



Case Study

Involuted Democracy: Tsunami Aid Delivery and Distribution in Ampara District, Sri Lanka

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Towards Inclusive Governance

Promoting participation of disadvantaged groups in Asia-Pacific

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Introduction

The hyperactive scamper to deliver tsunami recovery in Sri Lanka in a short period of time at high speed resulted in decisions that had little or no concern for the participation and representation of affected communities, particularly those disadvantaged. The mismatch between macro-decisions and local requirements led to inconsistencies between post-tsunami recovery interventions and their corresponding needs and requirements on the ground. The inefficient system of delivery, mismanagement and poor coordination of resource utilisation, wastage of aid, lack of central control, accountability and transparency resulted in increasing ethnic tension among the three affected ethnic groups who were not sufficiently and timely supported by the recovery process. The inability to harness participation of affected communities in an effective manner led to a feeling of dejection, social exclusion and greater inequalities in the communities. The sharp increase in violence between various factions and groups also contributed to a loss of faith in the democratic process as a rational means to alleviate the misery caused by the tsunami in Ampara District of Sri Lanka, a story unfolded in the analysis of this paper. As a prelude to the analysis, let us first contextualise Ampara district in the Eastern Province of Sri Lanka.

Ampara district in eastern province

The District of Ampara in the eastern province where the research was carried out, historically known as Digamadulla, is bounded by the District of Polonnaruwa to the North, the Districts of Hambantota and Monaragala to the South, the District of Batticaloa to the east and the District of Matale to the West. Ampara district consists of 20 Divisional Secretariat areas, 525 Grama Niladhari (village headman) Divisions and 828 villages covering an area of 4431 km² and its current population stands at 635,332. Muslims, Sinhalese and Tamil form the major communities living in the district and the ethnic ratio is 41.59 percent Muslim, 39.33 percent Sinhalese, 18.76 percent Tamils, while 0.32 percent consists of Indian Tamils, Burghers, Malays, Chetties and Bharathas.

In 1961 Ampara was designated as a separate District in Sri Lanka (then Ceylon) after protests by the local population over the distance they had to travel to Batticaloa District office (Katchcheri) to handle administrative tasks.

The district is situated in the dry zone of Sri Lanka and is about 500 feet above sea level. The district consists of three main rivers, the Galoya, Mahaoya and Maduruoya. Ampara District is predominantly an agricultural district producing rice on a large scale in the two agricultural seasons. The total cultivable rice paddy area is 55,000 hectares and the average production is 250,000 mt per season, which represents about one fifth of the country's requirement. Eighty percent of the rice produced in Ampara is transported and marketed in other districts. There are nearly 250 rice mills to prepare rice for the market. Maize and cowpea are the other crops and a fair amount of farmers are involved in livestock farming too. Sugar cane is also cultivated and supplied to a cane sugar to the factory in the district, which is not functioning presently due to the war. Fishing (inland and marine) is the next most important livelihood in which nearly 17,000 families are involved and providing nearly 10,000 mt of fishes annually. The population of Ampara is also engaged in brick making, the garments industry, metal crushing, carpentry, masonry, metal work, and other cottage

industries and services provision. The well-known tourist area of Arugambay is located in Ampara District.

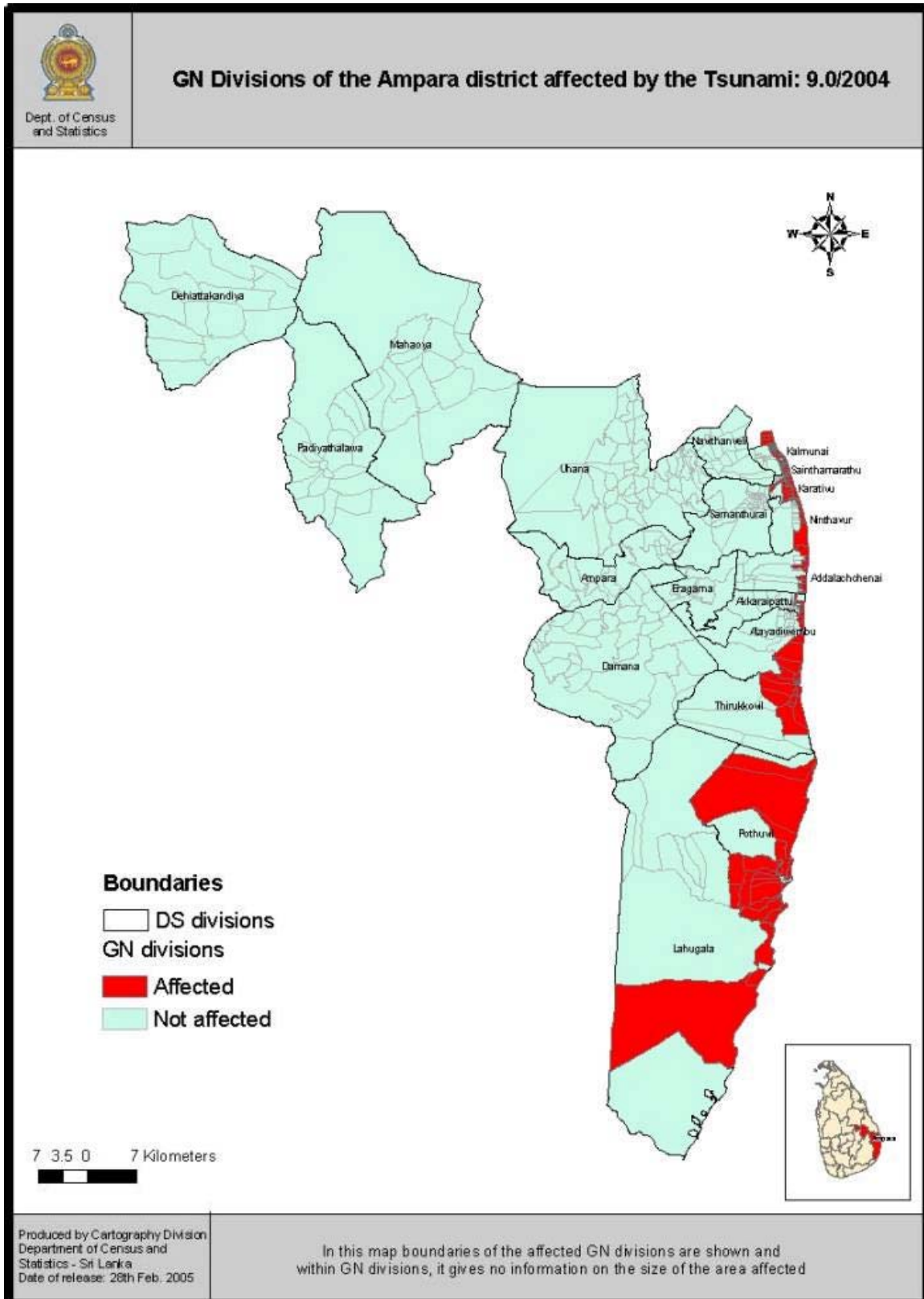
The Eastern Province of Sri Lanka, where Ampara district is located, is a fine social space and geographical location to study how democracy has failed in delivering assistance and aid to affected populations. Despite cultural and language similarities,¹ the Muslims and Tamils live in the Eastern Province of Sri Lanka view themselves as separate ethnic entities, and different from the Tamils and the Muslims in other parts of the country. The fact that the Tamils of the Eastern Province are viewed (and view themselves) as a distinct ethnic group as against the Muslims and the Tamils in Jaffna (or the Northern areas of Sri Lanka) has given rise for calls for the Eastern Province to be separated from northern areas of Sri Lanka. This need for distinction and separation is also seen as a reaction to the political agenda of the Liberation Tigers of Tamil Eelam (LTTE), which has repeatedly called for the two provinces to be merged. The factional politics of the *Karuna* faction² and its separation from the LTTE further reflect the ethnic distinction and identity of the eastern Tamils.³

In the past, the Eastern Province was regarded as being under the hegemony of Jaffna Tamils, who often held important positions in local government. The situation is regarded to have gradually evolved, with both Tamils and Muslims seeking greater political and administrative independence. Over the past few years, Muslim political leaders have pushed for stronger Muslim identity in areas of local governance and have been instrumental in setting-up ethnically segregated governance and welfare structures. Muslims and Tamils in the Eastern Province live in segregated communities spread along the coastal belt from south to north in the eastern province and operationalize ethnic dimensions in their everyday life and dealings. The effects of the tsunami were directly felt in the coastal districts and DS divisions as shown in the following map. The map shows the affected areas in red colour.

¹ The Tamils and the Muslims in the Eastern Province are matrilineal. The Kudi system of inheritance and naming are seen by and large in both these ethnic groups. Under the Kudi system, children of a family belong to the *Kudi* (clan or sub-caste) of the mother from whom children inherit property. *Kudis* are exogamous and one cannot find a marriage partner in his own *Kudi*. *Kudi* members are seen as consanguineous. When female children get married the parents have to provide her with a house in dowry, in addition to money and other property demanded and negotiated by the son-in-law's family. The value of the house and dowry depends on the economic and social status of the son-in-law (for more details see, Nur Yalman, Under the Boo Tree; For a comprehensive description see McGilvray, Dennis, (1988) "*Mukkuvar Vannimai: Tamil Caste and Matrilineal Ideology in Batticaloa, Sri Lanka*" in Dennis B. McGilvray (ed.), *Caste Ideology and Interaction*, Cambridge, Cambridge University Press. also see the following website <http://www.rootsweb.com/~lkawgw/kmaraikayar.html>). Among the Tamils the *Kudi* system is associated with the worship of Kannagai and Mariyamman.

² Colonel Karuna or Karuna Amman is the leader of the breakaway eastern faction of the LTTE.

³ According to a newspaper interview given by Colonel Karuna the eastern Tamils were poorly treated by the Tamils in the north who think that the eastern Tamils have a lower social status and that they were given water in coconut shells and were not served food on the same tables as northern Tamils. Also it is reported that there are hardly any intermarriages between these two groups. In the same manner, the Muslims in the Eastern Province are perceived as 'different' by Muslims living in other parts of Sri Lanka.



Located in the interior and in the southern tip of the province the Sinhalese did not get involved in direct confrontations with any other ethnic groups in the Province.⁴ Forces belonging to the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE) operated within more or less demarcated territories, which were 'concretized' after the ceasefire agreement of 2002, and there were minimal incursions on either side. It is in this socio-political, economic and demographic context⁵ that the tsunami struck the district on 26 December 2004.

Tsunami recovery politics and actors

The tsunami is said to have disregarded and discredited all ethnic, power-based and artificially created boundaries, a fact that many people have referred to after the disaster.⁶ The territorial demarcations that existed prior to the tsunami between the GoSL forces and the LTTE were relaxed in the immediate aftermath of the disaster and both LTTE and GoSL forces commenced relief and disaster management work. Ethnic boundaries were disregarded and civil society organizations were able to provide tsunami aid in a relaxed atmosphere. There were many examples reported afterwards of inter-ethnic cooperation reflected in civil society work and local level cooperation of otherwise contradictory political groups. For example, local level government armed forces and local LTTE groups worked together to rescue and assist tsunami victims and GoSL forces to rescue local LTTE cadres. Tamil civilians in the affected communities in LTTE controlled areas in the north were provided with food and other basic necessities by NGOs, civil society⁷ and Colombo-based organizations. The contribution and involvement of NGOs in the initial stage of the tsunami recovery process was commendable.

The GoSL proposed and created an institutional arrangement for tsunami recovery and reconstruction of the affected communities, known as the Post-Tsunami Operation Mechanism Structure (PTOMS⁸) or the Joint Mechanism (JM), which was signed by the GoSL and the LTTE. Large-scale island-wide protests took place after the agreement was signed, particularly by two local political parties, the *Janatha Vimukthi Peramuna* (JVP), *Jathika Hela Urumaya* (JHU) and Muslim political parties⁹ and their leaders questioning the legitimacy of PTOMS and its control over resources¹⁰. The JVP left the government coalition as a result. The massive opposition culminated in a hunger strike or fast-unto-death by Dr. Omalpe Sobhita, a prominent Buddhist clergy and a member of the JHU. The fast was called off only after the then President pledged to discuss the agreement with Buddhist prelates

⁴ There were incidents where the Muslims had encroached on lands belonging to the Sinhalese.

⁵ The focus of this essay is on the district's coastal area. The District of Ampara is one of the three districts that forms the Eastern Province. The other two districts are Batticaloa and Trincomalee.

⁶ This is the gist of what has been published in the newspapers at the time of tsunami regarding ethnic divisions. The idea that the people should unite and shed away the communal differences after the tsunami was mentioned by many leaders as reported in newspapers.

⁷ The chief incumbent of the Kalmunai Buddhist Vihara had taken a lead role in distribution of basic amenities to the affected people in the LTTE controlled areas. The aid came in trucks and lorries from Sinhala communities and given mainly to Tamil affected communities; however, it was diverted that way by the GoSL armed forces. The Muslims, on the other hand, had many organizations that supported them, but the Tamils did not get any immediate assistance from religious and other organization as revealed in the interviews. However, expatriate Tamil people organized recovery assistance at a somewhat later stage.

⁸ PTOMS (or earlier SIHRN) was to operate within a limited area of two kilometres from the coastline, in six districts of the Northern and Eastern provinces (i.e. Ampara, Batticaloa, Jaffna, Kilinochchi, Mullaitivu and Trincomalee).

⁹ "Muslims – the community that suffered the most from the tsunami – were excluded from negotiations on a joint mechanism for tsunami rehabilitation and reconstruction. The internationally supported PTOMS agreement marginalized the Muslims leading to their alienation from the peace process, as well as paving the way for them to be labelled a "spoiler". Cenan Pirani and Ahilan Kadirgamar, "Internationalisation of Sri Lanka's Peace Process and Governance: A Review of Strategic Conflict Assessments" Economic and Political Weekly, 6 May 2006.

¹⁰ This is a question whether SIHRN (or later PTOMS) could have a recognized legal status without changing the constitution.

before it was operationalized.¹¹ Certain clauses of the agreement were ruled out by the Supreme Court of Sri Lanka,¹² which was the last nail in PTOMS's coffin. S. Paramu Tamilselvan, the chief LTTE negotiator later reneged on the PTOMS agreement reached between the GoSL and the LTTE.¹³ The political manoeuvring around this agreement reinforced the importance of ethno-geopolitical identities and the internationalization of tsunami recovery process.¹⁴ It became clear in the process that the main actors in the tsunami recovery process, i.e. civil society organizations and initiatives, had been overlooked and that a macro-organization taking in various government departments, the District Government Agent and his local officers, GoSL forces, especially STF, the LTTE (including the TRO) had been created to manage the reconstruction process.

Although there were clear examples of inter-ethnic and inter-party cooperation in the immediate aftermath of the disaster, unfortunately, there was no mechanism introduced at the grass-roots to cement this participatory experience and to take it forth into medium and long-term recovery efforts. The efforts of the government were to setup a massive macro structure, namely the PTOMS, which is seen here as a result of misreading the emerging cooperation among divergent grassroots level groups including ethnic and religious organisations, village level political and civil society organisations. The direct intervention of the Government, INGOs and outside aid agencies without a proper reading of what has happened in the aftermath of the tsunami not only prevaricated the opportunity for development of local participatory methodologies for post-tsunami aid distribution, but also the few efforts that were developed at the village level were nipped at the bud by not supporting them. As several local NGOs, such as SWOAD, Al-Quraish have mentioned, direct interventions and direct contacts with affected communities by outside agencies have destroyed local networks and eroded the trust between people and the local NGOs / CBOs¹⁵. The local NGOs have found it difficult to make their programmes effective as the clientele are now diverted, communally driven and shattered after overflowing of various forms of assistance provided by outside agencies. In the end the real actors who took an active interest in the recovery process in the immediate aftermath of the tsunami disaster were replaced by the macro actors such as the government high level machinery, PTOMS, LTTE top level political authority, and the National level Sinhala and Muslim political parties. The culmination of this transition of actors in post-tsunami recovery process, seen in the creation and failure of the PTOMS and the politics surrounding that episode resulted in ethnic distancing and marginalisation of affected communities and increasing passive dependency of them who suffered from the atrocities of differential patterns of aid

¹¹ "The four Maha Nayaka Theros of the Malwatte, Asgiriya, Amarapura and Ramanya may be called upon to issue a Sangha Agha (Command) and summon a mass gathering of the Buddhist clergy and laity on Friday to protest against the signing of the joint mechanism between the Kumaratunga government and the LTTE". Cited in <http://Lankanewspapers.com> on 27 June 2005.

¹² "Sri Lanka's Supreme Court on Friday placed on hold sections of a vital tsunami aid-sharing deal between the government and the Tamil Tiger rebels. The court ruled that implementation of certain clauses of the June 24 agreement between the Liberation Tigers of Tamil Eelam and the government be suspended until a final court determination, stopping short of declaring the agreement illegal. The court, however, upheld President Kumaratunga's executive authority to enter into an administrative arrangement with the rebels. 'In appropriate circumstances the president may lawfully act on behalf of the republic and enter into an agreement and arrangements that may be necessary to carry out the essential government function,' the court said". Cited in <http://Lankanewspapers.com> on 15 July 2005.

¹³ "S. Paramu. Tamilselvan, the current chief negotiator for the LTTE, told *Sudar Oli*, the pro-LTTE Tamil daily: 'We are angered by the irresponsible comments of the President that we accept the sovereignty of the Government. We refuse to work under any authority under the Sri Lankan government but in an independent body consisting of foreign monitors and observers.' (Asian Tribune May 19 2005).

¹⁴ "the Strategic Conflict Assessments claim that the donors need to work politically to address issues of governance and the peace process...." (*Economic and Political Weekly*, 6 May 2006 p. 1789).

¹⁵ In 2006 there were 64 INGOs in Ampara working directly with the communities distributing tsunami aid, and development work. These INGOs have setup a consortium for livelihood coordination with the leadership of OCHA, UNDP and similar lead agencies in the area for coordinating aid distribution work.

distribution, that led to an exclusion and neglect of participation and cooperation of the affected communities.

The Study Focus and Methodology¹⁶

The present essay examines the interplay between ethno-politics and tsunami related aid distribution in Ampara district particularly looking at fisheries and housing as examples. In doing so, the study focuses on how tsunami-related aid have reached the affected populations, whether the aid distribution programs were able to provide for the affected marginalised people including the poor, vulnerable and backward communities. Has the tremendous flow of aid to Ampara after the tsunami been an inclusive process where the affected people could participate and make decisions to effect any difference in their lives? These aspects were examined in a context of multi directional complex relationship system that developed surrounding tsunami aid distribution in Ampara where the key players were the aid agencies, government machinery, militant political groups, government forces and the NGOs.

The Data for the study were collected through focus group discussions¹⁷ and interviews¹⁸ with tsunami affected people and families, beneficiaries of tsunami aid, the agencies

¹⁶ The author could not obtain adequate information on the Tamil perspective of the tsunami in Ampara due to difficulties faced by the research assistants in collecting such data in tsunami affected Tamil villages in Ampara district. The bias towards the Muslims in the examples is also partly due to the predominance of Muslims in the affected areas in Ampara.

¹⁷ Three Focus Group Discussions were held with affected fishermen in Komari, Panama and in Marathamunai.

¹⁸ Interviews were conducted by the author, and two research assistants. Altogether 35 interviews were conducted. The following is a list of interviewees (unstructured and semi-structured and the informal discussions are not listed here)

1. The president of the Centre for East Lanka Social Service.
2. a resident of Islamabad, running a small boutique beside a refugee camp
3. a teacher attached to the Sinhala Maha Vidyalyaya
4. The president of Rehabilitation Centre for tsunami Affected People and their organisation is a member of Ampara NGO consortium.
5. A Sinhala resident in Amman Kovil Road.
6. The managing director of Village of Home Community- the Samuel Boys Home
7. The Seventh Day Adventist Church located near the Kalmunai Town.
8. A land owner in Eastern part of Addaippallam village
9. Member of the Rosy refugee Camp near Kannaki Amman Hindu kovil in Addaippallam
10. Officer in the Nintavur Divisional Education Office
11. A Muslim villager in Malikaikkadu, Karaithivu
12. The president of Maruthamunai Baithul Tsunami
13. Member of the construction committee of Maruthamunai Shams Central College
14. Tamil resident in the refugee cap near the Kovil at Periyaneelavanai
15. Manager, Samuel Boys and Girls Home situated in Neelavani
16. Grama Niladhari of Periyaneelavanai (A Tamil person)
17. A young female in Arasady Thoddam Welfare Camp, Nintavur
18. Person from the Maruthamunai relief good collecting centre
19. a tsunami victim from Periyaneelavanai,
20. affected fishermen living in Sainthamaruthu, Kalmunai
21. Person works for the Muslim Women Research and Action Foundation (MWRAF)
22. Members of armed forces and militant organisations
23. Two politicians from the area (one is a Muslim national level politician) both of them preferred anonymity.
24. President of the Komari fisheries cooperative
25. Member of the Panama Fisheries Cooperative
26. President, Digamadulla YMCA
27. DIG, Ampara

providing aid to affected people, key informants¹⁹ in the communities, political leaders, and members of the armed forces²⁰. Interviews in the beginning of the study were unstructured and exploratory in nature while in the latter half of the study more focussed and semi structured interviews were carried out. Both types of interviews amounted to thirty five. In addition discussions were held with aid agencies, NGOs and government departments to explore the various aid delivery programs and mechanisms. Initially the aid agencies were identified through a list of INGOs and aid agencies produced by CHA Ampara²¹ which were later verified by talking to officials in INGOs such as the UNDP and the FAO in Ampara. An early reconnaissance in the district helped finding the physical location of these agencies and INGOs that maintained offices in the district²². Secondary information obtained through aid agencies, newspapers and media reports were helpful in understanding the context. Face-to-face informal discussions with affected families and direct observations of them generated much valuable insights. The triangulations employed in the study helped verifying and establishing authenticity, validity and reproducibility of information.

¹⁹ The two research assistants maintained close links with two key informants – a Tamil and a Muslim – with whom they discussed their findings, verified and authenticated. The author also maintained close relationship with an educated Muslim Graduate in the area with whom the findings were discussed.

²⁰ The information provided by informants was verified with two officers of the armed forces. They also provided more information on incidents reported by the interviewees. However, the author was unable to verify the information provided in this paper with the LTTE and the TRO.

²¹ Additional information on INGOs and agencies were collected from the Contacts Directory (Version 3.3, 2005) prepared and maintained by the UN Humanitarian Information Centre (HIC)

²² INGOs and agencies that were interviewed and spoken to in Ampara during the study are the following: UNDP, CHA, FAO, RADA, OCHA, HIC, USAID, UNICEF, WFP, JICA, ActionAid, ICRC, Mercy Corps, Solidarites, and UNHCR. The following organizations involved in tsunami related activities were also interviewed for the study: IOM, GRC, Oxfam, Cordaid, World Vision, SOND/SWOAD, ZOA, Care, EHED, East Lanka Social Service and Digamadulla YMCA. The information provided through the District Livelihood Coordination meeting was a useful source. The various fisheries cooperative societies provided valuable information.

Post-tsunami Ethnic Polarisation in Ampara

Despite the initial surge of goodwill and cooperation between ethnic groups in Ampara, ethnic polarities (re)surfaced among the Tamil, Muslim and Sinhala communities due to the introduction of the joint mechanism that affected local cooperation, the upsurge in violence and the ethnic segregation in aid delivery. Tsunami aid delivery has thus become a political process where the GoSL, the LTTE and the Muslim political leaders became the main actors. Muslim community in Ampara felt dejected, as they were not included with adequate power and representation in the proposed mechanism, while they were critical of the government for giving 'undue' power and a place in the joint mechanism to the LTTE despite the fact that the Muslims were the largest affected community in the East²³. The Muslim politicians and religious leaders expressed their dismay and anger over not being made a signatory to the proposed tsunami reconstruction agreement²⁴.

The proposed institutional setup for joint post-tsunami reconstruction and the resultant differences and discord between the GoSL, LTTE and the Muslim community penetrated down to the local activities in the district and was reflected in local politics of the district. These differences of opinion were interpreted as reflecting ethnic differences at the local level. The distribution of relief and the setting-up of welfare centres or camps for affected populations were carried-out on ethnic lines, reinforcing ethno-geographic boundaries has created a distance between the two ethnic groups of the Muslims and Tamils. Many incidents of ethnic or religious nature were reported afterwards, including separate hartals staged by the Muslims and the Tamils, showing the prominent place of ethnic politics in post-tsunami aid distribution, which negatively affected the tsunami aid delivery system and further distanced the communities. A series of violence erupted where two months after the tsunami, three young Muslim people (between 18 and 25 years of age) were killed in Marathamunai. The barbershops in Marathamunai owned by the Tamils were all smashed after that incident. Five young Muslims were killed during the Drawpadi Amman Kovil festival²⁵ showing the intensity of ethnic tension that was created after tsunami. They were buried in the Tamil burial grounds, an insult to the Muslims. Then a lot of Tamils who were returning from the festival were killed in retaliation. The violence and a spate of killings that took place at the time pressurised the president to appoint a commission to inquire into the killings in February 2005²⁶. The respondents reported many such incidents depicting ethnic and religious violence during this period which created an ethnic polarisation and distance between the Tamils and the Muslims in Ampara District and in the Eastern Province in General²⁷.

²³ The Sri Lankan Muslim Congress and the National Unity Alliance (SLMC), Sri Lanka's two major Muslim parties have also launched protests against the manner in which the P-TOMS was negotiated. "Muslims in Sri Lanka have faced a long history of discrimination from both the Tamil minority and the Sinhala majority," says Rauf Hakeem, leader of the SLMC. He says there was lack of consultation with the Muslim community during the development of the aid sharing agreement. In a July 1 statement, Hakeem gave a veiled warning that Muslims in the east might be soon begin preparing for an armed resistance. "This kind of betrayal would certainly give some kind of impetus to certain Muslim elements," he said. "The international community should pay heed to it." (Arthur Rhodes July 7, 2005, Asia Media - <http://www.asiamedia.ucla.edu/tsunami/article.asp?parentid=26525>)

²⁴ Quoting a, *BBC News Online*, 23 June 2005 Muslim Aid website mentioned this fact. (<http://www.muslimaid.org/subpages.php?section=news&sub=currentaffairs&down=yes&id=167>)

²⁵ Earlier in Drawpadi Amman Kovil area the Muslims used to put-up shops during festival times, which was a sign of ethnic integration.

²⁶ President Chandrika Kumaratunga on March 3 2005 named two judges to serve on the Presidential Commission of Inquiry on alleged attacks on LTTE cadres in the East of the country. The Judge of the Vavuniya High Court Mr. J. Visvanathan will chair the said Commission and the other member of the Commission is the Judge of the Ampara High Court Mr. W T M P B. Warawewa. http://www.priu.gov.lk/news_update/Current_Affairs/ca200503/20050314commission_of_inquiry_attacks_on_ltte.htm (accessed on 26-05-06)

²⁷ Following are some incidents reported. "In Kalmunai Sinhala School where a refugee camp was maintained after the tsunami, the refugees have demolished the Buddha Stature. The Tamil inmates have busted it out and urinated on it and used

Organisation of welfare camps on ethnic lines provided the necessary background for various NGOs and agencies helping the affected people to select communities on ethnic grounds, as they preferred, which not only disrupted the democratic process of aid distribution but also ethnically distanced the communities that lived more or less in similar cultural and social settings in the pre tsunami period. The people, the Tamils and the Muslims alike, talked about NGOs and aid agencies that provided assistance exclusively on ethnic and religious grounds, and viewed these interventions as partial, undemocratic, wasteful and not need-oriented. Such procedures have aggravated the division between ethnic groups, enhanced ethnic sentiments and resulted in an ethno-political colouring to tsunami aid distribution. Eventually, there were more and more instances of ethnic groups working for and among their own communities in the district resulting in further distancing of the communities.

Ethnic distancing became apparent due to the work of the organisations based on ethnic and religious identities. The ethnic concentration of aid packaging, especially those that are organized by the Muslims in Colombo and outside, is a reaction to the failure of the government machinery to meet the needs of the affected Muslim communities on the coast. Among the Muslims *Jamath-e-Islami* is one religious organisation that helped the Muslims in the area after the tsunami. Another organisation called Muslim Relief Foundation that helped only the Muslims. The Colombo Mamen Society (*Mamen Sangam*) helped the affected Muslim people in Marathamunai. Mamen society membership comprises rich Muslims in Colombo. They supported the Muslim tsunami fund in Marathamunai called '*Baithul Tsunami*' (Tsunami Fund). The Government of the UAE was to build a new town comprising of all amenities for tsunami affected people in Kalmunai, which is known as Kaliffe City Project with 800 housing units. The Project could not take off the ground for lack of land²⁸. Similarly there were funds provided by the government of Turkey for housing programmes in tsunami affected Muslim areas, which also suffered from the same difficulty.

Land, which was a point at which many interactions between the Tamils and the Muslims took place in the pre-tsunami period has now become a political commodity restricting interaction between them and distancing them in such a magnitude that the Muslims were not allowed to build houses in land located in the Muslim areas. Land related ethnic distancing had been a factor behind marginalisation of the affected communities such as the fisher folk who were deprived of right to their own land by the government policy on the buffer zone, and the political decision of the LTTE who claim all buildable land in the Eastern province. The work of many NGOs in the immediate aftermath of the tsunami was seen as ethnically oriented by the Muslims²⁹.

that as a toilet to insult the Sinhalese. Also there was an incident regarding the Buddha statue in Arugambay. After the tsunami, the Sinhalese have renovated the statue and the Muslims in the area protested. The fact that the Buddha statues were not damaged during the tsunami was highly taken up by the Buddhist activists and this was a point for ethnic tension to start with". (Source: interview notes)

"There was an ice-cream shop and a store owned by a Sinhala *Mudalali* in Kalmunai. On the Wesak day a Wesak lantern was hung in that house. That night somebody has attacked the lantern and the house with a grenade, but the culprit was not found. Later the caretaker of that ice cream shop and store was shot dead. This man died of the incident was a disabled person known to have maintained good relationships with the Tamils and the Muslims in the area". (Source: interview notes)

²⁸ Mr. M. M. Mohamoud Al-Mahmoud UAE's new Ambassador in Colombo conveyed his Government's pledge to President Chandrika Kumaratunga on February 28 at President's House
http://www.priu.gov.lk/news_update/Current_Affairs/ca200503/20050301uae_pledges_new_town_kalmunai.htm

²⁹ "Also because of the services provided by the NGOs, ethnic tension has aggravated in the area. E.g. work of World Vision²⁹. They always supported the Christians who are the Tamils. World Vision has stopped building the school in Marathamunai Muslim area. On 3rd March, 2006, there was a huge problem between the World Vision and the people in Marathamunai regarding establishment of a school in Marathamunai, which demonstrates this issue. The World Vision officials are largely

The ethnic orientation and distancing in tsunami aid distribution got worse, because the participating agencies in the aid delivery system took decisions, and worked spontaneously without being subject to a central coordination. Due to the lack of coordination, the agencies were drifted by emotional attachments to their ethnic communities rather than driven by the needs of the affected people. As stated by the respondents, the Tamil Rehabilitation Organisation (TRO) started diverting aid, transported in trucks, to the North and the Tamil areas and distributing aid only to the Tamils in the camps. The presence of TRO and later FSD in the government control areas was a result of the joint mechanism which brought macro politics into the local scenario of the district, which due to poor coordination and ad hoc decisions gave rise to interventions by the Special Task Force (STF) and fights between them. The TRO and later FSD were allowed to maintain their offices in the camps because of the joint mechanism and need of coordination of relief work. The poor coordination and drifting away from a commonly agreed agenda between the TRO and STF finally led to elimination of TRO and FSD from the camps and aid delivery system³⁰. Instead of facilitating aid distribution process, the presence of the TRO brought in fear and discontent, particularly among Tamil refugees and furthered parochialization and marginalization process as several incidents of child recruitments were reported^{31 32 33 34 35}. The incidents show that lack of effective coordinating machinery had resulted in the expulsion of the TRO and the resultant distancing the two ethnic groups³⁶.

Tamils or Christian/Tamils. All the organisations are located in Akkraipattu area, in the Tamil area. The new organisations also find it easy to get located in that area. Prominent places are given to the Tamils when these NGOs do development activities. SWOAD works mainly in Tamil areas".

"In Periyaneelavanai which was a Tamil village earlier, there are two homes for the boys and girls, (Samuel Boys and Girls Home) and after the tsunami the helpless children (orphans) were taken in to the homes with the hope of converting them into Christianity. Now after the tsunami, these homes have been developed 'like universities' with the aid that they got. The aid is given for the Tamils only because they find it easy to convert them. The Tamils who are poor are easy prey to these organisations and are liable get converted. The Tamils do not have strong religious organisations who could oppose such conversions".

³⁰ The STF mentioned, confirming some statements made by the camp residents that on the request of the refugees who lived in camps, the STF had intervened and eventually taken up the sole authority for distribution of aid in the camps at which point the TRO had been asked to move out of the camps by the STF.

³¹ Sarah Martin and Joel Charny reports in Refugee International that "the wake of the tsunami, which devastated Tamil majority areas in northern and eastern Sri Lanka, new reports of abductions and missing children have reaffirmed concerns of international human rights organizations of continued recruitment" (<http://www.refintl.org/content/article/detail/5474/?PHPSESSID=447d33c54a95ba9>)

³² The United Nations Children's Fund (UNICEF) reported on 13/01/2006 three cases of children recruited from camps for tsunami survivors in Batticaloa and Ampara, on Sri Lanka's eastern coast. (<http://www.hrw.org/english/docs/2005/01/14/slanka10016.htm>)

³³ http://www.spur.asn.au/Tsunami_Children_being_recruited_by_LTTE_Tamil_Tiger_Terrorists.htm
http://www.lankaworld.com/paffrel/Publications/4th_Interim_Report.pdf#search=%22Alayadiwembu%20in%20Akkaraipattu%20Tsunami%20child%20soldiers%22

³⁴ "Sri Lanka's Tamil Tiger rebels have recruited 137 children into their ranks since the Indian Ocean tsunami, nine of whom were directly taken from relief camps", the U.N. Children's agency said today. "The children were between 14 and 18 years old", said Geoffrey Keel, UNICEF spokesman in Colombo (HindustanTimes.com Friday, May 20, 2005)

³⁵ "The TRO and the FDS were interested in the refugees because they wanted to recruit children into their organisation. However they failed to do that in Kalmunai because of the intervention of the STF. The TRO and the FDS tried to antagonise the Sinhalese, the Tamils and the Muslims, but could not succeed". "In Alayadiwembu in Akkraipattu, in one of the camps, there was an incident where 14 boys were taken away by the TRO in the pretext of cutting their hair, but the parents complained and the STF had rescued children and given them to the parents ...". "In Thirukkivil, in Mandan refugee camp the LTTE attempted to take away the boys but the STF intervened and stopped that. Later the STF had given those children to the custody of their parents" (Interview notes).

³⁶ "At the beginning the TRO was allowed to open up offices in camps and help in the distribution of aid. The TRO distributed aid only to the Tamil victims. Then the people complained, and the STF intervened and stopped that. The TRO was then asked to move out of camps. All the TRO officers that were in refugee camps were removed. The TRO collected goods from the stores, and taken to the north and did not distribute them to the people in the camps. Then the refugees requested that the goods should be distributed by the STF. Afterwards another organisation called the FSD came into being, which is also a TRO organisation. The FDS is the name given to the TRO afterwards. Later, this organisation was also asked to move out by the STF. The FDS is an organisation that helped removing and deactivating bombs" (Interview notes)

The most recent incident that heightened tension between the Muslims and the LTTE and threatening the democratic rights of people is the decree issued by the LTTE (allegedly) on April 16th 2006 saying that all females should refrain from any form of employment in the NGO sector³⁷. This order was issued after an incident of abortion, alleged adult film making by an NGO where female employees were involved and selling of such video CDs in the area, which was interpreted by the LTTE as ruining the culture of the Tamils. This has affected the Muslims because a lot of Muslim females have to abandon their jobs who were working in the NGO sector that sprung up in the aftermath of the tsunami. The Muslims criticise the LTTE for prohibiting females from working in the NGOs as they have lost income, which was another reason for ethnic distance in Ampara.

The larger context of ethnic relations in the country also worsened during this period following agitations against the joint mechanism and ensuing rivalries among the local ethnic groups. There was a spate of killings and abductions of people from all communities, which also impacted on tsunami relief management at the local level in the district. The Divisional Secretary of Thirukkivil, Mr. T. Thavaraja, was gunned down on April 15th evening close to his official quarters at Vinayagapura, Thirukkivil. The killing of the Director of the Vocational Training Center, Ministry of Agriculture Marketing Development, Mr. T. Kailanathan, who at the time of his killing on April 4 was attending to his official duties at the Technical College in Batticaloa^{38;39}.

The power struggle between the LTTE and the GoSL to take over the post-tsunami resource (aid is seen as a resource) distribution system in the east has terrified the affected people who could not effectively participate in the aid distribution process. The LTTE was concerned that the land which they thought belonging to the Tamils in the Eastern Province, particularly in Ampara are bequeathed to the Muslims in the guise of Tsunami housing programmes during post tsunami operations, which was a Machiavellian effort on the part of the LTTE to undermine the aid delivery process of the GoSL on the one hand and the efforts of the NGO sector and the community organisations on the other. The traditional coexistence between the Tamils and the Muslims in the eastern province was endangered⁴⁰ as a result. Thus, tsunami has provided a stage for the Tamils (the LTTE), the Muslims and the GoSL to demonstrate their power and control over the resources that came along with the tsunami devastation⁴¹, that undermined the democratic process of aid distribution causing delays, neglect, and exclusion of communities that are in need of aid at a time when such assistance is really deserved, which is unravelled and discussed in the following two examples of provision of housing and fisheries aid to the affected communities in Ampara District.

Example 1: Housing programmes for the tsunami affected people in Ampara

³⁷ <http://moju.lk/2006/05/04/between-three-devils-and-the-deep-blue-sea/>

³⁸ http://www.priu.gov.lk/news_update/Current_Affairs/ca200504/20050406govt_condemns_killing.htm

³⁹ http://www.uthr.org/bulletins/bul38.htm#_Toc135544190. Read this website for more details on killings of officials by LTTE because they have been involved in tsunami relief work, and not paying attention to the orders of the LTTE.

⁴⁰ For example, ethnic tension surmounts when the Tamils come to Marathamunai – an area of Muslim domination- to collect *poorvarasu* trees for their festivals as they are found in Marathamunai in a land belonging to the Kovil.

⁴¹ Mr. Cegu Isadean, A Muslim politician from the Eastern Province mentioned that "The LTTE is interested in the land in the Northeast and asking for more Pradeshiya Sabha for them. The Tamils are only 19% of the total population in the Eastern Province, but have 4 Pradeshiya Sabha, namely Thirukkivil, Alayadiwembu, Karative and Navadanveli. They are asking for a 5th one which includes Pothuvil and Komari. A separate Pradeshiya Sabha in Valachchena bordering Polonnaruwa was also given to them by the government. Out of the 13 Pradeshiya Sabha in the NE, the Muslims have only 7".

According to the Reconstruction and Development Agency (RADA⁴²), the present GoSL institution working on tsunami reconstruction, total number of houses built so far in Ampara is 629 (as in May 2006) while the total housing units pledged is 6169. None of the housing projects are completed in Samanthurai, Kalmunai, Sainthamarathu, Ninthavur and Alayadiwembu, which are predominantly Muslim areas⁴³. Payment of compensation for damaged houses did not follow a consistent scheme, and as a result, some families received large sums while some did not receive any compensation. In some instances those who received compensations were not the affected families. Auditor general reports that “some people had been paid Rs 250,000 as compensation for shacks that were worth only Rs.10, 000”⁴⁴. The fact that compensations for damaged houses and property were not paid according to an acceptable scheme for the affected people led to agitation by the affected people, and provided a space for the politicians to gain advantage. The LTTE and TRO requested that they should be given tsunami aid directly in order to do the reconstruction work in the LTTE controlled areas. It was interpreted as ethnic minorities in Ampara were regarded as not important by the government compared to those in the other tsunami affected areas in the south of Sri Lanka, where the majority were the Sinhalese.

The major problem however was finding land for construction of houses for those who lost their houses in Ampara due to tsunami. Land scarcity and disputes over ownership of land between the Tamils (the LTTE) and the Muslim communities were the main reasons for not completing the housing programmes for the tsunami-affected people in Ampara. The paddy

⁴² The government of Sri Lanka established several institutions as a response strategy to post Tsunami recovery. The Task Force for Rebuilding the Nation (TAFREN), Task Force for Relief (TAFOR) and Tsunami Housing Reconstruction Unit (THRU) were the lead agencies established with private and public sector participation. In November 2005, following the election of the new president, the Reconstruction and Development Agency (RADA) was established on 28 November 2005, (and became an authority with executive powers after the act was ratified in the parliamentary in 2006), to drive the Government’s reconstruction and development efforts in all districts affected by natural and manmade disasters. As such, the RADA mandate is to accelerating Reconstruction and Development activities in all parts of the country, functionally replacing all the Tsunami organisations, as well as a significant part of the former RRR Ministry’. (<http://www.rada.gov.lk/portal/>).

⁴³

Number of housing units pledged and completed		
District / DS Division	No of units - MOU figure	No of units Completed
Ampara		
Samanthurai	400	
Kalmunai	386	
Sainthamarathu	600	
Ninthavur	200	
Addalachchena i	170	50
Alayadiwembu	168	
Thirukkovil	1,397	157
Pothuvil	1,467	298
Lahugala	91	71
Kalmunai Tamil	1,218	28
Town & Gravette	11	10
Nawathaweli	61	15
Total	6,169	629

⁴⁴ <http://in.rediff.com/news/2005/sep/25sl.htm>

lands identified for building houses that were taken over by the government or purchased by civil society organizations responsible for building such houses have been claimed by the LTTE as belonging to the Tamils and are part of the traditional homeland of the Tamils, and therefore, housing programmes could not be implemented.

The land question in the Eastern Province has a long history going back to 1951 when the Galoya Colonisation scheme was established where the allottees were selected overwhelmingly from among the Sinhalese rather than the Muslims and the Tamils who were a majority in Ampara at that time, according to Hasbullah et al (2005⁴⁵) and the consequence of which has lopsided the ethnic balance of the Ampara district⁴⁶. It is reported that 100,000 acres of agricultural land in the East have been 'illegally transferred from Muslims to the Tamils' in the recent past⁴⁷ which might have been the reason for land (re)claims by the LTTE. The increasing value of land due to popularity of paddy agriculture as a profitable venture in Ampara led the rich Muslims to purchase lands belonging to the poor Tamils which resulted in ethnic homogenisation in the coastal areas of the district in favour of the Muslims. It is acknowledged, "violence against Tamils was also used in some areas to push out the numerically small Tamil service caste communities" (Hasbullah et al p37). In a situation with a history of land disputes, finding new land for construction of houses for the affected Muslim communities was a challenge.

History has thus brought some limitations in the wake of the tsunami that revived the hostilities and distanced the two communities of Muslims and Tamils further. In the process, affected poor Muslims, especially fisher folk, whose houses were washed away in the tsunami, were not allowed to construct their new houses in the available village land by Tamil political forces especially the LTTE. On the other hand the GoSL ruling on the buffer zone along the beach suppressed the rights of the poor fisher folk to their own traditional land⁴⁸. As a consequence, the affected families, largely Muslims in Ampara, sought assistance from Muslim politicians and Muslim organisations that willingly came forward to assist them. The efforts made by those politicians and many civil society organisations to construct houses for tsunami-affected poor Muslim families were forcibly curtailed by resorting to violence. Examples are a) proposed housing programme for the affected Muslims in Kaththankudi (exact village name is Kinnayady Kiramam), which was abandoned after killing the District Secretary who carried out the housing programme. The LTTE claimed that the land where the houses were to build was the Tamil traditional land and place of living. The Muslims now continue to live in that land with permission from the LTTE, without making any permanent constructions, which was the solution that has been arrived at by the affected families in negotiating with the LTTE. b) Similar occurrences were reported in Marathamunai Medduvedday, where Memon Society (*Mamen Sangam*) in Colombo bought four acres for tsunami victims of Makbooliya area in Marathamunai^{49 50}; c) Mrs. Ferial

⁴⁵ S.H. Hasbullah et al (2005) Addressing Root Causes of the Conflict: Land Problems in North-East Sri Lanka. UNHCR and FCE 2005..

⁴⁶ On the other hand, B.H. Farmer (1956) reports that Tamils, especially Jaffna Tamils were 'chary' and did not have a 'tradition of migration' which was the apparent cause for less Tamil representation in the colonists of Galoya.

⁴⁷ S.H. Hasbullah et al (2005) Addressing Root Causes of the Conflict: Land Problems in North-East Sri Lanka. UNHCR and FCE 2005. In addition refer to the FCE survey of lands lost by 45,000 Muslims in the North East for more details of land loss of the Muslims in the East. .

⁴⁸ After the tsunami, the government enforced a ruling stating that the area from the sea up to 65 meters is prohibited for construction of any buildings in Ampara district, which is known as the buffer zone rule. The buffer zones according to this rule vary from region to region.

⁴⁹ "They bought 4 acres of land in Marathamunai and handed over that land to '*Baithul Tsunami*' (Tsunami Fund) of Marathamunai. The land was bought from a Muslim but it is located in a border area and the Muslims used to cultivate that land for nearly 50 years. Then the LTTE warned that the Muslims could cultivate it but should not do any construction in the land. Now, those people are helpless because the LTTE did not allow putting up a housing project for the Muslims...The land was ultimately purchased by a Tamil organisation for Rs. 10, 00000."(Interview with the president of Marathamunai Baithul Tsunami, Mr. H. Fayis).

Ashraff⁵¹ wanted to build houses in several places, namely Marathamunai, Periyaneelavanai DS Division (Addaippallam), Pandirippu Muslim area and in Oluvil - Palamunai area⁵² were all prohibited by the LTTE on the ground that the land in question were not permitted for the Muslims to construct houses. d) The Islamabad housing scheme in Kalmunai Muslim DS division⁵³ also was threatened by the LTTE, but because the Muslims in Kalmunai being a powerful group who control the Market located in the Tamil area of Kalmunai were able to use their muscle power to effectively controlling the Islamabad project. e) Construction of houses by Muslim individuals in Karaithivu is threatened and prohibited by a Tamil military organization called "*Ellai Pada*" (Boundary Forces). This incident has made the Muslims angry and ensuing ethnic tension is inimical in the area at the time⁵⁴. f) Incidents are reported where Tamil fisher folk in Komari complained that the present location where they live is now being used for a housing project for the tsunami affected people. As they described, the houses have been all constructed and completed, but they have doubts that the houses would be given to the Sinhalese by the politicians. The Komari fisher folk have protested against this decision which represents a new trend in ethnic politics in the area after tsunami. Komari fisher folk being Tamils in this case are supported by the TRO and the LTTE⁵⁵ who believe that all land in the eastern province belongs to the Tamil community.

The tsunami affected families in Muslim settlements are deprived of land for two reasons. First their own land where the houses were located and washed away by the tsunami are now declared unsuitable for living as they fall within the parameters of 65 meters from the sea. They have not been provided with alternative land or with compensation adequate enough for purchasing land outside the buffer zone. Second, they have not been allowed to build houses on lands purchased by various agencies because those lands are claimed as being part of the Tamil homeland as defined by the LTTE. Because the GoSL and the intervening agencies, INGOs and NGOs were unable to sort out the housing problems of the affected communities, resulting in them being disillusioned and losing confidence in the democratic process. The waste of efforts and resources spent in housing programmes are rampant, and some funds pledged by outside agencies are not forthcoming as a result to the deprivation of the poor affected families. Provision of housing for the tsunami affected people in Ampara district shows how powerless are the central and local authorities, civil society organisations and communities in the face of LTTE threats to carryout effective negotiations.

⁵⁰ Another interviewee said "The land was bought for ten lacks of rupees. The LTTE say that the Muslims should sell the land to the TRO and now the TRO say that they are going to build houses in that land for the tsunami affected Tamils in Kalmunai area".

⁵¹ The wife of the late Minister Mr. Muhammed Hussain Mohammed Ashraff who held a cabinet ministry in the Chandrika Kumaratunga government. Mrs Ashraff is holding a ministerial position in the present government too.

⁵² The LTTE said that the Muslims couldn't put up permanent buildings in Periyaneelavanai. Originally the land in question was occupied by the Tamils, but later they were bought by the Muslims. 20 years ago the land were owned by the Tamils. They sold these lands long ago to the Muslims. Even in Oluvil - Palamunai area Mrs. Ferial Ashraff wanted to do some houses for the tsunami affected people, but this was stopped by the LTTE about 7 months ago".

⁵³ This land which is now called Islamabad (earlier known as Keravel Kuli or Gravel Kuli -because there was a metal crusher located in this land-) must have been bought by Muslim people at a low price about 20-25 years ago. In 1980 during the war, the STF came to protect the Muslims in this area. The Indian Peace Keeping Force (IPKF) also had a camp in this land during 1986-87. When the IPKF came, the Muslims went there and started to live because of protection provided by the IPKF, according to the informants.

⁵⁴ Karaithivu is located nearly five kilometres from the Kalmunai town. Malikaikkadu is an adjoining Muslim village of Karaithivu, a place where the Muslims and the Tamils live together, which comes under the Karaithivu DS division. The Muslims are found in the west part of Malikaikkadu, which was a barren marshy land many years ago and there was no any settlement. Beyond this place there are canals and large extents of paddy fields. The Muslim people have constructed shops after filling the marshy land with earth by the side of the main road. The Muslim respondents say that this area was owned by the Muslims and they have deeds as well. A Muslim called Nagesh Meeramohideen Mohamed Mustafa also owned a 40 perch land in this area which he bought at Rs. 15 lacks where he wanted to construct a house as his house on the beach was damaged by the tsunami. He had spent Rs.360, 000 on bringing in earth and filling the land. After spending all that money now Mr. Nagesh has become helpless and deprived of his right to land and construction since he is warned by an organisation called "*Ellai Pada*" (Boundary Forces) that he should not construct any building in that land as that land belongs to the Tamils.

⁵⁵ The President of the Komari fisheries cooperative, Mr. J. Jeevarajan mentioned this in his interview.

With regard to housing and land issues, the people of Ampara have resorted to two mechanisms in order to address their problems. First, in certain cases, they have come to a compromise with the LTTE, where, once a housing project has been completed, a percentage of the same will be allocated to the Tamil community under aegis of the LTTE. For example, in the Islamabad housing programme this mechanism has proved successful, and at present, the housing programme is underway and half completed as reported. Similarly, a housing scheme in Ninthavur also reached a similar compromise with the LTTE, where 22 of the 100 houses once completed would be handed over to the Tamil community. This figure has been identified as rational because 80 percent of the land in that area is owned by the Muslims and 20 percent by the Tamils⁵⁶. At the time of fieldwork there were about 30 houses completed in this site. The second mechanism adopted by the people is to build houses in the same location where they used to live before the tsunami, although it is declared a prohibited area for construction, which comes within the area of 65 meters from the sea. The affected Muslims in Marathamunai knowing that they would be not getting any land for building houses have sought funds from organisations such as EHED towards building houses in the same locations where they used to live before the tsunami. The affected people also try to persuade their leaders to approach the TRO and get the money returned that were spent on purchase of land as they are not allowed to build houses in those lands. The four acre land that was purchased by the Memon Society (*Mamen Sangam*) for construction of houses was thus sold to a Tamil organisation at Rs. 10,00000.

The macro level political forces operating at the local level in Ampara has deprived the poor fisher folk of their right to land and building houses in their own villages. In the process, the affected communities have resorted to various mechanisms that are non-violent, and forms of accepting the status quo without questioning it and fighting for their rights. The passivity among the poor affected families has been a result of not having their representation in the civil society organisations in the area, which are run by the elites of the communities, who do not wish to fight against the government buffer zone rule or the LTTE land claims. The tsunami has not only washed away the houses and lands of the poor communities living by the sea, but also made them even poorer.

Example 2: Fisheries aid distribution

Fishing is the foremost occupation of those who were affected by tsunami in the Ampara district. The estimated total number of households affected by tsunami in Ampara is around 20,000 of which 80 – 90 percent was engaged in employment associated with fishing. Fishing craft partially and totally damaged or lost were in the range of 3000-5000 which includes various types of crafts and fishing gear.⁵⁷ The aid came for reconstruction work in the eastern province were largely concentrated on the fisheries sector. Up to February 2006 the total amount of dollars pledged for the fisheries sector development in Sri Lanka amounts to 99,701,128 while total committed amount up to then was US\$ 62,871,817 or 63 percent of the committed total⁵⁸. The money were spent on distribution of new fishing craft, fishing gear including nets, engines and repair of damaged craft and gear, repairing of cool

⁵⁶ Based on interview with Mr. Mansoor, the president of the Centre for East Lanka Social Service.

⁵⁷ Without infrastructure and house damage, the total damage to crafts and gear in the country is estimated to be US\$ 113930 (@ Rs. 102.66 per US\$). ADB, JBIC and WB estimates of the damage as of February 2005 as quoted in Amarasinghe 2005 ('An assessment of the post-tsunami recovery process in the fisheries sector of Sri Lanka' by Oscar Amarasinghe, 2005 December).

⁵⁸ As of November 2005, the total pledged amount for Sri Lanka tsunami reconstruction including fisheries is US\$ billion 2.8, and of which 2.1 billion has been committed. Amarasinghe, 2005.

rooms, and providing new harbour facilities, cool rooms etc. The provision of crafts however was limited to three and half-ton boats, traditional crafts, outboard motor engines, small plastic boats, and traditional *vallam*, (karaval thony) canoes used for beach seine fishing (*madal* or *karaval*), and those traditional outrigger canoes used for deep-sea fishing. Multi-day trawlers were not supplied to the fishermen as they involved longer stay in the sea and fishing in international waters which were considered security threats by the forces.

The FAO data show that provision of fishing crafts and gear exceeds the required amount in the eastern province, and the Ministry of Fisheries and Aquatic Resources (MFAR) fears that over fishing will have tremendous environmental impact and depletion of fish stocks in the offshore area⁵⁹. The MFAR noted in particular that overprovision of small craft was rampant⁶⁰. “Approximately 92 percent of the boats destroyed by the tsunami have been replaced and there’s a likely oversupply of over 3000 FRP boats as well as of over 800 traditional craft. There is still however a shortfall in supply of multi-day boats and beach seine craft”⁶¹. However it is noted that, despite numbers of issued fishing craft and gear exceeding the actually affected, a majority of the needy fishermen who were involved in actual fishing, were not supplied with fishing crafts and gear. Apparently, the majority who received assistance were the non-fishermen. “The assessment found that only 46 percent of fishers who received boats are genuine beneficiaries. Of the 13,190 new boats delivered only 6,067 are in the hands of genuine beneficiaries. Over 7,100 boats are in the hands of those who did not own boats before tsunami”⁶². ‘Islamic Relief’ (an NGO) noted that it had witnessed the problem regarding the poor selection of beneficiaries in the field. It stated that in one particular case, it had found over 30 boats in the backyard of one house. The one man commission appointed to investigate into malpractices of post tsunami fisheries aid distribution in Ampara district⁶³ mentioned that there were about 300 reported cases of malpractices. He noted that affected people are reluctant to report in fear of reprimand. Also it was noted by the MFAR that “there is a large number of new boats lying on beaches which are inactive due to a lack of engines and or gear or due to the fact that they are owned by those who had not been involved in fishing previously. Fishermen complained that fishery inputs were distributed unequally. It was found that boats, engines and fishing gear are being sold by the recipients ... and that boats are still being provided by NGOs without coordinating with MFAR and DFAR”⁶⁴. The President of the Fishermen’s Cooperative in Panama states that the membership in the fisheries society has increased from 300 before tsunami to nearly 415 after tsunami because of the need to get registered to qualify for aid, indicating that the newly registered persons were not genuine or traditional fishermen⁶⁵. It was mentioned by several fishermen that they did not get registered in the fisheries cooperative before tsunami as there was no need, but the registration became important as a qualifier to receiving aid and fishing gear after tsunami, and therefore, they had to pay (or bribe) the fisheries inspectors to get registered in such societies.

In addition, it is revealed that the fishing craft distributed were not built up to the standards. “The survey found that 18.9 percent of the new boats provided to tsunami affected fishers are non-seaworthy. This would amount to 2,493 out of the 13,190 delivered and approximately 1,150 boats out of the 6,067 with genuine beneficiaries are non-seaworthy”⁶⁶. Also it was found that 17-18 percent of the fishermen whose outboard engines that were

59 MFAR Secretary’s statement (see appendix)

60 Fisheries and agricultural sector coordination committee meeting minutes, Feb 28 2006

61 Fisheries and agricultural sector coordination committee meeting minutes, Feb 28 2006

62 Fisheries and agricultural sector coordination committee meeting minutes, Feb 28 2006

63 Deacon Bro Huxley Siriwardene, Digamadulla YMCA, New Town, Ampara.

64 Fisheries and agricultural sector coordination committee meeting minutes, Feb 28 2006

65 Interview with the President of the fisheries cooperative.

66 Fisheries and agricultural sector coordination committee meeting minutes, Feb 28 2006.

repaired were not satisfactory. Around 60 percent of the fishing crafts that were replaced or given anew were not supplied with nets and gear.

In order to overcome the problems created by distribution of fishery aid, the actual fishermen have resorted to various strategies. Some have given up fisheries and now involved in non-fishing activities, such as petty trade, and use of sub-standard boats that were provide for them to sand mining⁶⁷. The fishermen who had to pay a large sum as an initial payment for the fishing boats have mortgaged them to absentee entrepreneurs (*Mudalalis*) because they could not pay the interest on loans, and could not settle the balance payment, and work as wage earning fishermen in such boats. Most of the fishermen who did not receive boats and gear work as daily paid fishermen in boats that were obtained by the absentee owners. In Marathamunai, the traditional beach seine fishermen who find it difficult to use beach seine fishing due to accumulation of debris in the shallow seas, and not having boats now work as wage labourers for absentee owners of boats and fishing gear in Mullaitivu and similar areas.

In Komari 1 and Komari 2 there are about 700 fisher families who are involved in lagoon and sea fishing. The Fishermen's Cooperative Society in Komari had only 86 members before tsunami, but now it has increased to 300 as it is made mandatory for fishermen to obtain membership in the cooperative society in order to qualify for assistance. Before tsunami, the majority of boats were owned by absentee owners. Intervention of the TRO in post tsunami aid distribution resulted in provision of one item per fisherman - a plastic boat, an outboard engine or nets – a method devised to counteract a system of absentee ownership being developed and build up a more egalitarian and participatory basis in fishing, thus envisaging three fishermen to get together and form a fishing crew. The fishermen however find it hard to form durable crews due to their fluid nature, and hence this arrangement has become futile. Also the Komari fishermen find that the boats are not seaworthy, and now they are asking for new equipment. The affected fishermen in Komari are now at the threshold of exploitation by the absentee owners who by various means have obtained assistance including boats and fishing gear in the post tsunami situation. The excess of boats and fishing gear distributed to people are being purchased and accumulated by the non-fishermen entrepreneurs (*Mudalalis*) who employ genuine fishermen who are not supplied with boats and gear in the post tsunami aid distribution process, to work in their boats. Those who have paid large sums of rupees to get registered in the Fisheries Cooperatives have opted to sell their boats at a higher price to the *Mudalalis* and keep a profit margin while working in the same boats as labourers under the *Mudalalis* - a mechanism adopted by *Mudalalis* and fishermen to avoid detection of illegal transactions by the concerned authorities.

⁶⁷ Comments by the Green Movement in the Fisheries and agricultural sector coordination committee meeting minutes, Feb 28 2006.

Mr. Archie (pseudonym) 44 years, married, now lives in Islamabad refugee camp with remaining five members of his family, lost his house in Kalmunai Kudi, his mother, sister and 24 members of his immediate kin group due to tsunami. One of his sons, an O/L student, died in the tsunami and the other son got drowned, but saved with injuries. He is now unable to walk as a result. He lost his 21 ft canoe with outboard motor, lone net and other fishing gear. His fellow crew members are now unemployed as the boat got lost. They are now engaged in fish mongering and petty trade. After his family moved to the refugee camp, he was given Rs. 5000 per month over four months and never paid afterwards, but provision of food ration continues. As his house was located within 65 meters of the sea, he is not given any compensation for the house. Some land has been identified by the government for building houses which require earth filling. ZOA (an NGO) provided him with a boat and fishing gear to be used for a crew of four people. These boats were returned to ZOA as they were not seaworthy and now they are asking for boats that can accommodate only two people. Mr. Archie has paid Rs.10, 000 to the fisheries inspector to get a membership in the cooperative society in order to qualify for a boat. But until he pays the balance Rs. 40,000 he would not get the membership, he mentioned. He has obtained Rs. 10,000 from a money lender to pay for the fisheries inspector for which he pays Rs. 1000 every month as interest. As he doesn't have a boat to work with, he goes to Kalmunai Tamil area to work as a labourer in a *karavadi Thoney* or beach seine boat. The Tamils in Kalmunai for whom he works have got those boats and nets after tsunami, but they do not know how to operate them because they were not traditional beach seine fishers. Therefore, they employ beach seine fishermen from Marathamunai Muslim area.

Most of the fishermen who lost boats and fishing gear in Marathamunai are of the view that it is difficult to get access to fisheries aid, because they are asked to make a payment as registration in the Cooperative Society by the fisheries inspectors in Kalmunai. The Marathamunai fishermen, who are Muslims, feel that they are differently treated by the fisheries inspectors in Kalmunai. On the other hand, as revealed in the interviewees, the Tamils in Kalmunai although most of them were not traditional fishermen, were given boats and nets because of the intervention by the TRO and the LTTE. The Muslim fishermen say that they are discriminated against the Tamils in Batticaloa where money comes with food stamps were all given to the Tamils in Batticaloa, whereas in Marathamunai and in other Muslim areas, they were given only about Rs. 500. This is seen as preferential treatment to the Tamils by the Fisheries office in Kalmunai. The politicians also favour their ethnic group in their programmes of assistance, which makes the case worse, as revealed in the interviews.

The larger picture of post tsunami fishery aid distribution is indicative of poor coordination, monitoring and supervision on the part of those who involved in aid distribution on the one hand, and on the other it shows that there was no effort made to harness participation of the affected communities in the distribution process. The end result has been an extraordinarily and costly wastage of resources and an unequal distribution that favoured the non-fishermen who were entrepreneurs. If the MFAR had the capacity to coordinate the fisheries aid distribution process together with participation of people in the affected communities, they could have reduced the wastage to a minimum. The fact that MFAR officials in Kalmunai were not representing the ethnic groups who were fishermen at large in the district also had implications for poor participation of people, especially those in the affected Muslim communities. In districts where fisheries cooperatives were actively involved in post tsunami distribution, such as in Mulaitivu and Killinochchi, where the MFAR could relate in ethnic terms, malpractices and wastage were not reported to this extent, as revealed⁶⁸. Post tsunami fisheries aid distribution programme is a classic example where failures have occurred due to inability of the coordinating agencies, such as the Ministry of Fishery and

⁶⁸ Ibid

Aquatic Resources to effectively harness participation of the affected fishermen in the district.

Conclusions

Ampara being the hardest tsunami hit district in Sri Lanka, and being the district where over 75 percent of the population were affected should have achieved a high level of political empowerment towards strengthening and mobilising the affected communities for better accessing aid, enabling rights and reconstructing the livelihoods. The bargaining position of such an affected community/population in local and international levels should have demonstrated extremely high levels of success in a situation of such an enormous calamity. What actually happened in Ampara instead, during the post tsunami reconstruction phase, is quite contrary to what is expected to have happened. Instead of possible empowerment of the disadvantaged communities in the district, this large group of people made up of several communities has been further fragmented and marginalised within this large construct of the “tsunami-affected” and were made a dependent population whose rights and livelihood issues have not been addressed satisfactorily. This is because of the ethnic divisions, hierarchies and complexities that have re-emerged, by further fragmenting and re-segregating the affected in terms of class and residence or location. This in turn has created a further marginalisation of the poor groups, such as the poor fishermen, who were, by far, the victims of post-tsunami ethnic politics in Ampara.

The study analysed how certain segments of society such as the fishermen who were the largest affected occupational group, have been made powerless and marginalised after the post tsunami reconstruction programmes. As a result, because of displacement and unequal access to distribution of aid, in an unofficial capacity, ethnicity has become the medium for restructuring the political power structure of the district. As a result, in many areas where the Muslims and Tamils live together, people have become much more conscious of their ethnic identity after the tsunami. The polarisation of ethnic groups has been accelerated due to many factors such as setting up welfare centres /camps on ethnic grounds, arranging reconstruction of settlements and housing programmes on ethnic lines, provision of assistance by aid providing NGOs on ethnic and religious basis, and the major political parties and interest groups taking sides with certain ethnic groups in provision of assistance.

The selection of affected communities on ethnic grounds to provision of aid, housing and equipment has aided in indirect cleansing by fragmenting their population and re-segregating through settlement along ethnic and ethno-political lines. This polarisation and distance between the majority communities working in tandem with hierarchical and party politics have marginalised the poor and the vulnerable groups such as the artisans, fishermen, labourers and geographically isolated communities such as the minority Sinhalese fisher-folk in Panama, who have unequal rights and access to tsunami recovery, thus bearing out the case of tsunami aid distribution in Ampara an issue with inclusive governance.

Affected people’s needs that arose in the wake of the tsunami in Sri Lanka could have been effectively used to promote inclusive governance through empowerment of the affected poor, marginalised groups in the district through participatory methodologies by way of empowering civil society initiatives that responded to the tsunami disaster at the beginning. Consultations with local initiates and activists that came up in the beginning could have promoted inclusiveness in programmes, policy formulation and aid distribution efforts. If this were the case, it would have been a basis and a common ground for poverty reduction and implementing effective ways of promoting livelihoods and opportunities for the poor and

marginalised communities in the district. The introduction of the PTOMS, which forcefully brought its actors into the area from outside not only neglected the initiatives of the civil society organisations in the district, but also nipped off their efforts. If the civil society initiatives were recognised and used as the basis for an alliance forged to fight against the tsunami related problems, poverty and destitution, it would have been much more successful and inclusive. The efforts adopted by the government and the participating agencies including INGOs that became prominent in the aid distribution process did not promote capacity in the poor and the backward groups; women and children were not a focus in the programmes of those agencies; in fact the work of the TRO and LTTE were the bane of the affected children as revealed. The participating agencies did not display any concern for inclusive governance nor do they display any such tradition in their activities. Their activities did not provide space for civil society organisations in the area to effectively addressing poverty and inequality, promote accountability and transparency of public institutions, rather the programmes adopted had increased inequalities in the area as revealed in fisheries and housing programmes. The programmes of the PTOMS and the agencies involved as they unravelled in the aftermath of the tsunami, brought in marginalisation, ethnic distancing and inequality rather than promoting plurality, cohesion and inclusion through social bonding and bridging across divergent groups and ethnicities using existing social capital. Thus the agencies could have been a catalyst for transformation of the society and achieve its desired goals through mobilising information, bringing issues to light respecting public opinion policy and so on. What has happened actually is that the agencies that worked in tsunami aid distribution in the district is to splitting up the society instead of making it inclusive, de-powering the poor and the backward classes instead of empowering them, using external forces to distribute aid instead of making use of existing social capital in the region for such purposes. Tsunami aid distribution in Ampara district is thus an example of an unsuccessful effort on the part of the external agencies including the national government of Sri Lanka as they failed in bringing inclusiveness and social cohesion but promoted division and inequality.