Country/entity	Sri Lanka
Region	Asia and Pacific
Agreement name	Memorandum of Understanding for the Establishment of a Post-Tsunami Operational Management Structure (P-TOMS)
Date	27 Jun 2005
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Sri Lankan Civil War (1983 - 2009)

The roots of the Sri Lanka conflict lay in British colonial policy which controlled the island from 1802 until 1948. During the early 1800s, the British brought Tamils from mainland India to work on the various plantations for tea, coffee and rubber, changing Sri Lanka's the demographic make-up. Upon independence, Sinhalese nationalism dominated the political sphere and introduced discriminatory policies against the Tamil minority straining relations and sparking protests. Armed Tamil resistance first came in the form of assassinations of moderate Tamils and opposition politicians in the mid-1970s. However, it was the Liberation Tigers of Tamil Eelam's (LTTE) attack on checkpoint Four Four Bravo, which marked the turning point, sparking pogroms against Tamils in Sinhalese majority areas. This incident, known as Black July, is widely considered to the beginning of the civil war.

The first round of peace talks were backed by India, which had deployed the Indian Peace Keeping Force (IPKF) in 1987, and led to the 1987 Indo-Sri Lanka Accord. The Accord was successful in persuading the majority of insurgency groups to lay down arms. However, the strongest Tamil insurgency group, the LTTE, was not party to the talks and refused to disarm, sparking direct conflict between the IPKF and the LTTE until IPKF withdrawal 1990. Following the withdrawal, the LTTE consolidated their power in the North and East sparking another intense and bloody war with the central government that lasted until 2002 when another peace process was launched under the auspices of Norwegian negotiators. The second round of peace talks, however, only continued until April 2003 and in March 2004, a large faction of LTTE cadres split from the main organization damaging LTTE unity. The LTTE were defeated militarily by a large-scale government assault in 2009, however, the conditions for peace remain uncertain.
Close
Sri Lankan Civil War (1983 - 2009)

Stage	Framework/substantive - partial
Conflict nature	Government/territory
Peace process	Sri Lanka LTTE 2002 onward process

Parties	Government of Sri Lanka and Liberation Tigers of Tamil Eelam
Third parties	-
Description	Following the 2004 Tsunami, the LTTE and Sri Lankan Government formulated the Post-Tsunami Operational Management Structure (P-TOMS) to ensure humanitarian relief and reconstruction in affected areas. P-TOMS consists of district and regional level offices.

Agreement document	LK_050627_P-TOMS.pdf (opens in new tab) | Download PDF

Groups

Children/youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/ national group	Groups→Racial/ethnic/national group→Anti-discrimination Page 2, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows: 1. Structure ... b. The High-Level Committee, the Regional Committee and the District Committees shall discharge of their functions in such a manner as to address the concerns of all persons in the Tsunami Disaster Zone (the "TDZ", as defined below) and shall do so without discrimination against any person on grounds such as ethnic origin, sex, language, religion, political or other opinion, social origin, birth or other status.

Religious groups

Groups→Religious groups→Anti-discrimination
Page 2, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows:
1. Structure
... b. The High-Level Committee, the Regional Committee and the District Committees shall discharge of their functions in such a manner as to address the concerns of all persons in the Tsunami Disaster Zone (the "TDZ", as defined below) and shall do so without discrimination against any person on grounds such as ethnic origin, sex, language, religion, political or other opinion, social origin, birth or other status.
Groups→Religious groups→Substantive
Page 3, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows:
5. High-Level Committee
... c. Composition. The High-Level Committee shall consist of the following members:
... iii. 1 nominee by Muslim parties.

Page 4, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows:
6. Regional Committee
... c. Composition. The Regional Committee shall consist of the following members:
... iii. 3 members nominated by the Muslim parties, out of which one will serve as Deputy Chairperson;

Page 6, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows:
8. District Committees
... c. Composition and Decision Making. The Districts Committees, already established and well-functioning, shall continue their work. The District Committees may further discuss and decide on issues relating to their composition and decision-making. Adequate Muslim representation shall be ensured.

Indigenous people

No specific mention.

Other groups

Groups→Other groups→Anti-discrimination
Page 2, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows:
1. Structure
... b. The High-Level Committee, the Regional Committee and the District Committees shall discharge of their functions in such a manner as to address the concerns of all persons in the Tsunami Disaster Zone (the "TDZ", as defined below) and shall do so without discrimination against any person on grounds such as ethnic origin, sex, language, religion, political or other opinion, social origin, birth or other status.

Refugees/displaced persons	No specific mention.
Social class	Groups→Social class→Anti-discrimination Page 2, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows: 1. Structure ... b. The High-Level Committee, the Regional Committee and the District Committees shall discharge of their functions in such a manner as to address the concerns of all persons in the Tsunami Disaster Zone (the "TDZ", as defined below) and shall do so without discrimination against any person on grounds such as ethnic origin, sex, language, religion, political or other opinion, social origin, birth or other status.

Gender

Women, girls and gender	Page 2, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows: 1. Structure ... b. The High-Level Committee, the Regional Committee and the District Committees shall discharge of their functions in such a manner as to address the concerns of all persons in the Tsunami Disaster Zone (the "TDZ", as defined below) and shall do so without discrimination against any person on grounds such as ethnic origin, sex, language, religion, political or other opinion, social origin, birth or other status. Page 4, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows: 6. Regional Committee ... c. Composition. The Regional Committee shall consist of the following members: ... iv. The Regional Committee shall have a proper gender balance. Page 6, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows: 8. District Committees ... c. ... The District Committee shall also have a proper gender balance.
Men and boys	No specific mention.
LGBTI	No specific mention.
Family	No specific mention.

State definition

Nature of state (general)	No specific mention.
State configuration	No specific mention.
Self determination	No specific mention.
Referendum	No specific mention.
State symbols	No specific mention.
Independence/ secession	No specific mention.
Accession/ unification	No specific mention.
Border delimitation	No specific mention.
Cross-border provision	No specific mention.

Governance

Political institutions (new or reformed)	Governance→Political institutions (new or reformed)→Temporary new institutions Page 1, Preamble, WHEREAS there is a need for establishing P-TOMS to facilitate such cooperation among communities, and between the Parties; Page 1-2, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows: 1. Structure a. An integrated operational management structure shall be established for the purpose of planning, implementing and coordinating post-tsunami work. Such structure shall consist of: i. The Post-Tsunami Coastal Reconstruction Committee (the “High-Level Committee”); ii. The Post-Tsunami Coastal Reconstruction Committee for the Six Districts (the “Regional Committee”); and iii. Post-Tsunami Coastal Reconstruction Committees for each of the Ampara, Batticaloa, Jaffna, Kilinochchi, Mullaitivu, and Trincomalee districts (the “District Committees”). Page 3, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows: 5. High-Level Committee a. Geographic Scope. The High-Level Committee shall act exclusively in relation to the TDZ. b. Functions. The High-Level Committee shall perform the following functions: i. Formulation of policies for the equitable allocation and disbursement of donor funds in the TDZ based on needs assessments submitted to the HighLevel Committee, guided by the principle that funds should be allocated in proportion to the number of affected persons and the extent of damage; ii. Provision of advisory services; and iii. Monitoring of the functioning of P-TOMS. c. Composition. The High-Level Committee shall consist of the following members: i. 1 nominee by GOSL; ii. 1 nominee by LTTE; and iii. 1 nominee by Muslim parties. ... e. Chairperson. The High-Level Committee shall select one of the members of the HighLevel Committee to serve as the chairperson to conduct and coordinate its meetings. The role of the chair shall rotate among the members, with each chairperson serving for two months Page 4, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows: 6. Regional Committee a. Geographic Scope. The Regional Committee shall act exclusively within those areas of the TDZ in the Six Districts. b. Functions. The Regional Committee shall perform the following functions: i. Development of strategies for implementation and prioritization of post-tsunami emergency relief, rehabilitation, reconstruction and development measures; ii. Project approval and management, with respect to projects for post-tsunami relief, rehabilitation, reconstruction and development; iii. Overall monitoring of projects; and iv. Fund management, with respect to the fund specifically defined in Section 7. Page 4-5, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows: 6. Regional Committee a. Geographic Scope. The Regional Committee shall act exclusively within those areas of

Elections	No specific mention.
Electoral commission	No specific mention.
Political parties reform	No specific mention.
Civil society	No specific mention.
Traditional/ religious leaders	No specific mention.
Public administration	No specific mention.
Constitution	No specific mention.

Power sharing

Political power sharing

Power sharing→Political power sharing→General
Sub-state level
1. Structure
a. An integrated operational management structure shall be established for the purpose of planning, implementing and coordinating post-tsunami work. Such structure shall consist of:
i. The Post-Tsunami Coastal Reconstruction Committee (the “High-Level Committee”);
ii. The Post-Tsunami Coastal Reconstruction Committee for the Six Districts (the “Regional Committee”); and
2 iii. Post-Tsunami Coastal Reconstruction Committees for each of the Ampara, Batticaloa, Jaffna, Kilinochchi, Mullaitivu, and Trincomalee districts (the “District Committees”).
b. The High-Level Committee, the Regional Committee and the District Committees shall discharge of their functions in such a manner as to address the concerns of all persons in the Tsunami Disaster Zone (the “TDZ”, as defined below) and shall do so without discrimination against any person on grounds such as ethnic origin, sex, language, religion, political or other opinion, social origin, birth or other status.
Power sharing→Political power sharing→Form of 'veto' or communal majority
Sub-state level
Page 4, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows:
6. Regional Committee
... e. Decision Making.
... ii. In the event that consensus cannot be reached, decisions shall be made by a simple majority of the Regional Committee. In the event of equality of votes, the Chairperson can exercise a casting vote.
iii. Notwithstanding paragraph iv below, in the event that a decision is taken on an issue having an adverse effect on a minority group, acknowledged by at least two members of the Regional Committee, approval will require two thirds majority (seven members) of the Regional Committee.
iv. In the event that a proposal from a District Committee does not get a simple majority in the Regional Committee and at least two members of the Regional Committee request redressing of the decision relating to the proposal, the rejection will require two thirds majority (seven members) of the Regional Committee.
Power sharing→Political power sharing→International involvement
Sub-state level
Page 3, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows:
5. High-Level Committee
... f. Observers. The High-Level Committee shall have one observer representing multilateral donors and one observer representing bilateral donors attend its meetings. The observers shall be nominated by the multilateral donor community and the bilateral donor community, respectively.

Page 4, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows:
6. Regional Committee
... d. Observers. The Regional Committee shall have one observer representing multilateral donors and one observer representing bilateral donors attend its meetings. The observers shall be nominated by the multilateral donor community and the bilateral donor community, respectively. Other observers may be invited to attend the meetings of the Regional Committee.

Page 5, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into

Territorial power sharing	Power sharing→Territorial power sharing→Other Page 2, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows: 2. Scope ... b. The Tsunami Disaster Zone (the "TDZ") shall be defined as the area affected by the tsunami. c. The TDZ shall include all that tsunami-affected land area of Sri Lanka, which is adjacent to the sea, lying within a limit of 2 kilometres landwards from the mean low water line. d. The High-Level Committee may decide to bring additional land areas within the TDZ; provided, however, that all such land areas must have been directly impacted by the tsunami or directly affected by the displacement and resettlement of persons as a result of the tsunami. e. New proposals for measures to be adopted in, or affecting the coastal areas covered by seawater, shall be undertaken under the aegis of an international agency. Such proposals might include measures to recover material lost to the sea during the tsunami, the cleaning up of shores and beaches affected, even when covered by seawater, and the repairing and construction of jetties or commercial fisheries harbours affected by the tsunami.
Economic power sharing	No specific mention.
Military power sharing	No specific mention.

Human rights and equality

Human rights/RoL general	No specific mention.
Bill of rights/similar	No specific mention.
Treaty incorporation	No specific mention.
Civil and political rights	No specific mention.
Socio-economic rights	No specific mention.

Rights related issues

Citizenship	No specific mention.
Democracy	No specific mention.

Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/access	No specific mention.
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law	No specific mention.
State of emergency provisions	No specific mention.
Judiciary and courts	No specific mention.
Prisons and detention	No specific mention.
Traditional Laws	No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction

Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development
WHEREAS the equitable allocation of post-tsunami funds to all parts of Sri Lanka struck by the tsunami will be based on accepted needs assessments;

WHEREAS in recognition of this urgent humanitarian need and in a spirit of partnership, the Government of Sri Lanka (the "GOSL") and the Liberation Tigers of Tamil Eelam (the "LTTE") (the "Parties") have resolved to work together, in good faith and using their best efforts, to deliver expeditious relief, rehabilitation, reconstruction and development to the coastal communities in the six districts of Ampara, Batticaloa, Jaffna, Kilinochchi, Mullaitivu and Trincomalee ("the Six Districts") and to facilitate and expedite the process of rebuilding the affected areas;

Page 5, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows:
7. Regional Fund
a. There shall be a Post-Tsunami Coastal Fund for the Six Districts (the "Regional Fund"), consisting of unspecified (program) and secretariat funds. The unspecified (program) funds shall consist exclusively of foreign funds while the secretariat funds shall consist of both foreign and local funds.
b. The Parties shall appoint a suitable multi-lateral agency to be the Custodian of the Regional Fund.
c. The purpose of the Regional Fund shall be to expeditiously make available funds, following proper approved procedures, to facilitate and accelerate the relief, rehabilitation, reconstruction and development program in the tsunami-affected areas of the Six Districts.
d. The Parties and the Custodian shall agree on a mechanism for the establishment and operation of the Regional Fund.
Socio-economic reconstruction→Development or socio-economic reconstruction→Humanitarian assistance
Page 1, Preamble, WHEREAS there is an urgent need for all communities, Sinhala, Tamil, Muslim and others, to cooperate on humanitarian grounds in the face of this common adversity;
Socio-economic reconstruction→Development or socio-economic reconstruction→Infrastructure and reconstruction
WHEREAS in recognition of this urgent humanitarian need and in a spirit of partnership, the Government of Sri Lanka (the "GOSL") and the Liberation Tigers of Tamil Eelam (the "LTTE") (the "Parties") have resolved to work together, in good faith and using their best efforts, to deliver expeditious relief, rehabilitation, reconstruction and development to the coastal communities in the six districts of Ampara, Batticaloa, Jaffna, Kilinochchi, Mullaitivu and Trincomalee ("the Six Districts") and to facilitate and expedite the process of rebuilding the affected areas;

Page 2 2. Scope [Summary] section defines the area for reconstruction.

Page 4, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows:
6. Regional Committee
b. Functions. The Regional Committee shall perform the following functions:
i. Development of strategies for implementation and prioritization of post-tsunami emergency relief, rehabilitation, reconstruction and development measures;
ii. Project approval and management, with respect to projects for post-tsunami relief, rehabilitation, reconstruction and development;
iii. Overall monitoring of projects; and
iv. Fund management, with respect to the fund specifically defined in Section 7

National economic plan	No specific mention.
Natural resources	No specific mention.
International funds	Page 3, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows: 4. Cost and Expenses The donors shall be requested to cover all costs and expenses incurred relating to the establishment and functioning of the P-TOMS Page 5, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows: 7. Regional Fund a. There shall be a Post-Tsunami Coastal Fund for the Six Districts (the “Regional Fund”), consisting of unspecified (program) and secretariat funds. The unspecified (program) funds shall consist exclusively of foreign funds while the secretariat funds shall consist of both foreign and local funds. b. The Parties shall appoint a suitable multi-lateral agency to be the Custodian of the Regional Fund. c. The purpose of the Regional Fund shall be to expeditiously make available funds, following proper approved procedures, to facilitate and accelerate the relief, rehabilitation, reconstruction and development program in the tsunami-affected areas of the Six Districts.
Business	No specific mention.
Taxation	No specific mention.
Banks	No specific mention.

Land, property and environment

Land reform/rights	No specific mention.
Pastoralist/ nomadism rights	No specific mention.
Cultural heritage	No specific mention.
Environment	No specific mention.
Water or riparian rights or access	No specific mention.

Security sector

Security Guarantees	No specific mention.
Ceasefire	Security sector→Ceasefire→Ceasefire provision Page 2, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows: 2. Scope ... f. The Ceasefire Agreement, dated as of 23 February 2002, between the GOSL and the LTTE, shall continue in full force and effect, and nothing in this MOU shall be construed to prejudice such agreement or alter its terms in any way.
Police	No specific mention.
Armed forces	No specific mention.
DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	Page 3, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows: 5. High-Level Committee ... c. Composition. The High-Level Committee shall consist of the following members: ... ii. 1 nominee by LTTE; and Page 4, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows: 6. Regional Committee ... c. Composition. The Regional Committee shall consist of the following members: ii. 5 members nominated by LTTE, out of which one will serve as Chairperson;
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.
Courts	No specific mention.
Mechanism	No specific mention.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

Implementation

UN signatory	No specific mention.
Other international signatory	No specific mention.
Referendum for agreement	No specific mention.
International mission/force/ similar	No specific mention.
Enforcement mechanism	Page 3-4, NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows: 5. High-Level Committee ... g. Decision Making. i. The High-Level Committee shall strive to make decisions based on consensus. All members shall work together in good faith and use their best efforts to reach a common agreement before the High-Level Committee makes any decisions. ii. In the event that consensus cannot be reached, the members shall immediately enter into an extensive consultation procedure with their nominating parties and the donor community with the aim to reach an agreement and to ensure continued cooperation in the High-Level Committee. iii. In the event that consensus can still not be reached the nominating parties may, after having followed the consultation procedure laid down in Section 5(g, i and ii) and after having given 14 days notice, suspend the cooperation in the High-Level Committee.