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## **Ethnicised Entitlements?**

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Property Rights and Civil War in Sri Lanka

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### Summary

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The present paper investigates how ethnic violence and civil war in Sri Lanka have affected local property rights institutions. I use local case studies to analyze the institutional relations and alliances between civilians and combatants in the emergent society of violence that shapes local communities in civil war. My focus will be on how civilians from different ethnic groups utilize social and political capital assets to secure entitlements to natural resources. The findings of my research suggest that resource entitlements in Trincomalee are 'ethnicised' in the sense that opportunities and access to resources are unequally distributed among the three ethnic groups (Sinhalese, Tamils, Muslims), because these groups are unequally endowed with political capital. Patron-client networks based on ethnicity shape the relative bargaining power of local actors. This system reproduces perceived grievances among the different ethnic groups and thus reproduces the conditions for ethnic violence.

**Keywords:** South Asia; Sri Lanka; property rights; institutions; violence; war economies

# 1 Introduction

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Resources and property rights issues play an important role in many processes of social change, in particular in economic and social transition, be it from socialist to market economies (central and eastern Europe, Cambodia, Vietnam), from apartheid regimes to democratic rule (e.g. South Africa, Namibia, Zimbabwe) or from civil war to peace (e.g. Mozambique, Cambodia, Sierra Leone, Sri Lanka). Studies on property rights under conditions of violence or war are still scarce. Unruh (1998, 2001), for example, investigated property rights in the peace process of Mozambique, i.e. in a post-war situation. Property rights under the conditions of violence have been studied by Alston et al. (1999) for the case of the conflict in Brazil's Amazon region between landowners and squatters. This paper focuses on property rights changes during *ongoing* warfare. Civil wars are radical processes of social change that can go on for protracted periods and produce a high degree of uncertainty: these extreme actor constellations therefore affect social institutions and thus also local property rights.

The present study complements and substantiates recent findings from quantitative research on the incidence of civil war (Azam and Hoeffler, 2002; Collier and Hoeffler, 2002; De Soysa, 2002; Fearon and Laitin, 2003; Berdal and Malone, 2000) and from anthropological studies on the functions and markets of violence (Elwert, 1997; Elwert et al., 1999; Goodhand and Lewer, 1999; Goodhand et al., 2000; Jean and Rufin, 1999; Keen, 1997, 1998, 2000). Some of the main propositions of this research have recently been incorporated in a World Bank research study (Collier et al., 2003). The debate has led to a dichotomy of arguments on the incidence of civil war between scholars who emphasize *grievance* factors (civil wars are caused by inequality and political oppression that escalate into violence) and researchers who emphasize *greed* factors (civil wars occur when potential rebels find lootable resources). In view of widespread warlordism in the civil wars in Africa and Central Asia, the *greed* argument has found fertile ground as an appealing explanation of why some societies deteriorate into violent conflicts, while others, where grievances may occur as well, do not.

Much of this literature has focused in particular on the motives and incentives of combatants in warfare. But much less attention has been accorded to analyzing the micro-politics of the strategies that civilians develop to survive under the conditions of warfare and how these feed back into war economies, and hence into the strategies of combatants. The intention of this paper is to fill this gap; it uses case studies from Sri Lanka to investigate the livelihood strategies of civilians in civil war, in their

relations to combatants. My aim is to understand the institutional relations and alliances between civilians and combatants, both rebels and state forces, in a society dominated by violence. Sri Lanka is a particularly interesting case in point, since, as Goodhand et al. (2000) argue, in the case of Sri Lanka one cannot dismiss the grievance argument: rebels and army alike are oriented towards changing (or retaining) the laws and administrative procedures, i.e. the institutions, of society. In contrast to other civil wars, here the state has not completely collapsed in the war zones, instead maintaining presence there, though in a weakened form. We can thus observe hybrid institutional structures, with the state formally present, but with a powerful 'underworld' of war entrepreneurs (rebels, army, militant groups) substantially altering the rules the game in their favor.

The case studies presented in this paper suggest that due to war and the breakdown of state and civic institutions, ethnicity becomes a mechanism used by civilian actors to gain access to resources largely by means of arbitrary power. Civilians in this way become part of the 'game'. In effect, this leads to 'ethnicised entitlements,' since the ethnic groups are differently endowed with the bargaining power needed to access resources. This in turn depends upon their affiliation with militant actors and their respective power resources. Here, one can see how greed and grievance interact: while the debate in the field of political economy placed more emphasis on *either* greed *or* grievance, the findings presented in this paper suggest that it is more realistic to seek to understand the *synergies* of greed and grievance in civil wars. Property rights to local resources are the arena in which combatants and civilians negotiate new rules of the game. These negotiated rules may on the one hand stabilize the war economy (greed), while on the other hand deepening grievances among civilians and hence releasing emotional energies that allow warlords to continue on with warfare.

The present paper approaches the phenomenon of warfare from an institutional perspective (Korf, 2003a) and uses theoretical concepts from the new institutional economics on property rights as well insights gained from the entitlement debate (Section 2). Section 3 briefly describes the case-study methodology chosen. Section 4 analyzes the implications of civil war for local institutions, property rights and competing resource claims in three case studies from the war-torn areas of Sri Lanka. These focus on resource conflicts in irrigated agriculture between farmers from different ethnic groups. Section 5 draws conclusions and places these findings in the wider context of the Sri Lankan patron-client system.

## 2 Access, Assets and Entitlements

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Even under the conditions of civil war, people are merely not helpless victims in dire need of assistance but also have assets and opportunities (albeit limited ones) which they can use for purposes of survival. I will combine here two different strands of the literature, namely institutional theories of property rights and the concept of entitlements to conceptualize the ways in which actors gain access to resources. I argue that the social and political networks of rural society are reshuffled during war, becoming reoriented towards ethnicised networks of patron-client relationships.

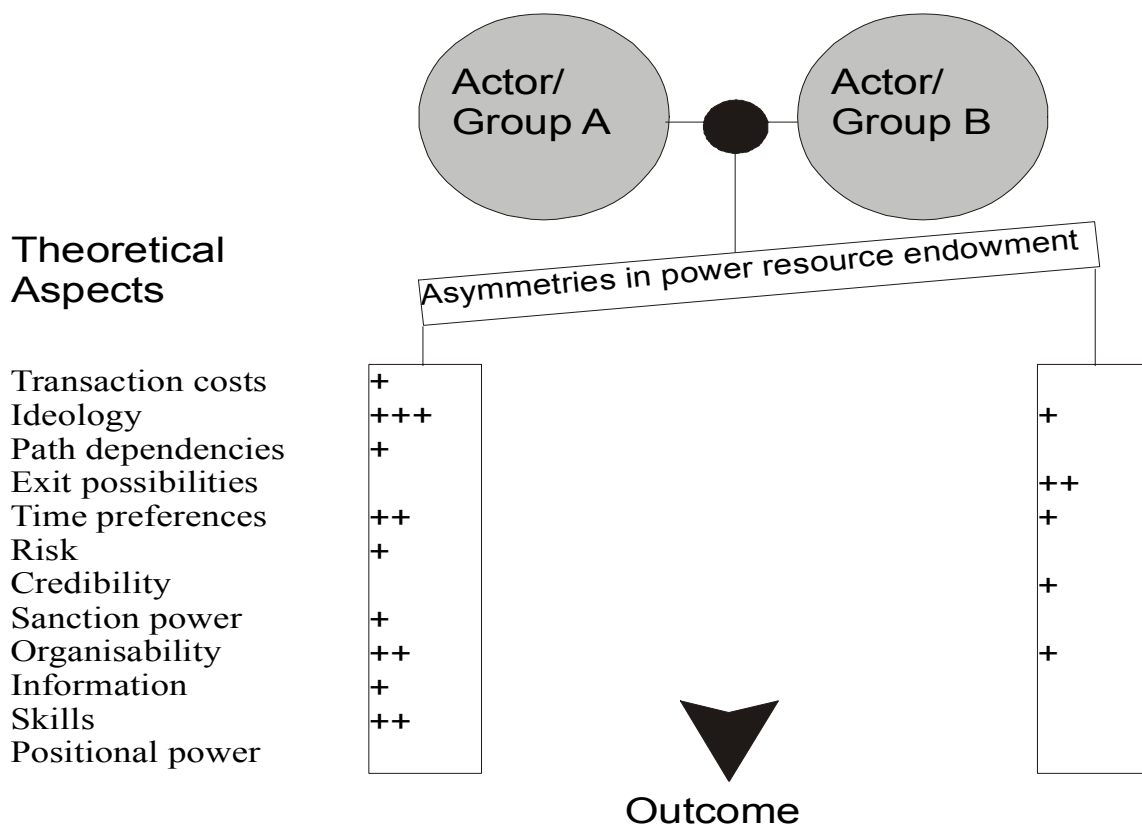
Viewed in the light of the new institutional economics, property rights are viewed as social institutions, including formal legal codes and informal social norms which define and enforce the range of privileges available to individuals with respect to specific economic resources. The contemporary debate on the evolution of and changes in property rights is dominated by two schools of thought, the efficiency school and the distribution school (Eggertson, 1990; Fubrotn and Richter, 1997). In its core arguments, the efficiency school regards potential collective efficiency gains as an adaptation to changes in relative prices as the key factors driving change in property rights (Demsetz, 1967; Hayani and Ruttan, 1985; Barzel, 1997). While the efficiency school is quite powerful in predicting broad long-term trends in the evolution of property rights, it cannot explain why efficient property rights regimes are the exception rather than the rule (North, 1990; Eggertsson, 1990). The distribution school, on the other hand, stresses distributional conflicts as the determinant force that drives and shapes the evolution of property rights. According to this view, it is not variations in relative prices that drive change in property rights but actors who influence the formation of property rights while pursuing their self-interest. Distributional issues make the formation of property rights more complex and can block any improvement of efficiency in the evolutionary process (Libecap, 1989; Knight, 1992).

Institutions are thus intimately bound up with the system of authority of any social setting (Bromley, 2000). The theory of bargaining and distribution hence considers social institutional change “as a by-product of strategic conflict over substantive social outcomes” (Knight, 1992: 107). This theory focuses on social interaction between actors who consciously seek distributional advantages. In such accounts, if rules emerge as the result of distributional conflicts, the ensuing effects on institutions must consequently reflect differences between the actors in terms of their distributional expectations as well as in terms of what kinds of resources these actors



have to put into play (Hanisch, 2000). Institutions thus reflect the power and bargaining-resource asymmetries of actors, the credibility of their commitment, individual risk aversion, time preferences, information, sanction power etc. (see Figure 1). In this case, the rules of the game are not neutral, and conflicts between different actors over power is the key for explaining the emergence of social institutions. Knight conceptualizes his theory in terms of coordination games in which the strategic and powerful actor can bind the rational choice of the other actor by adhering to a strategy, which means a distributional disadvantage for the former (Knight, 1992: 127). Repetition of such bargaining with other actors stabilizes expectations and thus creates new informal institutions.

Figure 1: Distributional Bargaining



Source: Schlüter 2000

I argue that the theory of bargaining and distribution is particularly useful in analyzing property rights changes in civil wars. Under the conditions of warfare, there is a shift of power from civic institutions to violent actors and military power holders, a situation in which rules are constantly renegotiated in the local arena of conflict. Institutions reflect these prevailing power plays between different actors in the conflict and their respective bargaining-power resources.

While the theory of bargaining and distribution can explain the institutional arrangements resulting from social and political bargaining, it is furthermore important to specify the nature of property rights and the processes through which actors gain access to and can derive benefits from resources. First, we have to specify what types of rights to resources are at stake. Devereux (1996) stresses the importance to clarify units of analysis (individual, household, community etc.) and property rights. He develops a hierarchy of claims or property rights over a resource or commodity, ranging from influence (weakest), access, control up to ownership (strongest). Control refers to rights of determining use and exclusion, access to possibilities of use, and influence is only a limited say over access and control. In this logic, ownership includes all influence, access and control rights.

Secondly, entitlement scholars have developed a conceptual distinction between endowment as ownership, control or access to the resource and entitlement, which is the ownership etc. of the benefits and utilities derived from a resource (Devereux, 1996; Gasper, 1993). The question is who ultimately gets the effective command over making actual economic use of a resource and its products. These entitlements are influenced by the interplay of institutions (e.g. customary rules, division of labor, power). Local institutions can either promote or hinder the mobilization of some endowments (e.g. social capital) that are necessary to make effective use of others (e.g. natural capital). The entitlements which are derived from endowments in turn enhance people's capabilities, i.e., what people can do or be with their entitlements (Leach et al., 1999). These debates point us to the importance of the politics of access to resources, i.e. not only the rights to derive benefits, but the actual ability to benefit from things (Ribot and Peluso, 2003). This ability is negotiated in the local political and social field, thus in the actual play of the game whose framework is shaped in the local rules of the game.

Entitlements, then, are the outcome of negotiations among social actors, involving power relations and debates over meaning (Gore, 1993; Watts, 1991). While Sen's entitlement approach (Sen, 1981) was concerned how individuals or households derive endowments and entitlements under a given legal framework, in times of warfare, "unruly" social practices (Gore, 1993, Watts, 2002), direct power contests and competing notions of legitimacy may bend the formal rules of law and

informal rules sets to favor specific social actors (see Knight's theory above). Sen's and others' rights-based approaches do not take sufficient account of structural and relational mechanisms of gaining access to resources, i.e. they tend to neglect the politics of resource governance (Ribot and Peluso, 2003).

In the subsequent analysis, I understand social and political capital as individual asset that determines the individual person's access to and influence on property rights and local institutions. The social capital asset of an individual is the asset to make use of family, clan and neighborhood support in a community. Social capital therefore looks at the social entitlements of an individual on a horizontal level. Political capital, on the other hand, determines the access to and influence on larger institutions in society, particularly the administrative, political and military power holders. Political capital is thus a vertical link and looks at how individuals are able to capture resources and political advantages through patronage networks on a horizontal level.<sup>1</sup>

This approach follows Bourdieu (1992) in that it looks at the micro-politics of power that govern the use of social and political capital within community boundaries and beyond. Bourdieu (1992) understands social capital as the potential and actual resources associated with networks and relations an individual can mobilize for his or her benefit. Bourdieu's approach looks particularly at the exclusionary forms of social capital.<sup>2</sup> Some researchers have asserted that there is a 'dark side' of social capital. Like other forms of capital, social capital can be used for bad as well as good ends, for example, furthering criminal activities or maintaining social exclusion. Hirshleifer (1992) for example, has argued that when people cooperate, it is generally a conspiracy for aggression against others. Hirshleifer's argument bears substantial relevance for civil wars, where war entrepreneurs use social networks to exclude those who are not part of a clan, ethnic group etc. (Goodhand and Hulme, 1999).

Ethnicity is a resource for political mobilization and can determine the bargaining resources of social actors. It is based on imagined group identity anchored in the belief of a common origin and expressed in cultural terms in the form of

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<sup>1</sup> This mirrors the discussion of scholars using the aggregate concept of social capital: they distinguish bonding and bridging social capital (see, for example, Woolcock 1998). For the application of the concept of bonding and bridging social capital on the political economy of the civil war in Sri Lanka, see Goodhand et al. 2000.

<sup>2</sup> Up to now, in the broad discussion on 'social capital' in rural development (e.g. Collier 1998; Grootaert 1998; Ostrom 1994; Sorenson 2000; Woolcock 1998), the concept has remained fuzzy and has been contested amongst social scientists (Hariss 2002; Fine 2001). Putnam (1993) stresses the economic efficiency view of collective social capital and defines it as 'features of social organization, such as trust, norms and networks, that can improve the efficiency of society by facilitating co-ordinated action' (Putnam 1993: 167). This approach has also become popular within the World Bank. Numerous studies have appeared that attempt to define, measure and differentiate what social capital is all about, but Woolcock has criticized its vagueness (Woolcock 1998; Woolcock and Narayam, 2000). I argue that for the purposes of entitlement analysis, it is more appropriate to follow Bourdieu's concept of the politics of social (and political) capital in the local arenas of struggle that matter in the discussion of changes in property rights and entitlements.

language, religion, history (Wimmer, 1997). In contrast to conceptions of a primordial nature that describe ethnic identities and sentiments as overpowering, ineffable and 'given', the instrumentalist school of thought in anthropology conceptualizes 'ethnicity' as a highly malleable social, political and cultural resource that can be mobilized by various groups. These scholars emphasize that ethnic identity overlaps with other kinds of social identity and that people can assume various identities in different situations (Banton, 1983, 1994; Hechter, 1978, 2000; Wimmer, 1997). Horowitz (1985) stresses the socially constructed nature of ethnicity and the leverage of individuals and groups to develop their own identity from a variety of cultural heritages. This paper follows the instrumentalist school of thought and conceptualizes 'ethnicity' as a social and political construct that may be useful to legitimize access to resources, the exclusion of the 'ethnic other' and to bundle social and political bargaining power.

### 3 Case Study Method

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The present research provides a bottom-up perspective on the conflict in Sri Lanka, a view that, as Goodhand et al. (2000) note, is often missing in the literature on this civil war. While the present research provides a comparative perspective, it can only provide some snapshots at a particular point or period in time. Retrospective information is mostly distorted by the present experiences of war and intimidation, and pictures of the past are often reframed by people in accordance with later events and experiences. In the following sections, I will illustrate some empirical findings of qualitative, comparative case studies that investigate how property rights have been altered by the civil war in Sri Lanka and what strategies local farmers adopt to secure their entitlements to natural resources. Recently, in February 2002, the government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) signed a ceasefire agreement. Peace negotiations continue. It is important to note that the field research used for this paper was carried out largely prior to these developments (in 2001) and represents the situation during war, not the current post-war situation, where a new phase of institutional change is taking shape that will also affect the local rules of the game. The case studies were carried out by an interdisciplinary German-Sri Lankan research team in summer 2001, and additional field studies were conducted by the author in 2002. The research team interviewed key resource persons (such as government officials, NGO staff, elders, politicians, journalists) as well as a number of villagers in five research locations. In addition, the team facilitated focused group discussions with farmers, women and youths aimed at gaining an understanding of the differences in the perceptions of different social groups. While the team followed a checklist of questions based on the sustainable rural livelihoods frame (Scoones, 1998), the interviews were kept flexible in flow. This was necessary because the researchers had to react sensitively to situations in which informants felt unsafe or uncomfortable talking about politically sensitive issues.<sup>3</sup> Each case study was assessed by two subteams that discussed and cross-checked data collected during each day in the field. The approach largely followed the principles of rapid rural appraisal (RRA).<sup>4</sup>

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<sup>3</sup> Goodhand (2000) has discussed the ethical and practical implications of empirical research in conflict zones, in particular the fact that researchers can endanger communities and local counterparts by raising politically sensitive questions or by opening up old wounds of traumatic experiences. It is therefore essential to collaborate with local researchers who possess substantial on-the-ground experience and can judge what is possible and what not in a particular setting.

<sup>4</sup> The materials and methods for two of the three case studies - CASE 1 (Abeyrathne et al. 2001) and CASE 2 (Devarajah et al., 2001) - are discussed in more depth in Korf et al., 2001. Detailed village reports from these two case studies can be accessed on the website of the Integrated Food Security Programme Trincomalee (IFSP) at <http://www.ifsp-srilanka.org>. The reports also provide a list of resource persons interviewed and a description of the research methods used.

## 4 Case Studies: Politics of Property Rights in Sri Lanka's War Zone

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It is essential to understand the ethnicised conflict in Sri Lanka as a multi-dimensional phenomenon, or a *conflict cocktail*. Social and political cleavages occur at various levels along many lines of dissent. The fundamental issue of the macro-conflict is the grievance between the Tamil minority and the Sinhalese-Buddhist majority, which has escalated into a war between the Liberation Tigers of Tamil Eelam (LTTE) and the largely Sinhalese armed forces. In addition to this major line of dissent, there are other social, political and ethnic cleavages between and among the three major communal groups (Sinhalese, Tamils and Muslims), e.g. clashes between Muslim and Tamil communities in the East as well as the recent troubles between Sinhalese and Muslims in the more peaceful zones of the country.<sup>5</sup>

### 4.1 Competing Claims and Ideological Justification

In the war-affected east of Sri Lanka, there are competing claims and disputes over land between the Tamils and the Sinhala, the Tamils and the Muslims, as well as between the Sinhala and the Muslims.<sup>6</sup> These rival claims to land are rooted in memory and perception in the context of the politics of ethnicity and colonization in Sri Lanka. Many Tamils have perceived the expansion of Sinhala settlements in the northeast as an act of political and geographic 'colonization of traditional Tamil areas.' The Sinhalese have seen it as an expansion into areas that they had abandoned in ancient times.

Influential bodies and actors in both parties have developed ideological underpinnings for their respective claims to land and space in the northeast; these are based on constructions of the past and delineations of historical claims to land. Scholars from both sides have attempted to justify the politics with reference to numbers and maps. While Tamil scholars have enumerated the 'change in population ratios' in the east that eroded the Tamil majority position, in particular in the Trincomalee and Amparai districts (Balasundarampillai, 2002; Manogaran, 1987; Tambiah, 1986), nationalist Sinhala scholars have often argued that the colonization schemes largely affected unoccupied land, and that thus no Tamils were expelled from

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<sup>5</sup> More detailed accounts of the history, structural causes and perceptions of the civil war can be found in: Mayer et al., 2003; Rotberg, 1999; Spencer, 1990. From a Tamil perspective, Manogaran, 1987; Tambiah, 1986; Wilson, 2000 are particularly [?prominent] accounts, while De Silva, 1998 and Peiris, 1991 discuss the conflict from a more Sinhalese point of view.

<sup>6</sup> In Sri Lanka, Muslims, though a religious group, understand themselves as a distinct communal (ethnic) group beside Tamils and Sinhalese.

any land (e.g. Peiris, 1991, 1994; Hennayake, 1985). One could argue that even though Sinhalese settlers were largely settled in only loosely populated areas, the changes in population ratio (and thus electoral power) were substantial and therefore undermined the political claims of Tamils to their 'homeland.' It is exactly in this sense that many Tamils in the northeast have perceived the Sinhala colonization schemes as a threat to their political aspirations and the security of their ethnic integrity.

Various studies by international scholars and consultants underline the Sinhala nationalist rhetoric of the colonization schemes, which has even been officially promoted in project booklets and by high-ranking officials (Bastian, 1995; Klingebiel, 1999; Mallick, 1998; Peebles, 1990; Tennakoon, 1988). This rhetoric was part of what Moore describes as 'peasant ideology' in the Sinhala constituency (Moore, 1989). Land colonization and allocation was a crucial ingredient of the populist democratic state in Sri Lanka (Dunham, 1983). The capture of colonization schemes by politicians and the politicization of land issues is thus not confined to the areas subject to ethnicised disputes but are a general feature of the political system in Sri Lanka. In addition to this dichotomous ideological battle between Tamil and Sinhala people, the Muslim community must not be forgotten as a major stakeholder in the east and some parts of the north. Mostly originating from settlers and traders who arrived on the coastal strips some 500 years back, Muslims in the east are largely involved in farming, fishing and trading. Since they have the highest population growth rates and tend to live in congested areas, their demand for land and space has constantly increased in recent decades. Some Muslim politicians have demanded an independent Muslim homeland or administrative entity of their own, but without underpinning these demands with the same ideological trappings that have tended to be used by Sinhala and Tamil political leaders.

## 4.2 Case Studies on Local Disputes Over Property Rights

While broader territorial claims shape the political agenda of warfare, local conflicts over resources also intensify during civil war, mostly because resource stocks become more scarce, in particular the stock of resources that is accessible and can be claimed and utilized by civilians. Property rights to land are an issue of utmost complexity, since several layers of disputes, claims and grievances overlie one another here. In the following section of the paper, I will present case studies from the war zones of Sri Lanka that underline how the local population attempts to secure their entitlements to resources under the conditions of warfare. I will show how

livelihood options vary along ethnic lines because political bargaining power varies according to ethnic affiliation, a situation leading to *ethnicised entitlements*. The case studies were conducted in the Trincomalee district in the east of Sri Lanka. The district has been subject to communal violence between the three dominant ethnic groups, Sinhalese, Muslims and Tamils. The Trincomalee district provides a good example for the complexity of the Sri Lankan civil war, since the latter is a cocktail of various intertwined conflicts. The dominant feature is the civil war between the Sinhalese-dominated Sri Lankan armed forces, and the Liberation Tigers of Tamil Eelam (LTTE). Apart from this war, which shapes and dominates everyday life (fighting, army roadblocks, security restrictions), there are resource conflicts mainly between Tamil and Muslim villagers and Tamil and Sinhalese farmers. The three case studies that will be discussed here look at the management of irrigation water and paddy land in the context of these inter-ethnic troubles and violence. The main proposition is that local conflicts often mirror larger competing claims to land, space and resources. At the local level, these competing claims are constantly reproduced, and this deepens inter-ethnic grievances at the community level, while it allows combatants to stabilize their specific power positions and hence their war economy.

Table 1 (see p. 12) highlights the key findings of the three case studies on property rights, entitlements and resource conflicts. All research locations were in contested areas close to the borderline between cleared (i.e. government controlled) and uncleared (i.e. rebel-controlled) areas. However, such clear distinction masks the dynamic nature of spatial control. Generally, the rebels control most of the rural areas during night, while government forces are in control of 'cleared' areas during the day. These areas located in proximity to the borderline are thus particularly affected by fighting, violence, intimidation and instability. The table summarizes briefly the main narrative from each case study, then enumerate the rules of the game and behavior of key actors that shape the formation of informal institutions, and finally looks at the outcomes from two perspectives: first, the entitlement structure that follows from informal institutions and, second, how greed and grievance interplay in each particular case. In the text, I will briefly recapitulate each case and then outline commonalities and specificities, before drawing broader conclusions in Section 5. All three case studies deal with the use of irrigation water and land in the system of paddy cultivation. On the one hand, there are small-scale, traditional irrigation tanks that provide water for a specific command area (fields) that is adjacent to the tank. These are managed by farmers themselves (CASE 1 and 2). On the other hand, there are large-scale irrigation systems that are managed by the state in cooperation with local farmers' organizations. These irrigation systems have a large network of feeder channels and smaller field channels that bring the water to the fields. These larger irrigation schemes are of more recent origin and brought new settlers to the areas concerned (CASE 3).



Table 1

<b>Case</b>	<b>Behethkawewa Tank (CASE 1) 'Fragile prosperity at the fringe of power'</b>	<b>Menkamam Tank (CASE 2) 'Grievances over land'</b>	<b>Allai Extension Scheme (CASE 3) 'Ethnicised water politics'</b>
<b>Narrative</b>	<p>Land rights at rehabilitated, formerly abandoned tank are unclear, Local S farmers urge S politicians to grant them property rights, without seeking to locate the former owners. T rebels claim that the original owners were Tamils.</p>	<p>S farmers encroach tank bed land, they cut bund to drain water stored in the tank, since this would submerge their fields. T farmers that cultivate the fields belonging to the tank, lack this tank water for cultivation. Administrators are reluctant to enforce an eviction of the encroachers.</p>	<p>In major irrigation scheme, water sharing is ethnically biased and disadvantages the 'tailenders' (T, M) compared with the upstream farmers (S), Upstream farmers (S) divert water at expense of downstream farmers (T, M), T use blockage of water supply to M fields as power politics in inter-ethnic troubles.</p>
<b>Rules of the Game</b>	<p>Strong social network among S farmers with reputed leader makes possible collective action, S farmers have strong political capital (clientelist alliances of S farmers with S politicians, Buddhist clergy and military), Political pressure on administrators to by-pass laws and regulations, Rebels threaten and seek to intimidate S farmers.</p>	<p>Ethnicised political capital and inclusive social bonds within each ethnic community; Balance of power between the combatant parties who reap rents from war economies (taxes and bribes from the civilians); Lack of law enforcement by the state, because of political pressure from politicians and combatants.</p>	<p>Farmers make use of their hydraulic advantages (upstream vs. downstream) to reap a higher profit at the expense of the 'ethnic others,' Farmers seek alliances with military power holders to gain patronage for their behavior, Political pressure by powerful patrons (army, police (S), LTTE (T)) intimidate technical officers in their attempts to enforce rules and regulations,</p>
<b>Entitlements</b>	<p>Patronized entitlements: economic entitlements may be enhanced for S through patronage of army, politicians and financial support by the central state; Fragile entitlements: uncertainty prevails because of the threat that rebels may attack.</p>	<p>Ethnicised entitlements: entitlement failure among T farmers, entitlement expansion among S farmers.</p>	<p>Ethnicised entitlements: entitlements are enhanced among S, while entitlements fail (less irrigation water) for specific ethnic groups at the tail end (T, M), Entitlement politics: conditioned water supply as a power play in inter-ethnic troubles (T-M),</p>
<b>Greed and Grievances</b>	<p>Perceived threat enhances the militarization of the farmers: they form even closer alliances with the politico-military complex, exacerbating the confrontational mood.</p>	<p>Local conflict mirrors wider political cause of the civil war and reinforces grievances and hatred, while combatants stabilize their war economy (greed).</p>	<p>Lack of law enforcement creates frustration and enhances inter-ethnic grievances. Combatants stabilize war economies by using grievances to legitimize their political course.</p>

Comment: S = Sinhalese; T = Tamil; M = Muslim  
Source: Korf et al, 2001, and additional field studies by the author in 2002.

### *Case 1 (Behethkawewa Tank): 'Fragile Prosperity at the Fringe of Power'*

Behethkawewa is a small tank situated in an area settled by Sinhalese farmers who were brought there in connection with government-sponsored settlement schemes in the last 40 years. The tank, which had been abandoned for a long time, has been rehabilitated with support from an international aid agency. The local farmers' organization claimed that since these farmers have worked to rehabilitate the tank, they have the 'moral' right to cultivate the land. However, according to the law in Sri Lanka, the state is required to establish the history of land ownership before the land can be transferred to anybody. Since the tank has been abandoned for a long time, the competent administration is faced with difficulties in identifying the holders of the land titles. The local (Sinhalese) farmers have addressed powerful politicians, patrons and the Buddhist clergy, asking them to put pressure on administrators to transfer the land to them. In the end, the administrators transferred the land to these farmers, who subsequently started out with cultivation. In this case, a strong Sinhalese local leader has used his political capital assets and clientele networks with powerful administrators, the Buddhist clergy, the military and police to acquire land under a rehabilitated tank for his own community. Pressure from the powerful allies of the Sinhalese farmers is used to intimidate administrators to deviate from the prescribed government guidelines and regulations. What places this case of power politics in the context of the civil war is the claim of the Tamil rebels that the land under this tank belonged to Tamil owners who have been displaced or migrated. The rebels have used this case to demonstrate how the central government (dominated by nationalist Sinhalese) has constantly undermined the claims to resources made by Tamils. They thus threatened to attack the tank if the land were to be transferred to Sinhalese farmers without any adequate administrative procedures to identify the proper owners.<sup>7</sup>

The Sinhalese farmers in this border village have been attacked several times by the LTTE, and those remaining in the village are very alert to future violence and fighting. They are thus seeking an even stronger alliance with their political and military patrons. Clearly, this case of land transfer has become a 'symbol' of the nationalist rhetoric of both parties. It is serving to deepen the patron-client relationship between combatants and civilians, and especially between Sinhalese farmers and the police and army.

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<sup>7</sup> Because of the ongoing peace process in Sri Lanka, the rebels are, at present, unable to take any action against the Sinhalese farmers who have started cultivating the land.

*Case 2 (Menkamam Tank): 'Grievances over land'*

Similarly, the land dispute around Menkamam tank has been incorporated into the ethnicised discourses of Tamils and Sinhalese. Menkamam is an old minor tank that provides irrigation water to paddy fields belonging to a Tamil village. In the last decades, Sinhalese peasants from an adjacent settlement have encroached on parts of the tank-bed land. When the Tamil farmers wanted to store water in the tank for irrigation, this was seen as adversely affecting the land of Sinhalese farmers. The Sinhalese farmers therefore organized, and under the protection of police and army they cut the tank bund, draining water from the tank. This allowed them to cultivate their own fields but led to water shortages for the Tamil cultivators. This dispute has continued for many years, but the civil war has seen changes in the alliances of the farmers of both communities. According to the law in Sri Lanka, the state would have to evict the encroachers. However, the administration is reluctant to become active, and various departments are seeking to hand over the responsibility to others. The reason why they do this is that they fear that any action taken could be interpreted as an *ethnic* bias against the Sinhalese, and they fear coming under pressure from the combatants and powerful patrons of the farmers. Obviously, in this case the Sinhalese farmers are in a strong position because they are able to safeguard their entitlements with the assistance of police and army. The administration, which would have to order the eviction of the encroachers, is reluctant to interfere because of the political alliances of the farmers with the police and army. Also, the two villages belong to different subdistricts, one governed by a Tamil divisional secretary and one by a Sinhalese. In the ethnicised perceptions of administrative decision-making, these two are highly unlikely to cooperate to find a solution to the problem. The rebels do not appear to be strong enough to fight openly with the army. In particular, they would be unable to provide protection for the Tamil farmers after an attack. This situation leads to a feeling of powerlessness among the Tamil farmers; but this is not confined to the particular village, rather Tamils from the whole area point to this case to underline how the central government discriminates against them. At the same time, the Sinhalese farmers complain that the rebels levy taxes on them, threatening them with violent action if they fail to pay.

Thus, again, we find ethnicised discourses of grievance reproduced at the local level. At the same time, it appears that the combatants, while instrumentalizing these grievances to strengthen the patron-client relationship, use this situation to stabilize their war economy (greed). The rebels, for example, do not fight directly but punish the Sinhalese by imposing more taxes on them (to redress grievances of Tamil farmers and satisfy their own greed at the same time).

### *Case 3 (Allai Extension Scheme): 'Ethnicised water politics'*

Allai Extension is a large-scale irrigation scheme established in the 1950s that provided land to Sinhalese settlers from outside the district as well as to Tamil and Muslim peasants. As such, it was part of the wider peasant colonization ideology of the central government (see above). The hydraulic layout and allocation of land plots has favored Sinhalese farmers, who were given the land in the upstream area of the scheme. Water disputes between upstream and downstream farmers, a common phenomenon in many irrigation schemes, took on an 'ethnicised' slant in the perceptions of local farmers. Geographic location and political capital assets have created a differentiated system of entitlements to water: the Sinhalese upstream farmers have the strongest position, since they can easily block the water supply to downstream farmers. They often divert more water than is allocated to them in order to cultivate paddy fields on which they have encroached. This leads to water shortages on fields located further downstream in the system, and these belong largely to Tamils and Muslims.

Those most affected in this scheme appear to be the Muslim farmers, because they are at the tail end of the system, an area that hardly receives any water at all. In addition, fields belonging to Muslims and Tamils are dispersed and located adjacent to one another. Many Muslim farmers have to pass through Tamil villages to access their fields. In times of ethnic troubles or security incidents, they may feel unsafe and are afraid to go to their fields, because they fear to get caught in the middle of communal clashes and violence. If such incidents take place during crucial times of the cultivation season (e.g. harvest), Muslim farmers may lose their entire harvest and all they have invested. Some Muslim landowners have therefore leased out their land to Tamil farmers, often on unfavorable terms. Some Tamil farmers also refuse to pay their land leases and threaten to inform the LTTE if the Muslim landowners call in the police to collect this money. In addition, some Muslim paddy lands are situated in uncleared areas and the rebels do not allow Muslims to enter these areas to cultivate their land. In this case Muslim farmers thus face a serious threat to their entitlements.<sup>8</sup>

This case underlines again how farmers use their relative bargaining power, which is largely derived from their alliances with combatants, to derive benefit streams from resources that are not legally theirs. Two aspects play a role here: on the one hand, farmers benefit from this seizure of resources at the expense of the 'ethnic others'; on the other hand, the grievances propagated and deepened through warfare

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<sup>8</sup> Muslims are not all losers in the war. In many Muthur areas, where the Allai Extension Scheme is situated, it is Muslim traders that dominate commerce because Tamil traders must anticipated trouble with the army when they pass checkpoints. Thus Muslims, who are not suspected of collaborating with the LTTE, can easily build informal alliances with army officers, bribe them and continue to engage in their trade business. However, they also have to pay taxes to the rebels. Most of the Tamil paddy cultivators thus depend on the services of Muslim traders. Suffice it to say that this, again, has created grievances among Tamil farmers, who claim that Muslim traders abuse their low bargaining power to buy their produce at low prices.

provide an ideological and moral justification for such behavior. One could argue that in this case greed is not confined to combatants but may also be observed among sections of the civilian population, who have an advantage in their relative bargaining position, again based on their patron-client relationship with combatants.

In conclusion, these case studies suggest that political capital assets, viz. the ability of an individual or community to gain access to political, administrative and, in particular, military power holders, largely determine access to natural resources and the economic benefit streams derived from them. In effect, we observe an emerging system of patron-and-client-based political economy of ethnicity. Ethnicity has become a bargaining resource that shapes the evolution of local informal rules of the game. However, even though political capital assets are often ethnically determined, one has to be cautious about making sweeping generalizations about the ethnic nature of such politically derived entitlements. There are also significant differences in political capital assets within ethnic groups. For example, Tamil farmers may be in one case losers (CASE 2) and in another case, at least in part, winners (CASE 3). However, one striking feature seems to be that Sinhalese farmers tend to be in a strong position in all three cases, comparatively speaking, because of their strong alliances with army, police and powerful clergymen and politicians. This is understandable when we consider the specific status of these Sinhalese settlers as part of a broader strategy of the Sinhalese-Buddhist state. These farmers are 'frontiersmen' (Thangarajah, 2003) in the state's strategy to undermine the territorial claims of the Tamil rebels to an independent homeland in the northeast. The Sinhalese state machinery can thus be said to *intentionally* favor the former over farmers from other ethnic groups.

## 5 Renegotiating Patron-Client Relationships

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I have argued in the present paper that it is in particular endowments with social and political capital assets that make a difference for specific individuals and village communities with regard to how effectively they can secure their entitlements to resources under civil-war conditions. Ethnicity is an important determinant of their relative bargaining power, and thus also of their endowments of social and political capital. This explains, this paper argues, the variation in entitlements observed in the case studies presented in this paper.

The main observation derived from the case studies is that property rights are blurred and that entitlements tend to be ethnicised, i.e. that some ethnic groups seem to be in a better position to access to and use resources under the conditions of warfare. This fuzziness of property rights is due to the highly volatile situation of war: forced mobility increases dramatically because people are forced to flee their homes. They leave behind resources that they have used, and it is often unclear whether or not they will return. At the same time, the war has favored conditions which often entail loss of documentary proof of ownership rights by title holders or conscious destruction of registries. This fuzziness of rights allows others to encroach on property or resources without any legal consequences. This situation may even be more pronounced in informally acquired property rights, such as in common-pool resources. Violent actors restrict accessibility to certain areas that had been under cultivation or other uses to which they were put prior to escalation of the war (army security measures, the LTTE's order on the use of jungle resources). In addition, people are reluctant to access areas that are remote and often subject to military confrontations. (The present paper does not look at this matter in any depth.)

The political system in Sri Lanka, even though it is labeled as 'democratic,' has created widespread incentives for clientelism. In exchange for support, political candidates promise direct benefits (jobs, welfare) to their supporters. Dunham & Kelegama (1997) characterize Sri Lanka as a weak state in which patronage, clientelism and populist policies prevail. In the war zones, this clientelistic system of patronage and favoritism has deteriorated into a complex system of greed and grievances, creating ethnicised entitlements in village livelihoods: affiliation with an ethnic group becomes an essential determinant of the political capital of individuals or even whole communities, and this makes possible an informal (often illegal) appropriation of property rights to resources. Thus it is possible to conclude that the war has deepened and further ethnicised the clientelistic system. In the complex interplay of grievance and greed (Keen, 2000), greed is not confined to the conflict

parties, and certain segments of the civilian population may also profit from the war, e.g. those farmers who use their alliance with the army and police to illegally appropriate property rights to land. This ethnicised clientelism creates a large gap between formal property rights guaranteed by the law and *effective* property rights created by powerful patrons, namely by the armed actors and their allies.

Thus one can argue that local institutions are distorted by the influence of violence on society as well as by clientelism and the political economy of war (Goodhand and Lewer, 1999; Goodhand et al., 2000; Korf et al., 2001; Korf, 2003b; Silva, 2003) and rules are renegotiated in the arenas of local property rights. Political networks tend to be oriented towards the own ethnic group, excluding the 'ethnic other'. Hybrid governance structures emerge in a political economy of violence: formal state institutions and regulations co-exist with the rule of an underworld of violence governed by war entrepreneurs who may be both, rebels and army soldiers.

The patron-client based system of entitlements that we observed in the war zones constantly reproduces, at the local level, the lines of ethnicised dissent that are orchestrated in the civil war. Grievances occur because politically and ethnically biased informal property rights deepen the social cleavages along communal lines and undermine civic engagement and the accountability of government institutions, and thus at the same time erode trust in governmental decisions and arrangements. This contributes to weakening social bonds and civic engagement at the community level. Farmers seek individual alliances with power holders rather than co-operative solutions. Conflict entrepreneurs combine both a rent-seeking war economy and ethnicised ideologies and grievances, and they use them as an instrument to stabilize their sphere of power. They play a fundamental role in determining entitlements to resources. They often patronize their own clientele (their own ethnic group) and in this way reinforce intra-ethnic identities and inter-ethnic grievances.

The analysis presented in this paper suggests that while the broad debates on the political economy of civil wars have largely focused on the dichotomy of *either* greed *or* grievance, it is more appropriate to look into the *synergies* of the two factors. Here, the theory of bargaining and distribution can provide a broader perspective for analyzing the factors that determine the relative bargaining power of different actors, which, in consequence, shapes the social institutions in place. This paper has focused on one particular aspect, namely on the patron-client relationships of civilians and combatants (plus political power holders) as a determinant of relative bargaining positions, here referred to simply as 'political capital asset', and the emergence of ethnicised entitlements to resources. The results presented in this paper suggest that an institutionalist perspective and in-depth case-study research constitute a promising approach to deepening our understanding of war economies and the way in which they distort civic institutions.

This paper has conceptualized political capital as an individual endowment to access political (and military) power holders with a view to deriving distributional benefits in the local arenas of resource competition. Is political capital hence something that must be perceived in negative terms? Indeed, I do not think so. It is a common feature of democratic societies that groups seek to bargain for their interests among political actors in order to reach cooperative solutions. Such ventures are, however, politically dangerous if they occur in a political system of patronage and nepotism, where power is utilized for the advantage of close political and ethnic allies and clans. In the case of Sri Lanka, we can observe how such a clientelistic political system seriously endangers movement towards peacebuilding at the macro-level, since the logics of the ethnic conflict are constantly reproduced at local and regional level, and this undermines the trust of people in the functioning of local governance.

In the long term, the cycle of reproduction of perceived grievances associated with ethnic inequality can only be overcome if credible, effective state institutions are recreated that operate in an ethnically neutral manner. This normative goal is, however, difficult to achieve in practice, since in the political arena political interests of certain powerful groups may run counter to such endeavors. Conflict transformation theories therefore stress both the importance of so-called ‘track III’ strategies at the community level and the logic of local empowerment (Heinrich, 1999; Miall et al., 1999; Reimann, 2003; Bigdon and Korf, 2003). Apart from the need to reform the state, it is essential to re-establish an inclusive civic society in regions that have suffered from divisive warfare: in this case social conflict can become a positive agent for change in the long term. For this to happen, it is essential to support *local* struggles for social justice and *local* peace capacities (actors), and to promote the conditions needed for co-operative relationships between different *local* communities.



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