness of humanitarian agencies is linked to access, shortcomings in the distribution of aid, problems in making distinctions between civilians and combatants and the imposition of methods of distribution by the combatants.

I would like to consider the issue of accountability vis à vis the combatants. The Code does not speak about accountability in relation to the combatants, while this has been the key point in my discussions about legitimacy. My findings show that the agencies apply the same concepts of openness and transparency in relation to the combatants as they apply in relation to donors and beneficiaries. When compared to concepts of accountability⁵, transparency could be defined as 'explanatory'⁶ accountability, involving both an account of the activities of the agencies, as well as of the problems which agencies encounter when delivering their services and carrying out advocacy. Both these aspects of explanatory accountability are defined in the excerpt from the Code of Conduct above: '...seek to report, in an open fashion, upon the impact of our work, and the factors limiting or enhancing that impact'. In the context of inter-dependent relationships openness and transparency make sense as trust building measures which sustain these relationships. In other words, the agencies have used explanatory accountability as a means of building legitimacy. The problem with being accountable to the combatants is that they possess exceptionally strong means of enforcement. Consequently, it may be difficult to draw the line between a reasonable degree of explanatory accountability and imposition of the combatants' agenda. Brett (1993) has discussed situations in which accountability is weak because of lack of possibilities for enforcement. The situation in complex emergencies is often the opposite as the possibilities for enforcing accountability may result in undue pressure on the agencies.

The question which this discussion raises is whether agencies can achieve legitimacy without being accountable to any individuals, groups or institutions in the country in which they implement their work. Provided that their work is efficient and effective in terms of service delivery, they probably can do without this type of accountability.

However, if they run into problems it is useful to be able to explain and account for these difficulties to institutions or individuals that have legitimacy. Their task would be to explain to key players and the general public why the agencies face difficulties. Agencies can not directly influence their legitimacy among the wide range of actors who together define their legitimacy. What they can do is to choose carefully the individuals and institutions to whom they want to be held accountable.

8.3 Concluding remarks: policy implications and future research

What are the lessons which the international NGO community can draw from these discussions? First of all, there do not seem to be any inherent contradictions in combining service delivery, advocacy and support to local institutions. The question of whether agencies should focus on humanitarian aid only, or widen their focus, requires a policy decision. Agencies can not argue that the roles are not compatible, because, as this study has shown, they can be combined. There seem to be strong forces which are pushing relief NGOs in the direction of advocacy, most notably a demand from their Southern counterparts and even from their beneficiaries. In other words, advocacy is going to remain a priority on the agenda of agencies and the agencies will have to make decisions as to whether they want to engage in advocacy or not.

Secondly, NGOs need to have a conscious and active relationship to actors in their environments. This applies both to the combatants, which agencies have to engage with, and actors in civil society, which I have argued that humanitarian agencies should engage with to a much larger extent. I think that the discussion on scanning, transparency, accountability and legitimacy, clearly suggests that foreign humanitarian agencies should improve their links to institutions, groups or individuals in the countries in which they are working. I suggest that one way of doing this is to create local boards or advisory councils. This option should be explored even in situations where humanitarian agencies are thrown into chaotic crises situations where they have to act quickly.

These boards, or advisory councils, could help ensure that the humanitarian agencies have access to critical information by having members who are available to the agencies, both in terms of providing information, assessments and analysis. These inputs could help agencies to avoid serious pitfalls. Further, they could assist the agencies in building productive alliances with key actors in the environment. Lastly, they could enable agencies to build legitimacy. By being members of boards or advisory councils, people who are important players in the environment, could perform 'defence' roles and project positive images of the agency.

Potential members would be people who have access to useful information, who are influential, or who are perceived by important groups as legitimate. In situations of conflict, it would be important to ensure that people from different sides of the conflict divide are represented, for example people from different ethnic groups, while avoiding that the board or council become politicised. Another important consideration would be to make sure that the board, or council, do not represent or promote vested interests to the detriment of the interests of the people who are most in need.

Another option which would enable agencies to better manage their environments, would be to establish better informationsharing systems between the agencies, and between agencies and information providers in the environment. Development of simple, possibly interactive, web sites where agencies could post or retrieve information could be one way of improving the agencies' capacity for conflict analysis. Information regarding needs, supplies delivered, security risks, key facts about the combatants, resources available in civil society and so forth, could be incorporated into these sites. A large amount of more specialised databases are also available online. The limitation on this kind of more standardised information is that information may not be specific enough, for example, agencies may need information about one particular actor in the local area in which they work or about the relationship between certain militant groups.

As for future research, this thesis has focused on how the agencies have combined different roles, and the strategies which agencies have used to manage their

relationships to different actors in the environment. This approach has not enabled me to go into detail regarding specific roles or specific strategies. For example, the work of the agencies in their advocacy role could have been followed through in more detail by tracing advocacy efforts from the local and national level, and through to the international level. Such a multilevel approach, possibly comparative, may prove fruitful in analysing advocacy in complex political emergencies. It would complement other research on advocacy which has tended to focus either on the local or national level, or on the level of the international system. Another interesting avenue for research would be to focus on the concept of civil society, given the limitations on the possibilities for support to civil society in complex political emergencies which have been identified in this study. Such a study could assess the concept's applicability to conflict situations and analyse different approaches which agencies have taken, in different contexts, in terms of providing support to civil society.

Endnotes

¹ Council on Foreign Relations, New York, 11-12 March 1999, International Committee of the Red Cross, Geneva, November 1996, March 1998, January 1999 and MSF-Holland, Amsterdam, February 1996,

² These include the UN Working Group on Enforced or Involuntary Disappearances (1980), the Rapporteur on Summary and Arbitrary Executions (1982) and the Special Rapporteur on Torture (1985), as well as the Rapporteur on Internally Displaced People and on Children's Rights. In addition country specific rapporteurs have been appointed, for example for Rwanda and Iraq. War Crimes tribunals have been set up for Rwanda and the former Yugoslavia with a mandate of investigating and prosecuting violations of international humanitarian law, defined as genocide, crimes against humanity, war crimes and grave breaches of the Geneva Conventions. New possibilities for co-operation have also been developed through the establishment of the post as High Commissioner for Human Rights.

³ Interview with informant, S. Fernando from Inasia

⁴ Steering Committee for Humanitarian Response (1993)

⁵ Edwards and Hulme define accountability as follows: '...accountability is generally interpreted as the means by which individuals and organisations report to a recognised authority and are held responsible for their actions' (Edwards and Hulme 1995: 9).

⁶ Explanatory accountability is a concept used by Leat (1988), p. 144.

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