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IMPACT OF LAND DISPUTES ON ETHNIC HARMONY IN KORALAI PATTU DIVISIONAL SECRETARY DIVISION IN BATTICALOA DISTRICT, SRI LANKA: A STUDY

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Introduction

It is an ubiquitous fact that natural resources are scarce, thus to be recycled and/ or shared among stakeholders. Of all natural resources, land and water are crucial for human life and, most of the time, are basis of conflicts, due to ever-increasing population. This becomes rather severe and sensitive when multi-ethnic society is to exploit these resources.

The paper focuses on land disputes and their effects on ethnic cohesion in a selected area called Koralai Pattu Divisional Secretariat, Batticaloa (Sri Lanka), where substantial numbers of Tamils and Muslims, along with a small fraction of Sinhalese, had been living together as neighbors since pre-colonial period. This harmonious state continued even during the conflict that lasted for almost two decades; however, with the end of the war there have been notable numbers of clashes that shake ethnic cohesion around the issue of land disputes. This is due to

the rise in the number of households and family members of a particular ethnic group, within a short period, which results in tensions between neighboring communities in terms of unauthorized occupation and encroachment. Therefore, the authors conducted a study to investigate the issue with the goal of exploring the means to curtail the problem through feasible and amicable measures.

Background

A nation has two ultimate resources – its land and people. Land is generally treated as a finite resource and in a wider sense it represents the source of all material wealth. From it we get everything that we use or value, whether it be food, clothing, fuel, shelter, metal or precious stones. Land and property in Sri Lanka can be categorized as either private or public i.e. state-owned (Kurunathan, 2008). However, illegal occupation or unauthorized shifting of stipulated village boundaries present serious

troubles to land ordinance in the area concerned.

In Sri Lanka, according to the Department of Census and Statistics (2012), of the total population, 74.9 per cent are Sinhalese, 11.2 per cent are Sri Lankan Tamils, 9.2 per cent are Sri Lankan Moors, 4.2 percent are Indian Tamils, and 0.5 per cent is made up of other ethnic groups (Burghers, Malays, Chetties, Borahs and others). The same literature further states that annual population growth of Moors is higher than that of other ethnic groups, at 1.87 per cent, while Sinhalese population shows 1.04 per cent, both Sri Lankan and Indian Tamils are 0.60 per cent and 0.09 per cent respectively, and all others show a decrease in growth (-0.23 per cent) from 1981 and 2012. At this pace, if it happens steadily, Muslims will need to expand their existing land area in future, which may pose land and ethnic disputes, if not handled judicially and deliberately.

Eastern Province comprises of a population of 1,551,381 which consists of Sri Lankan Tamils, Indian Tamils, Sri Lankan Muslims, Sinhalese, and Burghers. People of this region follow Hinduism, Christianity, Islam and Buddhism (Wikipedia, 2013a). The Province is made up of three (03) districts, Trincomalee, Batticaloa, and Ampara.

Batticaloa District has a population of 525,142 in number that covers all five (05) ethnic groups as mentioned above. The population of the region is 180/km² (480/ sq mi). The total land area of the district is 2610 km² (1010 sq mi) (<http://www.batticaloa.dist.gov.lk/>). Therefore, it is likelihood

to expect land disputes between different ethnic groups living adjacent to each other in close proximity.

Batticaloa District is delineated into fourteen (14) divisional secretariats: Koralai Pattu North, Koralai Pattu Central, Koralai Pattu West, Korali Pattu, Koralai Pattu South, Eravur Pattu, Eravur Town, Manmunai North, Manmunai West, Kattankudy, Manmunai Pattu, Manmunai South-West, Porativu Pattu, and Manmunai South and Eruvil Pattu (Department of Census and Statistics, 2012).

Therefore, it is becoming a challenge to the public administrators and land authorities to ensure judicial resource utilization amongst people of different demographic conditions. Having gathered the news and information regarding land disputes in the eastern province, especially in areas falling under Koralai Pattu, authors intended to probe the situation further to discover legitimate and harmonious devices to resolve the issue.

Objectives

Despite its volatile and sensitive nature, authors invested their endeavor to investigate the grounds to trigger such land disputes between different ethnic groups, and to seek out legitimate and socially harmonious means to neutralize such clashes arising due to land encroachment. In this regard, the following are stated as specific objectives for the study:

1. To find out the real causes of land disputes,
2. To learn the mentality of land dispute victims, and

- To propose possible means to pacify disputes regarding land use.

Methodology

Data collection is primarily confined to questionnaire surveys and key-person interviews, though ample amounts of relevant literature were conferred on. However, the analysis is limited to qualitative means and secondary sources of information, since the sensitivity of the issue prevented the gathering of comprehensive data set.

Interviewees were selected based on their relevance to land disputes, using Snowball sampling technique. The

survey area and its administrative units were visited by the authors to observe the ground situation. Hence, certain extent of participatory observation was also carried out.

Ethnic Cohesion In Batticaloa

Eastern Province is Sri Lanka's most ethnically complex region and has been at the heart of post-independence conflicts. This region features a Tamil-speaking majority split between ethnic Tamils and Muslims, as well as a considerable Sinhala minority who mostly moved there from the south under state irrigation and resettlement schemes (International Crisis Group, 2008).

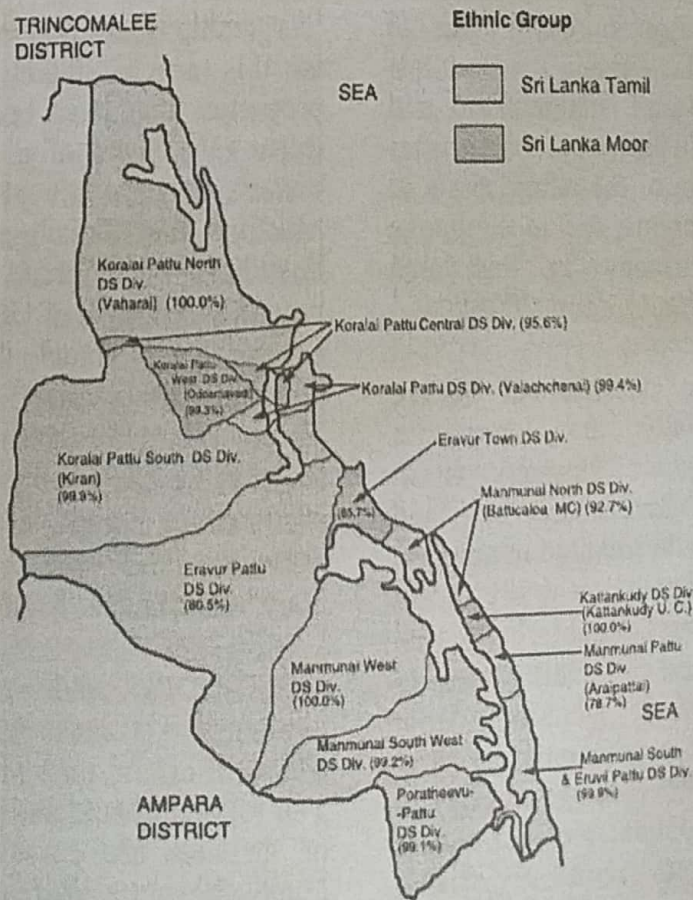


Figure 1: Batticaloa District

As seen above in the Figure 1, major ethnic communities, viz. Tamils, Muslims and Sinhalese live in harmony in the district. It is possible for both these communities to continue living in harmony, through judicial and compromising resolutions to land disputes. McGilvray (2008) in his book 'Crucible of Conflict' reckons that the various ethno-historical traditions and early reports from the region positively identify Tamils and Muslims as having shared the Batticaloa region from pre-colonial times.

Especially Geographical settlement pattern of this area indicates good relationship prevails between Tamils and Muslims. Traditional settlement patterns show that communities have been able to work together. But this tradition has broken down due to politics and rising Buddhist nationalism, Tamil nationalism and increasingly Muslim nationalism after 1990s escalation of the ethnic crisis in the Eastern Province led to challenge the ethnic harmony in this area (International Crisis Group, 2008).

The qualitative analysis of survey results, especially the interviews, reveals that ethnic harmony is in danger when incidences of land disputes are fragile and high in number. It is therefore the responsibility of the political leaders, public service administrators and community heads to pacify infuriating situation from becoming ethnic or community clashes. Moreover, Muslim communities do not involve in any ethnic violence unless minor events are fueled by short-sighted political agenda, thus, it is possible to pacify the conflicts that arise at inconsequential magnitude.

Land Disputes And Causes

For the past three decades, there had been seventeen (17) clashes between Tamils and Muslims in *Koralai Pattu* Division, Batticaloa. Two examples: a clash in 1989/90 prompted a considerable number of Tamil families to leave the Valaichenai Kaali Temple area, which is now the open air market in *Oddamavadi* currently a primarily Muslim town. Another incidence in 2002 displaced 350 Tamil families and 24 Sinhala families from an area called *Thiyavedduvan* in *Valaichenai* area, which is now part of *Koralai Pattu* Central (KPC) – a Muslim administrative division (Kurunathan, 2013).

Overlaid with two types of land 'ownership' identified in the beginning of this article, there are land and properties that have been affected by thirty (30) years of civil war. Many owners or residents of land, Tamils, Muslims, and Sinhalese in North and East have been forced to leave their properties because of violent combat or perceived or actual threat to their physical safety and/ or livelihood. These Internally Displaced Persons (IDP) a) are living with relatives, b) are sheltered in camps, c) have illegally settled on land owned by others or the State, and d) have fled the country.

Many IDPs and refugees have problems or issues to returning to their places of origin, their property or land. The following land and property issues or disputes are common across Sri Lanka, however, particularly in North and Eastern Province:

- i) Loss or mishandling of land documents,
- ii) Conversion of annual permit to LDO permits,
- iii) Land boundaries disputes,
- iv) Land inheritance problems,
- v) Subdivision of land (i.e. minimum fraction in Municipal Council area in six (06) perches, in Urban Council 10 perches, and in *Pradeshiya Sabha* it is 20 perches),
- vi) Encroachment/ secondary occupation of state or private land,
- vii) Temple and Mosque land problems,
- viii) Disputes over land alienated to individuals that of all within a designated wild life reservation, and
- ix) Now, forest and wildlife reservation lands will be determined by gazette notifications of Environment Minister who makes discussions on forest and wildlife lands most of the North and East provincial state lands are determined by gazette as a forest and wildlife reservation after the war so that lack of available state land for distribution in North and East Provinces.
- x) Building of religious entities in areas where there is no considerable number of families to follow that particular religion is also considered to fuel land disputes in the zone (Kurunathan, 2013).

Unauthorized occupation of land that challenges the very survival of one or other community and their resources will cause perpetuating conflicts

between villages as well as ethnic communities. In this study, authors have broadly categorized and identified noteworthy reasons and causes which fuel conflicts and disputes over the impingement of land in the area concerned.

Reinforcing Harmony Between Communities

Since these conflicts are routed from mere grounds, which can be resolved through hierarchical dialogues, both communities should seek avenues to ensure harmonious atmosphere in the region. Hence, following means, as identified through the responses from the dwellers of the zone, are of great helpful and being effective initiatives to resolve the land-related problems.

Religious leaders and rural heads should arrive at truce to keep the harmony intact through regular rendezvous. For example, cultural events that represent Tamil and Muslim communities are of great importance to eliminate communal and ethnic barriers. This is believed to pacify conflicts and tensions between those two communities.

Next, rigid observation should be executed at all levels of local governance to ensure the perpetuation of land reforms. Moreover, authority of divisional secretaries should not be intact or intervened by political means. According to UN-Interagency Framework Team for Preventive Action (2011), peaceful resolution of conflict between communities is possible when individuals and groups have trust and faith in their governing structures, society and institutions to

manage disputes and incompatible interests.

Most importantly, dividing the communities and having separate administrative enclaves will widen the gap between Tamils and Muslims; hence, harmonious and cohesive living will be put in danger. This sort of separatist measures initiated by some politicians will jeopardize the administration between communities and their land, and fuel the friction on borders.

It is recommended to weigh the damage judicially in order to avoid discrimination in the resolution. Biased reports may state damages exhibited by one ethnic group while averting to record the forceful expel and rampant executed on the other community.

Conclusion

In the area concerned in the study, there are two major ethnic groups – Tamils and Muslims, sharing neighboring land. The land is primarily utilized for agriculture (paddy and home garden), livestock (cattle, buffalos and goats), and business (restaurants and boutiques). The new settlements and enlargement of one ethnic group pave ways to occupy barren lands and intervene into other ethnicity's geographic space. This has risen to land disputes between the major ethnic groups mentioned in the paper.

It was found that land disputes are provoking ethnic conflicts, thus presenting a fragile environment in the zone. Moving towards cosmopolitan world, it is essential to guarantee ethnic harmony and cohesion between

different communities for economic and developmental activities. Thus, elements that are fueling social conflicts should be either neutralized or eliminated even at their onset. Therefore land disputes can be resolved through judicial, lenient and unbiased mechanisms, such as community discussions, regular observation by relevant authorities as to how land ordinance are being employed and followed, ceasing the corruption and bribery, and educating the general public on legal issues related to land encroachment.

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