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Negotiating access to land in eastern Sri Lanka

Social mobilisation of livelihood concerns and
everyday encounters with an ambiguous state

Shahul H. Hasbullah and Urs Geiser



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Negotiating Access to Land in Eastern Sri Lanka – Social Mobilisation of Livelihood
Concerns and Everyday Encounters with an Ambiguous State

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Shahul H. Hasbullah

3 September 1950 – 25 August 2018

This book was almost finished. English editing was about to be completed; the person in charge of the layout had prepared the design; maps received their final touch. There were a few open issues to be clarified regarding the study's content. Since Hasbullah was in Jaffna and I was in Switzerland, we skyped and went through these issues point by point. We talked for a rather long time and by the end, we had worked our way through most of the issues. And we also took time to chat about issues to be studied 'after the book'. Early the next morning, I received an email from Sri Lanka that he passed away in Jaffna. He did not get up that morning. Still now, it is very difficult to accept that Hasbullah is no more, that I have lost a very good friend. My thoughts keep revolving around memories and feelings. What else can one say?

Urs Geiser



Negotiating access to land in eastern Sri Lanka

– social mobilisation of livelihood concerns and everyday encounters with an ambiguous state

Discourses of the rural in eastern Sri Lanka differ in their emphases but are alike in their reification of a monolithic state and their denial of localised agency. In the influential *state-centric discourse*, rural people are imagined as clients of a powerful state. The state provides essential services to ‘peasants’ while also subordinating them through patronage networks. In a variant of this view, the state is controlled by Sri Lanka’s ethnic majority, which has expanded its control over land through ethnicised colonisation, exemplified by the Gal Oya scheme in Eastern Sri Lanka. In a *developmentalist discourse*, ‘villagers’ and ‘settlers’ cultivate land through customary practices, and the state’s role is to awaken their entrepreneurial spirit. Together, these discourses imagine the rural space of eastern Sri Lanka as one produced by ethnic conflicts over land and in need for state-led modernisation.

To revisit these assumed causalities, we conducted in-depth research on a range of conflicts around land in the Akkaraipattu and Gal Oya Right Bank regions. The greater part of this book is a thick description of the insights we gained. What we learned through our bottom-up research approach nurtures our critique of grand explanations. Indeed, rural people’s concerns with land are above all informed by everyday livelihood needs that vary enormously, as do people’s economic capabilities to meet them, *across* ethnic markers of identity. To strengthen claims on land, many organise around very specific concerns. This highly differentiated and at times divided rural populace encounters a state at the local level that is fragmented, compartmentalised, and *ambiguous*. Local organisations display agency in negotiating the land-related claims of competing local groups and demonstrate surprising skill in dealing with the local state, leading to differentiated practices of land-related mobilisation. All of these insights escape the easy shoehorning of land conflicts into explanations centered around ‘ethnic disputes’ or ‘paternalistic patronage’.

We discuss entry points to theorise our insights. However, this study is above all an attempt to *re-empiricalise* state-people relations in eastern Sri Lanka and to dispassionately document the diversity and complexity of the land conflicts in which people are involved. We believe that while such detailed analyses may not solve conflicts, they do provide a starting point in the search for possible solutions.

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Shahul Hasbullah visited the study region on many occasions. Urs Geiser joined Shahul for a longer field visit, and took up the task of searching for and reviewing secondary literature, and drafting the text. He often visited the region in the 1980s and early 90s when he worked for the Sri Lankan Survey Department as well as Swiss supported development projects in the fields of irrigation and livestock.

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Whatever else theory is, it is a key optic through which the world is made present
and imaginatively constituted at one and the same time. (Jazeel 2014: 94)

1 Introduction

1.1 The puzzle

In eastern Sri Lanka, a piece of land roughly 4,000 acres in size lies at the centre of an intense and decade-long quarrel among several ‘social groups’. Each of these groups is organised and is mobilising its supporters to struggle for their respective claims – claims that are closely related to everyday livelihood concerns. The claim of one of the groups is that they are entitled to use this land as pasture for their cattle, and that they have an official document issued by the concerned government department to prove their claim. However, another ‘social group’ contests this claim. They argue that they are entitled to use this piece of land not as pasture, but to cultivate paddy. And again, they are in a position to document their claim with an official document from a state department. Both these claims, though, are challenged by a third ‘social group’. For them, this land is part of a larger tract of forest and, though no longer entirely covered by trees, it needs to be protected as a forest reserve. Of course, the respective government documents are at hand. And last but not least, a fourth ‘social group’ accuses all the others on environmental grounds. The cultivation of paddy in particular is denounced as an illegal activity, and other state documents are invoked to support this position.

This is just one of several instances of disputes surrounding access to, and the control over land that we are going to visit later in this study. All these disputes take place between (i) different social groups that are (ii) more or less organised to mobilise for their respective interests, and (iii) between them and the state. This is not really surprising, as conflicts around land and among different interests are a global phenomenon; however, in the context of the intensive and rather heated debates around land in Sri Lanka, our example gains particular importance. We briefly hint at three facets that we consider challenging:

a) The causality of land disputes in eastern Sri Lanka is often explained *along ethnic lines*, and specifically as consequences of the decade-long civil war. In this reading, the involved ‘social groups’ are defined as distinct ethnic communities, and the disputes are supported by ethnically justified claims to land. Indeed, there are signs that in our example, the groups we mentioned above represent specific ethnicities, generally labelled as Muslims, Tamils, and Sinhalese. As we will detail later, there is a certain correlation between ‘social groups’ and ethnicity, but there are issues that do not fit this explanation. One is that the social group claiming the land as their legitimate pasture ground encompasses different ethnicities. The same is true for the social group that focuses on paddy. And to complicate matters, the respective group-wise composition of ethnicities has changed over the last decades. Thus, ethnicity may be important, but there seem to be other *markers of identity* holding the respective groups together. To recall Moore (1985: 4):

The starting point is the truism that any individual or group has a wide range of potential identities or interests in politics, e.g. locality, region, socio-cultural category, social stratum, gender, occupation, or ties of personal obligations.

b) Land disputes often involve *the state*, and the notion of the state is another issue that is extensively discussed in Sri Lanka. Many researchers describe the state in the *singular*, i.e. as a homogeneous entity. In addition, this state is perceived as dominated, controlled and instrumentalised by one ethnicity; hence, the notion of the ‘ethnic Sinhala-majority-controlled Sri Lankan state’. We will discuss that the Sri Lankan ‘state’ (in singular) can in many instances be understood through this prism, but our example does not fit this paradigm. Each of the social groups we mentioned (some of them representing other ethnicities than the dominant one) is able to display official documents that legitimise their respective claims. These claims, though issued by the very same ‘state’, sharply contradict each other. How, then, are these groups able to access ‘the state’, or circumvent its ‘ethnic bias’?

c) A third aspect refers to *social mobilisation at the local level*, or “non-governmental political action” (Spencer et al. 2015: 8). South Asia is well-known for its long history of peasant movements that have struggled for access to land through (radical) land reforms or for remunerative prices for their agricultural products; however, Sri Lanka is described as an exception to this. Moore (1985: 10) noted a “relative weakness of social and economic associations and organisations outside the sphere of the state”. In his influential study, he proposed three reasons for this situation. First, the Sri Lankan state provided extensive support to the farming community, i.e. land, water, welfare schemes, etc. With this, the “(...) Sri Lankan state has (...) avoided creating grievance around which

the smaller population might mobilise, and develop a collective identity” (Moore 1985: 190). Second, in comparison with India, there are few intra-rural contradictions around which rural struggles could have emerged, such as caste or tensions between landlords and tenants. In Sri Lanka, land holding differences are small, and landlordism is very rare (p. 182), at least in the Sinhalese areas on which Moore’s study concentrated (we will return to this issue in the Tamil/Muslim east later). Even small farmers hire labour, or are sometimes labourers themselves (p. 53). And finally, Moore found that peasants and farmers exhibit few horizontal linkages, meaning that they do not consider themselves as a class with similar interests. Rather, they see themselves as receivers of, and competitors around, subsidies. Moore adds another reason, which is a lack of local leadership. Especially in the Dry Zone, influential local persons, and thus potential leaders, were found not among the peasants and settlers, but rather more often among traders and government officials who migrated from the country’s West or Southwest to the Dry Zone, eventually becoming ‘local’ leaders and politicians (p. 7; for such cases in our study region, see Section 6.8).

Still, in our initial example above we already found four groups/organisations, and in the case studies we discuss later on, we do find a huge number of local organisations involved in “non-governmental political action”. Thus, an important aspect of our study is to make visible such groups/organisations that exist in rural contexts, in spite of their absence in much of the research on rural Sri Lanka. But then, how does one conceptually grasp the nature of such groups? If these are not “social and economic associations and organisations outside the sphere of the state” (in Moore’s sense), can these existing forms of mobilisation be seen as an outcome of the more recent phenomenon of NGO activism? Though we come across some NGOs (non-governmental organisations) in our examples, we do find many local forms of organisations that cannot be reduced simply to outcomes of ‘NGOisation’.

Thus, our study is an attempt to understand at least some of the contradictions we have briefly sketched out so far. Again, we fully agree with the research discourse that highlights the enormous influence of the dominant ethnic group on state policy, specifically in the sensitive field of access to land. The puzzle we pieced together, however, seems to challenge this influential discourse as a comprehensive explanation. Our ‘social groups’ to some extent fit ‘majority’ and ‘minority’ categorisations of ethnic groups – but not entirely. ‘The state’ we encounter escapes the influential perception of a monolithic ‘majoritarian state’. And we do find rural social mobilisation and organisations (beyond the key players of the civil war) that are quite active in the space between state and ordinary people, and whose assertive actions can make a change in conflicts around access to land.

1.2 Research questions

At a more abstract level: Can our initial example of the four antagonistic social groups be conceptualised and understood with the help of theories that focus on structural or aggregate forces within society: the ethnic majority, the state, the peasantry, the struggle to establish sovereign control? Or do we need more dynamic concepts that differentiate and nuance these categories, concepts that address possible contradictions *within* the state, *within* ethnicities, and *within* forms of rural mobilisation? To start with, let us step back for a moment and enter such debates through a more practical understanding of conflicts around land. This also helps us to translate our puzzle into research questions.

Our study is interested in the ways that people negotiate access to land. After all, land is important to the livelihoods of many people. People at times organise in some collective form or in specific *social groups* (to continue using this more neutral term) to foster their interests, and this includes land. Generally, such social groups engage with each other, and specifically *the state*, in their struggle to access land. Such engagements can range from being mutually supportive to conflictive and even antagonistic. This, then, leads us to our core research interest, which is to understand *(i) how different social groups with a similar interest in land emerge, (ii) how they organise and mobilise their specific interests, and (iii) how they engage with each other, and specifically with ‘the state’*.

Eastern Sri Lanka is a region where land plays a central role. In fact, the region was heavily drawn into the turmoil of the ‘ethnic conflict’ that affected the country from the early 1980s to 2009. Unequal access to land is seen as one of the core causes of this turmoil, and it continues to affect the everyday life of all communities in this part of Sri Lanka.

The explanation of the conflict in Sri Lanka is often based on the premise that the key social groups involved in it are clearly demarcated and internally homogeneous social entities along ethnic lines, i.e. the Sinhalese Buddhists, the Tamil Hindus, and the (Tamil-speaking) Muslims. This is an important dimension substantiated by much evidence, but it risks underplaying the role of *other markers of identity*. Herring (2001: 140) talks of “essentialising ethnicity”, that is “(...) to speak of Tamils as a whole and the Sinhala as a whole, and to attribute collective characteristics to individuals” (p. 160). Spencer et al. (2014: 22) recall the notion of “methodological nationalism” to question this assumed division of a nation’s society into “naturally divided (...) incommensurable religious traditions”. Instead, these and other authors advocate for a much more nuanced analytical disentangling of actual social groupings and their role both in conflict situations and everyday life. Thus, we use the more generic notion of *social groups* in our case studies.

Coming to land, globally speaking, less and less livelihoods directly depend on agricultural production – and thus agricultural *land use*¹ – but land continues to play a crucial role in the economic, socio-cultural and political spheres that affect most people. Land is a prerequisite for housing, a place to live and work in, for recreation, as a collateral to receive bank loans, as an option for capital investment, an inter-generational asset, and a crucial component of territorial power. But land also has important *non-material values*. It can represent sacred places, the land of one's ancestors, the space of neighbourhoods that one knows and feels comfortable with. 'Land' can mean different things to different people, and this implies that different people might organise around different interests. To speak with Peluso (1992), land represents a complex "bundle of resources".

How, then, does *conflict* emerge? One way of approaching this complex issue is by noting that the manner in which land is used in a certain region is not by chance. That a piece of land is used for paddy cultivation, as pasture land, as an industrial site, or as a military camp results from processes of (usually) conscious *decision-making* by individuals, social groups, or state agencies. There are many instances where decisions on how to use a specific piece of land (and by whom) do not face any resistance and are accepted by all (or most) people directly or indirectly affected by this decision. In other instances, such *decisions might favour certain interests* while ignoring or even going against others. They may even affect some people's material livelihood needs as well as non-material livelihood-related values. In other words, land use and decision-making regarding land use are economic, social and political issues. Land use need not, but can be contested.

When quarrels around land emerge, *different social groups may be differently equipped* to make their voices heard in such contestations. In this context, notions such as 'marginalised ethnicities', 'suppressed religious groups', or 'the poor' are important designations, as these latter groups are considered to lack a voice. *Grassroots social mobilisation* by these groups is often portrayed as an important force that challenges domination. This admittedly general introduction helps us to further refine our research curiosity:

- (i) Will those social groups that do not agree with a specific decision to use a certain piece of land accept the decision, or will they question it, and even mobilise against it?
- (ii) How do other social groups react to such mobilisation for or against particular interests?
- (iii) Who are the social groups that consider themselves as being 'the poor' or 'the marginalised', in other words, the victims? How do they legitimise their claims of being marginalised? Are they in a position to mobilise their voices and interests? Can they resist those whom they perceive as the dominant social forces? If not, why not?

1 There are, though, many who argue that rural areas continue to be important (e.g. Li 2010).

1.3 A first glance at theoretical debates

Before presenting the details of our empirical studies in eastern Sri Lanka, we quickly glance at on-going theoretical debates on land disputes – conceptualised as interlinking and *thinking-together* aspects of land use, perceived inequalities, social mobilisation, and encounters with the state. We arrange those around three bundles of discourses.

We label the first tentatively as *ethno-political discourse*, which we see as dominant in Sri Lanka. Here, the main driving force behind decision-making on land use is, at first sight, its non-material value. Of central importance is a specific reading of identity, namely that interests within a society are not organised and mobilised around criteria of optimal economic allocation (as in our second discourse below) or around class conflicts (as in our third one), but around cultural identity. Here, identity generally refers to ethnicity, language or religion. It is around social relations based on (perceived) descent or religious faith that people join (or are made to join by “political entrepreneurs”, Herring and Agarwala, 2006: 328) and form social groups. These social groups are then, through practices of “orchestrated antagonisms” (Hasbullah and Korf, 2013: 32) portrayed as being in fundamental competition with each other. This results in religiously or ethnically divided societies and, as a consequence, leads to land conflicts along such social divides.² Issues such as ancestral (or ‘traditional’) rights to land or ‘homelands’ are often used to justify claims and counter-claims. In this ethno-political discourse, social mobilisation is important as well, but it follows ethno-political lines, often leading to a polarisation between dominant ethnic/religious groups and ‘minority groups’.

The second approach we label as *economic discourse*. Here, land use is seen as the rational allocation of resources according to the requirements of the national economy within a certain societal context. These requirements change over time and ‘develop’. Agriculture, for example, loses importance through the process of modernisation, as the industrial (or secondary) and the service (or tertiary) sectors grow (see Section 2 on these processes in our study region). Thus, land use changes from agricultural production to more urban uses. With growing incomes, recreational land uses gain in importance as well, including the maintaining of ‘nice landscapes’ or ‘wilderness’ (requiring nature protection) for the enjoyment of urban dwellers. While some see ‘the state’ as a key actor responsible for coordinating the diversity of social interests and claims to land within a ‘developing’ nation – hence, the importance given to state-led land use³ or spatial plan-

2 Of course, essentialisation can also take place around others markers of identity, including class.

3 Since 1983, Sri Lanka has a Land-use Policy Planning Department in order “to introduce scientific land use planning procedures to the country (...).” In addition to its head office, it has a “district office network in 19 districts. In addition to the District level, there are about 265 field level officers attached to the Divisional Secretary Divisions in order to perform grass root level land-use planning

ning – others (like the World Bank) prefer to let ‘the market’ decide the allocation of land to specific uses (for Sri Lanka, see World Bank 2008).

But even this economic discourse (often labelled as neo-liberal) accepts the fact that certain social groups (e.g. women, agricultural labourers, marginalised ethnic groups) might not be able to sufficiently voice their interests vis-à-vis the forces that decide on land use. Therefore, the notion of *participation* has become part and parcel of the economic approach. An array of *informal* arrangements of mobilising participation are practiced to give a voice to these disadvantaged groups and thus secure a more democratic resource allocation (e.g. the formation of community-based organisations, or CBOs, and NGOs to facilitate their emergence). Some practices centered on the idea of enabling these particular voices are even *formalised*; the most popular one is state decentralisation, whereby decision-making powers are shifted (in principle) from the central state level to local administration and local governance. With this, the interests of diverse social groups at the grassroots level are presumably better heard and coordinated (see Section 4.3 for the *Divisional Secretariats* and *Pradeshiya Sabhas* in our study region).

We have labelled the third approach as *political-economic discourse*. Social and economic inequalities are at the core of this approach, and they are perceived as the outcome of unequal power relations.⁴ From this perspective, decision-making on land use is understood as controlled by economically influential social groups that explicitly exclude others from participating in these decisions. This produces social differentiation, and it also produces and reproduces dependencies. In this reading, exploitative social relations result in a structuring of society along class lines, and a division between those that have control over the means required for production (and ‘development’) such as land, labour and capital, and those that do not have control over these means. Land is a core means of production, and in this political-economic reading, land is controlled by only a few. It is these few who can accumulate wealth while exploiting and thus impoverishing others. In this discourse, social mobilisation has a very particular meaning. It refers to socially excluded and exploited or dependent social groups/classes and the need for them to organise (or to be organised) in order to struggle against, and resist, the groups that exploit them. Therefore, many organisations such as left wing political parties or left wing peasant movements struggle and mobilise themselves to change the social relations and structures that produce such inequalities; hence, their struggles for “land to the tillers” (Herring 1983). Within political-economic discourses, mobilisation is expected to have considerable “transformative potential” to “reshape social relations” towards

activities.” See <http://luppd.gov.lk/web/index.php?lang=en#> (accessed June 2016 and August 2018; emphasis added).

⁴ For a general overview of these different discourses, see Geiser (2014).

“substantial structural change” (Barker et al. 2013; emphasis added). We will discuss later why such mobilisation along class lines appears conspicuously absent in Sri Lanka.

So much for our quick glance at the main discourses that theorise the relationship between land, land use, social mobilisation, questions of inequality, and above all, forms of assertion and contestation. This glance simplifies the complexity of on-going theoretical debates, but we argue that it reiterates the importance of being rather attentive and *sensitive to the very analytical notions* and concepts that we use in researching land conflicts. Indeed, debates around land can quickly turn into sites of ideological contestation.

1.4 Land-related debates in eastern Sri Lanka

The study area we chose is the Akkaraipattu region, including the Right Bank part of the Gal Oya scheme in eastern Sri Lanka, and we will introduce this region in more detail in Section 3, including the example of the contested 4,000 acres of land mentioned at the beginning. In the Akkaraipattu region as well, land is important in the material sense (for agriculture, cattle grazing, as forest and ecological reserve, as spaces in which one may construct homesteads or shops in the market place, as an asset in the context of *dowry*, or to set up an army camp), and in the non-material sense (e.g. as the space of a familiar neighbourhood, or where one’s own religious or ethnic group is allowed to live and be distinct from ‘the others’).

Eastern Sri Lanka is well known for the violence of the past decades. This violence was closely linked to contestations around access to land, the ways land use is decided upon, the stratification of society, and the social relations between these strata in relation to decision-making processes. However, following our constructivist understanding of social science research, the *causal relations* between land use, conflicts, social stratification, social relations, and (violent) mobilisation are read differently by different observers and analysts. In connection with the main discourses outlined above, we argue that in the Sri Lankan context, the dominant way of explaining land-related conflicts is indeed informed by an *ethno-political discourse*, and thus the centrality of ethnic identity. The violent social conflicts of the past decades are causally linked through the notion of the ‘majoritarian state’. Around independence, the new nation state of Sri Lanka and its administration became controlled – according to this discourse – by the country’s majority ethnic group, the Sinhalese. Its elite (influenced by sections of the Buddhist clergy) used the institutions of the emerging nation state to protect and expand its own interests, among others by expanding control over land. As we detail in Section 2.2, *Sri Lanka*

indeed is a very particular case in South Asia regarding land. To this day, around 80% of land is controlled by the state itself, thus setting crucial “social conditions of production” (Harriss 1984: 315). No wonder that people have to struggle to access such state land. In particular, major land colonisation schemes (more on the Gal Oya scheme in our study region in Section 2.2) were used by the state to expand *the frontier* of the Sinhalese influence towards *the margin* in the north and east of the country. This was achieved by providing preferential access to land to Sinhalese, and not the Tamil-speaking people that ‘traditionally’ lived in these areas. In this discourse, the notion of ‘the frontier’ is used in the singular, to denominate “(...) sites where ‘development’ and ‘progress’ meet ‘wilder ness’ or ‘traditional lands and peoples’” (Peluso and Lund 2011: 668). As a consequence, the latter felt threatened and actively marginalised by the state’s ethnically biased land policy. As a consequence of this and other measures taken against them, some sections radicalised and saw no other way out of marginalisation than to start a militant struggle against the ‘majoritarian state’ and the ethnic group that controlled it. Following this reading, land-related conflicts in our study region of Akkaraipattu in eastern Sri Lanka are causally determined by the resistance to the *ethnically controlled majoritarian state* and its perception of *land as its frontier*.

Of course, the two other theoretical approaches are also used to explain land use conflicts. The *economic discourse*, for example, is mainly used by the state itself. As an example, its heavy investment in major irrigation and land colonisation schemes with a focus on paddy is justified by the need for economic development and to overcome poverty. Population increase is also referred to when justifying the need to bring more land under cultivation through colonisation schemes.⁵ In fact, many international aid agencies subscribe to this variant of the economic discourse, and they heavily supported and continue to support programmes for agricultural intensification, the spread of irrigation (e.g. through the massive Mahaweli irrigation scheme including, in more recent years, Weli Oya), and for increasing peoples’ participation in livelihood-related decision-making. In this discourse, the violence of the past decades is rather read as a separate issue linked to ‘terrorism’.

The *political-economic discourse*, however, is limited (in the Sri Lankan context) to a small section of critical researchers. Their use of class-based analyses to understand rural/agrarian contradictions were more influential, to some extent, in the 1970s and early 1980s. In the realm of actual decision-making and practical social mobilisation, this approach is almost absent. When Kotelandala and Skanthakumar (2016, n.p.) ask “(what’s) left of the Left”, their finding is that “the Sri Lankan Left is breathing its last”. And as

5 Population increase is a fact; see Table 1 for respective figures in our study region.

already mentioned, unlike other countries in South Asia,⁶ we find almost no grassroots mobilisation in rural areas along class lines⁷ – say, unions of agricultural labourers or ‘peasants’. Analytically, though, we argue that this discourse and a more differentiated and *relational* understanding of the notion of social groups can offer interesting entry points to analysing land contestations. It can also help to reframe the very questions one wants to research around land conflicts – for example to differentiate the notion, or rather, the concept, of ‘the state’. As Bastian (2012) argues:

[Another] view is to see states as arenas of struggles and conflicts. In [these] struggles there are interest groups, politics and a messy process, a large part of which cannot be understood by looking at laws and formal processes.

A critical discussion of grassroots mobilisation can also be helpful. As already mentioned, we believe in the importance that critical research in Sri Lanka assigns to the ethno-political sphere and its outcomes. What puzzles us is what this implies, above all the perceived *absence of other forms of social mobilisation* at the grassroots level that would or could have an influence on how land is allocated, how land use is practiced, and how land-related conflicts might emerge. Bastian (2010) for example noted that:

(...) there are the issues that have not been debated enough in Sri Lanka, by the state or otherwise. For example, there is the need to discuss *self-organisation* among the poor. Driven by donors, much of the focus of civil society has been on how to get the poor to participate in their projects, *rather than to ask about the organisations and politics that they themselves already have*. (emphasis added)

1.5 Operationalising our curiosity

Indeed, the ethno-political discourse has a strong influence on the reading of land-related conflicts and violence in eastern Sri Lanka. Epistemologically, this reading often takes a more *macro-level perspective* on social processes (see the notion of “methodological nationalism” mentioned earlier). ‘The state’ is understood as the powerful key actor that shapes the structural conditions within which the Sri Lankan society has to operate.

⁶ We refer to Moore (1985), who explicitly compares Sri Lanka with India.

⁷ In Section 3.5 we mention a few such organisations that existed some time ago.

This society, in turn, is characterised by the antagonistic relationship between its main ethnic ‘communities’.⁸ It is this relation that structures the way the state operates, how economic processes and ‘development’ are practiced, and how land is allocated to specific uses. It also structures (even determines) the way that social mobilisation emerges. Thus, all conflicts are then explained through (or *shoe-horned* into; Spencer 2007: 145) this macro-level, structural understanding of how power operates.

Implicitly, this macro-level discourse contains further propositions. For example, it implies that economic differences and related tensions between social groups with differing economic interests, or intra-ethnic/religious divisions, do not really play a role in grassroots level social mobilisation. Furthermore, the discourse suggests that most of the important land use-related conflicts need to be understood as consequences of biased policies of ‘the state’, policies that find concrete manifestation in ‘the frontier’ and ‘the margin’. This can imply that other motives for mobilisation are either non-existent, or have little to no influence. Such other motives might emerge around professional interests (e.g. organisations of farmers producing specific crops), welfare (organisations that focus on the plight of ‘poor people’), specific political visions of ‘development’ (such as ‘the Left’, or organic farming), etc.

It is this puzzle that compelled us to visit the Akkaraipattu region of eastern Sri Lanka. To address the issues conceptually, we step back, for a moment, from the dominant reading of land use conflicts, and we let our attention focus – for a while – on what (or what we observe) has *actually been done and practiced on the ground* and in the everyday. The reason for such an attention to lived realities on the ground (a *bottom-up perspective*, so to speak) is that “livelihood strategies are deeply contextualized and depend on the particular local political geography” (Korf 2004: 276).⁹ Issues of land and mobilisation can indeed be understood as part and parcel of everyday livelihood strategies as well. Thus, our approach is more informed by a *micro-perspective*, starting from an understanding of a social reality as heterogeneous and consisting of (possibly) a whole array of social actors involved in trying to shape structural conditions (incl. those that inform land use). We agree with Barker et al. (2013: 26) who reiterate the need to first understand “*how, (...) collectivities constitute themselves around certain descriptive categories and claim them as their own*”. This raises these questions:

⁸ For an influential understanding of the notion of antagonism, see Mouffe (2005). For an early critical discussion of the notion of ‘community’ in relation to land use, see Leach et al. (1997).

⁹ Korf focused on war conditions, but we argue that this statement holds true in other everyday contexts as well.

(...) the *constitution of social subjects* and to specify the *relations* among the relative positions of a variety of social actors in relations of production and reproduction; the different *experiences* of individuals in those positions, especially as they *change* and as the structures of these relationships change; *organisation, both of daily life and of protest*; and the linguistic, cognitive, and emotional ways in and through which these relations and organisations are constituted. (Barker et al. 2013: 26, emphasis added)¹⁰

We also need to pay attention to ‘the state’ and its relation to the main ethnic group, but our bottom-up approach may help us ask whether there are *different voices within this state* as well. This also refers to the different scales on which the state operates, from the National, to the Provincial, to the District, to the Divisional, and to the *Gramma Niladari*.¹¹ Last but not least it refers to how ordinary people experience the state at the grassroots level. As Gupta (1995: 375) notes, such an approach “allows the state to be disaggregated by focusing on different bureaucracies without prejudging their unity or coherence”.

We therefore argue that conceptualising land conflicts as *arenas of negotiations* between local groups (whose social composition need not follow established ethnic lines), by analysing their variegated engagements with the *state at the local level*, and a renewed attention to changing wider economic, political and socio-cultural conditions (or structures) can help us gain deeper insights into the enormous challenges faced by people today. To grasp this coming-together of wider structural conditions and the specificities of concrete local land conflicts at a given time, we use the notion of *conjunctures*, i.e. “the set of elements, processes, and relations that shaped people’s lives at this time and place” (Li 2014: 4).

Within the broader contextual conditions, there will be frontiers – to come back to this important notion – between different interests. Our approach, though, invites us to conceptualise ‘frontiers’ *in the plural*, beyond the dichotomy of central state versus the margin. Here we agree with Peluso and Lund (2011: 669) who note that:

10 This understanding by Barker et al. (2013: 26) resonates with Moore’s understanding of class as the coming together of people with similar interests. It is also echoed in Herring and Agarwala (2006: 327) who propose to pay much more attention to how ‘class’ actually emerges from the grassroots: “Under what conditions do individuals with similar interests unite to promote a common goal?” And: “Under certain conditions, these interests may be recognized, mobilized, and acted upon — thus ultimately explaining collective action in which people attempt to improve their life chances through politics and policy ...” (p. 331).

11 Lund (2014: 228) even suggests that ‘the state’ is too abstract a concept and that “we may even need to disaggregate [such] constituent concepts before they become empirically visible”.

(...) there is no one grand land grab, but a *series of changing contexts, emergent processes and forces, and contestations that are producing new conditions* and facilitating shifts in both *de jure* and *de facto* land control. [This, though, requires] more *in-depth understanding* of the historical trajectories and specific tactics and instruments used by powerful and less powerful actors to enclose, exclude, territorialize, and challenge the moment's 'common sense'.

Thus, to focus our attention on actual (contemporary as well as earlier) processes at the grassroots level, we operationalise the research interests outlined above into a few issues that we can (try to) study and observe empirically:

- (i) How was, and is, land actually used in our study region?
- (ii) Can we identify instances of conflicts around land?
- (iii) If so, how have these conflicts around land evolved over time, and who (i.e. which social groups, defined by which markers of identity) was/is involved in producing and reproducing these conflicts?
- (iv) What kind of social organisations and forms of social mobilisation or public action exist in this region?
- (v) Do these forms of social mobilisation have anything to do with the land conflicts we identified? If so, how is mobilisation justified and practiced?

1.6 Five empirical studies on everyday land disputes

As mentioned above, we chose the Akkaraipattu region including the Right Bank part of the Gal Oya scheme in eastern Sri Lanka for our study. We selected it because it represents an arena where everything we have discussed so far can be analysed in close proximity: the mixture of ethnic groups, the multiple expectations upon land, a long history of disputes around land, the involvement of the state in land policy, and a competing range of understandings of the root causes of these conflicts. We also chose this region, because both authors have a longstanding familiarity with this area.

Indeed, our discussions confirmed that land is a central concern for many people in the Akkaraipattu region. Issues mentioned during interviews included, among others, the shortage of land for housing or for a livelihood through agriculture or cattle grazing, the risk of flooding, the loss of land owing to state interventions or lost to the Tsunami, and many land problems caused by the civil war. What we heard reflects much of the contemporary debate around land in other parts of Sri Lanka as well. These debates have intensified over the last years as many organisations now engage with the fate of those

Introduction

Photo 1: Densely settled areas and the hinterland of the Akkaraipattu region



Photos by S. Hasbullah and A.R. Jesmil, 2017

who have been affected. Generally, we see two types of land conflicts being addressed in the country:

(a) Land conflicts triggered by the war and the Tsunami: This mainly concerns people who were displaced during the war and who struggle to return to their original lands. In other instances, it concerns struggles over lands that were appropriated by the army and navy, or land used to rehabilitate Tsunami victims. In our study region, most prominent is the conflict around Deegavapi – a Buddhist temple site in the northwestern corner of the Addalachchenai D.S. Division; for details see Spencer et al. (2014) and Secretariat for Muslims (2015). There is another on-going conflict in Panama (or Paanama) to the south of our study region (see Map 1).¹²

(b) Land conflicts triggered by private sector interventions, i.e. the allocation of agricultural land to private companies, including foreign ones. This is often discussed in the context of neo-liberal policies. The construction of hotels for the booming tourist industry produces displacements as well.

Such conflicts are usually characterised by a clearly identifiable conflict-triggering actor: the army or navy, a private company, or a state agency. These actors are seen as interfering in the otherwise ‘normal’ land relations in the affected localities. However, less attention is paid to what we describe as these *normal land relations in the everyday*. With this, we refer to land issues that emerge not necessarily from exceptional circumstances like war or Tsunami, but which occur without being triggered by clearly identifiable outside actors. Such everyday contestations around land can, for example, encompass conflicts between smaller and larger farmers, farmers producing different crops, between farmers and agricultural labour, or farmers and other land users such as the state’s forest authorities. These are the everyday forms of (potential) land conflicts that interest us, and we argue that they are less on people’s research agenda these days. Indeed, we found that many research studies involving such agrarian problems – including the dynamics of agriculture or other land uses, questions of agricultural labour, and related issues of mobilisation – date back to the 1980s.¹³ Secondly, many of these earlier more political-economic studies, though highly relevant and interesting, rarely talked about the east of Sri Lanka, and the Muslim/Tamil political-economic sphere along the east coast. Moore (1985: 188) for example explicitly states that the Muslim and Tamil rural populations are not the focus of his study. The important collection of studies on agrarian change by Brow and Weeramunda (1992) contains no articles on the east. McGilvray’s (2008) crucial study on the Akkaraipattu region focuses on socio-cultural

12 See also CMTPC (2007).

13 We found an example of a brief re-emergence of these debates in Bastian’s note on current orthodoxies (2016) and the related reply by Moore (2016).

issues (personal communication, May 2016). Understandably, much attention has been given to the ‘ethnic conflict’ and its cultural-political context. Political-economic and the more material dimensions of everyday livelihoods received less attention (though, of course, we may have missed such contributions), except in the sphere of mainstream ‘development’, where we find an array of economic studies by consultants related to donor-assisted projects.

Taking this research interest into account, we finally selected five land conflicts from the long list that our interviewees mentioned for empirical analysis. In each of these cases, we analyse – through our bottom-up perspective – the relationships between disputes around land and the social groups/organisations involved, their forms of mobilisation, and encounters with the state.

Fragmenting access to land through perpetual administrative delimitation

Our first case study covers a huge area, as it extends across most of the larger Akkarai-pattu region, and thus includes rural and urban land uses. But it helps to introduce a series of dynamics that, in one way or the other, impinge on the other four cases as well. The focus of this case study is on the delimitation of political-administrative divisions, and with this, the allocation of land to one or the other of these divisions. This process of allocation then impinges on established modes of accessing land, which need not, but can, create concerns for some of those affected.

Globally, the delimitation of political-administrative units has gained importance in the context of the *decentralisation paradigm* we touched upon in Section 1.3, and Eastern Sri Lanka is no exception. We show how some decades ago, the larger Akkaraipattu region, from the Gal Oya river in the north to lands south of Thirukkovil (see Map 1), was part and parcel of one single political-administrative unit. In course of time, this unit was gradually split into smaller and smaller units, each gaining more control over its territory, including procedures of land allocation and decisions on land use. As a matter of fact, the former singular division has by now been fragmented into six divisions. We document this process of fragmentation, and try to identify the social dynamics that made this process happen. As we will show, most delimitations happened not necessarily between the three main ‘ethnic groups’, but mainly within one of them (i.e. the Muslims).

While the decentralisation paradigm offers one explanation to justify delimitations, their actual dynamics can also be captured using the concept of *purification* (Hasbullah and Korf, 2005). Purification is understood as a process arising from the desire to create one’s own ethnically homogeneous territory. In this concept, social mobilisation is understood as developing *patronage networks* between local politicians and their vote banks. These networks are brought together by *ethnicised discourses* that justify, and

demand, the exclusion of ‘others’ from ‘one’s own land’. Our case is a further illustration of such cultural processes. What we add is a bottom-up view of such patronage networks to show their *material importance to local interest groups* – after all, they expect ‘their politicians’ to provide support – such as facilitating better access to the state and its developmental programmes, and to land. With this, we point to the material dimension, which is grasped, to some extent, by the decentralisation paradigm. Indeed, as a result of the delimitation process, many state services are now better accessible to the grassroots, as it has improved the *political opportunity structures*, a concept we introduce later in our discussion. Our case study illustrates this using examples of physical infrastructure like roads and schools, but also of access to land as well (through better access to state departments in charge of land administration). But we also found that such spatial fragmentation can complicate matters, because although fragmentation *helps* to secure access to one’s own land, it also *hampers* access to one’s own land. Earlier, when the larger region was part of one administrative unit, people used to operate land in different localities throughout this larger unit. However, as an outcome of the continued subdivision, they suddenly found part of their land falling within the administration of ‘others’, which has created troubles for many in the everyday (an issue we will address empirically in studies three and five).

A ‘border-in-the-making’ – negotiating the ambiguities of administrative delimitation

Our second study is closely related to the first one. As a matter of fact, boundary drawing through administrative delimitation continues unabated. To illustrate this, we zoom in on the contemporary and contested definition of the new boundary between two political-administrative units: the Divisional Secretariat (D.S.) Division of Akkaraipattu and the D.S. Division of Alayadivembu. We show that attempts at purification/decentralisation of land access can involve a *variety of social groups* with *different visions* of where the actual border should be established on the ground. In contrast to the assumed powers of a strong state, we show that this ambiguity, produced by the imaginations of a variety of actors, results in confusing demarcations, with an advocacy for different boundaries. These confusions reside in the attempts to establish these two D.S. Divisions, and are further accentuated by the parallel process of defining the boundaries for local governance, i.e. the *Pradeshiya Sabhas*. We detail these processes and focus on the border section where the boundary cuts across a densely populated urban area.

We again meet patronage networks involved in these processes, though this time, and compared to our other case studies, it is more ‘the patrons’ (and especially one of them) who remain in control. The outcomes, though, are a different story, and by zooming in

on these processes, the case study uncovers the practical vagueness and sketchiness of these outcomes. The resulting confusion affects the everyday lives of those living in the ‘border zone’ around very concrete and material issues: to which divisional office to go for a passport, where to report troubles with land titles, and which office is entitled to collect local taxes from taxable premises? Affected social groups *need to cope with this situation*, either individually, or through ‘collective action’. They have to invent practices to negotiate these ambiguities, and as our case study illustrates, these practices often need the support of networks that include more influential people.

Land along the ‘grand frontier’ – the micro-politics of negotiating access to land in the Gal Oya irrigation scheme

With our third study, we move to the agricultural land used by the people from Akkarai-pattu and Alayadivembu. This land is located to the west of the densely populated stretch of land along the east coast. Earlier, some of this land was irrigated through a series of smaller tanks that were constructed long ago. Vast tracts of new land, though, were made cultivable in the 1950s and early 1960s through the famous Gal Oya scheme, and this land is now used for paddy and sugarcane cultivation.

We take a closer look at the western border zone between the two D.S. Divisions of Akkaraipattu (predominantly Muslim) and Alayadivembu (predominantly Tamil), and the D.S. Division of Damana (predominantly Sinhalese; see Map 1). Indeed, our interviewees hinted at a whole array of contemporary conflicts around land along this boundary zone, ranging from troubles due to being forced to switch from paddy cultivation to the cultivation of sugarcane, to contestations with ‘others’ around control of ‘their’ plots of land, and to troubles with getting irrigation water. But they also recalled earlier episodes, especially the problems they faced with actually getting hold of some land to cultivate within the newly developed perimeter. With this, we also realised the enormous complexity of this case study, one that made us search beyond the dominant understanding of this region. In this understanding, our study area is portrayed as *the frontier* (in the singular) between the ‘ethnic Sinhala-majority-controlled Sri Lankan state’ and ‘the others’, as the Gal Oya scheme favoured the Sinhalese, and thus encroached upon the ‘traditional homeland’ of the Tamil people (see the ‘ethno-political discourse’ mentioned in Section 1.4).¹⁴

Our bottom-up research perspective made us ask *who from within these groups* was able to make use of the new opportunities offered by the Gal Oya scheme, and who

14 As we show in Section 1.4, this mainstream discourse often juxtaposes Sinhalese and Tamils, with no mention of Muslims.

was not? What have the *micro-politics and practices of related mobilisation* looked like that enabled or hindered access to land? And what are the contemporary (post-war) contestations around land? Just to recall from our first study, the contemporary administrative divisions are very different from the ones that existed when the Gal Oya scheme started. Therefore, we realised that to understand contemporary land conflicts, we had to *unravel their history and pay attention to their precursors*, and with this, study the nature of social groups and their encounters with the state at given times and places.

This case study reveals three aspects. First, our empirical insights show the *heterogeneity of peasants' interests*. Although all of them are operating land within the Gal Oya scheme, their everyday concerns differ. While some focus on paddy cultivation, others are forced to engage in sugarcane. Still others are concerned with keeping cattle, and many have to blend farming or herding with the search for casual labour opportunities. As Harriss reported on 'peasants' long ago, "(...) people simply do not have the same interests" (1984: 331). These findings then inspire our discussion on why 'peasant movements' are conspicuously absent (see further below). Second, we find, as in the previous cases, the *importance of networks between ordinary people and their leaders*, to use a more neutral word than the seemingly loaded term 'patronage'. In our discussion further on, we will engage more with this dominant concept of patronage that tends to give these networks a specific meaning. And finally, the case study adds to our empirical insights into *how people experience the state at this grassroots level*. In short, what they encountered and continue to encounter is not 'the state', but *a whole array of state institutions*. Indeed, it is this range of state agencies at the local level that we consider a crucial dimension in our efforts to understand land conflicts. To conceptually grasp this complexity, we will refer to the concepts of the 'local state' and the 'state system' (see Section 9.2).

Negotiating an externality of the Gal Oya scheme – losing land through flooding

Our fourth study addresses a particular land conflict triggered by an externality of the Gal Oya scheme. The construction of a network of new canals allowed for the irrigation of huge tracts of land within the project's perimeter. However, some of the irrigation water, and a lot of drainage water, went beyond the tail ends of the system and thus beyond the project perimeter. This runoff water found its way into the low-lying agricultural land located to the east of the scheme, close to the settled areas of Akkaraipattu and Addalachchenai. These lands consisted of the old paddy fields in close proximity to people's habitations. As a consequence of the increased runoff, a considerable extent of this land became permanently flooded, making it unsuitable for agricultural production. Another part became inundated seasonally.

Through our interviews we were able to unravel histories of how those affected have attempted to deal with this loss. And not surprisingly, we again come across the importance of networks that link the affected with their political representatives. In this case, though, these networks gain specific importance. To regain large tracts of flooded land is a complex technical endeavour, and goes well beyond what individuals or groups of individuals can achieve on their own. Rather, it requires access to state institutions that have the required technical knowledge and financial resources. With this, those affected have to find entry points into these institutions, and thus have to approach those that can articulate these entry points (people we later call ‘gatekeepers’). Indeed, this case study helps us to further deepen our understanding of social relations that are usually subsumed under the notion of ‘patronage’.

Competing land use claims in Wattamadu – encountering a dazzling array of local state institutions

Finally, we address the example with which we opened the present report, namely the dispute over a vast tract of land called Wattamadu to the South of the Akkaraipattu region (see Map 16). This land was initially reserved as grazing ground for cattle belonging to Muslims and Tamils, but later became contested by Muslim and Tamil paddy farmers. In recent years, state forest authorities have argued that the land is part of an established Forest Reserve that was cleared illegally by the two other parties. Yet other groups accuse the forest authorities of not implementing their mandate properly.

Though this case study covers a rather small geographical area, it provides an excellent window for deepening our understanding of *group formation around a range of markers of identity*, encounters between these organised groups, and encounters between the groups and the state. This last point in particular gains central importance in inciting the conflicts. As a matter of fact, our study extensively documents that there is not one administration representing state interests at the local level. On the contrary, what we find is a whole array of bureaucracies in parallel, each claiming the right to administer land issues – and they practice this in splendid isolation from each other. As each of these various incarnations of the state claims legitimacy without coordination, the paddy farmers, cattle herders, or those concerned with environmental questions in Wattamadu have to navigate a *highly complex and ambiguous local state system*. What we also find in this arena is the central importance of the *judicial system*. A common practice for the organised social groups is to approach the court in order to gain legitimacy for one’s own claims to land. But as if the situation were not complicated enough, there is not one court, but many, each one giving legitimacy to specific groups only.

1.7 Methods

As detailed above, we chose a case study approach. Within these case studies, we then used a number of data collection methods. They included interviews with government officials, politicians, different types of farmers, activists from local organisations, etc. Often, discussions took place with small groups of local residents. Field observations were made while traveling through the study region. We reviewed locally available documents, newspaper items, official reports, government gazettes, etc. We also consulted related research that has been undertaken by other scholars. In sum, our way of working might be summarised as *triangulation*, i.e. the combination of different research methods to enrich our understanding from a number of perspectives (see also Lund 2014: 227, 231). Indeed, conflicts around land and the involved social processes of mobilisation and contestation are often complex and difficult to grasp empirically. As various different social groups and state agencies are involved, we hear different stories and causalities. We have already mentioned our constructivist approach to research. In this, *causalities of land use conflicts are not that easy to establish*, and we like Herring's notion of "plausible causations" (2001: 166). With this he refers to the process of making transparent the insights obtained, and the way that conclusions (or rather, propositions) are established based on these insights.

Trying to understand everyday forms of contestations around land requires paying attention to an *array of dimensions* that play, or might play a role in a given locality. Social mobilisation might be triggered by many challenges that people have to face in their wider context. It is here that we might find explanations for the (assumed) absence of larger peasant movements in Sri Lanka. Much of the mainstream debates on such movements concentrated on peasants' mobilisation for land reform, or the call for rights for tillers. However, there could be many other reasons for peasants to mobilise, or not to mobilise. Thus, we need to present considerable *empirical details* on each of our case studies – not least to make transparent the evidence on which we base our plausible causations. Here we are inspired by Spencer (1997: 13) who critiques generalisations based on "limited empirical terrain that is being traversed (...)"¹⁵.

One more point. After all, we cannot necessarily see or even measure such conflicts around land, as we would agricultural production or the quality of a specific soil. Reasons for conflicts around land, and motives to organise, or not organise, can be theorised, but not (so we argue) deduced from theories. They need to be traced through interviews with those involved, and by default, the information they provide will differ. Similarly, attempts to explain such conflicts or forms of mobilisation need to address the wider

¹⁵ See also Spencer (2008).

spatial and historical context within which they take place. But which aspects of this wider context are relevant, and which ones are not?

Thus, we present this report as *our attempt to make sense of what we learned*; however, we may have missed important facets, and, therefore, *we invite readers to tell us if we in fact missed or misunderstood any such details or insights.*

A note on Internet links: The Internet is an incredible source for details and information – if handled with care. This holds true for our subject and study region as well. Unfortunately, many valuable Internet sites become unavailable after some time, and as a result, their information is no longer accessible. This holds true, for example, for local Internet portals from the east coast of Sri Lanka, but also for portals of the Sri Lankan central government or the Eastern Provincial Council. While doing the final editing of this study, we therefore marked such links by writing them in italics.¹⁶

1.8 Initial remarks on what we learned from our studies

Our report is fundamentally a thick description of the insights we have been able to gather through a micro-perspective lens, and it is structured as follows: In Section 2, we introduce our wider study region in Eastern Sri Lanka, namely the Right Bank area of the Gal Oya scheme, including the densely populated region of Akkaraipattu along the east coast. It is a region where three distinct ethnic groups (Tamils, Muslims, Sinhalese) share borders. It is also a region that has been strongly influenced by a number of economic and political processes over the last decades, e.g. a rapid change in land use as a consequence of the state-led Gal Oya irrigation scheme; the war that afflicted the region and its people in different phases between 1983 and 2007; the Tsunami of 2004; and the continued role of development projects implemented by the state and international aid agencies.

Section 3 zooms in on our study region proper: the two Divisional Secretariat (D.S.) Divisions of Akkaraipattu and Alayadivembu. We briefly describe some of the social and economic characteristics of this locality, including the sphere of ethnic groups, but also other markers of identity such as rich and poor. We also look at the structure of the state at this local level. Being specifically interested in forms of local mobilisation and organisation, we undertook a general survey of such organisations in Akkaraipattu

¹⁶ If required, please contact the authors for details on these sites. In case Internet links tend to be very long, we used the tinyurl.com system to create shorter links.

and Alayadivembu; we found hundreds of them. Sections 4 to 8 provide the empirical details for each of our five cases that we briefly sketched out above. These five studies provide us with a considerable corpus of empirical insights into the actual workings of land conflicts.

Finally, Section 9 is an attempt to analyse, in a comparative manner, this corpus of empirical insights, and to discuss whether each of the five case studies is very different, or whether we find certain *patterns* which might even be *generalised* for the context of our study region. Very briefly:

Uncovering peoples' agency: First of all, we will propose that our study helps to show that *ordinary people in our study region do have agency*. Of course, the larger structural conditions set by the state (and increasingly market conditions) are important, but people do have to engage with these conditions, and they try to change or modify them through their engagement. Whether such assertive action by organised interest groups succeeds, or fails, seems to depend on an array of aspects. Based on our insights, we can speculate about some of these aspects, but it would require many more case studies to really see whether some forms of patterns would allow for generalisation.

Mobilisation benefits: Our studies document the memberships and forms of organisations involved in land-related public action. Related to that is the question of *who benefits from this mobilisation*. Of course there are the members of an organised social group who might gain (or suffer) from their efforts. However, we later document the considerable economic differences and stratification among the people in our study region. This includes differences between those who have control over land or the benefits derived from land, and others who have to earn a living from working as agricultural or construction workers, or as labourers looking after cattle. How much mobilisation around land benefits the latter, as well, largely depends on the nature of the conflicts that led to mobilisation. To date, we have not come across mobilisation by, say, labourers alone. We did find mobilisation by small farmers and tenants, even though the category of tenant has a completely different meaning in Sri Lanka from that in other places, for instance, India. After all, most agriculturalists in our study region operate their land as tenants of the state under LDO permits (see Section 6.1).

Besides these larger questions, we will, in our concluding chapter, address more directly the main fields of query and discussion that triggered our research curiosity around land conflicts. These are:

Land conflicts and markers of identity: Our first research curiosity concerns the constitution of the *social groups* involved in land conflicts, and the second addresses the *nature of these land conflicts*. Our findings show that these two dimensions are closely related. In most of the cases, predominantly *professional* and/or *material concerns* compelled people to join hands. Of course, non-material concerns around local land

control also triggered public action. But we argue that in *none of the cases did the ethnic identity suffice* to explain the emergence of land conflicts, even though we found that the ‘ethnic’ war led many to use references to ethnic identity as a strategy to justify claims. For example, we illustrate that most administrative delimitations were made in places with Muslim majorities. Of course, appeals to ‘the ethnic’ were used (see more on this below) to strengthen professional, material, and non-material claims and interests, but it was the latter that were at the centre, including the concerns of cattle herders about losing access to grazing grounds in Wattamadu, or concerns over the confusion of administrative responsibilities, just to mention a few.

The state – a weak state? Our third research curiosity concerns the nature of the *state that these social groups encounter* at the grassroots level. The case studies outlined above provide some illustrations of the heterogeneity of the state at the local level, and we will further elaborate on this using the already mentioned notions of ‘local state’ and ‘state system’. But our insights also prompt a consideration of the actual influence of the state on the ground. We will attempt this by critically engaging with Spencer’s notion of the “weak state” (1990: 220):

Legally, the control [by the Sri Lankan State] is strong; practically – administratively – the State’s ability to exercise it is relatively weak. (...) The bulk of the population has to *confront the State in order to gain access to the means of its own reproduction*. The gap between the State’s legal pretensions and its real power privileges those with secure access to the State – *the politically connected* (...). (emphasis added)

Indeed, this notion of the ‘weak state’ helps us to critically engage with our insights. In addition, these thoughts also resonate, to some extent, with an important concept in research on social mobilisation, namely the idea of *political opportunity structures*. Just as a teaser, Kriesi (2004: 70) proposes the hypothesis that:

The greater the separation of power between the legislature (parliamentary arena), the executive (government and public administration), and the judiciary, as well as within each of these powers, *the greater the degree of formal access and the more limited the capacity of the state to act*. (emphasis added)

We have already noted that in several of our studies, we discovered that ordinary people encountered an array of offices, bureaucrats, regulations and files in their everyday practice. We also document many instances where this leads to confusion over actual entitlements to land and land use, and we see the limited capabilities of the state at the

local level to enforce its confusing array of directives – a weak state indeed. But there is also a ‘strong state’, and we will mention this further below.

Practices of public action: Spencer’s statement that the “bulk of the population has to confront the State in order to gain access to the means of its own reproduction” and Kriesi’s “the greater the degree of formal access” lead us to our fourth research interest, i.e. the *practices and forms of mobilisation and public action* that diverse social groups employ. We came across practices such as the mobilisation of (different) courts, the use of networks/patronage, and the selective engagement with components of the state system. Indeed, we will argue in our discussion that the diversity of separate state entities on the ground *forms a specific kind of resource* – i.e. institutional resources, so to say. If we look at the grassroots level, it becomes obvious that these institutional resources offer themselves as sites of strategic engagement. After all, if this court does not favour you, why not go to the next?

Searching and using networks with “the politically connected” is a central practice to “gain access to the means of its own reproduction” (Spencer, see above). As a matter of fact, such networks surfaced in all of our cases, and the insights we gained help us to dig deeper into the phenomenon of ‘patronage’, a practice that is often portrayed as:

(...) a perverse and backward political practice [with patronage being] a relation between two unequal persons, one of whom holds the upper hand. Patrons are wealthier, politically more potent or otherwise privileged, and they control what others need or want, making their clients at best dependend and at worst oppressed. (Piliavsky 2014: 3, 5)

We will argue that this normative qualification of patronage indeed offers an important point of departure, but that its focus on the patron risks (in the case of our study region) the erasure of the practical and material importance of such relations for the ‘ordinary people’. It also risks masking the agency of ordinary people in actively searching and engaging in such networks. We again refer to Harriss (1984: 322; see Section 6.8), who noted that settlers in irrigation schemes *articulate* their problems, which:

(...) prompts interventions by politicians who *have to respond* to appeals from groups of their local supporters in order to maintain their own position.
(emphasis added)

The state – a strong state? So far we showed our critical engagement with the proposition of the ‘weak state’ at the local level – illustrated by many of our empirical insights. But at the same moment, this proposition needs qualification, and we discuss two such issues.

The first concerns the *actual direct influence* of the central Sri Lankan state on land issues. This is often voiced around the Gal Oya project (perceived as a ‘colonisation scheme’), the Bakmitiyawa Forest Reserve (perceived as colonisation by means of environmental arguments), and the delimitation of administrative units and electorates (perceived as extending the agenda of the strong state through gerrymandering). Indeed, the central state had, and does have, enormous influence in all these three cases, and it would be futile to disagree with these established facts. Yet, based on the empirical insights we gained from our studies, we are inclined to suggest the need to critically engage with, and to differentiate, the notion of the ‘strong state’. For this, we will compare and contrast the three instances of state-people engagement at hand (the Gal Oya scheme, the forest reserve, and delimitation) with our detailed insights into the actual processes at the grassroots level. This leads us to propose that establishing a direct causal link between a ‘strong state’ and land conflicts on the ground risks simplification, and that such simplification risks further supporting the notion that land issues and conflicts as a purely ideological battle ground.

The second issue concerns the *indirect influence of the ‘strong state’* on land issues. In most of our studies, people organise because of their concerns with land as a material resource. To gain support for their concerns, they engage in arguments around their professional needs, their traditional rights, and they even invest in court cases. Our interviews and observations showed that ethnic identities are invoked as well. Indeed, so we argue, many do not shy away from instrumentalising the *ethno-political discourse*. In Section 1.4 above we noted that ethnic markers of identity were being produced as proof of being marginalised or disadvantaged. We will later refer to the Secretariat for Muslims (2015: 8) which proposes that:

(...) virtually all grievances pertaining to administration and local administration are invariably articulated in ethnic terms as discrimination on count of an administration biased or belonging to the ‘other ethnic group’.

We propose that this understanding helps us to critically differentiate between the core material concerns around land, and the *discursive framing* of these concerns. In the latter, we agree with researchers who highlight the role of “political entrepreneurs” (Herring and Agarwal, 2006) in influencing these frames, which at time can lead to “orchestrated antagonisms” (Hasbullah and Korf, 2005). These are, of course, complex and intensely

debated concepts and intellectual representations of conflicts in eastern Sri Lanka, and to engage with them would go far beyond what our insights would allow. What we attempt to do is discuss our empirical insights through, again, the notion of the ‘state system’, and linked to that, the *state idea*. We will introduce these concepts later, as they offer very interesting entry points for grasping concrete, grassroots-level, everyday realities.

Conceptualising the negotiation of access to land: To conclude this brief preview of our study, our empirical experiences indeed hint at an enormous *density of contestations around land* in eastern Sri Lanka. These contestations are often triggered by very specific material concerns linked to people’s everyday livelihoods. The specificity of concerns leads those individuals directly affected to join their peers and to form *specific social groups*. Therefore, we do not find one single homogeneous group of peasantry, as “(...) people simply do not have the same interests” (see Harriss 1984, above). The mobilisations of these ‘interest groups’ are motivated by the search for solutions to their concerns, and as we showed again and again, there is not one concern around land, but many. The search for such solutions requires a repertoire of practices of struggle, such as working through *courts*, and *networking with politically influential figures*. And it requires people to strategically engage with the *ambiguous local state*. Thus, we do not find ‘peasant movements’ in the strict meaning of the term. What we find is an array of differentiated mobilisations and struggles around specific concerns, i.e. “local, and highly variable forms of contentions” (Kriesi 2014: 67). These contentions do not aspire to have “transformative potential” to “reshape social relations” towards “substantial structural change” (see Barker et al. 2013 further above). But they are concerned with everyday challenges and are thus crucial to people.

But first things first. Let us now enter the field.

2 The context of our study region

2.1 Introduction

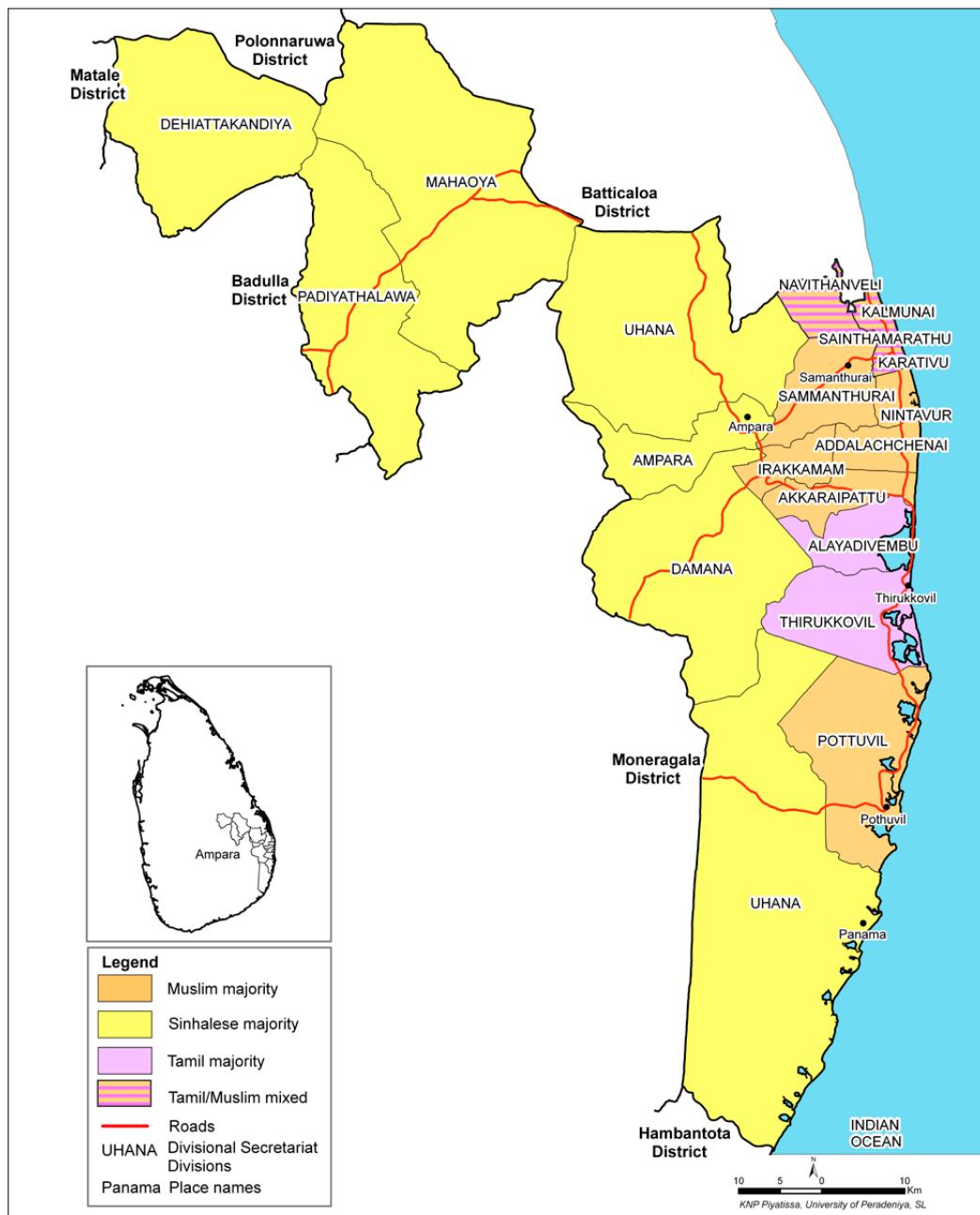
Akkaraipattu/Alayadivembu is located (today) in the district of Ampara in Eastern Sri Lanka (see Map 1 and Table 2). The notion of Akkaraipattu, though, carries several connotations. By way of introduction, it refers to an earlier, larger administrative unit that has since been sub-divided into different smaller units. Today, Akkaraipattu is the name of one such Divisional Secretariat (D.S.) Division only. Until 1985, today's Akkaraipattu D.S. Division also included the present Alayadivembu D.S. Division. These two Divisions are ethnically separated in a very striking manner along the main road that leads in a western direction towards Ampara Town. Akkaraipattu (on the northern side of the road) is almost exclusively populated by (Tamil-speaking) Muslims, while Alayadivembu on the road's southern side is home to (Tamil-speaking) Tamils, most of them Hindus, but with some Christians among them. Today, only a few Sinhalese live here, although Sinhalese are the dominant group in the adjacent D.S. Division of Damana to the west. Beyond this administrative connotation, Akkaraipattu also refers to an urban settlement area that sprawls across the two divisions,¹⁷ and to a certain identification that people have with the larger region within and beyond the present D.S. Divisions. This understanding is (as we will see later) important in the context of land-related social mobilisation.

A few remarks are required on the broader context within which these two Divisions are located. In view of our research interest around land-centred social mobilisation, we

¹⁷ In a legal sense, the notion of 'Akkaraipattu town' refers to one section of the Akkaraipattu D.S. Division only, that is, the Akkaraipattu Municipal Council area (see Section 5).

The context of our study region

Map 1: The district of Ampara in eastern Sri Lanka



Source: Population Census of 2012; for figures see Table 2

mention four such contextual issues: (i) the change in land use over the last few decades; (ii) the ‘ethnic’ war, (iii) the 2004 Tsunami, and (iv) the enormous density of developmental interventions by the state, the private sector, and international donors.

2.2 Changing land use

Agro-ecologically, the island of Sri Lanka is divided into the southwestern Wet Zone and the northern and eastern Dry Zones. Tamil-speaking people live primarily in the North, along the eastern coast and in the tea estates of the island’s central hills, while Sinhalese are the majority in the rest of the country (south, central, and west). During the last decades, though, the construction of major irrigation schemes and other usually informal movements towards the north and the east changed the ethnic composition and distribution of people and land use patterns across the entire territory. This is the case in our region as well. Maps 2 to 5 give an overview of this spatial setting and its changes. Box 1 suggests how to read these maps, and Appendix 10.1 gives details on the map sources and the mapping process.

A quick, first glance (with more details to follow): Until the early 1950s, land use in this part of Sri Lanka was characterised by paddy cultivation and cattle farming by Muslims and Tamils along the east coast, and paddy and *chena* cultivation by scattered Sinhalese *purana* villagers in the interior part towards the west (see Map 2). The jungle and scrub area between these social groups was sparsely populated but played an economic role for everyone: it provided pastures for cattle and served agricultural production through rain-fed *chena* cultivation.

While paddy land along the east coast and some old irrigation tanks set in the interior (used by Tamil-speaking people and Sinhalese) were private deeded land,¹⁸ almost all of this jungle was state land. As a matter of fact, even today, 82% of the total land in Sri Lanka is reported to be under the control of “the Crown” (World Bank 2008: 1; Law & Society Trust 2015: 1).¹⁹ This indeed makes Sri Lanka a very specific case when compared to other countries in South Asia.²⁰ The enormous influence of the state dates back to 1840, when the then colonial rulers declared all land not privately owned as Crown (or

¹⁸ See Section 6.1 for the meaning of deed land.

¹⁹ This figure includes forest areas, wildlife parks, agricultural land given under permits, land reserved along road and canals, etc.

²⁰ This specificity also calls for great care regarding the use of analytical categories usually applied in South Asian research on land issues and agrarian change. We already hinted at the very different meaning of, for example, the notion of ‘tenants’.

Box 1: A note on how to read Maps 2, 3, 4, and 5

These maps give a birds-eye view of our study region and show some of the changes that have taken place over time. Map 2 shows the land use situation in around 1952, Map 3, in 1956, Map 4, in 1968, and finally Map 5, in 1981. Land use has of course continued to change since 1981, but we did not find reliable recent maps from which we could extract these changes. There are satellite data available (e.g. on Google Earth), but a reliable mapping including field checking was beyond the scope of the present study.

To the west (that is, on the left side of the maps), the large irrigation tank called Senanayake Samudra can be seen. On the 1968 map, other new tanks constructed by the Gal Oya project are visible. Going through the maps, we then see the gradual construction and extension of the canal irrigation network from these new tanks towards the east.

The colour green indicates lands used for paddy cultivation. The extent of these lands is quite small in 1952, and is mainly concentrated along the stretch from north to south that follows the densely populated east cost. However, maps for subsequent years indicate the enormous growth of paddy land. The maps also show that a new crop arrived in the region, sugarcane, and that quite a large portion of land is allocated to this crop.

Differently dotted black lines on the maps show how the region is divided into administrative units. In 1952, there were very few such units. But when we go through the maps of 1956, 1968 and 1981, we can see the enormous increase in the number of such units. These processes are further illustrated in Map 9.

State) land, bringing around 90% of all land under state control. It was only in 1935 that the then state decided to re-distribute this Crown land to ‘the peasantry’ by passing the famous Land Development Ordinance (LDO) No. 8 of 1935 (Land Watch Asia 2011: 220). However, land was not sold to peasants; it was instead allocated on lease for specific periods. In our region, the jungle shared between the Sinhalese villagers (whose inhabitants – as we learned from our interviews – often spoke Tamil as well) in the west and the Tamils and Muslims in the coastal east was state land, and this resulted in a potential land reserve which the state authorities in charge could allocate for agricultural production. Already the colonial state was involved in making such land *formally* accessible, but it was especially the post-independent state that accelerated this process. In addition, though *informally*, many people already had occupied much land on their own – and this informal process called *encroachment* has continued. We understand that such encroachments already happened in earlier (pre-Gal Oya project) times in our region, leading to tensions between resident Sinhalese *purana* villagers and in-migrant Sinhalese from the Kandy region (Moore 1985: 197).

The paddy tract in the coastal belt just north of our study region was known as the Pattipola Aru scheme (see Map 2), and by 1948 was “the largest paddy cultivation scheme in the Island” (Government of Ceylon 1970: 5).²¹ To provide flood control to this scheme and to irrigate new land, work started in 1949 on the construction of a new dam across the Pattipola Aru / Gal Oya River (both names are in use) near Inginiyagala to the west of our study region.²² Two major canals were supposed to bring the water to new paddy fields, i.e. the *Left Bank Canal* to lands located north-east around Sammanthurai, and the *Right Bank Canal* to lands in the south-eastern areas towards Akkaraipattu. Map 3 shows the places where the construction of the canal begins. But it also shows (compared with Map 2) that new paddy lands emerged in the jungle area. We assume that these were mainly encroachments, but it may also be that the One Inch map we used for the 1952 situation did not yet show all the formally developed paddy land that existed at that time. The Gal Oya scheme was further extended with the construction of additional storage tanks and the restoration/expansion of existing ones (see Map 4).²³

Thus, paddy lands (much of it under deeds) that were formerly rain-fed or dependent on limited tank water irrigation were now assured irrigation water for two seasons annually, and large tracts of new land were *aswedduised* and thus ready to be allocated under LDO permits.²⁴ In addition, a major part of the newly developed land along the Right Bank canal was allocated for sugarcane cultivation (Map 5), and a sugarcane factory was established at Hingurana, close to Ampara (see Section 6.3 for details).

The Gal Oya scheme radically changed the regional economy. New urban places emerged as well, such as the town of Ampara. Following the then dominant spatial planning approaches,²⁵ Ampara was designated to become a new regional growth centre, or growth hub. Infrastructure was developed to stimulate the emergence of non-farm activities. An important marker was the establishment in 1956 of the Hardy Senior Technical

21 The Irrigation Department’s homepage notes that this scheme was among the first that were taken over in 1900 when this Department was formed (see <https://tinyurl.com/ydx65kn8> (accessed October 2016)).

22 According to the Government of Ceylon (1970: 5), the plan to build a dam in this locality was already launched in 1936 by the then Director of Irrigation J.S. Kennedy. The core intention at that time was flood control for the Pattipola Aru Scheme (see also Peiris 2017).

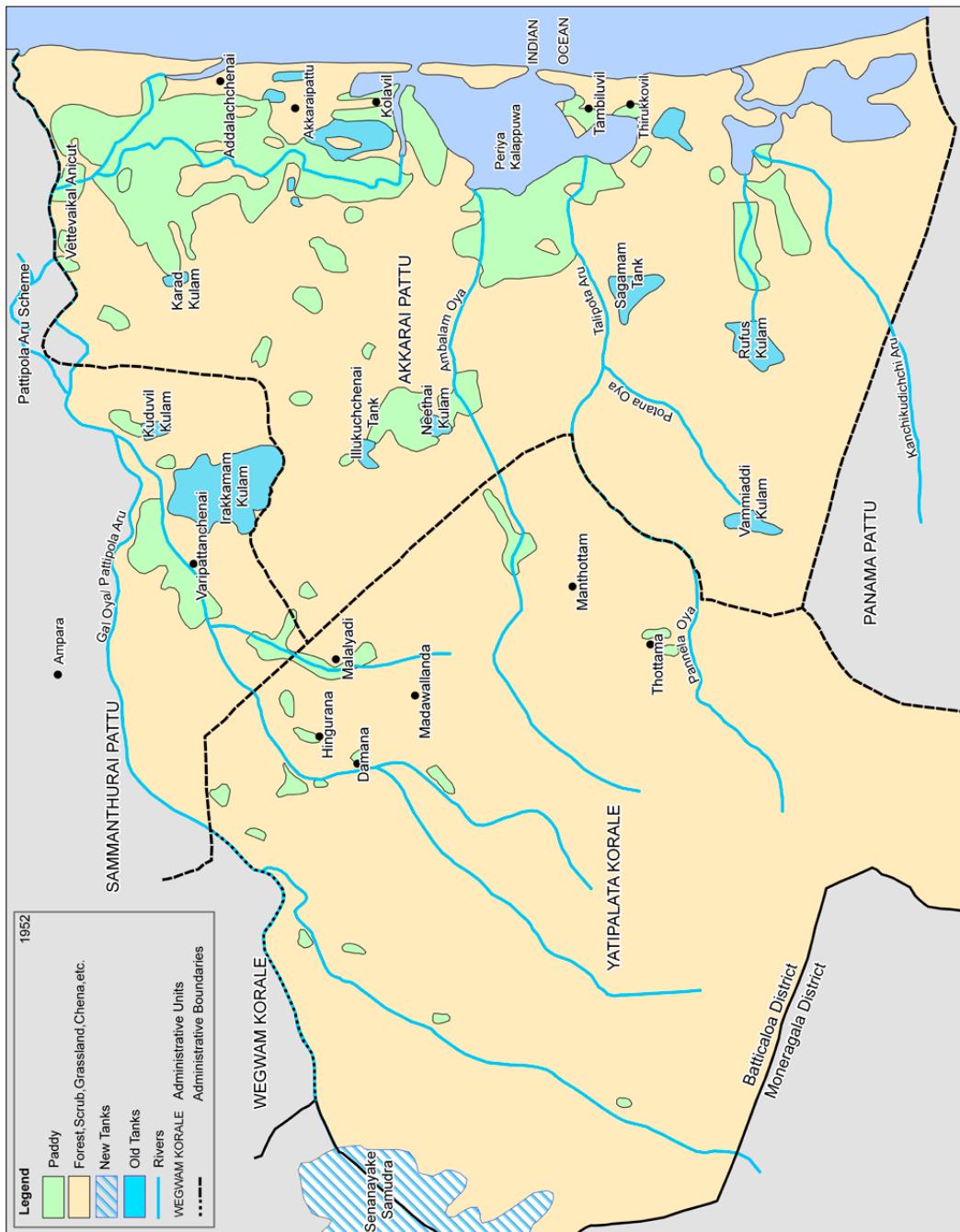
23 According to the homepage of the Sri Lanka Irrigation Department, the Right Bank area is 11,500 ha, River Diversion covers 13,000 ha, and the Left Bank 25,000 ha, totalling 63,455 ha. See <https://tinyurl.com/y7b7ouza> (accessed mid 2014).

24 To *aswedduise* means “to prepare land for paddy cultivation by levelling and construction of bunds” (Farmer 1980: xiv).

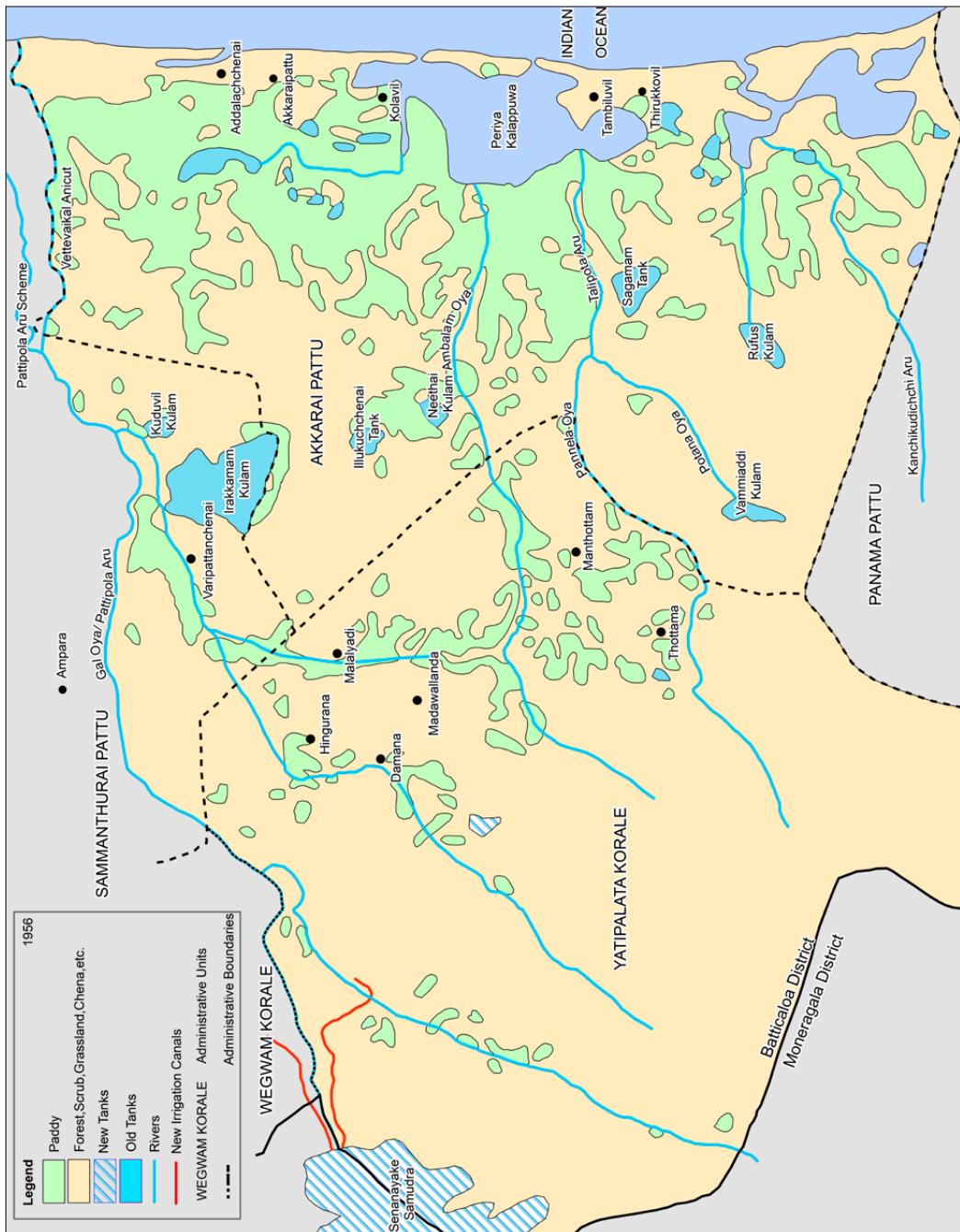
25 See related publications during the 1980s in the journal “Development Planning Review”, published by the Department of Town & Country Planning, University of Moratuwa, Sri Lanka.

The context of our study region

Map 2: The larger study region around 1952

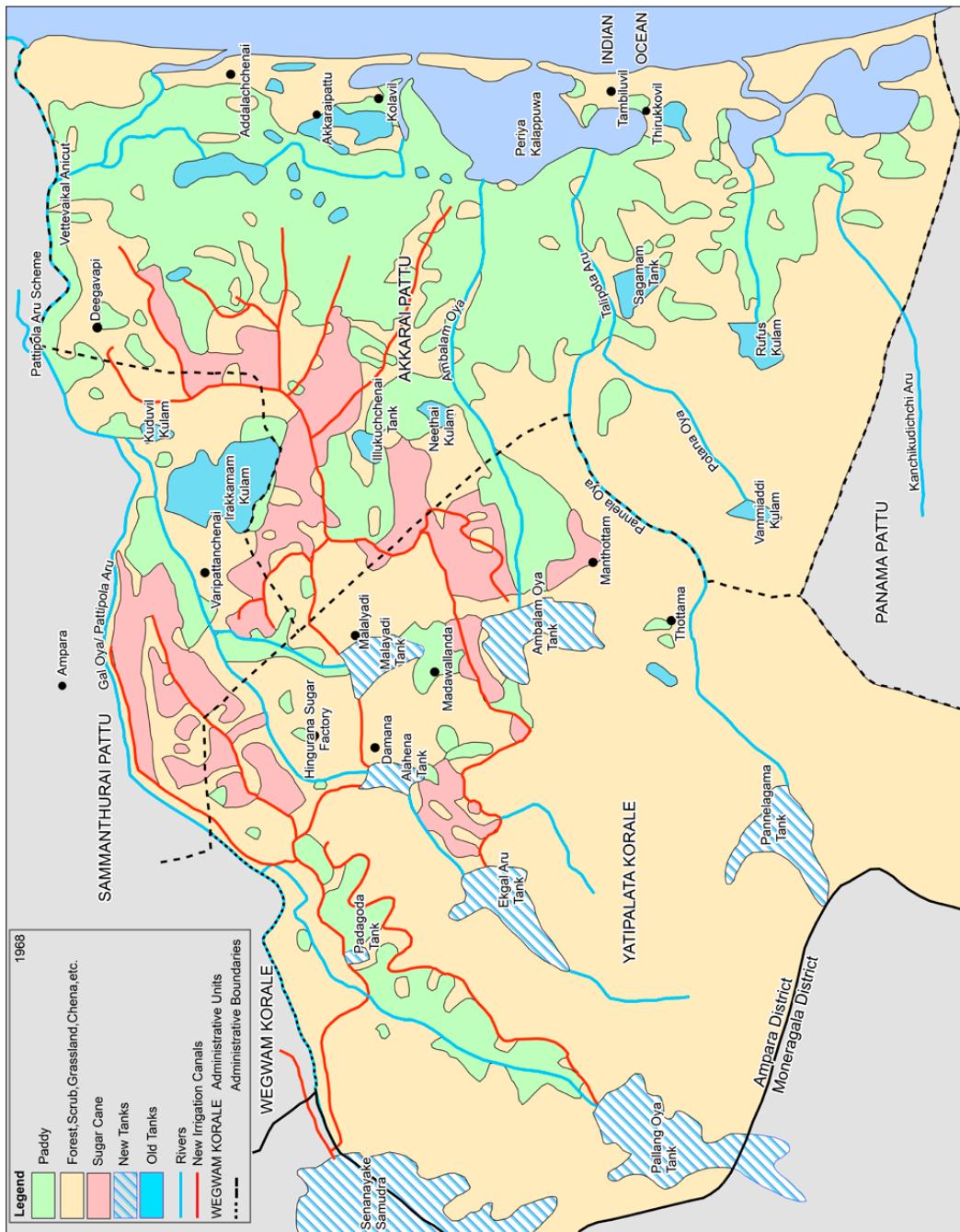


Map 3: The larger study region around 1956



The context of our study region

Map 4: The larger study region around 1968



Map 5: The larger study region around 1981

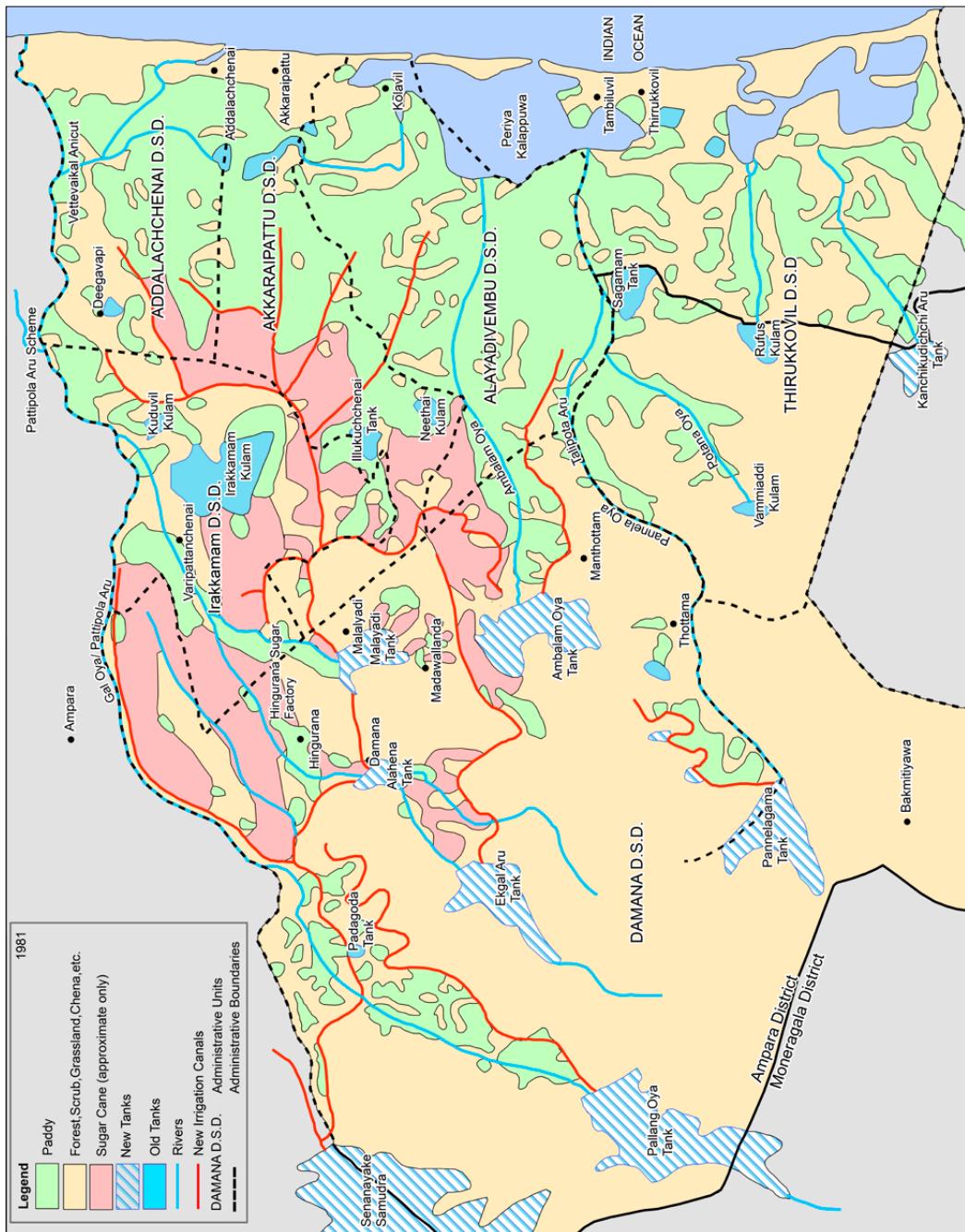


Table 1: Population increase in eastern Sri Lanka

Year	Batticaloa district	
1891		122,700
1901		145,200
1911		153,900
1921		158,700
1931		174,900
1946		203,200
1953		270,500
Batticaloa district		Ampara district
1963	196,100	211,700
1971	256,700	272,600
1981	330,300	388,900
2001	517,800	589,300
2012	525,100	648,100

Source: Department of Census of Statistics, Census Years.

Note: The Ampara district was established in 1961.

Institute with support from the Colombo Plan.²⁶ The Institute mainly trained engineers and agricultural staff.²⁷

Much of the jungle area between the Sinhalese in the west and the Muslims and Tamils in the east gave way to arable land. While many benefited, others had to face difficulties, as land needed for cattle grazing or *chena* was lost. Especially Tamils and Muslims (but also Sinhalese settlers) had to search for alternative pasture land (see Section 8.1). Living conditions for the initial settlers were harsh, and there are reports that many left soon after. Specific problems emerged for the *second generation*, that is, the children of the initial settlers, as there was no land available for further distribution, and existing farms were small in size (see Section 6.5).

Not only did the land use system change, but so did the larger composition of social groups when defined according to ethnicity. Newly irrigated land in the eastern part mainly went to Muslims and Tamils (see Section 6.4, which deals with the question of

²⁶ The Colombo Plan for Cooperative Economic and Social Development in Asia and the Pacific was launched on 1 July 1951 as a cooperative venture for the economic and social advancement of the peoples of South and Southeast Asia. It still exists (see <http://www.colombo-plan.org>; accessed May 2017).

²⁷ It is now called the Hardy Advanced Technological Institute; see <http://www.hardyati.edu.lk> (accessed June 2016).

Table 2: Population distribution by D.S. Divisions, Ampara District, 2012

D.S. Division	Sri Lankan Moor	Sinhalese	Sri Lanka Tamil	Burgher	Indian Tamil, Malay, etc.	Total
Addalaichchenai	38,948	2,218	942	30	27	42,165
Akkaraipattu	39,016	165	35	7	0	39,223
Alayadivembu	22	228	22,014	129	18	22,411
Ampara (Namal Oya)	133	43,177	172	45	193	43,720
Damana	137	38,302	28	5	17	38,489
Dehiattakandiya	108	58,948	67	0	505	59,628
Irakkamam/Eragama	13,084	938	350	0	1	14,373
Kalmunai (Muslim)	44,306	124	66	1	12	44,509
Kalmunai (Tamil)	2,376	231	26.564	490	52	29,713
Karaitivu	6,753	13	9,891	123	1	16,781
Lahugala	1	8,253	645	0	1	8,900
Maha Oya	42	20,655	15	2	1	20,715
Navithanelvi	6,399	153	12,101	9	10	18,672
Nintavur	25,347	8	969	2	3	26,329
Padiyathalawa	87	18,091	28	0	3	18,209
Pottuvil	27,213	881	6,581	3	71	34,749
Sainthamaruthu	25,389	5	17	0	1	25,412
Sammanthurai	53,114	297	7,178	1	6	60,596
Thirukkovil	2	100	25.055	1	29	25,187
Uhana	7	58,231	32	1	5	58,276
Total	282,484	251,018	112,750	849	956	648,057

Source: Department of Census and Statistics (2012): Population Census 2012

who within these larger groups really benefitted). The new land in the western part of the district was allocated to Sinhalese settlers who worked on the Gal Oya scheme, had encroached into state land earlier, or came from the south-western regions of Sri Lanka. Tambiah (1996: 83) notes that: “Although the colonists were ethnically mixed, the Sinhalese colonists were spatially separated from the local east coast Tamils and Muslims”. Exact figures on the number of settlers and their ethnic background, though, are contested. The fact is that currently, the Damana D.S. Division to the west of our study region is almost exclusively populated by Sinhalese, and the ones in the east, by either Tamils or Muslims. In referring to the Ampara district, Peiris (1991) notes that:

Table 3: Timeline of major events

Year	Major events in Sri Lanka and East Coast	Major events in our study region
1948	Feb. 4: Independence of Ceylon	
1950s	Gal Oya irrigation project	
1961	Creation of a new Ampara district	
1960s	Sugarcane cultivation starts in Gal Oya	
1971	JVP insurgency	
1977	J.R. Jayawardene elected as Prime Minister	
1983	July riots; Eelam War I begins	Most Sinhalese leave Akkaraipattu
1985		April 12 (Tamil New Year): Akkaraipattu market burnt down; many Tamils displaced to Kanchikudichchi Aru, Panakadu, etc.
1987	Indo-Lanka accord; Indian armed forces (IPKF) in North and East 13th Amendment to the Constitution; North-Eastern Province formed Creation of local government through <i>Pradeshiya Sabhas</i>	
1988	Premadasa elected as President	
1990	IPKF leaves Sri Lanka; renewed hostilities between army and LTTE (Eelam War II); establishment of army camps along the east coast Muslims expelled by LTTE from the North Kattankudy mosque, Eravur Muslim massacres in the east	LTTE attacks Akkaraipattu police station Tamils displaced to Thirukkovil; disappearance of Tamil youth LTTE attacks power transformer in Kolavil, kills 6 army officers
1993	Premadasa killed; new President Wijetunga	
1994	Kumaratunge elected as President	
1995	Eelam War III	
1999	Kumaratunge re-elected as President	
2001	LTTE's unilateral declaration of ceasefire	
2002	Feb. ceasefire agreement signed	April: LTTE opens political offices in the east November: LTTE celebrates hero day
2004	Rajapakse elected as Prime Minister December 26: Tsunami	People along the coast affected badly by Tsunami
2005	Rajapakse elected as President	Nov. 17: Attack on Akkaraipattu mosque Renewed Muslim-Tamil riots in Akkaraipattu
2006	Split within LTTE; eastern cadres under Karuna Amman alias Muralitharan Eelam War IV	Continued tension; many people from Kolavil, Akkaraipattu, Alayadivembu move to Trincomalee district
2007	End of war in the East De-merger of North-East Province	Many youths disappear
2008	Central government's "Rise of the East" (Eastern reawakening/development) programme	Army arrests many youths; most released

2008	Eastern Provincial Council elections	
2010	Rajapakse re-elected as President	November, December: severe flooding
2011		Akkaraipattu declared as a Municipal Council
2012	Eastern Provincial Council elections	
2016	January: Sirisena elected as President	
2017	Eastern Provincial Council dissolved	

[facts] confirm the view that in some of the Administrative Districts (...) the recent increase of the Sinhalese population has been an important cause for the decrease of the Sri Lankan Tamil share of the population.

The total population living in Ampara district increased enormously (see Table 1). Table 2 shows the demographic details for our region, which was part of the Batticaloa district until 1961 (see Section 4.2). We are of course not inclined to adopt a Malthusian perspective on land use dynamics, but at the same time it would be futile to ignore the enormous challenges that this population increase represented for all involved, *not least to the various government departments expected to care for the good of the citizens*. We should recall that mainstream development discourses in the 1960s and 1970s circled around the notion of the ‘developmental state’; i.e. that the new, postcolonial nation state had to care for its people. And people expected and demanded this support.

2.3 The civil/ethnic war

The origin, spread and responsibility for the ‘ethnic tension’ in Sri Lanka are subject to intense debate and controversy. One argument – specifically regarding the Ampara district – is that the influx of a large number of new Sinhalese settlers disturbed the region’s previous ‘ethnic balance’. What we can observe in our study region is that, between 1951 and 1983, a series of violent incidents involving Sinhalese and Tamils were reported from Inginiyagala close to the Gal Oya dam, from Ampara Town, the Hingurana Sugar Factory, and other localities. Rather often, these incidences are described in general terms as conflicts between ‘Sinhalese’ and ‘Tamils’, or as consequences of the ‘majoritarian state’s frontier’, but without reference to possibly more complex underlying dynamics. The analysis of these root causes goes beyond the purpose of the present study, but it might be interesting to re-visit, in a separate attempt, the discussion of the *assumed causality*, or the complexity of the causalities, between Gal Oya settlement and

ethnic violence. Horowitz (2001), Moore (1985) and Tambiah (1996), for example, write about other political dynamics that might have contributed to the outbreak of violence in the Gal Oya region. They refer to the wider, growing tension as a consequence of the ‘Sinhala Only’ legislation (introduced in 1956), but also highlight the shocking consequences of rumours (Tambiah) or the involvement of Gal Oya labour (Tambiah, Moore, Horowitz). Horowitz mentions the tension at the time between the Minister of Agriculture, Philip Gunawardene, and the Minister of Lands, C.P. de Silva. Both of these Ministers were involved in intense and competitive trade unionism around the Gal Oya sugar factory. Recently, Anjit Kanagasundram, son of the 1950s chairman of the Gal Oya Development Board (G.O.D.B.), wrote that the “communal bogey raised its ugly head and the Gal Oya workers, instigated by Minister Philip Gunawardana after the Galle Face *satyagraha* by the Federal Party politicians, rioted against the Tamil staff in G.O.D.B.” (Kanagasundram 2016).²⁸

In July 1983, riots erupted across all of Sri Lanka. In the Ampara region, hundreds of Tamils, Muslims and Sinhalese were displaced. Ampara Town lost almost all of its once significant Tamil population. Subsequent conflicts further escalated and triggered an outright war in the north, reaching the eastern coast as well, and, thus, our study region. Up to around 1990 or the Eelam War I (Table 3) the LTTE operated more as a guerrilla entity with no direct control over larger territories. However, after 1990, it gained control over the area from north to south roughly along the border between the Damana D.S. Division and the D.S. Divisions towards the east (see Map 5). Attacks were launched out of this controlled territory, specifically towards the army-controlled east coast. The state’s armed forces attempted to recapture this space, and as a consequence, the mid 1990s were a period of all-out war fought between government forces and the LTTE that led to loss of lives, a large number of displaced people, and problems in accessing land for cultivation.

In 2002, a Cease-Fire Agreement was signed between the LTTE and the government, paving the way for peace talks. There was a sense of relief among many in our region. Sri Lankan and international NGOs started ‘post-war reconstruction’ activities. The LTTE was legitimised through the Cease-Fire Agreement and an area under their control was demarcated (though not on maps), while other areas were controlled by government forces. Tensions between the two armed forces continued, restricting peoples’ mobility (see Section 6.6 for the consequences to local land disputes), and hostilities between the warring factions broke out again in late 2004. The war in the east finally ended in 2007, and in Sri Lanka as a whole in May 2009.

28 See Peiris (2017) for a critique of Kanagasundram (2016).

As Peluso and Lund (2011: 675) note, conflicts around land need not, but can be linked to violence, and the experience of violence. Many people in our region experienced outright violence during the war, and many were not able to cultivate their land. This kind of violence has since ceased, but what about memories of fear? Peluso and Lund (2011: 675f) state that violence can be “(...) a residual threat, and (...) may be present only as ominous potentiality, a memory, in small scale, or appear in erratic, irregular forms, [but] it frequently shapes access to and exclusion from land”. This, of course, is a very difficult issue to assess, and we agree with Herring who wrote that “(...) no materialist account can explain the depths of rage and desperation that cause neighbours to turn on one another (...)” (Herring 2001: 166). We can only try to grasp the role that memories of fear might have on contemporary land issues. For this we can, for example, differentiate between generations:

Grandparents: First, those we may call the present generation of the elderly (or present-day grandparents; just to give a face to history), people who were young when the Gal Oya scheme arrived in the 1950s and when the sugar factory at Hingurana was an important economic and political factor. How much, or which facets of their experiences and sufferings do they still remember?

Parents: People who are now parents, and who grew up during the conflict and war period of the 1980s to the 2000s. This is, most likely, the economically most active section of the population – including those for whom land is an important means of production. They have still very vivid memories of the problems created by ‘the others’ in accessing their land during the conflict.

Youth: And, finally, today’s youth, who were born during the latter part of the conflict, who experienced the Tsunami, and who are now entering (or have entered recently) the labour force. How did they learn about the conflict and the violence from their parents and others? And how does this affect their perception of those who were involved in violence?

2.4 The 2004 Tsunami

After Aceh in Indonesia, Sri Lanka was the second-most affected place by the Tsunami of 26 December 2004, with many deaths and the destruction of large areas along the coast. Ampara was the hardest hit district. Almost everything along the coastline was destroyed – and these are traditionally areas with high population densities. As a consequence, the coastal belt where Tamils and Muslims live suffered more than one-third of all Tsunami-related deaths in Sri Lanka.

Unaffected neighbouring villagers across ethnic lines were the first to provide help. They buried the dead and brought the survivors together. The help offered locally by people continued across ethnic, religious and linguistic boundaries, and at the time, people felt that any perceived differences between communities were of no significance. A wave of assistance then came from different parts of the world through funds and organisations. However, soon after the Tsunami, peace talks between the government and the LTTE were on the verge of collapse and reconstruction activities came to a standstill. Efforts were taken to continue support, and the “Memorandum of Understanding for the Establishment of a Post-Tsunami Operational Management Structure” (PTOMS) was signed between the state and the LTTE. Many felt that PTOMS could be considered as a progressive mechanism for rebuilding community relationships; however, the momentum for reconciliation quickly lost power. Renewed hostilities terminated recovery activities, and the flow of aid did not have the expected impact at the ground level (e.g. restrictions on use and allocation of funds, ad-hoc activism by NGOs, and generally a poor involvement of the local population). Some of the resettlements of affected people became major political issues as well (e.g. the Nuraicholai Tsunami housing; see Spencer et al. 2014).

2.5 Development interventions

To understand the relation between the state and local mobilisation, it is also pertinent to look at the role played by national and international development interventions. In fact, soon after independence, many of the then emerging development agencies in the global North became active in Ceylon, ranging from the Colombo Plan to the World Bank. Based on the non-alignment politics followed by later governments, aid came from the West, the then East, and the Non-Aligned.²⁹ Aid flows increased dramatically after 1977, and they have continued unabated from the civil war until now.

The east of Sri Lanka received foreign support, like the rest of the country. For long periods, aid meant international support to government departments to undertake specific development interventions. Later, following aid policy trends, non-governmental organisations (already existing NGOs, but often newly emerging ones) working along a mainstream development discourse received support as well. They played an important role during the war and the Tsunami. Since the end of the war in the east in 2007, large flows of aid have resumed, and a major part of these funds have gone

²⁹ For details up to 1962, see Sievers (1964).

to government departments at the central and provincial levels.³⁰ Often mentioned is the then government's attempt at an "Eastern Reawakening" through huge infrastructure projects. Many multilateral (e.g. World Bank, ADB, EU)³¹ and bilateral donors (e.g. Japan) supported projects in the East, though not directly linking them to the "Eastern Reawakening" vision (ICG 2009: 2f). We will later consider numerous examples where such donor support influenced local conflicts around land in the Akkaraipattu region.³²

In sum, we argue that each and every government department in one way or the other was, and is, supported by international aid. We do not argue that such support determines the policies and practices of state departments, rather that they influence them, though probably in different ways. To mention just one instance of such an influence, when we visited a member of a *Pradeshiya Sabha*, his office table was filled with documents from a recent seminar organised by the World Bank on strengthening local governance.

Besides state and donor interventions, private sector entities too have played a considerable role in the economic sphere. We argue that their role, though, is rather under-researched compared to state and donor activities. An exception is the recent critical debate on the role microcredits play in aggravating the grievances of poorer people (e.g. Kadirkamar and Kadirkamar 2018).

Indeed, our region has witnessed enormous changes and challenges over the past decades, and many of them have affected issues of access to land, conflicts around land, and related patterns of social mobilisation, though *differently at different times*. Following Li (2014), these changes produced – at any given time and location – specific *conjunctures* or structural conditions with which people had to engage. In addressing the challenges presented by our studies later on, we need to pay adequate attention to these contextual conditions or conjunctures that link larger processes within and beyond Sri Lanka to our specific study localities.

³⁰ A list of such projects is given on the homepage of the Eastern Provincial Council; see <http://www.ep.gov.lk/EPSProjects.asp?Gid=PRP-WB> (accessed June 2016).

³¹ ADB: Asian Development Bank; EU: European Union.

³² Herring (2001: 143) explicitly linked aid to the ethnic conflict by arguing that the large inflow of aid "exacerbated ethnic tensions through their effects on patronage and ethnic territoriality".

3 The study region of Akkaraipattu and Alayadivembu

We have highlighted the overarching dynamics of economic and social change in our study region. We also hinted at the many sufferings that people of different social groups had to face through pioneer settlements, the war and the Tsunami. And of course this wider context and its changes over time strongly influenced access to land as well – but did it *determine* such land conflicts (as the ethno-nationalist discourse argues)? Or did it *influence* them while leaving room for other forces, contingencies, local dynamics, and local peoples' agency?

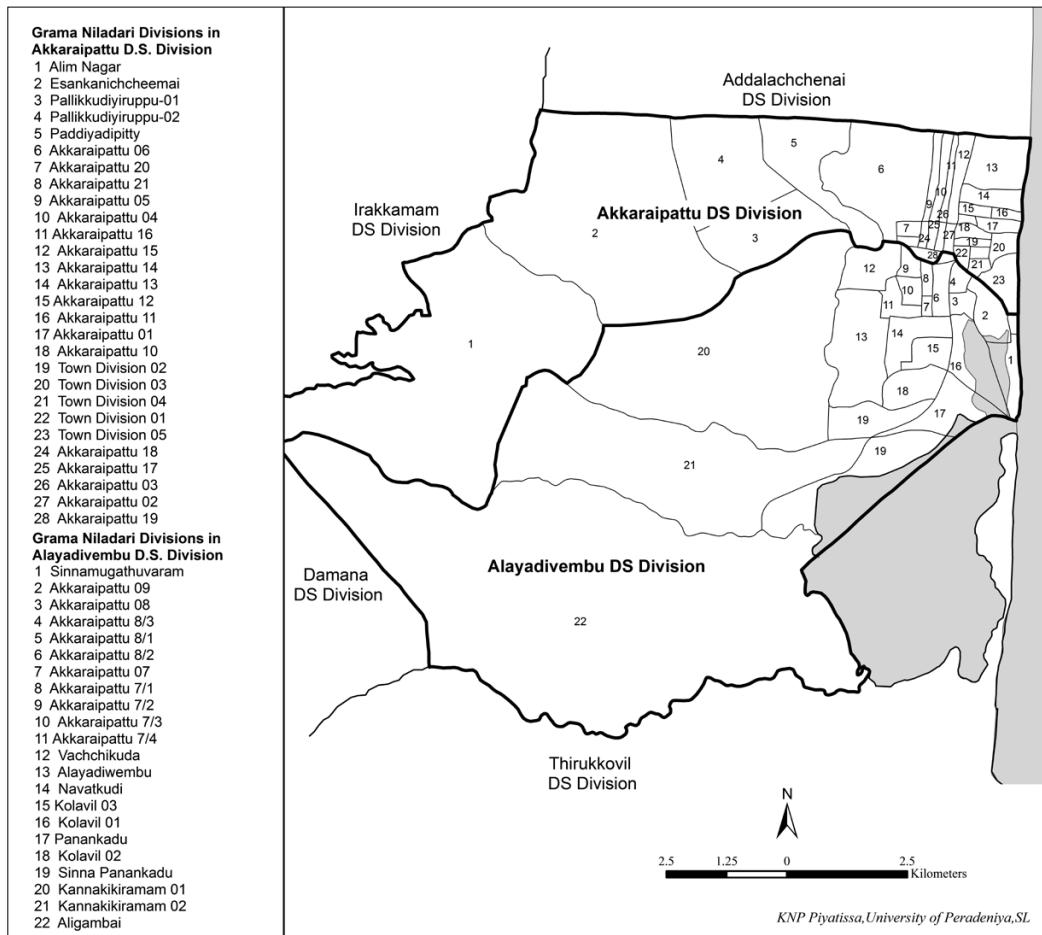
These are the questions we address through the five case studies on land disputes briefly introduced in Section 1.6. All these cases except one are located within the two D.S. Divisions of Akkaraipattu and Alayadivembu (see Map 6). And each study will show a specific ‘coming together’ of social groups, their interests and organisations, and their interactions with each other and the state. To contextualise these dimensions, some background information is required. We begin with a glance at the people, how they can be stratified according to different markers of identity, and some of their social relations. We then describe the range of local organisations we are able to identify.

3.1 The people – distribution and ethnic identities

Map 7 shows the population distribution in 2012. The densely populated stretch along the sea is clearly visible, even across the administrative boundary between the two D.S. Divisions. A majority of the inhabitants live in this part. The main road from north to south passes through this urban area. Due to the density of commercial enterprises and shops along this road, fewer people live along this stretch. The map also shows that only

The study region of Akkaraipattu and Alayadivembu

Map 6: Administrative divisions of Akkaraipattu and Alayadivembu in 2014

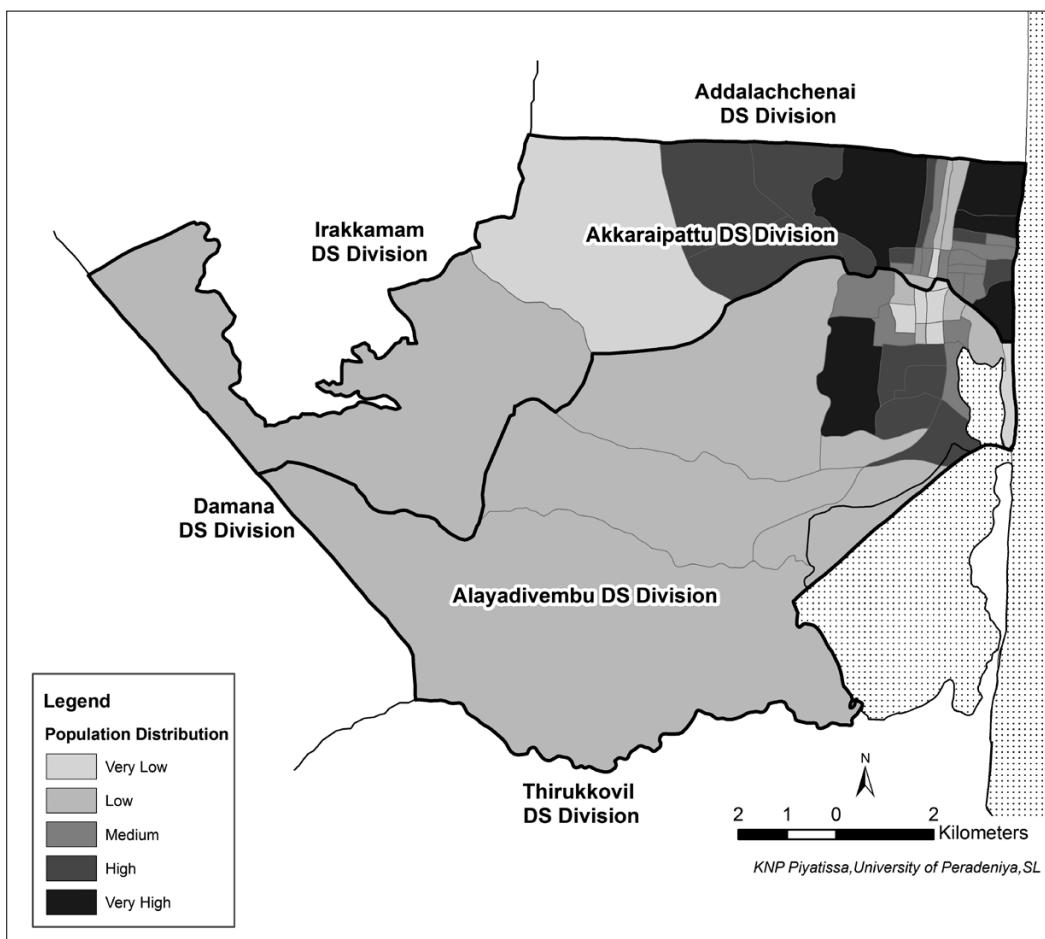


Source: Grama Niladari map, Survey Department of Sri Lanka, 2012

few have their permanent residences in the areas towards the west, where land is generally used for agriculture (see Maps 2 to 5). The narrow strip between the sea and the paddy lands along the east coast has become more and more built-up through the extension of housing in recent decades. Compared to the 1950s, almost all the other land available in the two D.S. Divisions has been made accessible to agriculture, especially paddy cultivation and (in the western parts) sugarcane.

The boundary between Akkaraipattu and Alayadivembu (generally following the main road that links the central Clock Tower junction of Akkaraipattu town with the

Map 7: Population distribution in 2012



Source: Information booklet of the Statistics Branch, Ampara Kachcheri, 2012

district capital of Ampara Town) represents a sharp border between social groups defined in terms of their ethnicity. While the Akkaraipattu D.S. Division is almost exclusively populated by Muslims,³³ the Alayadivembu D.S. Division is home to Tamils,

³³ Historically, Muslims have identified themselves with the Sunni school of Shafi'i sect of Islam (McGilvray 2007: 11). Today, we find similar trends among Muslims worldwide, trends promoted by reformists and revitalising groups (e.g. Tablighi Jamaat; see Klem 2011). However, Muslims and Tamils in Akkaraipattu share a long history of intermarriage and a shared matrilineal social structure (McGilvray 2007: 6).

most of them Hindu, and some Christian. Only a few Sinhalese Buddhists live within Alayadivembu, who originally arrived in the 1960s from areas like Matara and earned their living as small traders. Some married across ethnic lines. With the violent conflict, though, many left the area to settle in Ampara Town. Nevertheless, there is still an active Buddhist temple. Sinhalese are the dominant group in the adjacent Damana D.S. Division to the West.

3.2 Making a living

Little statistical data is available on the *economic realities* in the north and east, as official surveys were not undertaken during the conflict period (ADB 2009: 3). Table 4 provides some intimation of the broader picture. In Sri Lanka as well, agriculture has lost importance over the last decades owing to a growth in the secondary and tertiary sectors. In the Eastern Province, including our study region, agriculture nevertheless remains more important than the national average, and it still employs a larger percentage of the labour force. The service sector, though, has grown considerably. For official statistical purposes, it is divided into sub-categories: (i) transportation, storage, communication (mail and telecommunications); (ii) wholesale and retail trade; (iii) banking, business services, insurance, real estate; (iv) public administration and defense; and (v) private, social and community services. Although no detailed figures are available, public administration and defence occupied (at the time these figures were written) a greater share in the Eastern and Northern Provinces of Sri Lanka compared to other provinces (Sarvananthan 2007: 11). The other sub-sectors are closely related to agriculture. One can see the high level of economic activity when one travels today through the Ampara district and its eastern coastal area. Towns like Ampara and Akkaraipattu seem to be prospering and growing, with many shops and consumer goods. Cavalon (2012: 4) interviewed businessmen in Ampara and asked them about the economic dynamics they observe:

(...) physical factors: completion of highways; the absence of security checks, travel permits, and intrusive inspection of parcels and loads; new construction; greater freedom of movement for businesspeople and their customers; and *farmers returning to their land*; and (...) new business practices: shops extending their businesses to rural areas; mobile traders selling to villagers; more aggressive lending by banks; extensive vehicle leasing; a dramatic increase in beauty services; and the availability of electronics and household appliances on easy credit terms. (Cavalon 2012: 4; emphasis added)

Photo 2: Hindu temple, Mosque, and Buddhist temple in the Akkaraipattu region



Photos by S. Hasbullah and A.R. Jesmil, 2017

Table 4: Economic macro-indicators

Economic sector	Sri Lanka		Eastern Province	
	1985/86	2004	1985/86	2004
Agriculture				
Share of GDP / PGDP	28%	18%	n.d.	33%
Share of employed population	49%	31%	52%	38%
Industries				
Share of GDP / PGDP	26%	26%	n.d.	28%
Share of employed population	18%	25%	15%	17%
Services				
Share of GDP / PGDP	46%	56%	n.d.	39%
Share of employed population	33%	45%	33%	46%

Note: PGDP: Provincial Gross Domestic Product (GDP)

Source: Compiled from Sarvananthan (2007)

Table 5: Agricultural households and holding sizes, Ampara district, 2002

	Households	People
Total population (Ampara district) 2001		589,300
Agricultural households 2002	54,440	238,016
operating < 02 acres	13,475	55,006
2 to <05 acres	32,946	144,640
5 to <10 acres	6,996	33,146
>10 acres	1,023	5,224

Source: Department of Census and Statistics (2007a): Sri Lanka, census of agriculture 2002, small holding sector, all island tables.

What we see less while travelling, though, are those who cannot share in the present economic boom. This general picture of the east is reflected in our study area as well. People make a living from agriculture, in the secondary sector (industries) or in services, or often from *combinations of these*. Just two examples from our interviews:

A middle-income Muslim couple has four children. The husband completed A-level and received a job in the Colombo harbour on the basis of his support of the Sri Lanka Muslim Congress (SLMC). He then received compensation from the Harbour Corporation, which he invested in a tractor and harvesting machines. The family received some land as *dowry* from their daughter's

father-in-law. The husband is member of the local Rural Development Society and the Tractor Drivers' Association (interview in 2014).

A very poor Muslim household consists of five members, i.e. woman and her husband, her mother-in-law, and two daughters. The house is in very poor condition, and the household has no other land. The husband works as a tractor driver on a daily wage basis, the mother-in-law, as an agricultural labourer, mainly in paddy. The mother-in-law receives *Samudhri* support, and the household has also received support from NGOs, as well as *zakat* (interview in 2014).³⁴

As shown in Table 5, agriculture (mainly paddy and cattle farming) is still an important livelihood source. This table also highlights that agricultural holdings are rather small. And even within the agricultural sector, economic activities have diversified significantly in recent decades. According to the Agricultural Census of 2002 (Department of Census and Statistics, 2007a: 34f), out of the 54,440 households reporting to cultivate land, 11,859 declare themselves as "part time operators". In addition to agriculture, they earn incomes from diverse skilled and unskilled occupations (see Appendix 10.5 for details).

Labour market opportunities have also changed. Just as an example of labour market changes, we look at the introduction of the paddy combined harvester in 2002-2003 (Sireenthaj et al. 2010: 281). This machine replaces manual labour for the harvesting of paddy, and was introduced, among others, due to lack of labour (also as a consequence of the 'civil' war), and to save cost. However, many agricultural labourers lost their seasonal and manual jobs as a result. As the labourers did not possess the required skills to operate the new machines, Sireenthaj et al. (2010: 284) report that initially, specialised labour was hired from India. Overall, though, we were not able to find more recent research that addresses these economic changes in the material sphere and their consequences to the potential winners and losers (including its gender dimension).

There is an 'ethnic' dimension to these economic structural changes as well, as they affect established social relations. The service sector (with many 'white collar' jobs) for example is more pronounced in the Muslim areas. Tamils on the other hand are often agricultural labourers, or working on construction-related projects (skilled and unskilled) in Muslim areas.³⁵ Many also try to find employment in the Middle East (especially Muslim

³⁴ Zakat describes a payment made annually under Islamic law on certain kinds of property. It is often used for charitable purposes.

³⁵ Describing the pre-conflict situation, ICG (2008: 7) write that: "There are also long-established practices of joint paddy cultivation between Muslims and Tamils and other forms of economic

men and women). Maqwool et al. (2010: 207) found that in some areas of the Ampara district, most of the Tamils were less educated and had fewer financial resources:

(...) most of the Tamils could not get a job that needs educational skills. Thus, they engaged in paddy farming as the major income earning source and *working as a labourer was the major OFI [off farm income] for them*. Most of the *Sinhalese farmers were self-employed*. Especially, they had a shop, rearing animals or cultivating crops. Farm income advantageous to Muslim farmers and disadvantageous for other two groups especially, for Sinhalese due to low landholding (5 acres) they had. Muslims were running small businesses that generate higher income; also most of them were employed in occupation that needs educational skills. (Maqwool et al. 2010: 207; emphasis added)

3.3 The people – socio-economic identities

While each of the two D.S. Divisions is rather homogeneous in terms of the ethnic and religious identities within its boundaries, a glance at economic stratifications reveals considerable heterogeneity. Here, we address issues of poverty and inequality.

The state emphasises the definition of *poverty lines* to deal with the challenge of economic inequalities. Sri Lanka officially differentiates between poverty lines at the national, provincial and district levels (Table 6), and these are relevant for the state's welfare schemes. Indeed, Sri Lanka has a long tradition of state-sponsored welfare. The *Samurdhi* scheme is the present incarnation of this long tradition. It was introduced by the People's Alliance government in 1995³⁶ to replace similar earlier schemes. *Samurdhi* is an income support scheme targeting initially the poorest 30% (Bastian 2011: 22) to cover basic needs and allow for initial saving towards income generating activities. A range of other state welfare support schemes exist aside from *Samurdhi*. Table 7 shows the number of *Samurdhi* recipients in our study area according to 2009 data. More recent data can be found on the homepage of the Sri Lankan Samurdhi Authority, where the Excel sheets list each and every recipient ("head of household name") with his/her National Identity Card number, bank account number, and amount received as per May 2015 (when we last visited that homepage). These sheets give the names of 3,875 recipients in the

cooperation and interdependence". We argue that this statement is misleading, as it does not consider aspects of landowner-labour (class) relations.

36 See <http://www.samurdhi.gov.lk> (accessed October 2016).

Table 6: Official poverty lines in Rs./month per person

Year	National	Eastern Province	 Ampara District
2002	1,423.-	-	-
2006	2,142.-	2,229.-	2,181.-
2011	3,226.-	3,373.-	3,290.-
2015	3,815.-		3,858.-
2017			4,440.-

Source: Department of Census and Statistics, 2004, 2018³⁷

Table 7: Beneficiaries of social support schemes in 2009

	Akkaraipattu D.S. Division	Alayadivembu D.S. Division
Samurdhi beneficiaries (% of total families)	40.1 %	58.3%
Beneficiaries of government social services (% of total families)	8.9%	17.3%
Female-headed households (% of total families)	17.5%	23.2%

Source: Statistical Handouts, Kachcheri Ampara, 2009

D.S. Division of Alayadivembu, and 4,071 in the Akkaraipattu D.S. Division.³⁸ Thus, the percentage figure is higher in the Tamil-dominated Alayadivembu D.S. Division. Here, the share of female-headed families and families receiving special assistance for disabilities is higher as well. Thus, official data show a *considerable extent of poverty* in the area, and a *marked difference between the two Divisions*.

The spatial dimension of inequality

We conducted our own survey to deepen our understanding of the socio-economic stratification. For each of the *Grama Niladari* (G.N.) Divisions, we collected the number of *Samurdhi* recipients from the D.S. office (data valid for 2009). We also collected information on the general situation regarding social status, land ownership, occupation and condition of housing through selected interviews in each of the G.N. Divisions. Based on the insights gained, we then grouped the G.N. Divisions into rough categories. There

³⁷ For the most recent data see: http://www.statistics.gov.lk/poverty/monthly_poverty/index.htm (accessed January 2018).

³⁸ See <https://tinyurl.com/y8txyhum> (accessed October 2016).

are of course considerable variations within each G.N. Division, but as mentioned, these are approximations and they provide (in the absence of other data) only a general picture. The categories we use to stratify the local population are more economic than political-economic, as the latter would focus more on the social relations between the groups. However, such a relational stratification would require specific research, which we were not able to undertake in the context of the present study.

Our survey results are summarised in Table 8 and given in detail in Appendix 10.2. They show that at an aggregate level, the (Muslim-dominated) Akkaraipattu D.S. Division is wealthier than the (Tamil-dominated) Alayadivembu D.S. Division. However, there are considerable differences within these divisions in peoples' capacities to manage their livelihoods, though homogeneous in terms of 'ethnicity'. Indeed, especially at the fringes of the settlement, we find poorer sections. Compared to Alayadivembu, where caste plays an important structuring role in the social sphere, in Akkaraipattu this role is played more by control over assets, especially the control of land (see also McGilvray et al. 2007: 7) and livestock. Our observations also suggest that *kuddy* (a matrilineal social system) though still important in relation to mosque issues, play less of a role, for example, when it comes to marriages.³⁹ A good qualification or higher education is increasingly considered more important than one's *kuddy* status.

This is different in the Alayadivembu D.S. Division, where caste continues to play an important role. Most importantly, however, it restricts access to land, as farming is seen as the privilege of the *vellalars*. In recent years, though, some service caste members have been able to access land as owners as well (McGilvray, personal communication May 2016). A main part of the population is linked to the *vellalars* through their service caste position, and they work for them at least part of the time. Others have to find labour opportunities elsewhere. We understand that there is also little interaction between these social groups, as is evident in the case of marriages – which seems to affect upwards mobility as well. It is especially sections of the Muslim population that have been able to benefit from education.

An important facet of the local political economy are the *labour relations* between Muslims and Tamils (an issue we will come across in many case studies on land conflicts later on). Tamil labourers have long worked for Muslim employers, be it in agriculture or construction (e.g. as masons, carpenters, painters) and as barbers. Tamil workers are considered professional and available close-by. Many state that the relationships were of an equal and respectful nature, though some of the service-related occupations were considered inferior in selected interactions. During the conflict and war period, these

³⁹ We also understand that *kuddy* is not very present in the new settlement area of Muhammadiya.

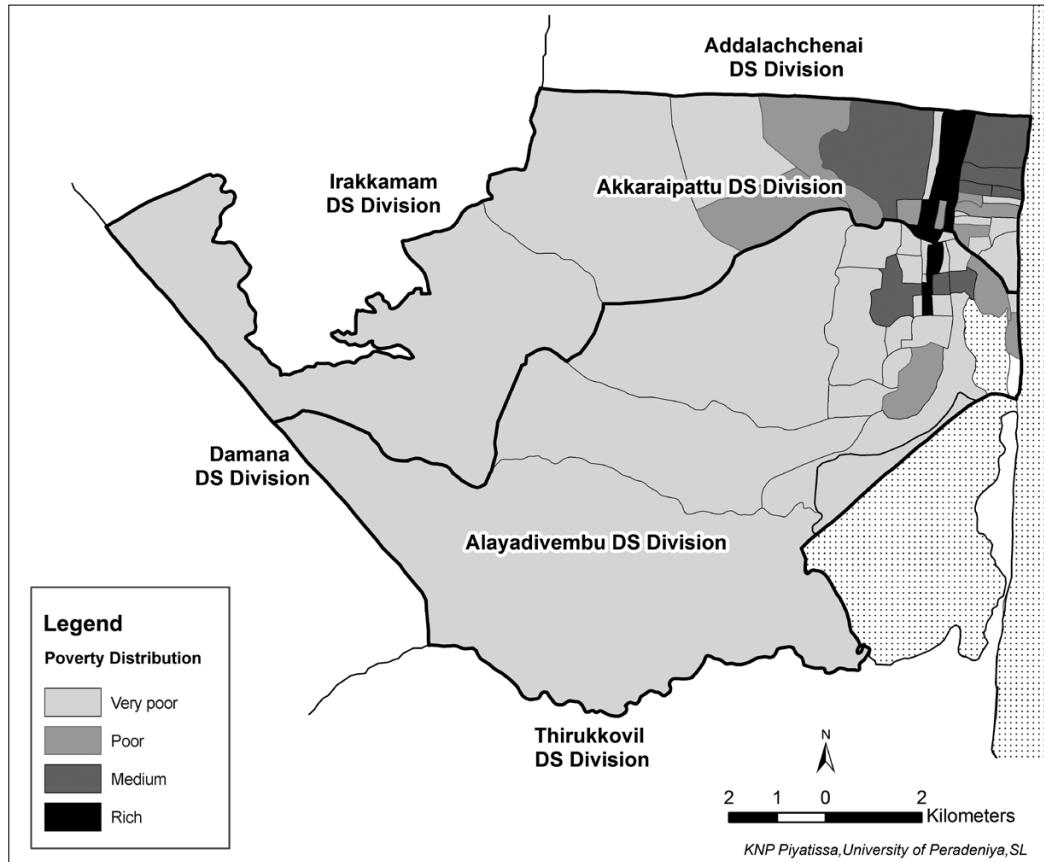
Table 8: Socio-economic overview

	Description	Akkaraipattu	Alayadivembu
The 'rich'	Large land owners (<i>podiyars</i> , often absentee); professionals Politically, socially powerful Obtained access to new land under the Gal Oya scheme, increasing their economic opportunities Live in old settlement areas in the centre	Around 20% of the D.S.D.'s population	Around 3 % Usually upper caste (<i>mukkuhar, vellala</i>)
Middle income category	Smaller land holdings Benefitted from education ('new rich'); many professionals, government employees Live in the centre, but houses less posh than the 'rich'	Around 23%	Around 13% Mostly <i>vellalars</i> , mostly Hindus and some Christians
The 'poor'	Small plots of land	Around 28% Earlier in the centre, but shifted to the town's border areas due to increase in land prices Being in border areas, more vulnerable during the war	Around 18% Widespread unemployment Some went to Middle East
The 'very poor'	Generally low income; earning a living from manual labour; generally landless; lower education levels Many lived alongside the sea and thus were exposed to the Tsunami	Around 31%	Around 65% Often service caste (washermen etc.); others work in construction in Akkaraipattu Some live outside the main settlement, e.g. Kolavil, Panankadu, Aligambe (see Map 6)

Source: Survey undertaken in 2011

economic interactions were partially interrupted for a while, but, as we were informed, many were renewed when tensions subsided.

Map 8: Economic status in 2011



Source: Survey undertaken in 2011 (see text for survey method)

3.4 Perceived inequalities

Also of interest is the perception of one's own socio-economic conditions, and related to that, the subjective identification of social groups suffering from inequality: who is considered poor, and who is considered responsible for one being poor? As a matter of fact, we will see later that this *perception is often mobilised in conflicts over land*. We first refer to the perception by the local state, taking the example of the D.S. Division of Akkaraipattu. Its Secretariat lists a number of “developmental needs” of its citizens (see Appendix 10.3), highlighting issues of education, health and unemployment. Similar

descriptions can be found for other D.S. Divisions as well. All of them address material issues and apply a developmental language with a focus on the socio-economic identity of people with no reference to ethnic identities.

This is different in the perception of the citizens themselves. As Fonseka and Raheem write (2010: 23):

Even if the Government is aiming to promote development with an eye towards local needs, it will have to tackle the issue of perceptions, where development programs are perceived to advantage a particular constituency or community.

Indeed, these are points we need to keep in mind when describing our case studies. We can definitely argue that the war from the mid 1980s to 2007 has deepened ethnic frictions, and thus heightened the importance of ‘ethnic identity’. But there were precursors to this. From the time when the new district called Ampara was carved out from the Batticaloa District in 1961, Tamil-speaking communities (i.e. Muslims and Tamils) located along the costal belt felt disadvantaged – or were perhaps made to feel that by some ‘leaders’ (again a point to keep in mind). They perceived state resources as being allocated disproportionately to Sinhalese in this new district. The establishment of the new district’s capital in Ampara Town, which is far away from the population concentration along the coastal belt, was held up by some as evidence of this. *Within* this eastern costal belt of the Ampara district itself, though, perceptions differed between Tamils and Muslims. One issue that was commonly mentioned to us concerned the location of public infrastructure, such as educational facilities. Muslims and Tamils from the south-eastern part of the Ampara District’s coastal belt felt disadvantaged because most state facilities were concentrated in the north-eastern part, particularly around Kalmunai Town. Beyond that, Tamils had always felt that Muslims were more powerful and influential, and thus always dominated political decision-making (we will revisit this in Section 4). And finally, *within the Muslim community*, identities of place (i.e. where people reside, live, and feel ‘at home’) play a considerable role, as we will demonstrate in our first study on administrative delimitation.

3.5 Local organisations

The challenge of definition

Our study region of Akkaraipattu/Alayadivembu is a complex social arena with a population that is *stratified along many markers of identity*, ranging from ethnicity to religion,

caste, class, and locality.⁴⁰ What kinds of organisations exist (if at all) that may influence the agency of these diverse social groups in their efforts to improve access to land and living conditions in general?

To define and classify this array of organisations is a challenge of its own. In Section 1.4, we discussed that peasant movements or other forms of peasant organisations were perceived as generally absent in Sri Lanka. We also remarked upon discussions around non-governmental organisations or NGOs. All these are established typologies, and they are often helpful in analysing processes of rural mobilisation. However, these are also *normatively loaded categories*. ‘Peasant movements’ are often associated with left-wing politics, though there are many organisations of farmers (e.g. in India) that do not subscribe to left-wing politics (see the debate on ‘New Peasant Movements’; e.g. Ray and Katzenstein 2005). NGOs in turn are often associated with neo-liberal development policy, although there are many entities labelled as NGOs that are very critical of neo-liberal development agendas. For example, Udan Fernando (2007: 106) notes that the notion of NGOs can cover very different forms of organisations:

Contrary to the liberal economic argument of the appropriation of NGOs as gap-filers and contractors of welfare, what emerged in the eighties was a small but strong and vociferous NGO community in Sri Lanka.

We therefore decided to use a more open, and (we hope) less normative approach to understand forms of local mobilisation and organisation. For this, we used mainly two criteria: (a) in what kinds of organisations or associations do people from Akkaraipattu and Alayadivembu consider themselves as members, and (b) to which organisations or associations do they refer when talking about episodes of local mobilisation? We find that in most instances, the organisations mentioned had a certain degree of formalisation, visible in a name, and that they often had office bearers, and more or less spelled-out objectives and activities. Using this approach, we do not have to worry about the demarcation of the ‘non-governmental’; as we show below, quite often, local organisations are in one way or the other linked to the state, and thus are not, strictly speaking, ‘non-governmental’. However, in many instances, and despite some links to the state, the organisations show a considerable independence, even critically engage with the state, and are thus involved in “non-governmental public action” (Spencer et al. 2014: 8).⁴¹

⁴⁰ We use ‘class’ more as a statistical category, and not in its original relational sense. This is due to lack of more detailed insights into the actual realities of social relations in our study region. It would also need a considerable effort to re-discuss the adequacy of established categorisation of classes along classic Marxist terminologies.

⁴¹ See Winslow (2002) for a critical analysis of the relation between state and cooperatives.

We finally decided on the typology shown in Box 2. This classification is one entry point to grasp local complexity. But there can be many overlaps. Farmers' Organisations, for example, can act highly politically in their efforts, beyond the more technical aspects usually ascribed to them. Still, this typology helps us go beyond the rather mainstream categorisation that describes all local forms of groups as 'non-governmental', or as NGOs, while at the same time shoehorning them into the neo-liberal corner (see also Bastian 2011: 3).

Following our broad understanding, we found a whole array of local organisations, most of them formally registered in some way with government agencies. Summaries of these organisations are given in Table 9 for the Akkaraipattu D.S. Division, and in Table 10 for the Alayadivembu D.S. Division. More background details on the different types of organisations are given in Appendix 10.4.

Excursus: Peasant movements

A brief note on 'peasant movements' is due. To recall, Moore (1985) and others propose that in Sri Lanka, these are conspicuous by their absence.⁴² Indeed, such larger organisations were not even mentioned during our survey in Akkaraipattu/Alayadivembu.

Still, there were and are organisations elsewhere in the country that might be categorised under a label similar to 'peasant movements'. Udan Fernando (2007: 104) refers to the All Ceylon Peasant Congress that emerged during the late colonial period, in close association with the then Communist Party (see also Karunan 1992). For the 1970s and early 1980s, the Sri Lankan Worker's and Peasant Institute is referred to, in which Newton Gunasinghe played a central role.⁴³ Then, the mid 1980s and the emergence of 'neo-liberalism' saw rather intensive struggles involving land grabbing (though this notion was not yet used at that time) by multinational companies. One important struggle took place in Moneragala, where the Booker Company cleared large tracts of land for sugarcane.⁴⁴ Many Sri Lankan organisations (and some of their international partners) became involved in this struggle. Udan Fernando (2007) argues that the government's crushing of the 1980 trade union strikes was a severe blow to such movements, as was the JVP insurgency in the late 1980s. The latter targeted many activists of peasant-related groups. Some were even killed, and others joined the (emerging) platform of NGOs. One

42 Uyangoda (2000), describing social movements in Sri Lanka, does not explicitly refer to peasant groups, but argues that peasant interests were being incorporated into nationalist politics.

43 Newton Gunasinghe was a senior lecturer in the Department of Sociology at the University of Colombo, and an important Marxist scholar.

44 See Gunewardena (2010), who applies a feminist political ecology approach to analyse the consequences of this venture on women.

Box 2: Typology used to classify local organisations

- Farmers' Organisations (as registered through Agrarian Services Department or Irrigation Department)
- Other professional associations (e.g. traders, tractor drivers)
- Rural Development Societies (incl. Women's Rural Development Societies)
- Multipurpose Cooperative Societies
- Religious organisations (by various religious denominations)
- Organisations related to educational services
- Political organisations (esp. local branches of parties)
- Sports organisations
- Women-specific organisations
- Non-governmental organisations (known locally, and named, as NGOs)
- Traditional and cultural forms of associations

Photo 3: An example of a local organisation



Photo: S.H. Hasbullah 2016

Translation of text on the photograph: Activities: 01. Library; 02. Provides loan applications; 03. Provides savings applications; 04. Loan recovery; 05. Accumulation of membership savings; 06. Childrens' activities, 07. Conducting awareness and other meetings.

Table 9: Organisations of Akkaraipattu D.S. Division around 2012

Category of Organisation	Name of Organisation	Total No.
Farmers' Organisations		59
Other professional associations	Jewelry Shop Owners' Associations	01
	Fishermen's Associations	01
	Traders' Associations	01
	Tractor Owners' Associations	01
	Tractor Drivers' Associations	01
	Washermen's (<i>dobby</i>) Associations	01
	Weed removers' Associations	01
Rural Development Societies (RDS)		41
Multipurpose Cooperative Societies (MPCS)		12
Religious organisations	Mosques	33
	Madarassas (Arabic College)	06
	Quaran Madarassas	35
	Other religious organisations	05
Education	Private Tuition Centres	05
	Private pre-schools	37
	Other educational organisations	06
	Teachers' Associations	19
	Old Boys' Associations	05
	School Development Boards	19
Political	Ruling Parties (in 2011)	03
	Opposition Parties (in 2011)	04
Sports	Sports Clubs	45
Women's Association		02
Local NGOs		44
Traditional and cultural	Kuddy	many
	Literary Associations	03

Source: Based on our field data collection, 2011

example is Sarath Fernando, who formed MONLAR (Movement for Land and Agricultural Reform) at the beginning of 1990 as a “network of farmer Organisations, NGOs and people's Organisations in other sectors”.⁴⁵ He himself confirms that no great peasant movement has existed in Sri Lanka yet (personal communication, early 2014), but also wrote that “[while] a strong and consistent farmers' movement does not yet exist...”,

45 See <http://monlar.lk/> (accessed 2014).

Table 10: Organisations of Alayadivembu D.S. Division around 2012

Category of Organisation		Total No.
Farmers' Organisations		30
Other professional associations	Jewelry Shop Owners' Associations	01
	Fishermen's Associations	04
	Teachers' Associations	12
	Traders' Associations	01
	Tractor Drivers' Associations	01
	Washermen's (<i>Dhoby</i>) Associations	01
	Weed removers' Associations	01
Rural Development Societies (RDS)		46
Multipurpose Cooperative Societies (MPCS)		08
Religious organisations	Temples	18
	Churches	03
	Other	none
Education	Private Tuition Centres	07
	Private pre-schools	24
	Others	06
	Old Boys' Associations	03
	School Development Boards	12
Political	Ruling Parties (in 2011)	03
	Opposition Parties (in 2011)	05
Sports	Sports Clubs	32
	Others	04
Women's Association		06
NGOs		30
Traditional and cultural	Kuddy	Many
	Literary Association	01

Source: Field data collection, 2011

still farmers struggle for proper prices for their goods or against land going to foreigners (Fernando S., 2007).

At present, we find MONLAR involved, among other things, in the struggle of people in Panama, south of our study region, against a government-sponsored tourism project.⁴⁶ We will also meet MONLAR in our study on Wattamadu (see Section 8). Sarath Fernando died in 2016. The present Director, Ms. Sumika Perera, recently received the United

46 See <http://monlar.lk/righttolands.html> (accessed October 2016).

Nations N-Peace Award (Engage for Equality, Access, Community and Empowerment) for 2016.⁴⁷ MONLAR is the main Sri Lankan member of La Via Campesina.⁴⁸ At present, we also find press reports regarding an All Ceylon Peasant Association (ACPA, The Island 2016), also mentioned as All Ceylon Farmers' Federation (The Sunday Leader 2016) or All-Island Farmers Federation (AIFF, The Sunday Times 2016). Led by JVP politician Nimal Karunaratne, the group for example protested in early 2016 against the lack of paddy purchase through the Paddy Marketing Board. They also refer to protest actions having taken place in Ampara (The Sunday Times 2016). Finally, we mention the Peoples' Alliance for Right to Land (PARL), which defines itself as:

(...) a voluntary coalition of civil society organizations and individuals, working together against land grabbing and for housing, land and property rights of poor and marginalized communities since 2011. The PARL network brings together environmental, social justice, human rights, and community-based organisations of women, small-scale farmers, fishers and plantation workers, and civil society activists opposed to the dispossession of the poor from their lands, fishing waters, and homes; and in solidarity with the struggles of the affected peoples.⁴⁹

However, these or other peasant organisations were not mentioned during our surveys in Akkaraipattu and Alayadivembu.

⁴⁷ See <https://tinyurl.com/y6wxwhtn> (accessed May 2017).

⁴⁸ See <https://viacampesina.org/en/> (accessed April 2017).

⁴⁹ We understand that PARL emerged from an initiative of the Law and Society Trust. See <https://tinyurl.com/yajpscol> (accessed April 2017).

4 Fragmenting access to land through perpetual administrative delimitation

The general introduction to our study locality highlights its complexity and the heterogeneity of its physical as well as social space. These complex *contextual conditions* form the wider structures within which individuals and families have to construct and adapt their livelihoods – including their land-related dealings. We also learned that using categories such as Tamils, Muslims or Sinhalese misses a whole array of identity markers that can and do play a role in everyday realities. We will now illustrate this through the description and analysis of five cases of land disputes. We start with the processes that have led over the past decades to the area's subdivision into distinct administrative-political territories.

Our first study engages with the seemingly routine and technical process of defining local level units for the administration of state services and functions. What we find, however, is anything but routine, as these delimitations resulted from struggles over access to and control over land – struggles that were, and are, closely linked to political influence over material and non-material dimensions of these land resources. That delimitation processes are political is not a new insight, but what we were surprised to find were the *dynamics and contingencies* of these processes.

The present D.S. Divisions are the outcome of political contestations in which local organisations play a crucial role. We learned that the entity now called Akkaraipattu was much larger until the mid-1980s (see Map 9), and that local administrative and political control was re-arranged as recently as 2011. Thus, our curiosity arose regarding the reasons for this delimitation of administrative-political units, the social groups/organisations involved in mobilising for (or against) these re-arrangements, and the consequences that these had on access to, and control over land.

In this chapter, we discuss how these processes unfolded, and we examine the role that local organisations and their (patronage) networks played in this. We start with a brief

glance at the provincial and district levels, which is followed by a detailed description of local administration and local governance. We end with a first discussion of administrative boundary setting between entities striving for local self-determination (which can be linked to debates on decentralisation) and ‘political engineering’ along ethnic lines.

4.1 The influence of the provincial level

Administratively, Sri Lanka is structured into a centre, provinces, districts, local administration, and forms of local government. The responsibilities and powers given to these different levels, though, have changed over time. Brohier (1934: 48) writes that around 1900, the colonial administration delineated an Eastern Province, consisting of the then districts of Trincomalee and Batticaloa. However, provinces had no independent political power. This came only with the 13th Amendment to the constitution of Sri Lanka in 1987, which introduced Provincial Councils. In this context, the earlier Northern and Eastern Provinces were merged, and elections to the new Council were held for the first time in 1988. The Council itself was constituted in December 1988. With this, our study region became part of the North-Eastern Province. The elected Council, though, was dissolved in June 1990, and no more elections were held. In 2007, the province was divided, thus recreating a separate Eastern Province with its own Eastern Provincial Council. The first elections to the Eastern Provincial Council were held in May 2008, and the second in 2012.

This Provincial Council is controlled by a Governor who is directly appointed by the President of Sri Lanka. The Council of the Eastern Province (as the legislative body) consists of 37 elected members⁵⁰ from the three districts of Trincomalee, Batticaloa and Ampara. The Governor appoints – at the executive and administrative level – the Secretaries of the five Ministries that currently exist.⁵¹ These Ministries, in turn, consist of

50 See <http://www.ep.gov.lk/Councilmembers.asp> (accessed March 2014).

51 These ministries are:

Chief Minister's Secretariat (including Provincial Treasury, Planning Secretariat, Provincial Audit, Office of the Infrastructure Development, Legal Unit and Department of Motor Traffic);
Ministry of Health & Indigenous Medicine, Social Welfare, Probation and Childcare Services, Women Affairs, Youth Affairs, Sports, IT Education, Cooperative Development, Food Supply and Distribution;
Ministry of Agriculture, Animal Production and Development, Rural Industries Development and Fisheries;
Ministry of Education, Cultural Affairs, Lands and Land Development, Transport;

a series of Departments.⁵² But the “(...) Provincial Councils have no revenue-raising powers of their own under the Constitution” (Fonseka and Raheem 2010: 14).

Whether the Provincial Council system entitles the Province to more self-determination over development, including control over land, is subject to discussion. The division of responsibilities between the Centre and the Provinces is regulated through three scheduled lists, i.e. the *Reserved List* (showing the responsibilities of the central government), the *Provincial List*, and the *Concurrent List* (i.e. shared responsibilities between Centre and Provinces). Although the Provincial List encompasses issues such as “Provincial Planning” and “Provincial Finance”,

(the) central government can set national policies on all subjects and functions and has the power to approve legislation on the concurrent list of subject areas that have been listed as provincial subjects (...). (UNESCAP 2004: 6)

Since 2007, the Eastern Province has a *Land Administration Department*, “responsible for the co-ordination of all the activities related to land administration in the province” (Department of Land Administration Eastern Province, 2012: 2). This source states that:

(The) Provincial Land Commissioner is empowered to give general or specific directions to the Divisional Secretaries or to the Land Officers on the performance of duties relating to Land Administration with regard to the province. (...) *Land matters are decentralized to divisional level and it is executed by the Divisional Secretariat.* They are assisted by Land Officers, Colonization Officers and field instructors of this Department. (...) is responsible for administration and management of settlement schemes other than the Inter Provincial schemes. In addition, it is empowered to alienate state lands for peasant class [sic!] under Land Development Ordinance in keeping with the government policies and criteria already laid. (emphasis added)

Ministry of Road Development, Irrigation, Housing and Construction, Rural Electrification and Water Supply (<http://www.ep.gov.lk/Documents/BriefHistoryofEPC.pdf>, accessed March 2014).

52 Department of Agriculture; Department of Animal Production and Health; Department of Land Administration; Department of Irrigation; Department of Education; Department of Sports; Department of Health Services; Department of Indigenous Medicine; Department of Local Government; Department of Cooperative Development; Department of Management Development and Training; Department of Industries; Department of Rural Development; Department of Road Development; Department of Social Services; Department of Buildings (see <http://www.ep.gov.lk/Documents/BriefHistoryofEPC.pdf>, accessed March 2014).

This means that the Divisional Secretaries have considerable legal authority over the administration of land, including the issuing of permits. We will detail these responsibilities and procedures, and their *de facto* reality, in Section 6.1.

4.2 The influence of the district level

Districts have a long history in Sri Lanka as administrative units. The British introduced the *District Kachcheri* system, which was headed by a Government Agent (G.A.) who acted as an extension of the central government. In 1961, the present district of Ampara was carved out of the former district of Batticaloa and some parts of the Moneragala district, and Ampara town was made its capital.⁵³

More authority was transferred to the districts over time (Damayanthi and Nanayakkara 2008). From the mid 1970s, for example, districts received more power and financial resources through a sequence of arrangements such as the Decentralised Budgets or the District Secretariat / District Minister system. In addition, new forms of local governance were added with the District Development Council (D.D.C.) system starting in 1981. However, the 13th Amendment *abolished the district's and the G.A.'s powers* in 1987 and shifted them either to the Province or to the Divisions (see below), thus making the district an administrative unit only. Today, the district is headed by a District Secretary (though still called Government Agent by many), who is appointed by the central government. However, the district level remains important to development planning. Of central importance is the *District Coordination Committee*, which is in charge of development planning and budget allocations. For example, we learned from an interview at the Ampara District Secretariat that a detailed District Five-Year Development Plan had been written for the 2011-2015 period “(...) under the concept of ‘Mahinda Chinthana’ in order to achieve the target of making Sri Lanka the ‘WONDER OF ASIA’ in the year 2016 and to double the per capita income (4,000 US\$) in the same year” (District Planning Secretariat Ampara, n.d.). One of its objectives was to increase the national share of paddy production from Ampara from the then 17% to 24% in 2016. “Value addition” from agriculture was mentioned as well. These were indeed ambitious targets.⁵⁴

53 <http://www.ampara.dist.gov.lk> (accessed March 2014).

54 We were not in a position to learn more about the *de facto* composition and influence of this “District Coordination Committee” on land issues. This would, though, merit a study of its own.

4.3 Local administration and local governance

'Local politics' has a long history in Sri Lanka, with various organisational forms for the delivery of services of the central state *and* for local political representation. This dual structure is important.

The state at the local level: Administrative subdivisions of districts were and are important levels of the state bureaucracy. Over time, this level has held different names, changing from Divisional Revenue Officers (D.R.O.) to Assistant Government Agents (A.G.A.) Divisions to the present Divisional Secretariat Divisions (D.S. Divisions). The colonial antecedents were the feudal counties, the *korales* and *ratas* (see Map 2). Names have changed, as has the level of power and responsibilities given to them. We will introduce these changes further below – not least because they are crucial to land as well.

Local governance: Before 1987, the people's voice was represented, in principle, in the capital Colombo through the elected Members of Parliament (MPs). As we will see further below, this also explains the importance of these Colombo-based MPs in peoples' everyday dealings with the state around land. However, this changed with the local government system introduced in 1987, which is still operational today. At its core, it consists of a locally elected body called *Pradeshiya Sabha*. Reaching a certain population size and/or socio-economic importance, a *Pradeshiya Sabha* can be upgraded to an Urban Council, and then to a Municipal Council (for this process in our study region, see Section 4.3). The boundaries of *Pradeshiya Sabhas* usually coincide with those of D.S. Divisions.

As we will now describe, all these boundaries can change quite often.

The situation in the 1950s and 1960s

When the Gal Oya scheme was under construction, our larger study region – the Right Bank area of the scheme – was still divided along the late colonial administrative units. It was all part of the Batticaloa district. As shown in Map 9, the western region was named as *Yatipalata Korale*, which was part of the larger *Wegwama Korale* (or *Wegwama Pattu*). The eastern part of the area was named as *Akkarai Pattu*. It is worth noting that the boundary between these two units is roughly the same today; thus, it is not an outcome of the Gal Oya scheme. The region around the Irakkamam Tank belonged to the *Sammanthurai Pattu*. These *Pattus* were under the administration of Assistant Government Agents who in turn were responsible to the district's Government Agent. As shown in Table 11, our study region was represented during this period at the central state level by Members of Parliament; some were even members of left-wing parties such

as the then Communist Party or the LSSP. However, we did not find detailed information on their specific roles in their electorates proper.

We then understand that around the time the Ampara District was carved out of the earlier Batticaloa district in 1961, *Yatipalata Korale* was renamed as the Damana Divisional Revenue Officer's' (D.R.O.) Division, and Akkarai Pattu as the Akkaraipattu D.R.O. Division.

At that time and as shown in Map 9, the Akkaraipattu D.R.O. Division encompassed a much larger territory and included all the areas of Thirukkovil, Alayadivembu and Addalachchenai as well. Its northern part was populated mostly by Muslims, while the South was predominantly Tamil. Within this greater Akkaraipattu, in addition to Muslim and Tamil communities, Sinhalese, Burghers, gypsies and others lived together, as we were told, with a high level of interaction. Formal decision-making powers still rested with the Government Agent at the district level. What is important to remember for further developments in the area is the fact that people living throughout this larger division used land (for agriculture or cattle grazing) not only close to their settlements, but as well in *areas further away* – as everyone belonged to the same political-administrative structure with the same government offices in charge. It was under this administrative set-up that land allocation under the Gal Oya scheme was completed (see Section 6.3.).

1973: Creation of the Addalachchenai Division

In 1973, the northern part of the then large Akkaraipattu D.R.O. Division was carved out as a separate administrative division – now labeled as an Assistant Government Agent's (A.G.A.) Division (renamed as D.S. Division from 1991, see Map 9). As the name implies, these A.G.A. Divisions were still under the purview of the Government Agent. The new division was called Addalachchenai, and it consisted predominantly of Muslims, as did the area adjacent to its south. In other words, the new division did not separate primarily Muslims and Tamils, but Muslims and Muslims. We understand that it was mainly arguments around *identity of place* that initiated this delimitation. It was for example argued that people of this area “have for long desired a region for themselves”. This reasoning is also reflected on the Division's homepage which states that:

At that time there was a *voluntary organisation* namely ‘Social Service Society’ which was instrumental in creating this new [division] with the able assistance of the late M.M. Mustapha, Member of Parliament and Deputy Minister of Finance.⁵⁵ (emphasis added)

⁵⁵ See <http://www.addalaichennai.ds.gov.lk/> (accessed January 2015).

This already hints at the importance of local organisations and their links to elected members of parliament (for M.M. Mustapha, see Table 11), which we will see again below.

1978: Changing the electoral system

So far, we addressed how the central state administration was represented at the local level. No system of locally elected representative bodies (or local governance) existed at that time, and democracy was centred in Sri Lanka's National Assembly in Colombo; hence, the *crucial importance of the Members of Parliament*. For the purpose of their elections through Sri Lankan general elections prior to 1977, the country was divided into *electorates*. In each electorate, political parties nominated candidates, while independent candidates tried their luck. "The candidate obtaining the highest number of votes in respect of the constituency was declared elected. This system [was] commonly described as the First-past-the-post (FPP) system (...)."⁵⁶ When Ampara was still part of the Batticaloa district, it was divided into two electorates, i.e. Kalmunai and Pottuvil. In 1959, additional electorates were delineated, i.e. Nintavur (renamed as Sammanthurai in 1977) and Ampara/Digamadulla (both names were used).

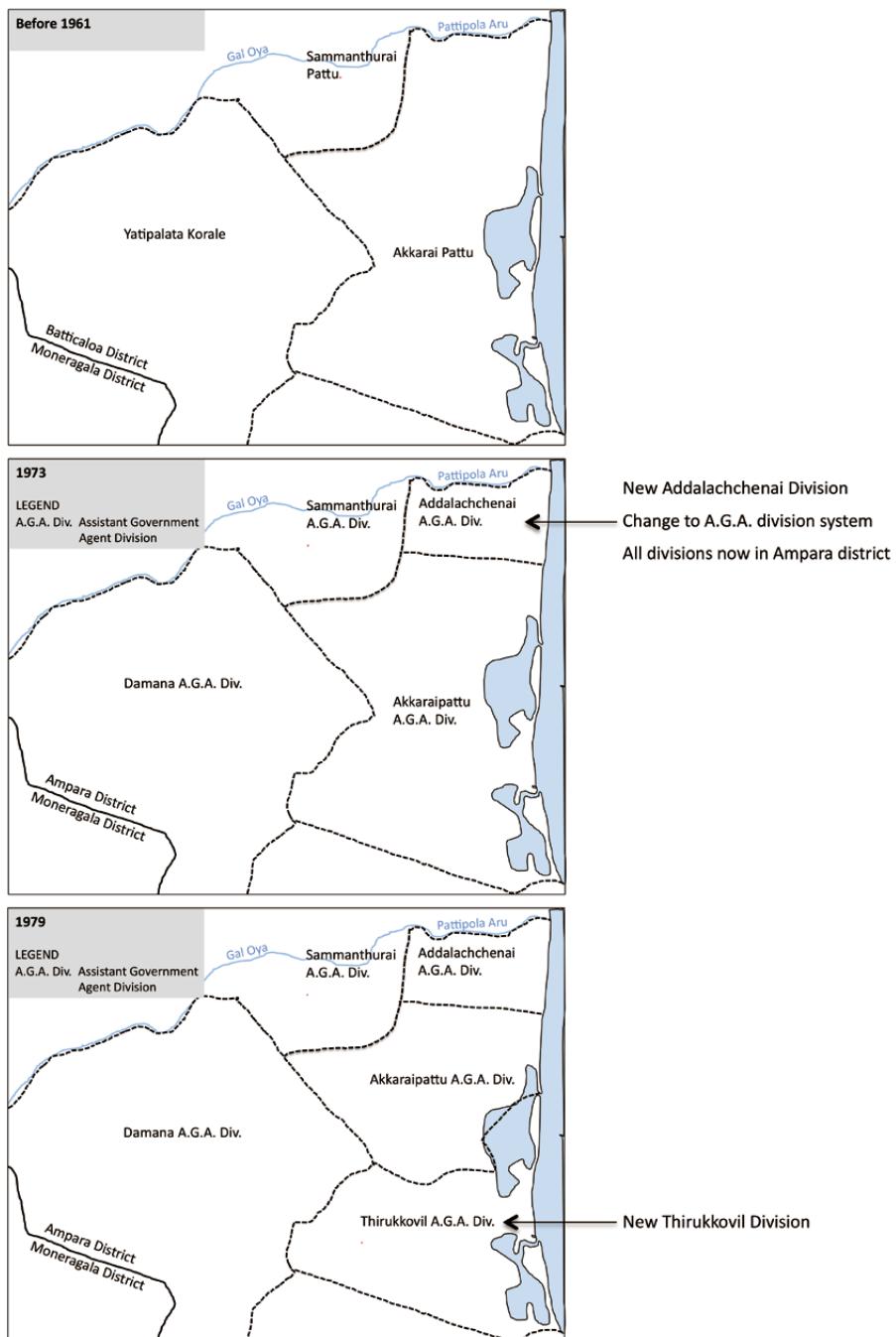
We learned from interviews that our region was a hotspot of electoral boundary demarcations. In the 1960s and 1970s, it was part of the Nintavur electorate. During the 1976 delimitation exercise, it was split into two. The area located on the western part of the Akkaraipattu-Kalmunai Main Road now came under the Sammanthurai electorate. The Divisions on the eastern side of the road, and the southern areas including Thirukkovil, were brought under the Pottuvil electorate. We were informed that this rather special 'territorialisation' of electorates (also known as gerrymandering; see The Island 2016b) was brought about by politicians from Nintavur, who manipulated (so we were told) electoral boundaries in their favour.

We also understand that Muslims coming under the Pottuvil electorate did not feel well represented, as the more influential Muslim politicians lived in the Kalmunai and Nintavur/Sammanthurai electorates. Others argued that the Tamils did not feel represented, as all the elected Members of Parliament were Muslims. Still other interviewees, though, claimed that in those days, Tamils had no difficulties in voting for a Muslim Member of Parliament.

Maybe as a consequence of these feelings – which were probably conveyed to the state at the centre through local organisations and Members of Parliament – and just prior to the 1977 general elections, Pottuvil (including part of our study region of Akkaraipattu)

56 See <https://tinyurl.com/y84lnbhn> (accessed April 2015).

Map 9: Administrative boundary-making



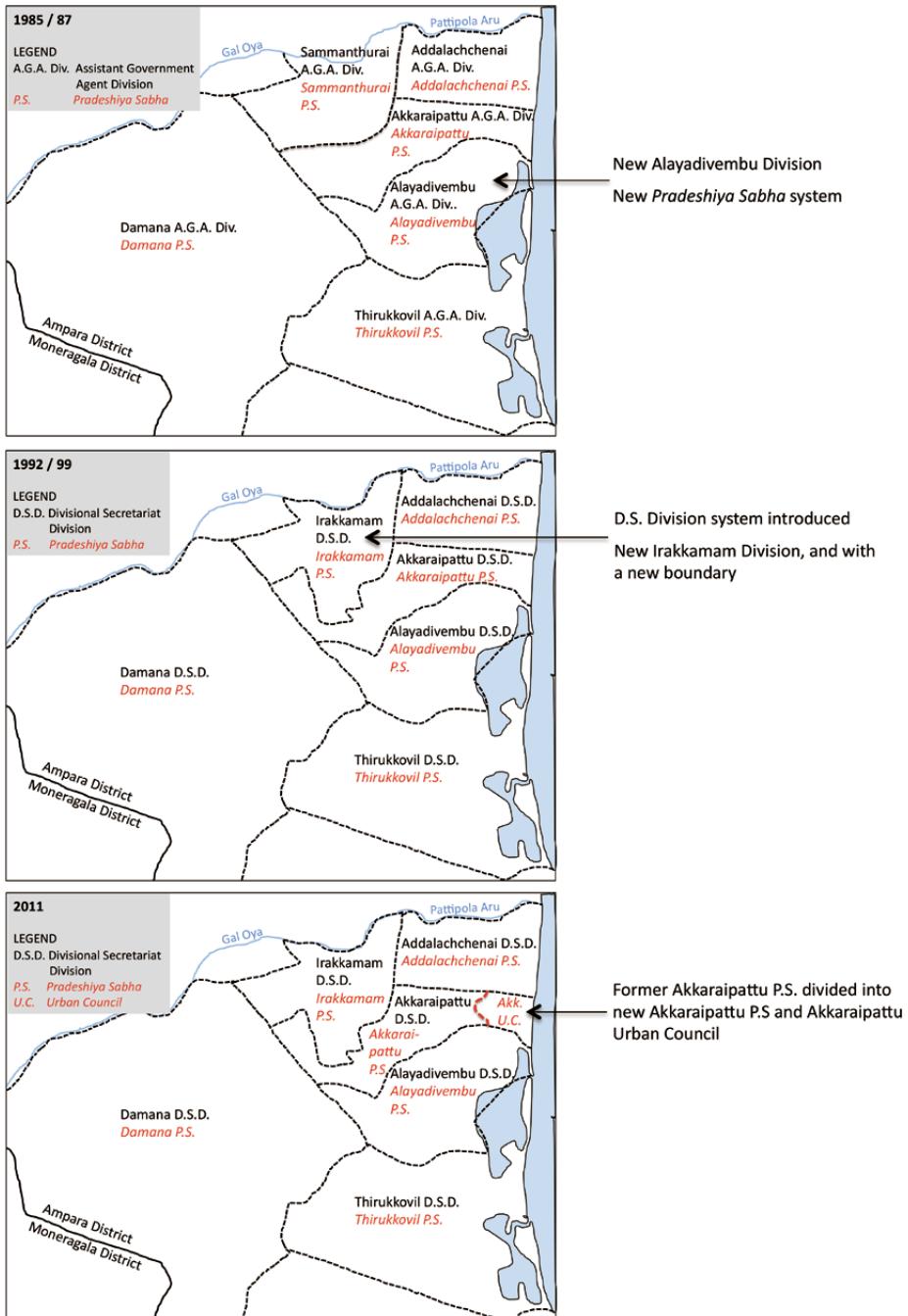


Table 11: Members of Parliament from the Ampara district

	Ampara	Pottuvil	Nintavur; from 1977 Sammanthurai	Kalmunai
1947 - 1952	M.M. Ibrahim (Ind.)		M.S. Kariapper (LSSP)	
1952 - 1956	M.M. Ibrahim Hadjiar (Ind.)		A.M. Merza (CP)	
1956 - 1959	M.M. Mustapha (FP)		M.S. Kariapper (FP)	
1960 (March - April)	W. Wijayasingha (SLFP)	M. A. Abdul Majeed (Ind.)	M.I.M. Abdul Majeed (Ind.)	M.S. Kariapper (Ind.)
1960 - early 1965	Indrasena Soysa (SLFP)	M. A. Abdul Majeed (Ind.)	M.I.M. Abdul Majeed (Ind.)	M.C. Ahamed (FP)
1965 - 1970	Senerath Somaratne (SLFP)	M. A. Abdul Majeed (Ind.)	M.M. Mustapha (UNP)	M.S. Kariapper (Ind., 1965-68) M.C. Ahamed (SLFP, 1968-70)
1970 - 1977	Senerath Somaratne (SLFP)	M. A. Abdul Majeed (UNP)	M.M. Mustapha (UNP)	M.C. Ahamed (SLFP)
1977 - 1989	P. Dayaratna (UNP)	A. M. M. Jalaldeen (UNP); replaced by M.I. Uthumanlebbe M.Kanagaratnam (TULF, later UNP), and replaced by Mrs. Pathmanathan (UNP)	M.A. Abdul Majeed (UNP)	Abdul Rasak Mansoor (UNP)
1989 - 1994	SLMC: M. H. M. Ashraff / UNP: P. Dayaratna, A. P. G. Chandradasa, N. Y. Bakmeewewa SLFP: T. A. Karunasinghe Thewarapperuma / EPRLF: J. Thivyanathan			
1994 - 2000	SLMC: M. H. M. Ashraff, U. L. M. Mohideen / UNP: P. Dayaratna, A. P. G. Chandradasa, N. Y. Bakmeewewa / PA: H. M. Weerasinghe			
2000 - 2001	PA-SLMC: Ferial Ismail Ashraff, A. L. M. Athaullah, U. L. M. Mohideen, W. Dissanayaka UNP: P. Dayaratna, A. P. G. Chandradasa / EPDP: Markandu Gunasekeram			
2001 - 2004	SLMC: A. L. M. Athaullah, H. M. M. Harees, A. I. M. Ismail / PA: Ferial Ismail Ashraff, T. A. Karunasinghe Thewarapperuma / UNF: P. Dayaratna TNA-TULF: A.Chandra Nehru			
2004 - 2010	SLMC: Rauff Hakeem, Faizal Cassim UPFA-NUA: Ferial Ismail Ashraff UPFA-SLFP: L.G. Wasantha Piyatissa UPFA-NC: A. L. M. Athaullah UNF-UNP: P. Dayaratna TNA: K. Pathmanathan			
2010 - 2015	UPFA: S. P. Wijesekara, S. Wijewickrema, P. Dayaratna UNF-SLMC: H. M. M. Harees, Faizal Cassim UPFA-NC: A. L. M. Athaullah TNA: P. Piyasena			
2015 -	UNP: Faizal Cassim, D. Gamage, H.M.M. Harees, M.I.M. Mansoor UPFA: W. Dissanayaka, S. Wijewickrama ITAK: A. Kaveenthiran Kodeeswaran (Robin)			

Source: Parliament of Sri Lanka (n.d.)

was made a Double Member Constituency, allowing two people, instead of only one person to be elected to the National Assembly from this electorate. It was thought that this would allow for better representation of Tamils and Muslims. In 1977, the seats went to *A.M. Mohamed Jalaldeen* (United National Party) and *M. Kanagaratnam* of the Tamil United Liberation Front (TULF).⁵⁷ For the first time since independence, the Tamils from the Ampara District obtained parliamentary membership.⁵⁸ For the Muslims as well, this was the first time that a member from this very area was elected to parliament. We will again meet A.M. Mohamed Jalaldeen when we look at the case of Gal Oya's excess water that flooded paddy lands (see Section 7).

The electoral system completely changed with the Sri Lankan constitution of 1978, which introduced the *Proportional Representation System*. The new unit for election now was the 'Electoral District', which, in most cases, coincided with the administrative district. Thus, the administrative district of Ampara now also became the electoral district of Digamadulla, according to the terminology of the Sri Lanka Department of Elections. The number of seats was allocated to each electoral district as a function of population size. These seats were then distributed based on the votes received at the district level. For the purpose of administrating the polls, the earlier electorates were kept as polling units or polling stations, i.e. Ampara, Sammanthurai, Kalmunai, Pottuvil, and 'postal votes'.⁵⁹ This system came into operation for the first time with the general elections of 1989 (see below).

1979: Creation of the Thirukkovil Division

We understand that the election of M. Kanagaratnam as representative of the TULF to the Sri Lankan parliament strengthened the confidence of the Tamil population within the then larger Akkaraipattu D.R.O. Division, as they hoped that some of their grievances could be addressed through this new political leadership. To recall, the Federal Party and later the TULF always emphasised the 'land question' of the Tamil people. Shortly after the elections, though, Kanagaratnam joined the main party in power, i.e. the United National Party (UNP; Asia Times 2002). We learned that this switch was insti-

⁵⁷ See <https://tinyurl.com/yd72aslq> (old website accessed March 2013; this new website accessed June 2018). The TULF emerged in 1976 with the merger of the Tamil United Front (TUF) and the Federal Party.

⁵⁸ See also Tamildiplomat (2014) who states that this "made a big impact in the social, economic and political existence of the Tamils".

⁵⁹ <https://tinyurl.com/yd72aslq> (old website accessed March 2013; this new website accessed June 2018).

gated by K.W. Devanayagam, a Tamil Christian representing Kalkudah at the Parliament from 1965, and a vocal and long-term member of the UNP.⁶⁰

The change of party did not affect Kanagaratnam's relations to his voters as they, and the organisations representing the Tamils, still hoped for better access to state resources. Tamils (or perhaps some of them) perceived themselves as a minority in what they saw as the Muslim-dominated Akkaraipattu D.R.O. Division, and thus they put pressure on Kanagaratnam to create a separate administrative unit just for Tamils. Interviewees mentioned organisations such as Mahasakthi, People Progressive Front, SWAD, temple trustees, etc. (see Tables 9 and 10) as being involved in this. Jeyaraj (2004) argues that in the east (Batticaloa and Ampara), many Tamil leaders were critical of the dominance of Jaffna Tamils in the "Tamil issue". Still, several interviewees emphasised more the importance of concerns at the local level, especially the difficulties of approaching administrative offices in far-away Akkaraipattu. Jeyaraj states that the slogan of Kanagaratnam (and then his sister; see below) was: "Development first, rights next (...)" – illustrating their pragmatic and non-confrontational way of engaging with the political party in power. ICG (2007: 5) later dubbed it as the "quietist approach to politics". Following his pragmatic approach, we understand that Kanagaratnam lobbied for the desired Tamil-only division.

However, he was killed in early 1978, and the change in political affiliation was given as the reason. Kanagaratnam was shot in Kolupitiya in Colombo, close to where he lived (Sabaratnam 2003). This author argues that Prabakaran/Pirapaharan (later the leader of the LTTE) was directly involved in his assassination, together with Uma Maheswaran (later a leader of the People's Liberation Organisation of Tamil Eelam, or PLOTE). Kanakaratnam was replaced as Member of Parliament by his sister, Mrs. *Ranganayaki Pathmanathan* (also UNP).

An important asset in Kanagaratnam's bargaining power with the central government was, of course, membership in the UNP. We understand that Mrs. Pathmanathan continued with this form of lobbying, especially with the help of K.W. Devanayagam (see above) and the Member of Parliament from Batticaloa, Mr. C. Rajadurai. Through this nexus, interactions took place with the then Minister of Local Government, R. Premadasa (Premadasa was appointed to this Ministry in July 1977).

Mrs Pathmanathan succeeded and a separate administrative unit was established in 1979. This unit was created by separating the southern part of the then Akkaraipattu unit

⁶⁰ In July 1977, Devanayagam became Minister of Justice and helped Kanagaratnam join the UNP. He also supported Kanagaratnam in his efforts to form a separate Thirukkovil D.R.O. Division. In 1980, Devanayagam became Minister of Home Affairs and supported the creation of the mobile D.R.O. unit at Alayadivembu.

as a new Thirukkovil A.G.A. Division (see Map 9) – with most of its people being Tamils. This further reduced the size of the earlier Akkaraipattu administrative unit. A source close to Tamil interests reflects on the importance of *material gains* of such delineations as follows:

Separate Tamil majoritarian administrative units are essential for the Tamils in Ampara in order to make the best use of the *resources in their lands*, for *planning the socio economic actions* in comply with their culture and to impartially gain the betterment of the administrative amendments, *socio economic development projects*, rehabilitation, renovation, reliefs, compensations to the war victims, poverty alleviation and economic development schemes like Janasaviya, Samurdhi, Divineguma and the funds allocated from the governmental and non-governmental organisations. (...) The funds allocated by the provincial government are also distributed through the Divisional Secretariat.

(Tamildiplomat 2014; emphasis added)

1985-1987: Creation of the Alayadivembu Division

In the early to mid 1980s, tensions between Tamils and Muslims in the East increased (or were made to increase) as a consequence of Eelam War I (see Table 3). A crucial riot broke out in Akkaraipattu Town in 1985 after the LTTE set fire to the market building located at the border between the Muslim-populated section and the Tamil section of the then Akkaraipattu Division (see Map 11). Both sides were accused of committing violence and crimes against each other during and after this incident. Important public places, such as government offices, were located in the Muslim section of Akkaraipattu, and we learned that Tamils became insecure about crossing the Ampara road and venturing into the Muslim area. We understand that, to facilitate the Tamils' interaction with the government, the state opened an administrative sub-office in the Tamil-populated area south of the Ampara road. One interviewee mentioned that this was a mobile unit initially. Soon however, the creation of this sub-office stimulated further demands for proper 'Tamil self-governance', separated from the Muslim section. These were voiced through influential local persons and local organisations. Among others, our interviewees mentioned Mr Manikavasahan as a Tamil from Akkaraipattu, who had formed the local People's Progressive Front.⁶¹ As a Hindu, he had close links with temple trustees and Hindu organisations. The Catholic Church was also said to have played a support-

61 This organisation addressed the grievances of the 'Tamil minority' and helped affected people of this area.

ing role in this. The Young Men's Christian Association (YMCA) provided necessary outside support.

We thus find local concerns channelled through various forms of local organisations, which network with the Member of Parliament elected from this region. Thus, Ms. Pathmanathan was able to create this new administrative division, now named Alayadivembu. First in 1985, it became a sub-unit in the form of the Alayadivembu Additional Assistant Divisional Revenue Office. In 1987, this was turned into an A.G.A. Division proper through a specific Gazette Notification. With this, the remaining Akkaraipattu Division proper became the unit we know today, with its predominantly Muslim population.

Materially, people from Alayadivembu now felt they had better access to the Divisional Secretariat, and through this Secretariat, to a range of government services required in everyday life. But it also impinged on access to land. We recall that, earlier, people of different ethnicities used to operate land for agriculture or grazing throughout the formerly larger area of Akkaraipattu, which acted as the basic unit. The new boundary delineation now meant that a large extent of land located in the southern part of the former larger Akkaraipattu Division – belonging to or used so far by Muslims – *now fell under the jurisdiction of the newly created Alayadivembu Division*, and thus administratively under 'Tamil control'. We will discuss this specific issue in Section 6.7, as it added to, and further complicated, contestations around agricultural land. But it is not only earlier arrangements of agricultural land use that were affected. As we detail in Section 5, the new boundary also cut across many public places and public buildings in the densely populated central area of Akkaraipattu/Alayadivembu, which both sides now claimed.

We learned that the Tamils were able to get their 'own division' also because their attempt to have a separate administrative division did not face much opposition from Muslims – partly because of weak Muslim political leadership and partly because Muslims did not worry too much about its consequences. It was wartime and access for example to agricultural lands was restricted anyhow.

Indeed, *Muslim leadership was said to be weak* and not active enough in the negotiation processes. The Muslim M.P. from Addalachchenai, A. M. Mohamed Jalaldeen was removed on corruption charges in 1982⁶² and replaced by a politician from Akkaraipattu, *M.I. Uthumalebbe*. Many of our informants stated that this new member did not have sufficient political clout (or capacities to bargain?) to counter the strong influence of Mrs Pathmanathan, even though both were members of the UNP. Others argued that the Muslim politicians did not know about the negotiations between Mrs. Pathmanathan and the central state. UTHR (1993) also writes:

62 He was pardoned in 1986 by the then President Jayawardene (Associated Press 1986).

A highly respected Muslim elder blamed some members of his community for these developments. He said, ‘Some Muslim politicians had the AGA’s office shifted into the Muslim area. The Tamil MP, instead of solving the problem by asking for the office in a common place, used that opportunity to carve out a separate Tamil AGA’s division. Left to the politicians, they would divide the communities for their own reasons. (...) *But politicians as actors are also products of their social environment.* Although the Muslims are numerically greater in the district and may therefore enjoy greater political clout, these developments cannot be viewed independently of the deep sense of insecurity harboured by Muslims. (UTHR 1993, emphasis added)

An interesting facet of practical boundary drawing and territorialisation is naming. How to call the new division that was separated from the larger Akkaraipattu? And how to name the remaining section of the previous Akkaraipattu Division? Here we recall that for most people in the area, the notion of Akkaraipattu refers to the overall region, encompassing Muslim as well as Tamil areas. It thus gives expression to a *spatial identity across ethnic boundaries and ethnic identities*. We learned that therefore, the Tamils chose the name of a small *vellalar* village, i.e. Alayadivembu. The Muslims on their side initially chose the name of Karunkoytivu. However, they soon ‘grabbed’ (so some argue) the name of Akkaraipattu.

The rise of the Sri Lanka Muslim Congress (SLMC)

Interviewees reported that gradually, the Muslims of Akkaraipattu began to realise the consequences of boundary drawings – especially the impact of the two new administrative divisions (both having a Tamil majority) that were established within a short period of time, and without their consent. We understand that their concerns rose especially around the creation of Alayadivembu, and they felt the need for “rectifying the grievances done to Muslims”.

As mentioned above, these events occurred at a time when Muslims on the east coast generally felt uneasy with their political leadership. All their MPs were with the ruling government party (UNP; see Table 11) but were perceived as having little influence when compared to the Tamil politicians within the very same party (i.e. UNP). Many also resided in far-away Colombo (see the case of Kanagaratnam), far away from their electorates. McGilvray and Raheem (2007: ix) write that Colombo-based politicians had dominated for a long time, and there was a “(...) raising [of] constant questions about who truly speaks for the Muslim community and who should negotiate on its behalf”. It was only when the electorate was made a double member constituency in 1977 (see

above) that Muslims of this area were able to elect a member of their own – though (as we learned from our interviewees) Muslims from Akkaraipattu proper were not fully pleased, as the elected candidate (Jalaldeen) was from neighbouring Addalachchenai. They also accused him of failing to halt the ‘unfavourable’ act of boundary drawing. Here we might add the comment made by the Secretariat of Muslims (2015: 6) about the “(...) complex electoral and identity politics that characterizes the Eastern Province in general and Ampara in particular”. In this context it recalled that “(...) Muslim identity politics in the Eastern Province is also determined by *local identities*, such as village and town affiliations, as well as intra-religious divides” (emphasis added).⁶³

As is well known, mounting tension among Muslims against the UNP, the ruling party, was one of the main reasons for the emergence of the *Sri Lanka Muslim Congress* (SLMC). The other important reason was the perceived need to resist the growing influence of Tamil armed movements in the east. The SLMC was launched in 1981 under the Chairmanship of Ahamed Lebbe, a Muslim leader from the east coast proper (Kathankuddy). M.H.M. Ashraff was elected its first President. It became an official political party in 1986, and the party’s homepage notes:

This Party was formed by a small group of Eastern province political leaders. Marhoom Ashraff was a good motivator and *the key mobilizer* in organising meetings, and questions and answer sessions with Muslim youth, where he began to get people to think seriously and question the Muslim leaders under the majority Sinhalese parties. He had the ability to inspire the younger generation of Muslims who were losing faith in the country. He aroused tremendous hope and optimism by talking little things to people. (...) SLMC emerged in the heartland of Muslim power, in the Eastern Province, following the attenuation of space for Muslims’ grievances in the traditional mainstream parties, and especially amidst the height of terrorism of the LTTE, that engulfed the country, communal turbulence, growing discriminatory practices of the state and the Sinhala and Tamil mainstream parties and the *inability of the Muslim leaders in these parties themselves* to address the grievances of the Muslims in the country. (From the homepage of SLMC; emphasis added)⁶⁴

McGilvray and Raheem (2007: 15) argue that Muslim politicians had long “wanted things from [the] Sinhala majority”. This required “rural east coast Muslim farmers and

63 Regarding intra-religious divides, we did not find evidence to think that this wielded any influence on Muslims when it came to boundary drawing.

64 <http://www.slmc.lk> (accessed March 2014).

fishermen electing back-bench Muslim MPs, while a few wealthy, well-connected west-coast Muslim politicians – whose private interests often did not coincide with those of rural east coast Muslim paddy farmers and fishermen – received influential cabinet appointments". The SLMC, though, has an "eastern farming base" and has cultivated close ties with local mosque committees (McGilvray and Raheem 2007: 28).

In the 1989 elections to the then North-Eastern Provincial Council, the SLMC emerged as the main opposition party (McGilvray and Raheem 2007: 25). In 1994, the SLMC linked with the People's Alliance at the national level, and Ashraff became a Minister. The Oluvil University (located in the Addalachchenai Division) was started around that time (McGilvray and Raheem 2007: 28). In 2000, Ashraff was killed in a helicopter crash, and was replaced at the party's helm by Rauf Hakeem from Kandy.

The SLMC also developed an agenda based on land issues. Among others, demands for a "Muslim Thesam" arose, i.e. an autonomous, self-governing region that would link the Muslim majority areas of the east and north. This would not be a continuous territory, but would link localities where Muslims are a majority (Jeyaraj 2003).

Gradually, though, internal tensions led to splits within the SLMC. A.L.M. Athaullah, Member of Parliament from Akkaraipattu, left the party in early 2004 and created the National Muslim Congress (NMC), later renamed as National Congress (NC). This showed that Muslim interests "are deeply divided and situational" (McGilvray and Raheem 2007: 30). Further below, we will see Athaullah's decisive influence on the drawing of boundaries in Akkaraipattu.

1987: The *Pradeshiya Sabha* system

The 13th Amendment to the constitution of Sri Lanka created the new provincial structure, and also led to the first form of actual local governance in Sri Lanka, i.e. the *Pradeshiya Sabhas* (P.S.). Each D.S. Division now also had a separate P.S. (see Map 9). Thus, we find an Akkaraipattu P.S. and an Alayadivembu P.S. While the D.S. Divisions are responsible upwards to the central state, the *Pradeshiya Sabhas* have been devolved to the new provincial system's Local Government Authority:

Hereafter, the powers to control and supervision of local authority transferred from central government to provincial councils. However, powers relating to the formation, structure and national policy on local government remained with the central government.⁶⁵

65 http://www.lgpc.gov.lk/eng/?page_id=66 (accessed April 2015).

As local governance bodies constituted through local elections, the *Pradeshiya Sabhas* exist, in principle, to ensure the participation and involvement of the local population. Thus, local government elections were held at regular intervals, the last in 2011 (see below). The “*Pradeshiya Sabha Act No. 15 of 1987*” begins by stating that *Pradeshiya Sabhas* exist:

(...) to provide greater opportunities for the people to participate effectively in decision-making process relating to administrative and development activities at a local level (...). (CommonLII, n.d.)

In practice, *Pradeshiya Sabhas* are in charge of solid waste management, electricity supply, and water supply. At times, they also directly receive assistance from international donors, e.g. the World Bank (to empower local authorities) and USAID.⁶⁶ According to the Ministry of Local Government and Provincial Councils, *Pradeshiya Sabhas* concentrate on:

(...) providing services which the law specifically allows them to do. It is required to provide services for the comfort, convenience and well being of the community in respective areas. The Local Authority carries out [r]egulatory and administrative functions; promote public health and sanitation; environmental sanitation; public thoroughfares and public utility services.⁶⁷

With these priorities, “(other) development activities such as education, agriculture, employment generation and poverty alleviation are not directly considered under these laws” (UNESCAP 2004: 10). Thus, such developmental activities (including land-related issues) remain with the Divisional Secretariats. These Secretariats were now to become more influential.

1992: Empowering the Divisional Secretariat Divisions

As another consequence of the 13th Amendment, and through the “Transfer of Powers (Divisional Secretaries) Act, No. 58 of 1992”, many powers previously vested in the Government Agent at the district level were now transferred to Divisional Secretariats, who were the new incarnation of the previous A.G.A. Divisions. This was an important change in the central government’s relationship with its local representation. While some

⁶⁶ USAID: United States Agency for International Development.

⁶⁷ See <http://www.lgpc.gov.lk> (accessed March 2014).

understood it as local empowerment, others feared “an extension of presidential power” (Tiruchelvam 2000: 205).

As was before under the A.G.A. system, a D.S. Division covers several sub-units, the lowest level where we find state representatives. The earlier (colonial) Village or ‘Ward Headman’ was replaced by other denominations, and is presently labelled as *Grama Niladari*, in charge of a *Grama Niladari* (G.N.) Division.⁶⁸ The Ministry of Public Administration and Home Affairs administers the affairs of this ‘local state’.⁶⁹

1999: Creation of the Irakkamam D.S. Division

Irakkamam is located in the northwest of our study region and was part of the Sammanthurai D.S. Division up to 1999. Through the support of M.H.M Ashraff (then a Minister), a new division was created on June 25, 1999, thus separating the Muslim-dominated Irakkamam from the Muslim-dominated Sammanthurai.⁷⁰ We learned that this Division then took over some G.N. Divisions from the Akkaraipattu D.S. Division (see Map 9).

2011: Creation of the Akkaraipattu Municipal Council

The most recent event in re-drawing boundaries and delineating administrative-political territories took place in 2011, and this once again affected areas dominated by Muslims. Shortly before the local government elections (i.e. elections to the *Pradeshiya Sabhas*) of 2011, the eastern part of the Akkaraipattu *Pradeshiya Sabha* was declared, through Gazette Notification No. 1687/3, January 3, 2011, as a separate *Municipal Council* (GoSL 2011a). This leaves the (former) Akkaraipattu *Pradeshiya Sabha* as a small balance area to its west (Gazette Notification No. 1687/30, January 6, 2011; GoSL 2011b). Thus, the Akkaraipattu D.S. Division now has two local governance bodies (see Map 10), i.e. the Municipal Council, and the *Pradeshiya Sabha* (see also Colombopage 2011). Ahamed Zackie Athaullah, the son of A.L.M. Athaullah (see below), became the Mayor of the new Municipal Council. The Campaign for Free and Fair Elections (CaFFE), an independent election-monitoring organisation, criticised the move, stating that:

68 Interestingly, most *Grama Niladaris* came from the previous Agricultural Extension system; see Appendix 10.4 for the link with the famous World Bank T&V system.

69 See <http://www.pubad.gov.lk> (accessed March 2014).

70 Based on details given on the D.S. Division’s homepage; see <http://www.irakkamam.ds.gov.lk> (accessed mid 2015).

Just hours before the Minister of Local Government declared the Local Government Elections, the Akkareipattu Pradeesheeya Sabha was immediately elevated to a Municipal Council. This was the first time in Sri Lankan history that such a ‘double promotion’ was given. In addition this was done even before the issuing of the Gazette notification; the Department of Elections made Akkareipattu a Municipal Council without following the established procedure/norms just because the Minister sent them a letter. This shows the level of political influence on the Department of Elections and its unwillingness to resist such influence. (CaFFE 2011: 3)

At the local government elections in March 2011, the new Municipal Council counted 20,971 electors⁷¹ while the balance Akkaraipattu *Pradeshiya Sabha* reports 4,074 electors only.⁷² Table 12 shows the election’s outcome, clearly indicating the importance of a Tamil party alliance (*Ilankai Tamil Arasu Kadchi*) in the Tamil-dominated Alayadivembu *Pradeshiya Sabha*, and the National Congress in the two local bodies of the Akkaraipattu D.S. Division.

We did not find evidence of local organisations playing a major role in the demand for (or in opposition to) such a council. Rather, the driving force behind these events was A.L.M Athaullah, leader of the National Congress and Minister of Local Government from 2010 until early 2015. He hails from Akkaraipattu and was elected as Member of Parliament in the general elections of 2010. According to him, the purpose was “to rectify the mistakes done to the Akkaraipattu boundary through boundary demarcations of the past” (personal communication).⁷³

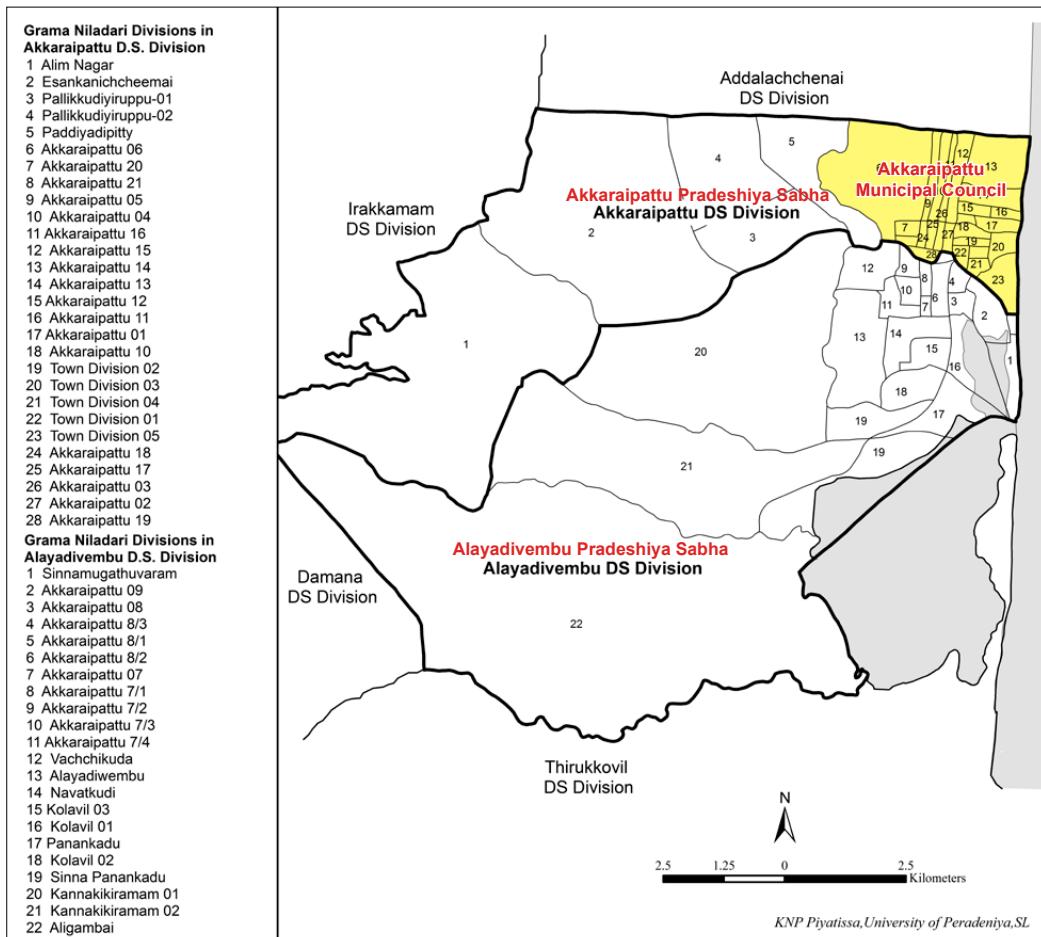
As we will see in Section 5, the Municipal Council also had to define new boundaries vis-a-vis the Akkaraipattu *Pradeshiya Sabha* to its west, and the neighbouring *Pradeshiya Sabha* of Alayadivembu to the south. While the first was a completely new one, the second could have followed the established boundary of the Akkaraipattu D.S. Division – but it did not.

71 See <https://tinyurl.com/yc5a6rjs> (old web page accessed April 2013; this new web page accessed July 2018).

72 See <https://tinyurl.com/y733m6zg> (old web page accessed April 2013; this new web page accessed July 2018).

73 A.L.M Athaullah was interviewed by S.H. Hasbullah on December 10, 2017 in Akkaraipattu.

Map 10: Local governance after 2011



Source: GoSL 2011a; GoSL 2011b

A glance at the future

In around mid-2014, the SLMC again passed a resolution demanding a separate district (including the Muslim-dominated electorates / polling stations) for the Muslim population in the east of the Ampara district, as the “Muslim majority in the area is facing difficulties having to deal with Sinhala administration in the Ampara district” (The Sunday Leader 2014; emphasis added). On the Tamil side, further demands for separate D.S. Divisions and *Pradeshiya Sabhas* were voiced as well, e.g. regarding Sammanthurai and Pottuvil-North (Tamildiplomat 2014).

Table 12: Local elections 2011

Party	Akaraipattu Municipal Council	Akkaraipattu Pradeshiya Sabha	Alyadiwembu Pradeshiya Sabha
Registered electors	20,971	4,074	15,358
Ilankai Tamil Arasu Kadchi	-	-	5
United People's Freedom Alliance	-	-	2
Independent Group	-	-	1
Thamil Makkal Viduthalai Pulikal	-	-	1
National Congress	8	6	-
Sri Lanka Muslim Congress	1	1	-

Source: See footnotes 71 and 72

We understand that commissions were formed in 2013 at the central level to re-draw administrative and electoral boundaries. According to the government, this is being done in “consultation with concerned stakeholders” (Colombopage 2013). Newspapers also report conflicts around these demarcation processes (The Sunday Times 2013). In late 2015, the new President of Sri Lanka established a new Delimitation Committee.⁷⁴

4.4 An initial discussion

The creation of administrative and political boundaries is a process that in fact involves many aspects of land, social mobilisation, and ‘development’ issues. In Section 1.3, we differentiated between three dominant ways to theorise and ‘think-together’ these aspects. We can now use these to engage in an initial discussion.

Economic discourse: The economic discourse centres on rational decision-making that seeks to improve material living conditions. This includes, in its more contemporary guise, the instrument of decentralisation, whereby decision-making powers are shifted from central state levels to the ‘local state’. Indeed, the gradual refinement of administrative boundaries can be read as such a process. The creation of smaller administrative units to deliver state services (the new D.S. Divisions) and the attempts at making elections more representative (the Double Member Constituency; the *Pradeshiya Sabhas*) can be seen as having improved economic processes. We also mentioned that changes in electoral procedures enabled a politician from Akkararaipatu (M. Kanagaratnam) to join

74 See <https://tinyurl.com/y7ev8lm4> (accessed October 2016).

the parliament in the centre, which in turn brought “progress” to the region, as pictured in this quote:

Kanagaratnam brought in *better educational facilities, government jobs and also some irrigation*. According to the people, all these taken together revolutionised life in the Pottuvil electorate. *Agricultural prosperity* meant, a *greater demand for education*. A-Level students were sent to Jaffna for additional classes. *Admissions to university went up sharply*, aided by the district quota system. Irrigation meant that there was work the whole year round. Men ceased to idle at home annoying their wives. Drinking and its associated problems declined. There was a general rise of prosperity and self-esteem. (UTHR 1990: 37, emphasis added)

The creation of Provincial Councils may also have an influence on bringing more development funds to the region, although this would require further analysis. We understand that the elected Members of the Eastern Provincial Council are allocated funds to spend in their electorates. For example, the Provincial Planning Secretariat, Eastern Provincial Council (2014: 11) mentions an “Hon. Members’ Development Programme”:

(...) was allocated to each Member of the Eastern Provincial Council *for the implementation of development activities proposed by them*. The approval was granted based on the circulars and guideline issued by the Finance Commission. The programme [was] implemented by the Provincial Department through their sub offices, *Divisional Secretariats, Local Authorities* and Statutory Boards. Totally, 857 activities at the cost of Rs.112.4 mn were implemented in the year 2014. (emphasis added)

More closely, the *Pradeshiya Sabhas* have, in principle, the potential to foster local voices. In addition, many donors have started to support these local governments, generally through the Eastern Province’s Department of Local Government. For our study locality, we came across projects, among others, by UNOPS (United Nations Office for Project Services, together with the European Union) regarding solid waste management (UNOPS 2014), or the German GIZ for “Performance Improvement” (Department of Local Government, Eastern Province 2012: 20). The provincial Department provided infrastructure through a “Backward Local Authorities’ Programme”, e.g. to construct office buildings. The *Pradeshiya Sabhas* of Addalachchenai, Alayadivembu and Thirukkovil qualified as such “backward authorities” (Department of Local Government, Eastern Province 2012: 24).

Similarly, Divisional Secretariats and their sub-units of *Gramma Niladari* Divisions supply services. In fact, many argue that this density of the ‘local state’ has turned Sri Lanka into a very particular welfare cum developmental state. Indeed, the D.S. Divisions provide an enormous array of services (Box 3 lists the services offered by the Akkarai-pattu D.S. Division). Divisional Secretaries also receive support from donors.⁷⁵

Political-economic discourse: Thus, in the above discourse, decentralisation and the required re-drawing of boundaries has enabled better access to state services and brought material progress to the area, but a closer look through a political-economic lens reveals crucial challenges. A core issue is whether these local bodies are able to represent local interests. The dominance of the Athaullah family in the Akkaraipattu Municipal Council is one issue, and funding is another. A recent study of the Akkaraipattu Municipal Council states that:

(...) within the low level of funding, local governments depend on central government transfers for upwards of 60% of their revenues. And, most of the transfers from central government to provincial and local governments *are earmarked for salaries and benefits*; and less than 10% of sub-national governments’ expenditures go towards capital investment. (Aliff 2013: 36, emphasis added)

Ethno-nationalist discourse: Some of the new administrative boundaries follow ethnic boundaries, and this brings us to the ethno-nationalist discourse. While the old Akkaraipattu was ethnically mixed, the present D.S. Divisions are all inhabited by generally one ethnic group only. Surprisingly though, most boundary re-drawings occurred between the Tamil and the Muslim communities (and not with the Sinhalese), and to an even greater extent, *within Muslim communities* themselves. While we argued above that the expectation of material benefits was an important driver for the creation of smaller Divisions, ‘ethnicised spaces’ indicate that issues of ‘cultural identity’ – to use a more general term to encompass non-material motivations – are part and parcel of these processes. Later, we will discuss our findings through the notion of purification (see Section 9.5). Cultural identity, though, emerges in different forms. As an ethnic identity, we only found it in the case of the (Tamil) Alayadivembu D.S. Division’s separation from the (Muslim) Akkaraipattu D.S. Division. In all the other cases, smaller D.S. Divisions emerged from the division of Muslim-dominated regions. This suggests that ‘identities

⁷⁵ One example outside our study region is the programme called CLAPP, i.e. “Civil Society - Local Authority Action and Partnership Programme”, run by CEPA (Centre for Poverty Analysis) with funding from the European Union. Emphasis is on the creation, in a participatory manner, of local resource profiles. See <https://tinyurl.com/ydfds33> (accessed June 2016).

Box 3: Services provided by the Akkaraipattu Divisional Secretariat in 2015

Civil registrations

Issuance of permits / licences

Issuing of certificates

Payment of pensions

Land administration ("Obtaining the Ownership of Lands; Distribution of Lands; Changing the Ownership of Lands; Naming/Changing the Successor; Transferring Deeds to a new Successor; Annual Rentals; Harvest Rentals; Long-term Rentals; Allocation of Lands for Religious Places")

Samurdhi program ("Issuing of Loan for Samurdhi Recipients; Issue of Samurdhi Cards; Co-Administration of Samurdhi Stamps; Co-Administration of Samurdhi Insurance Scheme; Co-Administration of Samurdhi Lottery; Co-Administration of Samurdhi Projects; Up grading Poverty People life")

Procurements

Social Welfare and Benefits ("Providing Casual Relief; Providing Low Income Relief; Providing Relief for Illnesses")

Development program ("Programs of De-Centralized Budget; Programs of Provincial Councils; Programs of the Line Ministry; Special Programs of the Government; Preparation of Consolidated Development Plan; Preparation of Resource Profile of the Area (...)

Organisationally, services are organised in "Service Divisions":

Social Services Division: "Goal - Encourage participation of the disadvantaged and suffering social groups in social development, by providing relief and rehabilitation and creating a background to prevent them falls into such conditions." Its main functions are "Provision of aids and equipments; Issuing Senior Citizenship Identity Cards; Issuing Dry rations; Issuing of PAMA; Issuing of Casual Relief"

Planning Division: "Goal - Strengthening the divisional sustainable development" with the main functions: "Identifying the development needs; Evaluation the progress of the projects; Updating PMCS; Maintaining and updating Resources Profile of the division".

Source: Homepage of the Akkaraipattu D.S. Division⁷⁶

of place' blended with the above mentioned expectations of material advances play a crucial role.

76 <http://www.akkaraipattu.ds.gov.lk/> (accessed mid 2015).

As a preliminary conclusion, we propose that our first case study highlights the importance of ‘networks’ between local forms of organisations and (local) politicians in order to channel expectations of ordinary people, or to implement the projects of (local) politicians (see the case of Athaullah). The study also pointed at the contradictory consequences of administrative delimitations on access to land (better access to land in the neighbourhood close to oneself, but more problems regarding land located further away).

5 A border-in-the-making – negotiating the ambiguities of administrative delimitation

Our first study encompassed the larger Akkaraipattu region, and it illustrated how access to land was facilitated *and* made more complicated through the continued formation of separate administrative-political divisions. This process of division was, and is – so we argue – fuelled by an intermixture of peoples' expectations of better access to means of economic/material progress and desires for purification. It is driven by networks between local members of parliament or leaders of political parties *and* organisations of 'local people'. With our next case study, we zoom in on one locality where such division-making occurred very recently, and is actually still ongoing. This border zone is located along the Ampara Road that divides the recently established Akkaraipattu Municipal Council area from the Alayadivembu *Pradeshiya Sabha*. Our focus on a very small geographical area helps us to dig deeper into the perceptions of why land, and the use of specific plots of land, is contested, how those affected try to grapple with and negotiate the consequences, and how they interact with the state and with the 'others'.

5.1 The situation prior to 1985

As we learned, a historical trade route connecting the eastern coastal region with the western part of Ceylon passed through the middle of the Akkaraipattu settlement (Map 11). Here, Muslims lived mainly along the northern side of the road to Ampara, while Tamils were concentrated mostly on the southern side. Religious and cultural institutions of both communities were located within their respective territories. Both groups,

though, used to meet at the common village tank, called *Wannakulam* (washermen's tank) by the Tamils, and *Palliyadikulam* (tank by the Mosque) by the Muslims.

The next important public space at that time was the market, which was located on the southern side of the road close to the village tank (as the local oral tradition indicates), and thus within the present-day Tamils' 'territory'. Still, people, regardless of ethnic, caste, religious and other differences, interacted in these two public spaces. Over time, other places began to play an important role in forging various relations, such as a rural hospital and a government school (Map 11). From the 1950s onwards, the population living in the area increased. Suitable land for expansion of the settlement towards the sea in the east was limited; therefore, it expanded towards the west (e.g. Muhammadiya). During the same time, the transportation network along the coastal belt developed quickly. As a consequence, the junction that connected Kalmunai-Pottuvil Main Road and Akkaraipattu-Ampara Main Road became an important new meeting place. Later, a Clock Tower was constructed at this junction (see Photo 1). Some of the other public infrastructures gradually moved towards this junction and beyond, that is, eastwards along the Pottuvil road. For example, a new market building, a bus terminal and the police station came to be located here (see Map 11).

5.2 The multiple partitions of Akkaraipattu

As outlined earlier, the former Akkaraipattu A.G.A. Division was split in 1985 into two sections, i.e. Akkaraipattu and Alayadivembu. In 1987, each of these became its own D.S. Division. And, from 1987 onwards, each of these units had its own *Pradeshiya Sabha*. Then in 2011, the eastern part of the Akkaraipattu *Pradeshiya Sabha* was demarcated as an Akkaraipattu Municipal Council, leaving the Akkaraipattu *Pradeshiya Sabha* with a rather small area in the west.

While some of the borders demarcating these new units were clearly defined and uncontested, some sections continue to be contested to this very day. These concerns are about their exact location and concomitantly, the areas of land they circumscribe. Circumscribing land also defines the decision-making power regarding the use of these lands, the buildings on these lands, and last but not least, the revenue-generating potential of these places. The area around the Ampara Road represents such a contested 'border-in-the-making'. The following section reconstructs these boundary contestations along the time line.

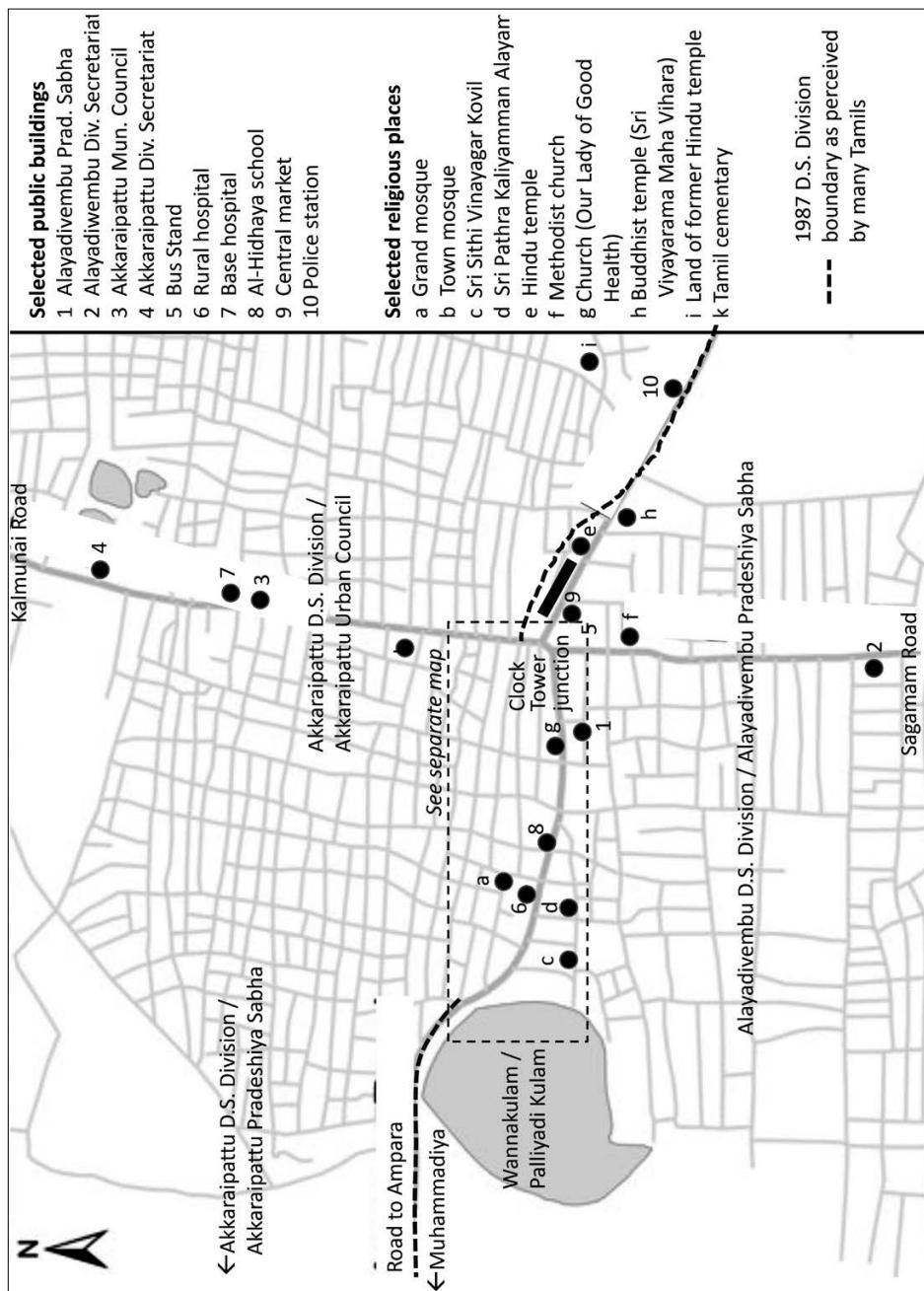
The 1985-1987 D.S. Division boundary

We start our reconstruction in 1985, with the creation of the new Alayadivembu D.S. Division. We understand that this new boundary was surveyed and documented in a 1987 Gazette Notification, which stated that the boundary started on the western side along the Ampara Road (see Map 12) and as it reached the *Wannakulam/Palliyaddi Kulam*, it turned eastwards along Ismail Road. However, the continuation from here onwards was *not detailed further*, which left room for interpretation. We learned that many Tamils think that the delineation follows the above roads, i.e. going from the *Wannakulam* along Casim Road to Al Hithaya Road, and then through Ismail Road to the Kalmunai Main Road (see Photo 4). However, this irritated many Muslims, because it implied that a considerable number of Muslim households, and above all the two main mosques (Grand Mosque and Town Mosque), would now be located in the new Tamil-dominated Alayadivembu Division.

In the same period, the earlier Wards with their Village Headmen now became *Grama Niladari* (G.N.) Divisions. Thus, the boundaries between the respective G.N. Divisions were contested as well. As shown in Map 12, the western part belongs to the G.N. Division called “Akkaraipattu 19”, while the eastern part is the G.N. Division named “Akkaraipattu 8/1”. While the first now came under the D.S. Division of Akkaraipattu, the latter became part of the Alayadivembu D.S. Division. But where is the exact boundary between these G.N. Divisions? Which interpretation of the higher-level D.S. Division does it follow? Which boundary should be used for administrative or planning purposes, and where should people go to contact ‘the state’? We also need to recall the contextual conditions of that time, as this was a period of increasing mistrust, misunderstandings and violence (in 1985, the market of Akkaraipattu was burnt down). This local boundary issue resided within the broader ‘ethnic’ tensions fueled by the war. Indeed, in the time to come, Ampara Road, separating the Muslim and Tamil dominated areas, would become a focal point for violent confrontation.

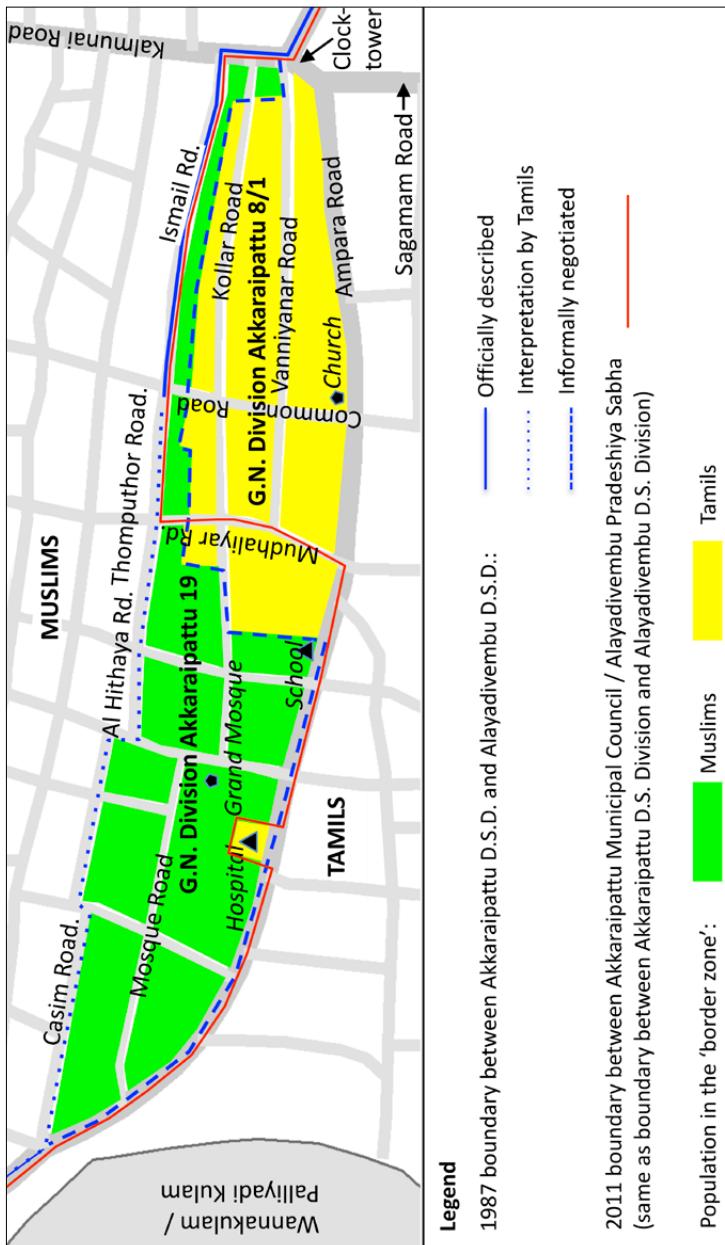
We learned from our interviews that many were concerned about these developments, and that people started to discuss and even attempted to negotiate the new boundary. ‘People’ means some local organisations that took up the issue and approached politically influential persons to bring their concerns to higher levels. We understand that the Mosque committees played an active role. The Grand Mosque is the oldest and most influential in this locality. In the same period, an overall Mosque Federation of Akkaraipattu emerged as an umbrella organisation to address the ethnic tension and the boundary issue. We understand that consultation meetings were held among interested parties. This led to the appointment of a six member ‘Action Committee’ by the Mosque Federation. The Action Committee included politicians (two Members of Parliament representing

Map 11: The (semi-)urban area of Akkaraipattu and Alayadivembu



Source: Base map from Google Earth; other details from field visits.

Map 12: The border-in-the-making in central Akkaraipattu



Source: Base map from Google Earth; other details from field visits.

Note: Vanniyar Road is also called Appuhami Road, indicating that Sinhala-speaking families were living here as well.

Photo 4: A glance from Kalmunai Road into Ismail road



Photo by S. Hasbullah and A.R. Jesmil, 2017

this area at that time), “educated people”, and community leaders. The chair position was given to a Member of Parliament from Sammanthurai. But it was said that all these efforts failed in the wider context of intensified and violent ‘ethnic’ tensions. Tamils made similar attempts at conflict resolution through a number of channels and by involving individuals⁷⁷ and organisations. We understand that the Roman Catholic Church and the YMCA became involved as well.

However, over time, a rather practical and pragmatic understanding on how to deal with the confusing boundary zone seems to have emerged. Under this informal agreement, the boundary followed the ‘ethnic’ boundary. Houses along the southern side of Ismail Road belonged to Muslim families, and those along the northern side of Kollar Road (also called Marituvar Road, see Map 12) belonged to Tamils. Thus, the boundary was assumed to follow backyard fences and run between these rows of houses. Therefore, in actual everyday practice, Muslims went to the government offices in the Akkaraipattu D.S. Division, and the Tamils to those in ‘their’ Division.

⁷⁷ The names of Mr. Manikkavasahan and Mr. Senthuraja, former President of the Ampara District NGO consortium, were mentioned to us.

The 1987 Pradeshiya Sabha boundary

In 1987, local governance was introduced through the *Pradeshiya Sabhas* (see Section 4.3). These covered the same areas as those covered by the D.S. Divisions. We understand that the boundary of the new Akkaraipattu *Pradeshiya Sabha* continued to follow the informally agreed upon boundary of the respective D.S. Divisions. Thus, in practice, people went to ‘their’ (i.e. Tamil or Muslim) *Pradeshiya Sabha* office.

The 2011 Municipal Council’s boundary

In 2011, the Akkaraipattu *Pradeshiya Sabha* was split into two, with the eastern part now being double-promoted to a Municipal Council (see Section 4.3). The new Municipal Council also defined its own boundary vis-a-vis the Alayadivembu *Pradeshiya Sabha*. This boundary is indicated in red on Map 12. Unlike the 1987 Divisional boundary, the Municipal Council’s boundary was surveyed in detail, and thus precisely demarcated and documented in the respective Gazette Notification.

As the map shows, it *cuts across ethnic spaces*. For example, 10 Muslim families living on the southern side of Ismail Road now belong to the Tamil-dominated Alayadivembu *Pradeshiya Sabha*. Similarly, Tamil families residing on the western side of Mudaliyar Road are supposed to be part of the Muslim-dominated Akkaraipattu Municipal Council. According to the Chairman of the Alayadivembu *Pradeshiya Sabha*, 42 Tamil families were “taken to Akkaraipattu side”.

We understand that for some time, the Tamils – while living in the Municipal Council area – paid taxes and met all their administrative needs at the Alayadivembu *Pradeshiya Sabha*. The Muslims, in turn, interacted with the Municipal Council. Our most recent interviews, however, indicate two things: first, Tamil families located within the Akkaraipattu D.S. Division now go to the government offices in this Division, and the Muslim families, vice versa. This would indicate that ‘ethnic’ considerations become less important than more practical dimensions of everyday life. However, we also understand that some Tamils continue to contest the boundary. We were told that they have filed a case at the Akkaraipattu District Court and another one in Colombo. In other words, this boundary dispute is still simmering.

5.3 Contested places

The border-in-the-making cuts through densely populated areas and thus defines the location of public places either in one or the other unit. But as the boundaries' location is debated, so are the belongings of these public places.

Central Bus Terminal: A new bus stand next to the Clock Tower junction was built a few years ago. When the Akkaraipattu Municipal Council was declared, arguments arose over whether the bus stand is located in the Council's area, or in the adjoining Tamil Division/*Pradeshiya Sabha*. We understand that a Tamil lady claimed ownership of the land on which the bus stand was built; however, a court ruling dismissed her claim. Our latest interviews indicate that there are no more conflicts around this locality. It was mentioned that the boundary gazetted in 2011 cemented the situation, even though many Tamils still disagree with it.

Central market building: Before 1985, the market stalls close to the Clock Tower were mainly located on the southern side of the Pottuvil road and thus were claimed to be in the Tamil dominated area. A new market building was constructed in 1985 (after the former was burnt down) along the northern side of the road (Map 12). With the 2011 boundary line, it was declared as belonging to the Akkraipattu Municipal Council area. The market also generates revenue, which now goes to the Municipal Council. Aliff (2015) analysed the revenues that the Akkaraipattu Municipal Council receives. He found that in the 2012 budget, so-called "Revenue Grants" from the central or provincial governments covered around 80% of the income, while the balance of 20% was generated locally through "Rates & Taxes; Rents; License Fees; Charges for Services; Warrant Fees & Fines" (p. 11). This includes, among others, incomes from the central market, which is a public infrastructure. This income does not flow to the Tamil side, and many (Tamil) interviewees complained about this situation. For the Muslim side however, Aliff (2015: 12) reports that "... Trade license tax [is] not regularly collected due to political supporters running the trade centers in some areas such as market and bus stand places". Another development is that in the last few years, new trade stalls have been coming up on the other side of the road, and thus in the territory of the Alayadivembu *Pradeshiya Sabha*. We understand that Muslims run many of them, and that the revenue goes to the Alayadivembu *Pradeshiya Sabha*. At the same time, the Muslim owners go to the Municipal Council for water and related services.

Hindu temple: Just next to the market on its eastern side, there is a Hindu temple, which is used by Tamils from Alayadivembu (see Map 12). We understand that the earlier Ward in this area was larger, and that it was split into several G.N. Divisions during the 1987 demarcation of the separate Alayadivembu D.S. Division. Interestingly, the earlier Ward encompassed the Buddhist temple, a prominent Sufi Mosque and a famous Hindu

temple. The contemporary conflict linked to this specific Hindu temple is very mundane and seems to have little to do with ‘ethnic territoriality’ – the market stalls located next to the temple are used by fish merchants, and we understand that the fish smell severely irritates the Hindu devotees.

Destroyed Hindu temple: Not very far from the above Hindu temple, there is another temple located on the northern side of the Pottuvil Road. This temple belongs to the goldsmith community. As it happens to be located slightly within the Muslim concentration, it became the target of vandalism during the period of ethnic tension in 1985. The temple was later completely destroyed and now only the bare land remains. This of course deeply hurt the Tamils. We learned that the trustees of the temple are discussing whether or not to sell the land on which the temple stood.

Tamil cemetery: Another unresolved issue resulting from acts of boundary drawing relates to the cemetery of the Tamils (see Map 11). Muslims claim that the municipal boundary starts at the southern end of the cemetery, and thus, the cemetery’s land belongs to the Municipal Council. Tamils argue that the cemetery naturally must be part of the Tamil D.S. Division.

School: The Al-Hidhaya School is located on the northern side of the Ampara Road (see Map 12). From its beginning, this Muslim school admitted students up to Grade 5. There were very few Tamil students who attended this school. However, towards the later part of the ‘ethnic’ conflict, the number of Tamil students increased. In this context, and in connection with the then emerging boundary issue, Tamils claimed that this school was part of Alayadivembu, and therefore had to be declared as a Tamil-majority student school. Even today, Tamils feel that the school should be given to them, a demand opposed by Muslims on the ground that the majority of students are still from the Muslim ‘community’.

Hospital: For a long period of time, the Rural Hospital, located on the Ampara Road close to the Grand Mosque served all communities. With the splitting of the Division, a new hospital (called Base Hospital) was constructed further north in the Muslim Division along the Kalmunai Road. While this is now used by Muslims, the old Rural Hospital mainly serves the Tamil population. Many interviewees complained that its standards and services have declined, while the Base Hospital has gradually improved its quality. We understand that this conflict is not new. Already in 1993, UTHR (1993) wrote:

The old hospital was occupied by the forces, and the hospital was shifted to a place on the Amparai Road opposite a Tamil area with a Mosque behind the hospital. This appeared to be an area common to both communities. However a new hospital was built in the Muslim quarter along Kalmunai Road. There

is a Tamil fear that pressure is being applied to up-grade the second and run down the hospital in the common area.

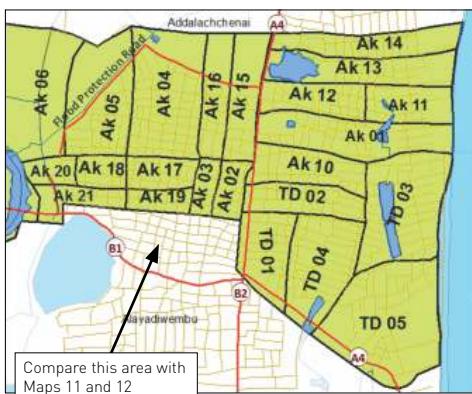
(Non) access to international donors: Boundaries can also demarcate spaces that will or will not benefit from international aid. We came across a striking example along the contested boundary discussed in the present section. The Australian Agency for International Development (AusAid) and the United Nations Human Settlements Programme financed and supported a “Disaster Risk Reduction and Preparedness Plan” for four urban areas in Sri Lanka, including the Akkaraipattu Municipal Council (UN-Habitat Sri Lanka 2014). The project’s area is defined in the following way:

The Project area covers the UDA declared Akkaraipattu Urban Development Area (...). The declared area includes Akkaraipattu Municipal Council (...) and five GNDs [Grama Niladari Divisions] from the [Akkaraipattu] *Pradeshiya Sabha* area. (UN-Habitat Sri Lanka 2014: 6)

This area is shown on a map (see a section of it in Map 13). Its boundary towards the south, however, does not follow the established one, but cuts across the Municipal Council boundary surveyed in 2011 (compare with Maps 11 and 12). It thus excludes many Muslim and Tamil families.

So far, our second case study has showed us other facets of what land use can mean, and the everyday contestations around these uses. With the next case, we now move to agricultural land use proper, and thus issues of mobilisations by ‘peasants’.

Map 13: The border of the Akkaraipattu Municipal Council as seen by a donor



Note: See text for details

Source: UN-Habitat Sri Lanka 2014: 15

6 Land along the ‘grand frontier’ - the micro-politics of negotiating access to land in the Gal Oya scheme

Our third case takes us to the land used by the people of Akkaraipattu/Alayadivembu for agriculture. For this, we visit the western border area between the two D.S. Divisions of Akkaraipattu and Alayadivembu and the D.S. Division of Damana. Each of these three Divisions is more or less dominated by one ethnic group (see Map 1): Muslims in Akkaraipattu, Tamils in Alayadivembu, Sinhalese in Damana. Economically, though, all the three ‘communities’ depend to a considerable extent on land that was made cultivable through the Gal Oya scheme. This scheme brought irrigation water and made new lands accessible to all the three Divisions. Some land was allocated to paddy cultivation, and a major part – again in all the three Divisions – to sugarcane. With this, *farmers from all (ethnic) groups were confronted, in principle, by similar challenges*: getting access to the new land made available through the Gal Oya scheme, being able to operate their paddy land properly, getting work in the sugarcane factory and plantation, finding pastures for their cattle, and dealing with government officials. Later, the entire region was thoroughly implicated in the struggles between the Sri Lankan army and the LTTE. This too affected all the ‘communities’, though in different ways.

It is indeed a highly complex region, and this demands careful attention to questions of access to, and control over land. In fact, the border between Akkaraipattu/Alayadivembu and Damana is often portrayed as ‘*the frontier*’ (in singular) between the ‘ethnic Sinhala-majority-controlled Sri Lankan state’ and ‘the others’. In this reading, the Gal Oya scheme favoured the Sinhalese, and thus encroached upon the ‘traditional homeland’ of the Tamil people. We take a critical look at this discussion, and therefore structure our insights along the following questions:

- (i) Who had access to the land made newly available through the Gal Oya scheme?
- (ii) What happened with this access to land during the conflict period?
- (iii) What is the situation today?
- (iv) And what role did and do local organisations play in land-related conflicts?

As this section deals extensively with access to land, we begin with a brief summary of the main legal instruments that deal with control over land.

6.1 Excursus: legal procedures for accessing land

We have already mentioned that approximately 80% of land in Sri Lanka is reported to be under government control, and we mentioned the existence of different types of land permits and administrative-political levels authorised, or not authorised, to issue these diverse permits to cultivate state land. In this excursus, we summarise these points with special reference to our study region.

The LDO (Land Development Ordinance) permits were, and are, the most important legal conduits to state land (see Section 2.2). We understand that in our region, it was A.M.A. Azeez in particular who was influential in the distribution of such land titles in the late colonial period (see below). Though Azeez mediated these permits, the responsibility for the final decision about allocation remained with the Government Agent at the district level.

We also referred to the widespread phenomenon of *encroachments*, an issue that we consider under-researched in the Sri Lankan context.⁷⁸ We understand that the administration tried to cope with these through the process called “Regularisation of Encroachments”. The Encroachers Surveys (ES) represented a core procedure. The encroached land was surveyed, and once the authorities in charge agreed, a one-year permit (or Annual Permit) was issued to the ‘encroacher’ to cultivate the land. This implied that these permits were to be renewed on an annual basis. We understand that in our study region, the ES was an important device used to access land during and after the implementation of the Gal Oya scheme. Our interviewees mentioned an intermediate category called “Declaration Deeds”, under which people can claim that they have used a piece of land for a long time, and thus can hand over this claim as a ‘use-right’ to others. After a period of time, cultivators with E.S. permits and annual permits could apply for

⁷⁸ An exception is Vandsemb’s (2014) study in eastern Hambantota district. See also Korf (2005).

LDO permits. This required the surveying of their land, the allocation of land block numbers, etc.

Furthermore, LDO permits could also be transformed into private ownership of the land. The “deed system” has been in place for a long time and continues to prevail in Sri Lanka. A “deed” refers to a document “which contains details of a bond between two or more parties”, and it is this document that is registered by the state (Bim Saviya, n.d.: 6). These deeds generally do not give details of the exact location and size of a piece of land. Therefore, Sri Lanka has started (with support from the World Bank), a programme of land titling and registration called *Bim Saviya*. Under this programme, the exact location of a piece of land, its boundaries, rights, etc. are registered and certified (Bim Saviya, n.d.).⁷⁹ In fact, the Sri Lankan state is famous for a successive series of programmes that attempted this transformation of LDO permits into deeds:

Land Grant [programmes were] variously titled as Swarnabhoomi (during United National Party political regime from 1978 to 1994), Jayabhoomi Land Grant (under the United Front Government from 1994 to 2002), and to Isurubhoomi Land Grant (under the United National Party regime from 2002 to 2004) and now back to Jayabhoomi Land Grant (under the new United Front Government from 2005). While the title has changed to fit the populist ethos of ruling governments from time to time the provision of a land grant remains relatively unchanged since 1979. (Wanigaratne 2006: 85)

So much for a glance at the legal regulations governing land. Who, then, is entitled to issue these permits and grants? As we will see below in the case of Gal Oya as well, power rested for a long period of time with the Government Agent (GA) heading the administrative district. The allocation process was usually embedded within the procedure of *Land Kachcheries*. The GA was supported in this by Assistant Government Agents and officials from the central government’s Land Commission Department.

Things changed in 1987 with the 13th Amendment. While the handling of land in ‘inter-provincial schemes’ remained with the central government, other lands (including lands under Minor Irrigation Schemes)⁸⁰ came under the purview of the Provincial Councils. The latter, in turn, empowered the Divisional Secretariats to handle land issues. The Divisional Secretariats were staffed by a Land Officer, supported by Colonisation Officers and Field Instructors. They, as well as the *Grama Niladaris*, are involved in

⁷⁹ See <http://www.bimsaviya.gov.lk> (accessed October 2016).

⁸⁰ We will take up this arrangement again in our discussion on the Wattamadu disputes (see Section 8).

surveying lands, checking statements, and allocating permits and grants. We recall one of the services of the Akkaraipattu D.S. Division (see Box 3), i.e. "Land Administration":

Obtaining the Ownership of Lands; Distribution of Lands; Changing the Ownership of Lands; Naming/Changing the Successor; Transferring Deeds to a new Successor; Annual Rentals; Harvest Rentals; Long-term Rentals; Allocation of Lands for Religious Places.

We understand that the *Pradeshiya Sabhas* cannot issue land permits, but that they can play a certain advocacy role in relation to the D.S. To summarise this excursus, the administration of access to land in our study region thus comes under two 'states':

(1) The *central state* is in charge of land under the Gal Oya scheme. This includes land under the new tanks built by the scheme (see Map 5), plus the older tanks of Irakkamam, Neethai and Illukuchchenai.

(2) The *Eastern Provincial Council, through the Divisional Secretariats*, is in charge of old deed land, and land allocated under these (minor) tanks: Rufus, Vammiyadi, Sagamam, the Thonikkal scheme, and the Kanchikudichchi Aru scheme. These tanks are operated by the Eastern Province Irrigation Department.

6.2 Access to land prior to the Gal Oya scheme

In the 1930s, the general discourse on rural Sri Lanka, in short, focused on support for the peasantry and the need to protect it against exploitative landlords. Thus, state land was not to be distributed as private land, as this would risk (so it was assumed) its capture by the landlords. Instead, the regulations of the Land Development Ordinance (LDO) of 1935 were designed to make sure that the peasants were able, and obliged, to keep hold of the land. Moore (1985: 3) labelled this as a paternalistic attitude, "an obligation on the part of the state to use state power on behalf of the 'peasantry', which was combined with a reluctance to trust 'peasants' to manage effectively their own personal and household affairs".

However, land allocation in our study region started even earlier. According to Peiris (1991), the Irakkamam tank and others were renovated by the British in the late 19th century. Jameel (2011) reports a formal government effort to cultivate new land as part

of the ‘food drive’ (or Grow-More-Food) campaign during World War II.⁸¹ In 1942, facilitated through the then Assistant Government Agent of Kalmunai, A.M.A. Azeez, state land was distributed immediately to the west of the settled areas of Addalachchenai, Akkaraipattu, and Alayadivembu (for the place names given in the following quote see Map 5):

The allocation of land in this manner exceeded 12,000 acres in one year. The Daily News of 29.3.1943 reported that 12,270 acres of land had been distributed in the district for paddy cultivation, which included 4,000 acres *given to farmers of Akkaraipattu, Kolavil, Thambiluvil and Thirukkovil*. 1,520 acres were allocated for highland crops and 30,000 acres of hitherto uncultivated paddy fields were brought under the plough. (Jameel 2011, emphasis added)

It is unclear whether land was given as private (i.e. deeded) land or under LDO permits.⁸² In 1943, a harvest festival was organised, and Prime Minister D.S. Senanayake was invited as chief guest:

(...) farmers named (...) paddy lands of about 500 acres in Sagamam situated 5 miles away from Akkaraipattu as ‘Azeez Thurai Kandam’ which perpetuates his memory to this day. (...) This enabled the poor landless farmers to become owners of paddy lands. (Jameel 2011)

Some interviewees mentioned that Azeez also allowed people to take up land in remoter places such as along the Kanchikudichchi Aru, or in the Ambalan Aru area. However, land was also accessed for paddy cultivation or *chena* informally, that is through *encroachment*. We understand that such extensions of cultivation and settlement through encroachment took place for example in the 1940s, when Tamils from the coastal belt started using land along the Ambalan Aru, around 20 km south-west of Akkaraipattu (Map 5). With respect to distribution of land (or more precisely: the facilitation of access to land distribution mechanisms) in later periods, the name of M.S. Kariapper was mentioned as well (see Table 11).

Cattle was, and continues to be an important aspect of the east coast agricultural system. Often, small farmers brought their cattle together to form larger herds, which

81 Moore (1985: 34) mentions that between the two World Wars, Ceylon imported 2/3 of its food requirements, paying for these imports with tax earnings on the plantation sector.

82 In the view of one of the sources, this land distribution “transformed landless Muslim farmers to owners of paddy lands” (Sunday Island 2005).

were then managed by one of the farmers, or by a person employed for this purpose (Geiser et al. 1984). Larger scale farmers or specialised cattle owners (e.g. *podiyyars*) had their own large herds. During the off-season after paddy harvest, the herds roamed through the harvested paddy fields. During the period of paddy cultivation, they had to move to grazing grounds in the jungle areas to the west of the paddy land, because the strip of land towards the east, between the paddy field and the Indian Ocean, was too narrow and above all, densely populated. On the other hand, *purana* villagers in the western part (usually Sinhalese) used these areas for rainfed *chena*.⁸³

6.3 The arrival of the Gal Oya scheme

In 1949, work started on the construction of a new dam across the Pattipalai Aru / Gal Oya river near Inginiyagala to the west of our study region, to provide irrigation water for new land to be given out on LDO permits (Map 2 already shows the new tank, but not yet newly developed paddy lands). Under the responsibility of the Gal Oya Development Board (G.O.D.B.),⁸⁴ an American company was contracted for the work.⁸⁵ All funding, though, came from the state of Ceylon.⁸⁶ In addition, new land was developed by the diversion of water from the Gal Oya river itself (thus called a *River Diversion*). Much land in present-day Addalachchenai D.S. Division is irrigated through this River Diversion.⁸⁷

Map 3 indicates the point of commencement of canal construction. But it also shows (compared with Map 2) that new paddy lands emerged in the jungle area that we assume were mainly encroachments. The scheme was further extended by the construction of additional storage tanks and restoration of existing ones (Map 5), e.g. Ambalam Oya Tank (constructed by the G.O.D.B. between 1959 and 1961; Arumugam 1969: 159).

⁸³ During our interviews in the old *purana* village of Madalanda, we found that the older people spoke fluent Tamil.

⁸⁴ At that time, irrigation affairs normally came under the purview of the Irrigation Department. Gal Oya was the first time that a special government authority was created to develop a river valley for irrigation. In 1965, however, the G.O.D.B. area was handed over to the Irrigation Department "for routine operation and maintenance". (Amarasinghe et al. 1998: 2)

⁸⁵ For the Gal Oya scheme's inspiration by the Tennessee Valley Authority, see Geiser (1995: 260f).

⁸⁶ According to Peiris (2017) it became necessary to seek foreign aid in the later stages of the project (e.g. settlements in the Right Bank Canal).

⁸⁷ See map in Murray-Rust and Moore (1983: 24).

Other previously built tanks were incorporated into the scheme (e.g. Neethai Kulam), restored, or enlarged (e.g. Pannelagama).

In late 1951, the first settlers were given land on LDO permits. These included families that had to leave their previous land (usually *puranas*) that was inundated by the new Senanayake Samudra tank.⁸⁸ Initially, an average of 5 acres of irrigated land and 3 acres of rain-fed highlands were allocated to each family (Farmer 1957: 167), but this was soon reduced to 3 and 2 (Fonseka 1967: 96). In addition to these new LDO lands, existing paddy lands that were privately owned by Tamils and Muslims in the eastern part of the project's perimeter now received secure irrigation water. In the district of Ampara alone, a total of 41,830 ha were allocated under LDO permits until the end of 1993 through different schemes, i.e. "village expansion" (6,126 ha), "regularisation of encroachments" (17,686 ha), "major settlements" (incl. the new ones under the Gal Oya scheme: 17,992 ha); and "youth settlement schemes" (26 ha) (World Bank 2008: 10). These administrative categories are important markers for land-related dynamics, and we will revisit them later.

Initial living conditions for new settlers must have been very harsh. Many who came from the Kandy region or the southwest of the country returned to their places of origin. Fonseka (1967: 97) reports of Muslim settlers (coming from the east) who leased their new land out to *podiyers* and stayed on as labourers. He also states (p. 99) that the opportunity for daily wage labour at the state-owned Hingurana sugar factory was in high demand. He concludes (p.102) that:

(...) the low level of income derived from agriculture (...) has forced many allottees to supplement their meagre incomes by hiring their labour.

On top of all this, Farmer (1957: 285) reports that the settlers had to face the "superior attitude" of officials who gave orders to people, and not advice.⁸⁹ Harriss (1984: 326) describes the management of irrigation schemes as "top-heavy and paternalistic". Further below, we will see how this affected farmers' mobilisation.

⁸⁸ Tambiah (1958: 240) reports that these included many "... Sinhalized Veddas displaced by the reservoir and settled in the valley."

⁸⁹ Based on the analysis of existing statistical data, Kearney and Miller (1988: 287) even proposed a causal link between suicide rates and internal migration: "(...) while internal migration cannot explain completely the universal rise in suicide in Sri Lanka, there is a strong association between suicide and internal migration particularly in the Dry Zone districts where migrants comprise more than half the population in most adult-age groups".

Sugarcane

A large part of the newly irrigated land under the Right Bank Canal was to be used for the production of sugar. The sugar factory itself started operating in 1959 or 1960, and a distillery was added in 1962. Initially, sugarcane was cultivated through government-employed labour: "(This) sugarcane plantation-factory-distillery [complex was] originally fully under government control and managed by government-appointed personnel" (Keerthipala 2007).⁹⁰ *Trade unions* are reported to have been very strong in this factory-plantation complex:

Trade unions in respect of various trades had sprouted in mushroom numbers. The SLFP Trade Union was led by Mahindaratna, the MEP by MS and Kulasinghe Bakmeewewa brothers, the LSSP by Ranbanda and Lawrence and last came the Jathika Sevaka Sangamaya of the UNP led by Kalanasiri Sudasinghe (...). (Daily News 2011)

The plantation was handed over to the newly established Sri Lanka Sugar Corporation (S.L.S.C.) in 1966 or 1967 (Daily News 2011). In 1975, the government gazetted an extension of the plantation area; another extension took place in 1989. We understand that some of the people affected by these extensions were compensated, while others received land in other localities.

We also understand that this state-owned sugarcane plantation, which was run by government employees, was not very efficient and was plagued with low yields. Murray-Rust and Moore (1983: 27) report that therefore, the cultivation of sugarcane (except a small nucleus of 163 ha)⁹¹ was "alienated to farmers, introducing a small-holder settler/allottee system" (see also Keerthipala 2007). Land continued to be state-owned, but cultivation was now distributed to smallholders as LDO permit land. We learned from our interviewees that these LDO permits were stamped with the condition to grow sugarcane. Each family received 2.5 acres of irrigated sugarcane land and some highland. We understand that 4,500 families received such small holdings. According to the agreement, the smallholders had to produce and sell sugarcane to the Hingurana factory. With this, a kind of *contract farming* or out-grower system emerged. We also understand that land was allocated to some of the families who lost land through the 1975 gazette notification that expanded the sugarcane area (see above). Some earlier employees, and some new

90 A very interesting account of the bureaucratic relations between factory management and sugarcane workers is given in ILO (1964).

91 This nucleus was used to produce seed cane and to field test new varieties developed at the Sugarcane Research Institute.

'colonisers' received land as well. However, there were also instances where farmers who already lived in the area before the Gal Oya scheme now took the opportunity to cultivate cane. One such region is Varipathanchena, close to the Irakkamam tank (see Map 5). Administratively, the plantation area was now divided into five production zones (Table 13), each with a sub-office to supply the outgrowers/smallholders with required inputs.

Following the general economic policy of the time, the factory itself was partly privatised in the mid-1980s.

However, the entrepreneur who took over the factory could not manage the property despite the growing demand for sugar in the country. Mismanagement, labour and *union unrest* paralysed the operations of the factory. In addition to the workers, the out growers who supplied sugarcane to the factory were left high and low (...). (Sunday Observer 2011, emphasis added)

By 1993, the factory was fully privatised, but accusations of mismanagement were soon reported again, including the consequences on the employees and out-growers:

As the situation continued to deteriorate *workers were forced to unite* in an effort to protect their jobs. This led to the formation of a single strong *trade union* and a rising worker militancy which in turn forced the government to intervene. By then however the factory had been mortgaged and the new owner had left the area. (...) Finally the state took over the company but closed down the company for a period of three months. The losers were the workers who had to forego their salaries. At the end of the period the factory re-opened under a Competent Authority but was closed down once again after paying compensation to workers. The compensation paid ran into millions of rupees. Since then the factory has remained closed and has been vandalised. (The Sunday Times 2007; emphasis added)

As stated in this quote, the Hingurana Sugar Industries Ltd was closed down in 1997, and only a small staff was retained to maintain the factory buildings.⁹² With this move, the smallholders/out-growers – whether they were Sinhalese, Tamils or Muslims – were (once more) not in a position to sell their sugarcane, and they consequently *switched to paddy cultivation*. Just to recall, the government's evaluation of the Gal Oya scheme in 1970 (led by B.H. Farmer) stated that the sugarcane plantation "is the most ruinous

92 <http://www.galoya.lk> (accessed March 2013).

Table 13: Sugarcane areas

Location	Cultivable Extent (ha)	Number of Allottees
Varipathanchena (Irakkamam)	1067	947
Galmuduwa	1,233	926
Deegavapi	1,034	870
Hingurana	764	797
Neethai	1,104	1,001
Total	5,202	4,444

Source: <http://www.galoya.lk> (accessed February 2013)

component in the entire Gal Oya Project" (Government of Ceylon 1970: 78), not least because the soils were considered not suitable for this crop.

6.4 Accessing the new agricultural land

So, *who* was able to access the new land that emerged in the 1950s and early 1960s for paddy or sugarcane, and *how* were people able to access land? Were they Sinhalese, Tamils or Muslims? Were they all the people, or just the more influential ones? Did ethnic identity or class identity (or something else like identity of place) play a role? To discuss this, we need to go back to the initial process of land distribution. This might also help us better understand present-day contestations.

Moore (1985: 43) states that little is known about how settlers were actually selected. We understand that initial land distribution happened through *Land Kachcheries* (or the "Land Kachcheri System"; Peiris 2017). Under this institutionalised process, the government called for applications from people interested in land and established the procedures for the lands' final allocation. Interviewees report that this process took place at the level of the district administration, and thus under the then Government Agent. Farmer (1957: 171f), though, states that the Gal Oya Development Board had its own Peasant Settlement Branch that was involved in selecting colonists. He writes that, as a general procedure, people displaced by the irrigation work were the first to receive land, followed by "nearby landless" people or labourers working in construction work and land clearing (p. 204f). Later on, outsiders, especially from the southwest of the country were recruited. Farmer argues that the concerned Minister had to approve the list of areas to be selected. Then the Revenue Officer in these "source areas" or "colonist's home area" interacted with the Village Headmen to select and check potential settlers. According to G.O.D.B. criteria, the "applicants must be peasant villagers who are genu-

ine cultivators, physically fit and of good character, and have at least two children over 8 years of age" (Farmer 1957: 207). But he also states (p. 210) that "there must remain the suspicion that political considerations weigh heavily".⁹³

While this formal process of selecting settlers was important, many people came to the area *on their own*. Farmer (1957: 204) even states that the "problem is no longer to attract settlers to the Dry Zone, but to control the flood of peasants who wish to move there".⁹⁴ Above, we listed the different schemes under which LDO permits were issued, and a crucial one was indeed "regularisation of encroachments".

Members of Parliament (MPs) from the larger Gal Oya region were also invited to send lists of interested people. Table 11 shows the local MPs of the 1960s and early 1970s. We understand that they were supposed to support their voters in accessing the new land. For example, Senerath Somaratne lived in the southwest of Sri Lanka before moving to Gal Oya as an employee of the G.O.D.B. He then became a 'local' MP for the SLFP (Daily News 2010). Elderly interviewees stated that Somaratne was keen to secure access to sugarcane land for his vote base, and that he was in competition regarding such access with the Member of Parliament of the UNP (Dayaratne).⁹⁵ Muslim MPs from the east coast like M.A. Abdul Majeed or M.S. Kariapper were more interested in paddy land. In addition, the name of Senerath Somaratne was mentioned by elderly interviewees regarding cases of land taken over by Sinhalese settlers from Muslims or Tamils. To recall, many argue that the Gal Oya scheme was above all a venture to expand the influence of the 'ethnic Sinhala-majority-controlled Sri Lankan state', which was practiced by bringing in Sinhala 'peasants' to occupy land previously used by east coast Tamils or Muslims. This process seems to have taken place (according to our interviewees) in specific localities, such as downstream from the Ambalan Oya Tank. We mentioned this locality as a place where Tamils from the east coast started to cultivate land along the Ambalan Aru river from the 1940s (see also our discussion of land settlement by A.M.A Azeez).

We do not know much about how *land kachcheries* actually operated on a day-to-day basis. What we do know is the outcome. Land within the D.S. Division of Damana (which at that time was called *Yatipalata Korale*, see Maps 2 and 3), went primarily to Sinhalese settlers (while some pockets continued as *purana* villages with their deeded

93 Harriss (1984: 325) notes that the recruitment of settlers has been "subject to political influence both at the 'macro' level of the source areas chosen and at the 'micro' level of individual selection".

94 We have not yet found evidence that such encroachments were orchestrated by politicians or other 'leaders' with the aim of accessing Gal Oya land. Such illegally orchestrated encroachments, though, took place in the 1980s in areas that formed a part of the Mahaweli Project.

95 See Moore's (1985) argument given in Section 1.1 that peasants in the Dry Zone lacked their own local leaders, and that leadership was often taken over by government officials that migrated to the locality.

land). The new settlers usually lived spread-out on their homestead land above the irrigation canals and had their paddy land in the vicinity, below the irrigation canal. New land in the adjoining eastern areas in *Akkarai Pattu* went to Tamils and Muslims. They generally stayed in their dense settlements along the East Coast, and travelled rather long distances to their new lands.⁹⁶ Here too, considerable tracts of land were old deeded land.

But to which Muslims and Tamils did the new land go? Here we need to consider a number of aspects. First, we understand that the former (Muslim) Member of Parliament M.S. Kariapper (Table 11) endorsed the then Prime Minister D.S. Senanayake's move to establish the Gal Oya scheme, but that leading Tamil politicians were against it:

Fear created by the Gal Oya scheme was so great, that year after year the Federal Party leader S. J. V. Chelvanayagam told the local people that in order to save the land, they must reject plans to build the canal from Inginiyagala, that would have brought Gal Oya water to the area. The fear was that Sinhalese colonisation by the state and the prospect of violence against Tamils will come with irrigation. The Tamils had been forced into such extreme defensiveness. The price paid was economic backwardness. (UTHR 1990: 36, emphasis added)

This would indicate that Tamil people who also needed new land for agricultural production might not have had opportunities to access the *land kachcheries*, as such access was generally mediated through Members of Parliament. After all, having connections to politicians (for example, through existing local organisations) was crucial in these processes of resource allocation.

Second: As indicated in Section 3.2, generally the group of people owning land as farmers within the Tamil 'community' was smaller than among the Muslims. *Extra-economic social relations* allocated farming specifically to the *vellalars*, and less to the service castes. Many members of service castes were more active as agricultural labourers. Extra-economic social relations among Muslims, however, did not induce similar differentiations. Farming was a preferred occupation across otherwise differentiated Muslim groups. There were, though, some who had control over larger assets, and we can assume that they would also have had better access to the new land made available through Gal Oya. There were such *podiyers* among Tamils as well, but to a much lesser degree.

Third: At that time, all the eastern areas now interlinked with the Gal Oya irrigation scheme were part of one large administrative unit, i.e. the A.G.A. Division of Akkarai Pattu (see Map 3). As we elaborated in our first case study, there was no hard and fast rule for the spatial distribution of the ownership of property, and thus people had access to

96 This is one reason why Muslims and Tamils in the east were keen on breeding strong bullocks.

different areas within this larger Division. Many people lived in one place but travelled long distances to their land, including to areas where the majority was from another ethnic group. Through our interviews, we tried to assess, roughly, the distribution of present-day control of land by area and by ethnicity. We find that a considerable extent of land in the present-day Akkaraipattu D.S. Division is controlled by Muslims, and that they also control vast tracts of land in the western part of the present-day Alayadivembu D.S. Division. Tamils' control over land is generally limited to its eastern part.

From the above discussion we can deduce (or draw a “plausible causation” – see Section 1.5) that, during the initial distribution of land in the eastern sections of the Gal Oya scheme, Muslims, specifically better-off sections, most likely had access to a larger share of the new land as compared to Tamils.

6.5 The second generation's (non) access to land

The issue of *inheritance* is crucial in settlement schemes such as Gal Oya. According to the rules of the Land Development Ordinance, settlers have a permit for their land, which can be transferred only to one of their children (see also Tambiah 1958: 240). Thus, this ‘second generation’ – except for one son (or at times a daughter, though rarely) – was forced to search for other avenues. One is encroachment. In Section 6.4 we mentioned that the statistical category of “regularisation of encroachments” actually made up a large portion of LDO permits issued in the Gal Oya region. We argue that this relates to the second-generation issue as well. Jayasuriya wrote in 1963 (pg. 186):

As predicted by the economic prophets colonisation is no long-term cure for the problem of landlessness. *The second generation of colonists is a landless generation.* While some relief may be gained by intensive cultivation, population increase always outstrips the opening up of new land. A recent land kachcheri for colonist dependents in the Left Bank showed an average of 100 married dependents who applied for new land from a unit of 150 original colonist families. (emphasis added)

Besides attempts at regularising encroachments, we understand that there were other official plans to increase the available irrigated areas:

There is still much more to be done in terms of irrigation. The plan followed by Kanagaratnam was to dam Kanjikudichcharu. The area now irrigated is

2,000 acres along the river, while there is potential for 6,000. Additional canals were to be built in stages using the MP's allocation for development. The work was stalled after Kanagaratnam passed away in 1980. (UTHR 1990: 37)⁹⁷

It was only later that alternative income opportunities emerged, at least for some, underscored by Middle East employment, and white-collar jobs for those who were able to access the education system.

6.6 (Non) access to land during the conflict period

Our study region suffered from the war between 1985 and 2007, though to different degrees of intensity. During the period from 1983 to 1987, militants did not have territorial control over a specific area, but they acted as a guerrilla movement. After the Indian Peace Keeping Force (IPKF) left in 1990, we see the onset of the most difficult period for the people in the East. In the meantime, the LTTE had consolidated control over a stretch of land roughly along the eastern border of the Damana D.S. Division from Irakkaman Tank to Neethai and to their camps at the Kanchikudichchi Aru (see Map 5). Extensive fighting and many atrocities took place in this border zone. As a result, *people from all the ethnic groups faced problems* in accessing their lands, though in very different ways. We point to a few examples (see also Section 8 for similar problems in Wattamadu).

Many Sinhalese people, for example, sold their land along the border zone to Muslims from the east coast, even though legally such a transaction of permit land is not allowed under the Land Development Ordinance. One interviewee sent his family back to their native village in Hambantota. He sold the land informally to a Muslim, and then joined his family. After the end of the hostilities in late 2009, they returned, and tried to buy their land back. In other words, at least a few Muslims have *de facto* control over some land within the Sinhala-dominated Damana Division.

There are land-related issues between Tamils and Muslims as well. In many localities, Tamil farmers were impeded from cultivating their land. We understand that in the area of Noorachelai, this land was cultivated by Muslims. In other places, Muslims had no physical access to their lands. Thus, they employed Tamil labour for paddy cultivation.

Again, in other localities, people did not report such problems. This was the case in the more western part of the Damana D.S. Division (e.g. under the Pallang Oya / Jayawewa

97 For Kanagaratnam see Section 4.3.

Tank; see Map 5), which was farther away from the conflict border zone. On the Muslim side, fewer problems were reported from the western side of Irakkamam Tank.

6.7 Accessing land today

In 2007, the war ended in our study region, and with this more than 20 years of insecurity. For more than 20 years, people who depended on agricultural land for their livelihoods had immense difficulties in accessing and using their land. As we described above, though, not all were affected the same way. As a consequence of the war and its multi-faceted impacts, control over, and *access to many pieces of land became complicated and contested* – specifically in the border zone we mentioned above. Access to land has become by now a highly complex issue, and we mention just four of its aspects:

Legal nature of the land: This issue transcends the ethnic borders. We can talk of a complex patchwork of different regimes of land rights across our study region. Most lands adjoining the dense settlements of the Tamils and Muslims along the east coast are privately owned, deeded lands, while the land towards the west of the D.S. Divisions of Akkaraipattu and Alayadivembu is LDO land, as is the land of the Sinhalese settlers in the Damana D.S. Division. But even in these large tracts of LDO lands (emerging from the Gal Oya scheme), we find patches of private deed land. Such patches include, for example, the old *purana* lands around Thottama (Damana D.S. Division), or the paddy fields irrigated by the pre-Gal Oya tanks of Neethai, Illukuchchenai, and Irakkamam. These differences in land rights regimes most likely also inform the respective challenges faced by the farmers and cultivators involved, and thus the potential need for differentiated mobilisation as well. There is no one ‘peasantry’ that would mobilise around a single, homogeneous concern.

Informal transactions: We mentioned that many land transactions took place during the war. This was further complicated by the informality of these transactions. We learned, that in cases where deeded land was informally handed over to other cultivators during the conflict period, legal owners had fewer problems regaining their land. This is more complex with LDO land, and even more with land cultivated under Annual Permits. To this day LDO land cannot be sold, and inheritance issues are clearly regulated as well – at least formally. Informally, though, and “in practice, informal rules regarding access, selling or leasing of land and traditional inheritance rules are equally at play” (World Bank 2008: 6). We learned that the Divisional Secretariats are at present trying to resolve these complicated sets of problems in different ways, for example by identifying the original allottees. Thus, the people who received the LDO permit in the initial phases of the Gal

Oya scheme would have to produce their relevant documents – most likely an enormous challenge for both the settlers and the local state administration.

Consequences of administrative re-ordering: Another issue that complicates access to land today stems from the consequences of the creation of new administrative units. In Section 4.3 we showed how the earlier Akkaraipattu Division was gradually sub-divided into smaller divisions. This also affected access to land. A large extent of land belonging to, or used by Muslims in the south of Akkaraipattu now fell within the contours of the newly created Alayadivembu Division, which we understand creates a series of challenges. For example, dealings with the administration of such lands now have to take place in 'the other' D.S. Division.

Processes of accumulation: Finally, and in recent years, these remnants of pre-war and (later) war-induced challenges to accessing land were overlaid by the '*normal processes*' of *economic accumulation*. Land continues to be an attractive and crucial resource for material and non-material reasons, and is therefore much in demand. One indicator is the increase in land prices. Those having the necessary financial means are buying land in the (often informal) land market. Some interviewees argued that these are often Muslims, as some of them are doing well economically. Others, however, directed our attention towards the inflow of money from the global Tamil diaspora – money that is now (at least partly) invested in land. The details of this land market and its 'ethnic' dimension, though, deserves a separate study.

Sugarcane

Additional complications arose around sugarcane cultivation. A large extent of land in the Gal Oya Right Bank area is allocated, *in principle*, for this crop. With the end of the war in 2007, the sugarcane factory (closed in 1997) was restarted and organised as a public-private enterprise called Gal-Oya Plantations (Pvt) Ltd, in which the state holds 51% of the shares, and a private company holds 49%. To secure supplies to the sugar factory, which was scheduled to restart production in August 2012, the planting of sugarcane was to recommence in 2011 – after a hiatus of over one and a half decades – especially in the Hingurana Zone:

The factory *will work with a network of out-grower farmers for supply of sugar cane*. Currently 507 hectares are being planted with sugar cane, and this is to be expanded to 1390 hectares in the year ahead. (Brown Annual Report 2011; emphasis added)

Photo 5: Paddy land converted back to sugarcane in 2013



Photo by Urs Geiser, 2013

We noted above that many farmers switched, earlier, from sugarcane to paddy because the sugar factory was not operational for many years. But now, LDO permit holders were *asked to switch back to sugarcane* and it is our understanding that roughly 2,500 permit holders are in this category. Many then planted the initial rootstock and were able to harvest (after one year) a first crop in 2012, and expected the second crop in 2013 (three crops can be harvested from one planting; see Photo 5). The sugar factory restarted crushing cane in 2012. Sugarcane is processed between April and November, but not during the rainy season.⁹⁸

Interestingly, the company also reports difficulties they faced with the out-growers, as they were now asked to once again cultivate sugarcane paddy:

We have faced huge difficulty to convert the traditional paddy farmers who cultivated paddy in sugarcane lands during the abandoned period of this factory in past 15 years. Not only the employees, our Directors, Ministers, District Secretary of Ampara and government officials and all the gentlemen

⁹⁸ In March 2013, the Bank of Ceylon (BOC) announced a loan scheme for sugarcane out-growers.

who really want to start up the factory visited the doorstep of the former cane farmers and convinced them to start the sugarcane cultivation again. By the end of this financial year as at 31.03.2013, we are proud to mention that compared to the planting target more than 98% of farmers have registered for cane cultivation. (emphasis added)⁹⁹

As highlighted above, the war period often led to land transactions through informal procedures, and this affected the recommencement of sugar cultivation as well:

Another serious issue that we are facing is in *some lands provided to farmers have been sold out or leased by them to a third person*. Some permanent structures were too built in these lands. Some were given to ex-workers of the factory; some lands were cultivated with other perennial crops such as coconut etc. (emphasis added)¹⁰⁰

Finally, there are Tamil, Muslim and Sinhalese sugarcane out-growers, and *they are all affected by these changes*. This brings us to the issue of social mobilisation.

6.8 Issues of social mobilisation

We detailed the history of how new land was made available in the Right Bank area of the Gal Oya scheme. We showed that the same irrigation scheme with its interdependent network of tanks, irrigation and drainage canals cuts across distinct territories inhabited by separate 'ethnic groups'. We also showed that much land is LDO permit land, while we find large extents of private/deeded land along the east coast and in pockets in the Damana area. And we illustrated that *actual control over land does not necessarily fit the ethnic division* of the region. A few Muslims control land in Damana, many Muslims control land in the Tamil-dominated Alayadivembu Division, and last but not least, much of the land of Muslims is *tilled by agricultural labourers* who can be Muslim, but often are Tamils.¹⁰¹ This illustrates that *ethnicity is just one marker of identity*. People owning or controlling land also have a *professional identity*.

99 http://www.galoya.lk/CEO_Statement.html (accessed April 2015).

100 http://www.galoya.lk/CEO_Statement.html (accessed April 2015).

101 In section 3.2 we briefly pointed to the changes in labour demand consequent to mechanisation, again a field that urgently requires more research attention.

They all have challenges to face. We mentioned the challenges faced by sugarcane out-growers. We mentioned other ones as well, like getting access to the new land made available through the Gal Oya scheme to operate their paddy land properly, getting work in the sugarcane plantation, finding pastures for their cattle, and dealing with government officials. What then can we say about potential social mobilisations around such professional challenges and problems of accessing land? Did farmers collaborate across ethnic lines in securing irrigation water (specifically in the tail-end areas)? Or did they collaborate when the sugar factory requested (or forced) them to switch from paddy to sugarcane?

Mobilising for access to the new land

Based on the information we received, we argue that the process of the initial allocation of land was a blend of legally formalised procedures (*land kachcheries*) and a *de facto* rather flexible ‘political’ interpretation (so to say) of these rules. The UTHR (1990) for example stated:

The scheme to tap the water resources of the region inaugurated by D.S. Senanayake *was a rational one*. It was in the 50’s that the scheme started to become tied up with the state ideology of marginalising Tamil influence. *It is difficult here to speak of a state conspiracy*. Even the creation of the Amparai GA’s division in 1961, was promoted not evidently by any Sinhalese, but by the two Muslim MP’s representing the region, who were ex-F.P. [i.e. Federal Party]. The top Civil Servants and professionals on the Gal Oya Board were mostly Tamils. Kanagasundaram was second chairman. Its mandate was *to clear the land, bring it under cultivation, set up industries, settle agricultural families and ensure a comfortable living.* (UTHR 1990: 34f, emphasis added)¹⁰²

Based on this assertion, we figure that it was M.I.M. Abdul Majeed (Nintavur) and M.C. Ahamed (Kalmunai; Table 11) that were in support of the state’s plan to carve out a new district called Ampara.

But then, our bottom-up research perspective makes us ask *how* the ‘common people’, aspiring to a “comfortable living” (see the quote above), were able to access the government’s intentions to “settle agricultural families”. We understand that they had to, in one way or another, *tap into the selection process*, a process which included a chain of

¹⁰² Kanagasundaram was chairman of the G.O.D.B. from 1952 to 1957 (Government of Ceylon 1970: 8).

actors within the administration, from the Government Agent to Assistant Government Agents to Village Headmen, and the specialised unit of the G.O.D.B. It also included the Members of Parliament who recommended people from their constituencies. While all these actors might have approached some potential settlers directly, we assume that most others depended on networks of contacts with the MPs or the Village Headmen that were facilitated through various forms of local organisations. Membership in such local organisations most likely facilitated entry into networks, i.e. being affiliated with a local party branch, being member of a cooperative society, etc. Important nodal points in such networks were the 'local' M.P., the village Headman, or 'the Minister'. UTHR (n.d.) for example noted:

Uprooted and transported to a new place where they felt aliens, combined with their inexperience, made them susceptible to new forms of control, particularly by those with state patronage to dispense. (...) For the colonists, their own backgrounds and present circumstances, their relations of dependence on a few powerful individuals and the needs of day to day survival, tended towards regimentation. The development of a representative local leadership (as distinct from agents) and a healthy community based politics was thus impeded.

Struggling with the administration – the case of water

The good fortune of receiving permit land for paddy cultivation or a job in the Hingurana sugarcane complex was only the beginning. Land itself is an important means of production, but it is not sufficient to earn a living. To produce from land, it requires inputs such as irrigation water, and therefore access to the *kanna* meetings¹⁰³ that organise the water distribution schedule is important. Here we must differentiate between the areas irrigated for paddy, those for sugarcane, and private deed land (*purana* villages and land along the east coast):

Old deed/private land: The stretch of vast paddy lands along the east coast are, generally, private lands. Farmer Organisations are present (see Tables 14 and 15), and we understand that they are registered with the Department of Agrarian Services. The office bearers of these groups are still called *vatta vidane*.

¹⁰³ Kanna meeting: "The ADO [Agricultural Development Officer] conducts cultivation meetings every season for farmers to decide and advise them on cultivation before the season starts. Without this meeting the farmers cannot cultivate or carry on cultivation work in their paddy lands". (emphasis added; <http://groups.yahoo.com/group/globaltamus/message/1367?var=1>; accessed February 2013; see also Panabokke et al. 2002).

Newly irrigated paddy: We understand that until 1974, “(...) the [Gal Oya] system was run on a more or less continuous flow at or near the full supply level” (Amarasinghe et al. 1998: 2). This means that water was released from Senanayake Samudra to the irrigation canals continuously. However, as a result of canal deterioration and less than expected volume of storage water in the tank, many settlers did not receive water. This was specifically the case in the Left Bank area (but also in the Right Bank area) where it was the tail-enders (often Muslim and Tamils) who suffered:

In a typical wet season it proved *impossible to deliver water to the tail end parts* of the Left and Right Banks, with the result that those areas had reverted essentially to rainfed agriculture, trying to grow a single rice crop during the wet season. In the central parts of both the Right and Left Banks there was adequate irrigation for one crop during the wet season. It was only in the upper portions of the Left Bank that farmers could be assured of two rice crops per year. (Merrey and Murray-Rust 1987: 5; emphasis added)

This led to conflicts around water:

From the perspective of the Irrigation Department staff, *Gal Oya was considered to be one of the least popular field postings in the country*. In addition to the difficulties in operating a system with deficient water, *relationships between agency staff and farmers were at a low ebb*. Senior officers were reluctant to go to the field due to abuse or *criticism from farmers*; communication to farmers of changes in water supply were essentially non-existent; the seasonal planning meetings were contentious and frequently failed to resolve disagreements between agency staff and farmers; and *politicians were involved in all manner of petty disputes, and became involved in opening and closing gates without the knowledge of the Department*. (Merrey and Murray-Rust 1987: 5f; emphasis added)

To address the problem, the Irrigation Department started to rotate the water supply. This led to a situation where, for the settlers/farmers “it was impossible to assess with any certainty when, and for how long, water would be delivered. This tended to force farmers to *grab water whenever it came, use more than required by building up water levels in paddies*” (Merrey and Murray-Rust 1987: 5; emphasis added). Therefore in 1979, the Irrigation Department started a huge project to rehabilitate and reorganise the Left Bank system with the support of USAID and Cornell University, the latter in collabor-

ration with the ARTI.¹⁰⁴ A well known aspect of this was the introduction of new forms of Farmers' Organisations (see Uphoff and Wijayaratna, 2000); several studies document the overall positive impact of these organisations on reducing water-related conflicts and increasing water use efficiency. However, our study region of the Right Bank area was not included in this programme. One source argues that water scarcity was less of a problem here, as "(some) 4,000 hectares of the Right Bank are under sugarcane cultivation. Because irrigation of sugarcane is only planned for daylight hours, at least 4,000 hectares of rice are cultivated using night-time flow and drainage water from the sugar fields" (Amarasinghe et al. 1998: 2).

What does all this imply for social organisation? Our 'plausible causation' is that, although there were some forms of meetings between farmers and officials in the initial decade of the Gal Oya scheme, the general relationship between settlers and state representatives was one of tension and mistrust. We recall Farmer's statement that settlers had to face the "superior attitude" of officials who gave orders to people instead of advising them (see Section 6.3). Tambiah (1958: 240) reports on the LDO permits' restrictions on land leasing and inheritance: "The fact is that the law is being broken". Hence, the widespread phenomenon of illegal lease arrangements¹⁰⁵ and encroachments.

Therefore, at least formally, settlers/farmers seem to have been less organised. However, the settlers *exercised their agency* either by going (individually or in groups?) to state offices to complain, or by using their networks with their political representatives to fight for access to water and, most likely, other inputs required for cultivation. After all, "Gal Oya was considered to be one of the least popular field postings in the country" (see Merrey and Murray-Rust, 1987, further above) – we read from this that *settlers' networking specifically with politicians was quite active*, or obtrusive. We can also recall Moore's (1985: 39) remark in relation to the LDO procedure through which peasants "were also faced with new bureaucracy which had to be appeased, tolerated or circumvented." Harriss (1984: 322) argues along similar lines, that government staff feared being assaulted, or having to face politicians "*who have to respond* to appeals from groups of their local supporters in order to maintain their own position" (emphasis added).

104 ARTI: Agrarian Research and Training Institute in Colombo; today called the Hector Kobbeka-duwa Agrarian Research and Training Institute; see www.harti.gov.lk (accessed June 2015).

105 Tambiah (1958: 240) writes that the LDO permits restrict the choices of peasants: "Because some would rather be passive landlords than active farmers, because some who have made money would like to change their status from cultivators to landed proprietors, because the land is bigger than they can manage, or because, unable to cope with certain agricultural problems they seek an easy way out".

We were not able to obtain information on possible ethnic differentiations in these strategies, but we assume that both Sinhalese settlers as well as Muslim cultivators had access to such politicians. We know little, though, about the Tamils who were cultivating paddy under Gal Oya. We are inclined to argue that they had less support in gaining access, because their political leadership generally refused to engage with the Gal Oya scheme.

As mentioned, it was only from the early 1980s that formal Farmers' Organisations were strengthened in the Left Bank area through the above USAID project, and many studies indicate that their influence was considerable, at least until the early 1990s. After that, increased ethnic tensions provoked by the general scene of violence seem to have affected the workings of these organisations as well as the cross-ethnic linkages that existed (Uphoff 2001).

Today, there are Farmers' Organisations in the Right Bank's paddy areas as well (see Tables 14 and 15). We understand that those receiving water through the Gal Oya scheme are registered with the Irrigation Department and those under old *puranas* tanks and along the east coast, with the Department of Agrarian Services. Taking into account the ethnically loaded history of the Gal Oya scheme and the civil war, we expected these Farmers' Organisations to be ethnically homogeneous. However, we found, through our field interviews, that a good number of them actually have both *Tamil* and *Muslim* members.

Sugarcane cultivation: Sugar is an important crop in the Right Bank area. As outlined above, initial cultivation was by government employed labour – mostly Sinhalese, but we understand that sugar was also cultivated in the Tamil and Muslim areas. We also showed that these labourers (at least the Sinhalese ones) were *well organised into several trade unions*.¹⁰⁶

Later, sugarcane cultivation was transferred to settlers under contract farming through the issuing of (stamped) LDO permits. We know that today, at least on paper, Farmers' Organisations also exist in the sugarcane areas. In principle, one might expect these organisations to mobilise the farmers in formulating a response to how the sugar factory is forcing farmers to switch back from paddy to sugarcane. After all, for a long period of time, *farmers faced enormous insecurity in producing sugarcane*, as the factory shut down again and again.

¹⁰⁶ In Section 2.3, we argued that it might be insightful to critically analyse the role that they (and their leadership) played in the early violence in Gal Oya.

Table 14: Farmers' Organisations, Akkaraipattu Eastern Region, 2011

No.	Name of Farmer's Organisations	Paddy field area	Members
1	Kolavil-Navalkady Farmers' Organisation	Kolavil-Navalkady	157
2	Panakadu Farmers' Organisation	Panakadu	210
3	Puliyampathy Farmers' Organisation	Puliyampathy	135
4	<i>Puttambyp Farmers' Organisation</i>	<i>Puttambyp</i>	99
5	Ambalveli Farmers' Organisation	Ambalveli	100
6	Kannakikiramam Farmers' Organisation	Kannakikiramam	253
7	Kalladi Farmers' Organisation	Kaladi	102
8	Nedunthottam Farmers' Organisation	Nedunthottam	12
9	Paamankai (Old and New) Farmers' Organisation	Paamankai	240
10	Pattimadu North Farmers' Organisation	PattimaduNorth	339
11	Pattimadu South Farmers' Organisation	PattimaduSouth	247
12	Senikandam Farmers' Organisation	Senikandam	146
13	Mottaiyakal Farmers' Organisation	Mottaiyakal	150
14	Neethaiaru North Farmers' Organisation	NeethaiaruNorth	430
15	Neethaiaru Central Farmers' Organisation	NeethaiaruCentral	118
16	Savaraiar Farmers' Organisation	Savaraiar	110
17	Neethaiaru South Farmers' Organisation	NeethaiaruSouth	234
18	Neethaiaru West Farmers' Organisation	NeethaiaruWest	196
19	Kalikarai Palayadi and Karuppaveli Farmers' Org.	Kalikarai Palayadi Karuppaveli	236
20	Karuppaveli Farmers' Organisation	Karuppaveli	12
21	Veliventha Farmers' Organisation	Veliventha	206
22	Kalikarai West and East Farmers' Organisation	Kalikarai West	186
23	Thonikal West Farmers' Organisation	Thonikal	173
24	Thonikal South Farmers' Organisation	Thonikal South	285
25	Wattamadu Farmers' Organisation	Wattamdu	2,373
26	Dipomadu Farmers' Organisation	Dipomadu	210
27	Muraniwattai Farmers' Organisation	Muraniwattai	102
Total			4,150

Notes: *Italic*: Farmers' Organisations that receive irrigation water from a major irrigation scheme (Gal Oya). These FOs are registered with the Agrarian Service Centre.

Source: The Office of Agrarian Service Center of Eastern Region of Akkaraipattu, 2011

In the initial period of our study, we did not find instances where these challenges had triggered mobilisation. One reason for this might be that there was no great need to struggle, as the Hinguranas factory was closed for long periods of time, and thus no cane could be delivered. Therefore, many cultivated paddy.

However, one such issue did emerge in 2016. On September 21 of that year, on a Friday, a leaflet was circulated in the mosques and in other places along the eastern area

Table 15: Farmers' Organisations, Akkaraipattu Western Region, 2011

No.	Name of Farmer's Organisations	Paddy field area	Members
28	SeguSikkandar Farmers' Organisation	SeguSikkandar	70
29	Al-Hidaya Farmers' Organisation	Al-Hidaya	150
30	11 A Colony Farmers' Organisation	11 A Colony	130
31	AKP- 9 Farmers' Organisation	AKP- 9	175
32	Mohamdiya Farmers' Organisation	Mohamdiya	155
33	Sadham Farmers' Organisation	Sadham	200
34	Al-Kamar Farmers' Organisation	Al-Kamar	210
35	Star Farmers' Organisation	Star	145
36	SamparNagr Farmers' Organisation	SamparNagr	130
37	Yanivillunthan Farmers' Organisation	Yanivillunthan	90
38	Kalivettiya Farmers' Organisation	Kalivettiya	120
39	Golden Farmers' Organisation	Golden	75
40	Lotus Farmers' Organisation	Lotus	300
41	Vellakadu East Farmers' Organisation	Vellakadu	150
42	Kalavettiya South Farmers' Organisation	Kalavettiya	100
43	Kochchika Chanai Farmers' Organisation	Kochchika Chanai	360
44	IllukkuChenai Farmers' Organisation	IllukkuChenai	300
45	Nuraicholai Farmers' Organisation	Nuraicholai	250
46	Kannaki Farmers' Organisation	Kannaki	180
47	Rahmaniya Farmers' Organisation	Rahmaniya	460
48	Barakath Nagar Farmers' Organisation	Barakath Nagar	224
49	RB-31 Farmers' Organisation	RB-31	260
50	Vipiriya Farmers' Organisation	Vipiriya	140
51	Tillai Aru Farmers' Organisation	Tillai Aru	301
52	Neethai Farmers' Organisation	Neethai	120
53	Ampalan Oya Farmers' Organisation	Ampalan Oya	200
54	Velamathuwaveli Farmers' Organisation	Velamathuwaveli	55
55	Uoothumadu Farmers' Organisation	Uoothumadu	50
56	Mettuveli Farmers' Organisation	Mettuveli	150
57	Kanukoditivu Farmers' Organisation	Kanukoditivu	75
58	Vankamam Farmers' Organisation	Vankamam	75
Total			5,100

Notes: *Italic*: Farmers' Organisations that receive irrigation water from a major irrigation scheme [Gal-Oya]. These FOs are registered with the Agrarian Service Centre.

Source: The Office of Agrarian Service Center, Western Division, Akkaraipattu

of our study region, as well as in the Sinhala Damana area. While one side of the leaflet showed a text in Tamil, the other gave the same text in Sinhala (see Photo 6, and Box 4 for the translation into English). Signed by the "Sugarcane Producers Union of Ampara

District", the text refers to tensions between the corporation that runs the sugar factory, and the sugar farmers. The statement makes the proclamation that "as the land cultivated with sugarcane increases, the production of sugar keeps decreasing" (see Box 4) – indicating the fear of some farmers that their sugarcane might not be purchased by the factory, even though they had given up paddy cultivation and switched back to sugarcane. The text calls for unity and to struggle for a solution of these problems:

[We] cannot win our rights while being separated into groups, geographical zones or races. It is time to take to the streets and win our rights from the relevant authorities. (see Box 4)

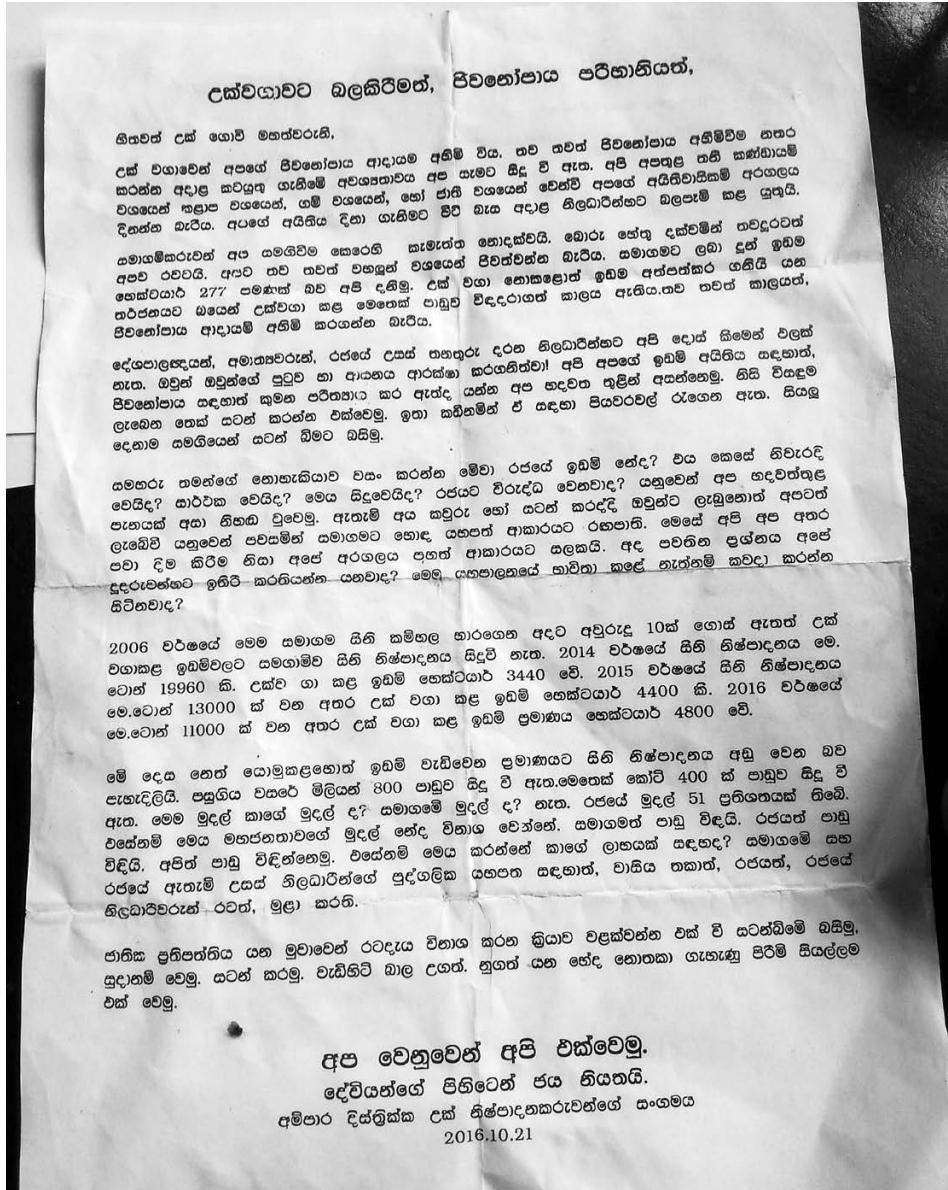
6.9 Discussion

Our third case has documented the challenges and problems faced over the last five or so decades by farmers from our study region operating land under the Gal Oya scheme. Our insights indicate on the one hand that the scheme indeed made huge tracts available for cultivation, and that this helped many people to improve their livelihoods, *but that many of them had to struggle hard for this.*

Today's generation of the elderly, *the present-day grandparents*, may have experienced the coming of the Gal Oya scheme, and the strenuous efforts it took them to get a share of the new land. If they were lucky, they had some links to a network of peers, a network that in turn was able to approach "the politically connected" to "secure access to the State" (Spencer 1990: 220; see Section 1.8). This became difficult in cases, so we argue, where these politically connected individuals disagreed with 'the State' and thus might not have been willing to perform their role as 'patrons'. Having gained access to land was one thing, but these grandparents had to have access to irrigation water. We indicated that relations to state officials would have been difficult, and that there was no functional arrangement for consultations with the staff that controlled the irrigation network. Thus, farmers/settlers had to try 'informal' ways to access irrigation water, either by just 'stealing' it, or by mobilising their networks. We quoted Harriss (1984: 322), who argued that politicians "have to respond to appeals from groups of their local supporters in order to maintain their own position".

Those who are now *parents* might have grown up as children of the initial settlers. Again, if they were lucky, they were the eldest among the children, and thus in a position to take over the farm. If not, they would have faced enormous problems, as all the land within the Gal Oya project perimeter was allocated, and off-farm employment was rare.

Photo 6: Leaflet, with the text in Sinhala on one side



Box 4: Translation of the leaflet ¹⁰⁷

Being Forced to Cultivate Sugarcane and the Consequent Deterioration of Livelihood

Dear Sugarcane Farmers,

We lost our livelihood due to sugarcane cultivation. We need to take action now to prevent further deterioration to our income. We cannot win our rights while being separated into groups, geographical zones or races. It is time to take to the streets and win our rights from the relevant authorities.

The Members of the Corporation disapprove of our unity. They fool us further by providing false excuses. We cannot continue to live as slaves. We know that the Corporations were given a 277-hectare estate. We have grown sugarcane for long enough in fear that our land would be repossessed if we did not. We cannot afford to lose our livelihood and income any longer.

It is pointless for Politicians, Ministers and State Officials to keep blaming us. May they forever keep safeguarding their own chairs and institutions! We know in our own hearts what sacrifices we have made for both our livelihood and income. Let us keep fighting until a just solution is reached. Rapid action has been taken regarding this. Let us all unify in taking this to the battlefield.

Some people urge silence with questions such as - Are These Not Government Lands? What Is the Right here? Will This Succeed? Will This Happen? Are We To Go Against The Government? - all to conceal their own inability. They act for the good of the Corporation under the pretext that what is good for the Corporation will also benefit us. Such betrayals debase our struggle. Are we to leave these problems to our children? If we do not employ Good Governance to solve this, when will we ever do so?

Although this Corporation took over the Sugar Factory a decade ago in 2006, sugar production has not been in proportion to the land cultivated with sugarcane. In 2014, 19,960 metric tonnes of sugar was produced and 3,440 hectares of sugarcane was cultivated. In 2015 sugar production was 13,000 metric tonnes while sugarcane was cultivated on 4,400 hectares. In 2016 only 11,000 metric tonnes of sugar was produced. However 4,800 hectares of sugarcane was cultivated.

It is clear from this that as the land cultivated with sugarcane increases, the production of sugar keeps decreasing. Last year's loss was 800 million. The total loss thus far is 4 billion. Whose money is this? Is this the Corporation's money? No. 51% is the State's investment. Thus, is it not the citizens' funds that are being destroyed here? The Corporation sustains losses. The State sustains losses. We too sustain losses. Then who is profiting here? It is for

¹⁰⁷ Thanks to Thiruni for the translation.

the profit and advantage of certain officials of the Corporation and the State that the Government and Government officials mislead the Nation.

Let us unite to fight against this destruction of the Nation that is carried out under the pretext of National Policy. Let us prepare. Let us fight. Irrespective of age, gender, education, let us all Unite.

Let Us Unite for Our Own.

With God's Help, Victory is Certain.

Sugarcane Producers Union of Ampara District

21.10.2016

Some may have encroached – illegally – on some land within or around the project's perimeter (we will meet some of them in our last case study around Wattamadu; see Section 8), while others had to sell their labour, most likely on daily wage basis. If they were entitled to inherit the LDO permit of their father or mother, but in case this permit was stamped with the word "sugarcane", they ran into new problems. We described in great detail the fate of this social group, including the contradiction between being obliged to cultivate sugarcane and the periodic collapse of the opportunity to sell their sugarcane. Interestingly, we did not come across efforts by those affected to join hands and mobilise against these offences by the state-controlled (later semi-private) sugar factory. What we found was that the notion that the affected were "*breaking the law*" (see Tambiah 1958, further above) by refusing to cultivate sugarcane, and instead opting for paddy. It was only very recently that we came across such an attempt at mobilisation, and this too explicitly across ethnic lines.

As if these problems of access to irrigation water, or problems with the sugar factory were not enough, the 'civil/ethnic war' had a devastating impact on the lives of many. Above all, it made the very access to land incredibly difficult. Having been caused by very powerful actors, these problems were beyond the reach of local public action that the affected might have organised. Still, people had to cope with these challenges, and we gave details on how some Muslim farmers for example gave the use-rights, temporarily, to those who had fewer problems reaching the fields (e.g. Tamils).

This was the wider context in which today's generation of the *youth* grew up. Again, many must have searched for a livelihood outside the income opportunities offered by the Gal Oya project, as the LDO permits restricted inheritance to one sibling. For those who were able to hold land, we learned that relations with sections of the state improved at some stage, because Farmers' Organisations emerged. These organisations give the cultivators some opportunity to deal collectively with issues of access to water and other

inputs required for production. An interesting facet of these organisations is that some of them include members across ethnic divides.

We have, so far, briefly discussed some of our insights into land conflicts in the Gal Oya project area of our study region. Of course, we have simplified some of the challenges we described, but we also point to the many facets such land conflicts can have, and the many ways that those affected try to cope with these problems. These *coping strategies* range from everyday forms of ‘breaking the law’ to networking with peers to access the state through their political leaders – issues that we now try to understand further through our last two case studies.

7 Negotiating an externality of the Gal Oya scheme - losing land through flooding

Our fourth case is linked to the previous one, which dealt with the challenges faced by farmers who *gained access to land* through the Gal-Oya land development project. But now, we focus on a section of people who *lost access to land* as a consequence of the new irrigation system. A considerable extent of old deeded land at the tail end of the Gal Oya Right Bank irrigation canals was flooded by surplus water flowing out of these canals. As a consequence of flooding, many farmers were now unable to cultivate either fully or during the rainy season. The area right next to Akkaraipattu and Addalachchenai was one of the affected tracts – land that was very fertile and close to settlements. In the following section, we reconstruct these events, and raise questions about the role of social mobilisation. As our empirical findings will indicate, in these events, *networks that link the affected with their political representatives gain special importance*. After all, regaining larger tracts of flooded land is a complex technical endeavour, and requires access to institutions that possess technical knowledge and financial resources. Those affected, thus, have to find entry points into these institutions. In the previous section, we quoted from Harriss (1984: 322) that politicians “have to respond to appeals from groups of their local supporters in order to maintain their own position”. Can this proposition help us to understand the challenges faced by those affected by Gal Oya’s excess water?

7.1 The context

As the paddy lands under discussion (see Map 14) were located right next to the settlement areas, they were easily accessible and thus convenient for farming and for protecting crops. Indeed, it was considered one of the best areas in Ampara district, as two crops

Photo 7: Flooded paddyland next to Addalachchenai



Photo by Urs Geiser, 2013

were possible that produced high yields. Few smaller settlements were located in high-lands located within these paddy tracts. The fields were privately owned by the farmers (often small holdings) in the then Akkaraipattu Revenue Division. This was a low-lying stretch of land, and we were told that in earlier times, farmers used to irrigate their fields by lifting water from the Tillai Aru using buckets.

New irrigation canals were constructed under the Gal Oya scheme, and many of them ended along that stretch of paddy land (see Map 5). While most irrigation water found its way to the new paddy and sugarcane fields in the scheme, some water, and especially drainage water, did flow to the end of the canals, *and beyond* – and thus into the privately owned fields mentioned above. As this was a low-lying area, the surplus water did not easily find a natural gradient to drain away. Exact figures on the extent of land affected are not known, but people mentioned that around 6,000 acres were affected. Other sources talk of 15,000 acres (see below). While around one-third of this became permanently flooded, the other two thirds were affected during the rainy season (Photo 7). The most affected were the lands west of Addalachchenai and in the northern part of Akkaraipattu.

7.2 Addressing the issue

We understand that the engineers of the Gal Oya schemes *were aware of this consequence* of their project. Concerned officials floated ideas on how to prevent waterlogging (for the place names mentioned see Map 14):

Another problem faced by Tamil farmers [sic!¹⁰⁸] in the low lying areas close to the sea, comes from the release of water into the lagoon from 67,000 acres of sugar cane and paddy in the Gal Oya scheme. Because of this 15,000 acres of purana (ancient) paddy fields cultivated by Tamils had been inundated. The Periyakalappu [Periya Kalapuwa in Map 14] scheme mooted under Dudley Senanayake in 1952, would have prevented this. It was an ambitious plan to deepen the lagoon at Periyakalappu to take in the released water from the Gal Oya scheme, and use it to breed fish and provide lift irrigation for neighbouring fields. This scheme was not implemented - perhaps it was not deemed cost effective. (UTHR 1990: 35)

Initially, these affected farmers expected the excess irrigation water to flow to the sea naturally through a number of waterways. Among them was the water flow from Tillai Aru through the Periya Kalapuwa (or Periyakalappu) lagoon and through Sinna Muhat-tuvaram to the sea (Map 14).¹⁰⁹ This was how water had traditionally left the low-lying areas, but the excess water from Gal Oya represented too large a volume of accumulated water. Again, the authorities understood this, and the government's evaluation of the Gal Oya scheme noted: "Particularly because of the drainage of irrigation water during *yala* from the newly colonized areas, some of these fields cannot now be cultivated at all" (Government of Ceylon 1970: 10).

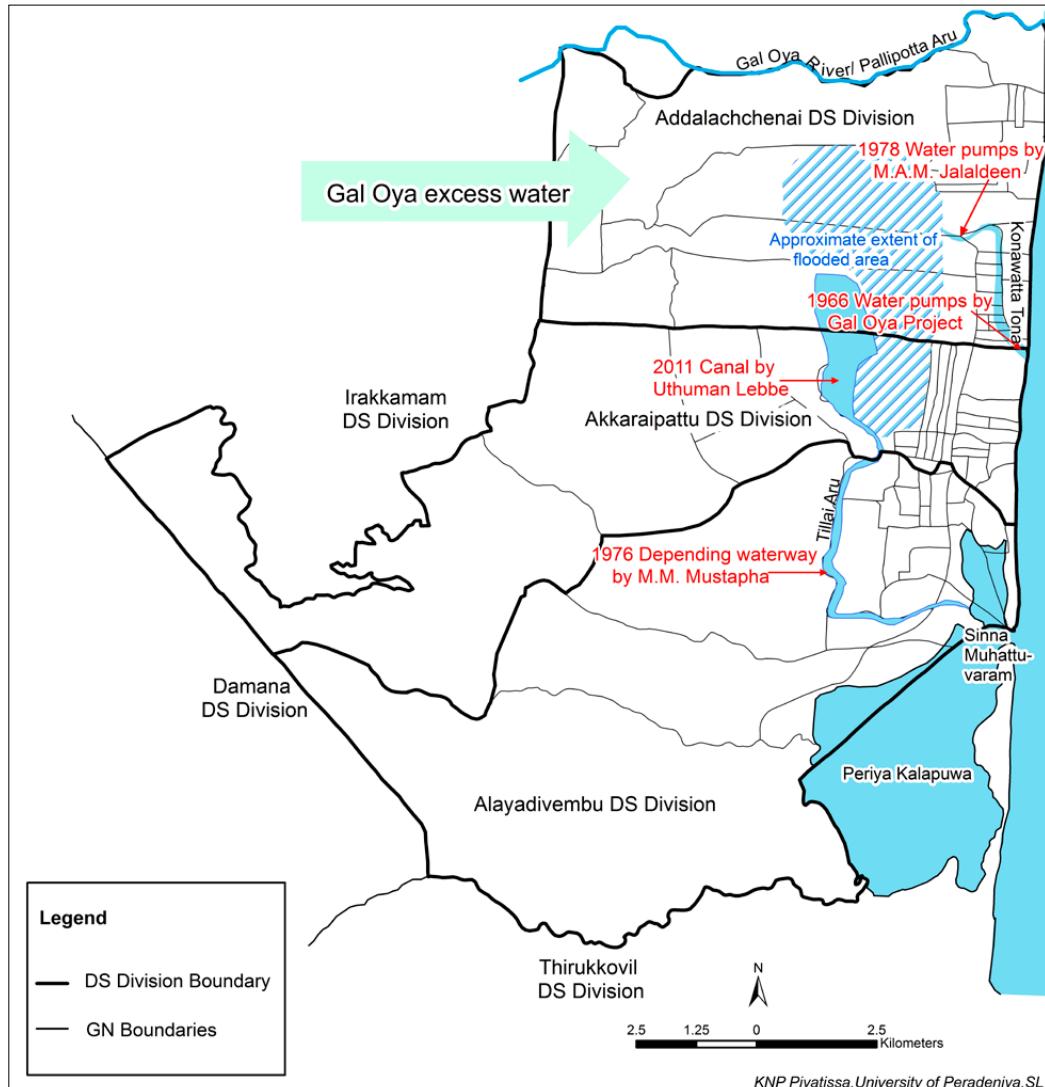
1960s: The state's attempts to find alternative land

By the time people realised that land was being lost to excess water, those affected could not claim new land within the Gal Oya project in compensation because all project lands had already been allocated. One elderly respondent recalled that he had land that became flooded, and that the authorities did not pay any compensation. We understand that this loss of land added to resource competition, and that people searched for land in new areas. We also understand that the government initially supported this search for new land

¹⁰⁸ Not only Tamils, but also many Muslim farmers were affected.

¹⁰⁹ *Muhathuvaram* or *Kalapuwa* means sea mouth; *Periya* and *sinna* denotes big and small respectively.

Map 14: Dealing with flooding



Source: Interviews

by giving land permits outside Gal Oya to affected people. In this way, some Akkarai-pattu farmers went south to Wattamadu (see Section 8). People from Addalachchenai, Nintavur and Oluvil went even further south and found land in locations such as Kanchikudichchi Aru and Tharamapali (south of Kanchikudichchi Aru). One respondent said

that farmers from Addalachchenai and Nintavur even went to Udupukulam in the Pottuvil region to clear land for cultivation.¹¹⁰

The government also attempted direct measures. The Gal Oya evaluation report, cited earlier, states that in 1966-67, Rs. 350,000 were spent on pumps at Konawatta (see Map 14) to reclaim 1,500 acres of waterlogged land (Government of Ceylon 1970: 55).

1976: Negotiating drainage through Sinna Muhattuvaram

As our interviewees report, some of the affected people then started to search for solutions through their networks, and they recalled the name of M.M. Mustapha. He has his origins in Nintavur and in 1956 (see Table 11) became a Federal Party Member of Parliament for the Nintavur/Sammathurai Electorate. Mustapha lost in the 1960 elections, but was elected again in 1965, now as a UNP member. In 1970, he switched to the SLFP.¹¹¹

Prime Minister S.W.R.D. Bandaranaike offered him the post of Deputy Finance Minister. Following the assassination of Bandaranaike, Dr. W. Dahanayake who took over as Prime Minister made Mustapha, the Finance Minister. Thus he became the first Muslim Finance Minister. Following his success in the 1965 and 1970 General Elections he was made the Deputy Social Services Minister and Deputy Justice Minister respectively. (Daily News 2010)

M.M. Mustapha was also supported by the people of Addalachchenai, because his electorate extended up to the affected paddy lands in Addalachennai. In the backdrop of this link between the ‘voting public’ and their elected representative, Mustapha initiated the search for new solutions. Around 1976, he proposed the increase of the flow of excess water to the sea through Sinna Muhattuvaram in order to reclaim lost land. We were told that he was able to secure funds to deepen the respective waterways.¹¹² But his attempt did not succeed, as the people of central Akkaraipattu began to resist this move, in fear that their land would now be flooded. In fact, this resistance mainly came from the Tamil part of the former Akkaraipattu A.G.A. Division, that is the present Alayadivembu D.S. Division.¹¹³ As can be seen in Map 14, they were not much affected by the flooding prob-

¹¹⁰ We understand from our interviewees that these people either encroached on land in these localities, or that they received (after some time?) certain permits. With the military conflict, they had to leave these places. Some are currently trying to regain their previous permits.

¹¹¹ https://en.wikipedia.org/wiki/Nintavur_Electoral_District (accessed April 2013).

¹¹² We have been told that the German government promised to provide funds for his project.

¹¹³ After 2004, the land along the waterways towards Sinna Muhathuvaram has been used for Tsunami housing.

lem caused by Gal Oya, which instead happened mainly in the Muslim areas. In other words, though both these ‘social groups’ included farmers who faced livelihood concerns around paddy cultivation, their concerns were not the same.

1978: Advocating for a pumping station at Konawatte

In the 1977 General Election, one of the two seats of Pottuvil double electorate (see Section 4.3) went to *M.A.M. Jalaldeen* from Addalachchenai (Table 11). He too became involved with the problems caused by the excess water from the Gal Oya scheme, and we learned that this became one of his prime concerns. His plan was to place a giant water pump at Konawatte to pump the excess water to the sea (see Map 14). We also learned that he was able to secure funds from the Dutch government. This attempt seems to have had some success, and some land could be reclaimed. Unfortunately, new externalities emerged: Water levels of wells in the adjacent settlement area dropped, and the quality of the drinking water turned sour. The reason for this was said to be over-pumping with the powerful water pump. Thus, because of the affected residents’ (organised?) opposition, this action was terminated.

2003: Rauf Hakeem and his plan

Further attempts to address the problem were delayed, not least because of the emerging and intensifying conflict. Still, various plans were discussed. It appears that the problem of the flooded paddy land continued to be an important concern for the people in the area. As a matter of fact, when one of the authors (S.H. Hasbullah) was in Addalachchenai in 2004, he witnessed huge meetings of local people demanding support from their ‘leaders’. We understand that this was because the then leading politicians and parties promised action on these concerns during election times. In Section 4.3, we described the emergence of the SLMC, and the expectations of ordinary people who saw the new party as an emerging opportunity to gain better access to state services. In fact, as we were told, finding a durable solution to the problem of the excess water became an important component of SLMC’s position and program. One report from 2003 mentions then Minister Rauff Hakeem¹¹⁴ announcing infrastructure schemes in the Addalaichchenai region:

¹¹⁴ In 2001, Rauf Hakeem became Minister of Ports Development and Shipping; see <http://www.tamilnet.com/art.html?catid=13&artid=6555> (accessed May 2016).

A special scheme was drawn to set up *new drainage system in the low-lying area* of the coastal areas of the Ampara district. Rs. 1,750 million will be spent for this project and the Prime Minister Ranil Wickremesinghe has assured me to provide funds for this scheme by receiving from donor countries. (...) Minister Hakeem said that the ministry has prepared a plan to put up the Sambukalappu and Periyakalappu Drainage in order to benefit the farmers of this region (...).
 (Daily News 2003, emphasis added)

We were not able to clarify whether this scheme was implemented, but the excess water continued – or so we were told – to be a prominent point in election manifestos and politicians' speeches.

2011: Involving the Provincial Council – deepening the channel with a dredger

We learned that pressure from local leaders and associations around the concern of lost paddy land continued. As a consequence, Addalachchenai politicians mounted a new effort in 2011. We were informed that the former Provincial Council minister, *Uthuman Lebbe*, who is from Addalachchenai, initiated a project that would address this, for which he obtained support from the European Union. The plan was to deepen waterways to channel excess water out of the areas through Tillai Aru to Periyakalappu. This project has been implemented, and we were able to track the result on satellite images (see Map 15). The image from 2012 clearly shows the new channel. However, in a later image from 2016, its condition appears to have deteriorated.

Today: Changing problem perception – reclaiming land through earth filling

Our discussion, so far, has been about the issue of waterlogging and how it has created a problem for paddy farming. This is a livelihood concern and the affected lobbied their politicians, demanding that the water be taken out. However, in recent years, another problem voiced by sections of those involved seems to become more influential. This problem can be described as a lack of land for the construction of houses. We mentioned earlier that the land affected by flooding is located just next to the densely populated stretch of land along the east coast. In these settlements, the population increased, even as others were pressured to relocate their residences. We mentioned the consequences of the Tsunami, and our economic profiles of *Gram Niladari* Divisions (see Appendix 10.2) highlighted the consequences of increasing land prices. Land for building became a scarce resource.

Map 15: The 2011 drainage project



Source: Based on Google Earth (accessed November 2016)

We argue that these changes in the wider context, or the ‘coming-together’ (*conjuncture*, see Section 1.5) of new contextual issues led to a re-assessment of the concerns with the flooded paddy land. What we observe empirically, is that some people actually started to fill a part of the land that was submerged (see Map 15). Huge amounts of material was dumped into the water to lift the soil surface beyond the water level. This has proven very successful and it has created a new area of land for the construction of buildings.

We in fact witnessed a rapid change in the pattern of land use in this area during our recent field visits. Land filling is costly, but we learned that filled lands are still cheaper than the land in the nearby central areas of Akkaraipattu, where prices are very high. The same is true in Addalachchenai and even up to Maruthamunai in the north-eastern end of the Ampara district. The process of filling land began after the Tsunami of 2004, one of the reasons being that the state restricted the extension of settlements along the beach enacting a Buffer Zone Act. Interestingly, another state legislation, i.e. the Paddy Lands Acts No. 46 of 2000 (GoSL 2000) does not allow for the conversion of paddy lands to other uses, except when officially allowed; para 33 of the Act states:

- (1) No person shall fill any extent of paddy land or remove any soil from any extent of paddy land or erect any structure on any extent of paddy land except with the written permission of the Commissioner-General.
- (2) Any person who contravenes the provisions of subsection (I) shall be guilty of an offence under this Act.

Finally, while the earlier attempts at draining the low-lying areas were often based on *mobilisation and networking* between those affected and politically influential persons, the present process of land-filling seems to be more of an *operation undertaken by the private sector*. This would raise an important political-economic question: Do the original land owners (whose paddy cultivation was hampered) benefit from the recent land use changes, or were/are (individual) intermediaries involved who, for example, may have purchased the land, possibly at cheaper rates, and then sold it at higher rates after filling it? To understand such possible processes of accumulation as well as the more detailed implications of this land-use change for those directly involved would require further, in-depth research.¹¹⁵

¹¹⁵ Such research would also have to address the general issue of possible and/or alternative land available for building houses etc. in our study locality.

8 Competing land use claims in Wattamadu – encountering a dazzling array of local state institutions

Our last case addresses the example with which we opened the present report: the dispute in Wattamadu in the South of the Akkaraipattu region. As outlined in the introduction (see Section 1.1), a range of social groups claim the right to use this piece of land, and each of them is able to legitimise its claims through legal documents issued by the very same state. This case is indeed an *arena of social contestations*, and thus provides an excellent opportunity to further deepen our understanding of group formation, encounters between these organised groups, and encounters between the groups and the ‘state’. It is especially this last point that we focus on in this study. Though we encountered different state agencies at the local level in previous cases as well, it is here where we can empirically document that there is not just one administration representing state interests at the local level. What we find is a *whole array of bureaucracies acting in parallel*, each claiming the right to administer land issues. To complicate things further, we also see the importance of the *judicial system* in this arena. One practice for the organised social groups is to approach the court to legitimise their claim; however, there is not just one court, but many, with each giving legitimacy to specific groups. To understand this complexity, we once again have to delve into a bit of history.

8.1 Access to land prior to 1976

Beginning in the 1960s, Tamils and Muslims from the larger Akkaraipattu region (Akkarai-pattu, Addalachchenai, and Nintavur) moved towards the south and southwest in search of new land for cultivation or cattle pasture. Some came to Wattamadu (or Vattamadu) in the western part of the present-day Tirrukkovil D.S. Division (Map 16), located among three small and medium irrigation tanks, i.e. Vammiyadi, Rufus and Sagamam. Until the 1950s, this was barren land covered by scrub and forest. Our first case study highlighted the fact that in the 1960s and early 1970s, Wattamadu was still a part of the then *Akkarai Pattu* administrative division, a division that included all the areas along the east coast from Addalachchenai to Akkaraipattu, Alayadivembu and Thirukkovil. Today, each of these localities has a distinct ethnic composition, but in the past (and partly still today) people used to access land throughout the previously existing, larger division.

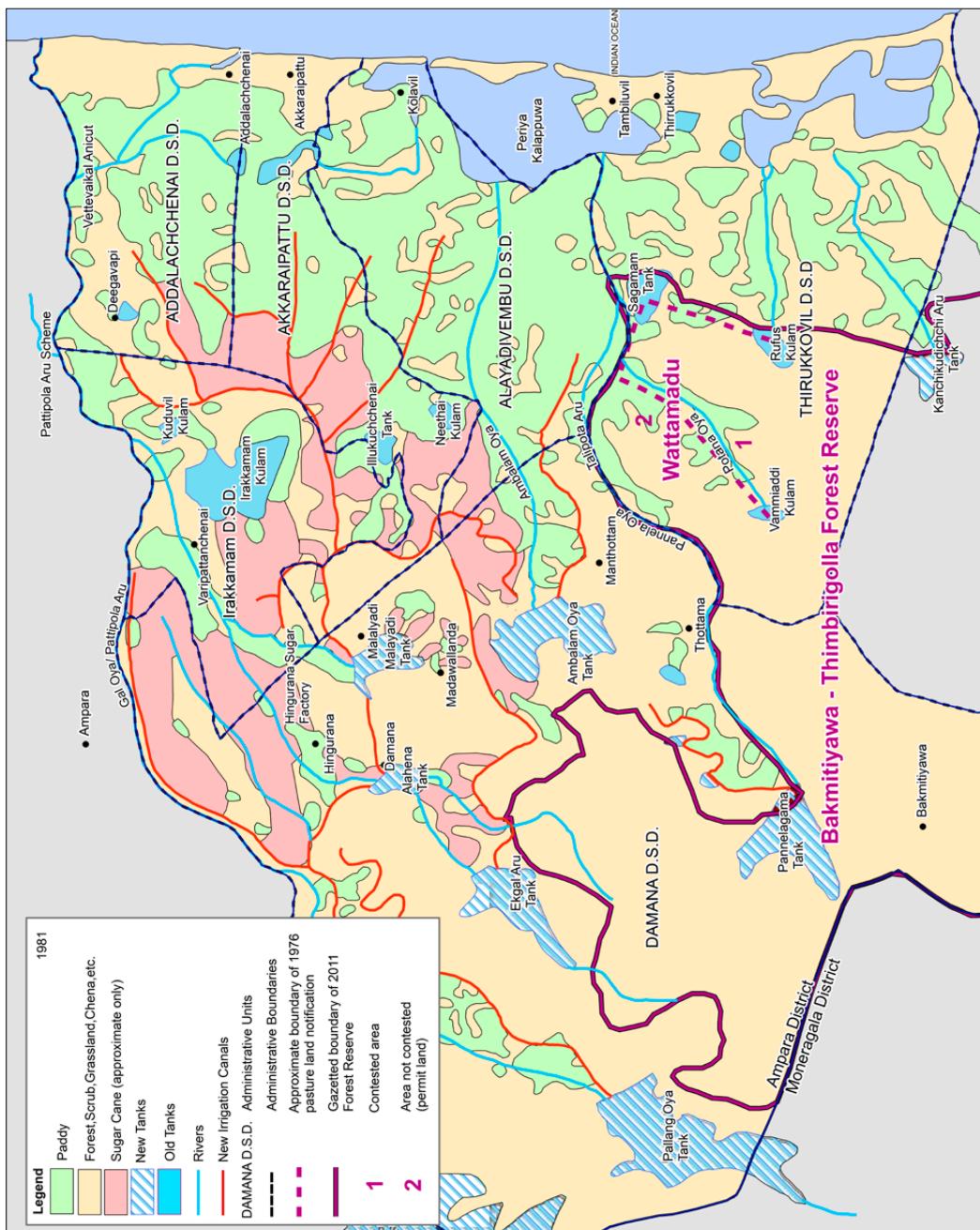
Legally, Wattamadu was, and continues to be, Crown/State land. It was earlier covered by scrub and forest, and was most likely used, though sparsely, for *chena* cultivation and, to some extent, cattle grazing by different groups from Thirukkovil and Akkaraipattu during paddy cultivation and by a few farmers from the Sinhala *purana* villages around Bakmitiyawa in the west. Wattamadu itself can receive water from the Vammiyadi (or Vammiaddi) Kulam, even though it was not used for irrigation until the late 1960s. Arumugam (1969: 157) suggests that this tank's purpose was to supply additional water to the Sagamam Tank, the latter being a very old source that irrigated Thirukkovil paddy fields, as did the Rukam Tank. Brohier (1934: 45) writes that "Vammiaddi and Sagamam Vammiaddi (...) are undoubtedly ancient works which have been reconstructed in modern times". The Engineering Association of Ceylon (1914) stated that in the 1910s, the Sagamam tank's bund was raised to allow the storage of increased amounts of water, and that Vammiyadi was similarly restored.

Thus, Wattamadu was located within a vast tract of (low-yield) forest. We understand that this forest was declared in the 1960s, together with adjoining forests, as the Panama Proposed Forest Reserve. This took place in the context of the nationwide land-use survey and land-use planning project undertaken by the British Hunting Company in the early 1960s (McCormack and Pillai 1961). As we will discuss further below, this proposal, though modified, was finally accepted in 2010.

Gradually, more people from the larger Akkaraipattu region searched for new land beyond the Pannela Oya / Talipota Aru¹¹⁶ that separates Thirukkovil from Alayadivembu/ Akkaraipattu, and thus came to Wattamadu. Some were interested in paddy culti-

116 Upstream, the river is called Pannela Oya. Downstream, the name changes to Talipota Aru.

Map 16: Wattamadu and its context



Source: GoSL (2010); field interviews; for basemap see Map 5

vation, while others needed pastures for their cattle. During our interviews, people gave different reasons for why they came here. Some referred to the general increase in population. As a matter of fact, the total population living in Ampara district has increased enormously. As Table 1 indeed shows, more people were searching for a viable livelihood, and employment opportunities outside agriculture were still rather rare. Others referred to land use changes resulting from the Gal Oya scheme. Cattle owners in particular mentioned this. As described earlier, the forests and scrublands to the west of the then Akkarai Pattu offered important grazing grounds for the cattle of both Tamils and Muslims; however, these lands gradually changed into irrigated fields for paddy and sugarcane. Fonseka (1967: 99) actually mentions that the planners of the Gal Oya scheme did not provide for pasture areas, and that frictions soon emerged, for example, around trespassing cattle. Similarly, Farmer (1957: 170) writes that the initial “Block-Out Plans”, i.e., the planning of irrigation system and plots for the allottees, was done by the Irrigation Department; consequently,

the layout of the colony then tends to be *dominated by irrigation considerations*, land use, social and other needs being something of an afterthought.
(emphasis added)

Thus, new pastures were required. This situation reflects broader processes that took place throughout Sri Lanka’s Dry Zone, driven by the expansion of arable agricultural land and the corresponding reduction of grazing grounds (see Birner 1999, Geiser et al. 1984). Who were the people that then moved towards Wattamadu? Based on the insights we gained, we argue that mainly two ‘social groups’ were involved:

Cattle owners: Cattle was (and still is) an important component of the east coast farming system. Small farmers brought their cattle together to form larger herds, which were then managed by one of the farmers, or a person employed for this purpose (Geiser et al. 1984). Larger farmers or specialised cattle owners had their own large herds. Some interviewees linked the notion of *podiyar* to mean a large land and cattle owner, and that this was more pronounced in Akkaraipattu proper than in some other Muslim settlements further to the north (e.g. Oluvil, Palamunai or Irakkamam). Thus, we argue that initially, Tamil and Muslim *podiyars*, as well as holders of smaller herds came to Wattamadu. Larger herds of Muslim-owned cattle from Akkaraipattu Town were often looked after by Tamil labourers.

Paddy cultivators: As discussed in Section 6.4, an important channel of access to the new lands under the Gal Oya scheme were the *land kachcheries*. Access to *land kachcheries* meant access to Members of Parliament, and we argue that poorer sections among the Muslim population and the small paddy cultivators and agricultural labourers

among the Tamils would have found it difficult to access such channels. Therefore, it was most likely that it is the *economically weaker classes of paddy cultivators* from both ‘ethnic’ communities who came to Wattamadu.

8.2 Mobilising along professional interests

In 1976, a government Gazette notification declared 4,000 acres of State Land in Wattamadu as pastureland to be used by the cattle owners on a permit basis. Box 5 shows the text of this declaration issued by the then Government Agent of the Ampara District.¹¹⁷ This act is legitimised by the reference to an “Emergency (Pasture Lands) Regulation, Gazette Extraordinary No. 217/51 dated 17.06.1976” issued by the central government. The exact boundaries of these lands, though, were not defined in this notification. Only a rough sketch was provided. Interviewees also report that in addition, 500 acres were given as deeded land directly to the “Cattle Owners’ Association” to be used by them on a cooperative basis.

This indicates that cattle owners using pastures in Wattamadu had already started to organise their joint interests in the form of a Cattle Owners’ Association in the early to mid-1970s. Elderly interviewees recalled that the first President was a Tamil Agricultural Inspector who originally came from elsewhere and had married the daughter of an influential *podiyan*. A considerable number of Muslim cattle farmers were also members of the Association and some were appointed as president and secretary – thus showing the group’s (early) cross-ethnic character.

Others report that the Association started networking for their cause by writing memorandums, meeting government officials as well as important MPs of the time, such as M.A. Abdul Majeed and M.M. Mustapha (Table 11). They also received loans for pasture improvement through the Multi-Purpose Cooperative Society.

To recall the wider context around 1978-79, it is noteworthy that Saumiyamoorthy Thondaman became Minister of Rural Industrial Development under President J.R. Jayawardene. The Ministry’s work included the promotion of livestock and dairy projects. As a key leader of plantation Tamils, he had considerable influence and was thus able to foster this sector. Though he initially focused on the estate sector, the renewed emphasis on state support to this sector spread beyond the estates. In addition we learned that Thondaman was very active in the then cooperative movement, and that he also

¹¹⁷ For the original declaration, see <https://tinyurl.com/y7qjpogm> (accessed June 2016).

Box 5: Notification of pastureland, 1976

DECLARATION OF PASTURE LAND IN AMPARAI DISTRICT

1. Percy Abeysinghe, Government Agent, Amparai District, Competent Authority under Emergency (Pasture Lands) regulations published in Gazette Extraordinary No. 217/51 dated 17.06.1976, of the Republic of Sri Lanka, acting under regulation 2 thereof do hereby declare for the information of the general public that an extent of about 4,000 acres of Crown land situated at Sagamam within the Akkaraipattu DRO division between the two tanks of Rufuskulam and Vammiyadikulam, further more described in the Schedule hereunder is reserved for a pasture land.
2. It is hereby further declared that no person shall engage in felling or clearing jungle, prepare land for cultivation or cultivate or utilize the above land for any other purpose other than for pasture. If there are any such clearings or cultivation already undertaken within the aforesaid area all persons responsible for such acts should abandon them and leave the area described below.
3. Action will be taken under these regulations against those who contravene the provisions of this order.

W.K.A.P.P. Abeysinghe

Governmernt Agent, Amparai District, Development Division, The Kachcheri

SCHEDULE

North: Perennial stream running from Vammiyadi tank to Sagamam tank;
South: Perennial stream running from Vammiyadi tank to Sagamam tank;
East: Indefinite vertical line from western edge of Sagamam tank bund to northern edge of Rufuskulam - Part of road to Rufuskulam and an indefinite line towards stream south wards;
West: Vammiyadikulam tank and old cart tract.

Extent: (Approximately) 4,000 acres, 0 roods, 0 perches.

9-1[?]61-Gazette No. 231 of 17.09.76

Source: TamilNet 2016

Note: The northern and southern boundaries are given as such in the original. The typing of the notification is as in the original.

visited cooperatives in the Akkaraipattu area. Therefore, we can infer that the Wattamadu Cattle Owners' Association was able to generate considerable political influence by tapping into the 'opportunities' offered by the state, more precisely, the departments

and agencies under the purview of Thondaman's ministry.¹¹⁸ In addition, we assume that other sections of the administration were inclined to support and compensate the cattle owners, as they had suffered from land use changes in Gal Oya.

As cattle pasturing intensified in Wattamadu, Muslim and Tamil paddy farmers started to feel its repercussions. Until then, paddy farmers used the practice of shifting cattle out of paddy lands after sowing until the end of the harvest. As Birner (1999: 193) noted (see also Geiser et al. 1984):

Between the cropping seasons, the harvested paddy and *chena* fields served as major grazing resources. Traditionally, the households owning the paddy land or holding informal property rights in *chena* lands had no objections to livestock grazing on their harvested land because they had the benefit of the manure. During the cropping seasons, the owners of large and medium-sized herds usually shifted their animals to less densely populated regions where paddy cultivation was not practiced and the incidence of *chena* cultivation was lower.

However, in Wattamadu, much of the cattle herding became permanent, with cattle increasingly roaming through cultivated paddy fields. We understand that at some stage, the paddy cultivators started to organise themselves as well. On the one hand, this can support the struggle for a common cause (here: against stray cattle). It is also a prerequisite for paddy cultivators to organise as a Farmers' Organisation if they want to get water from a tank controlled by a government department. We enumerated the existing Farmers' Organisations in our study region (see Table 14), and indeed found a "Wattamadu FO" and other FOs located in this area (i.e., the FOs of Thonikal, Thonikal South, and Dipomadu). Thus, we note that the cultivators of Wattamadu succeeded in registering with the Department of Agrarian Services, which also entails having a *legal justification* for them to cultivate paddy. This included interacting with government officials during the pre-season *kanna* meetings, in which important decisions for the coming season's paddy cultivation are taken. Farmers received fertiliser subsidies and we also understand that their land was registered in the Paddy Lands Register:

The ADO [Agricultural Development Officer] conducts cultivation meetings every season for farmers to decide and advise them on cultivation before the

¹¹⁸ For example, the Sri Lanka – Swiss Livestock Project in Polonnaruwa of the early 1980s was launched through this Ministry (Geiser et al. 1984). For a range of other initiatives see Ministry of Livestock Development and Rural Community Development (2010: 9).

season starts. *Without this meeting the farmers cannot cultivate or carry on cultivation work in their paddy lands.* (emphasis added)¹¹⁹

8.3 First conflicts between organised interest groups

Around the later 1970s and early 1980s, we find two organised social groups with differing interests in land use and different social compositions. We understand that *both groups included members from the Tamil and Muslim ‘communities’* but (i) with different professional interests (either paddy or cattle), and, most likely, (ii) with different economic capabilities.

For some time they were able to balance their interests. However, one interviewee stated that problems intensified when paddy farmers “encroached” upon the 500 acres allocated on a cooperative basis to the Cattle Owners’ Association (see above). This land was said to be close to a stream and was of fertile soil. Indeed, Fonseka and Raheem (2010: 48f) discuss Wattamadu as a conflict concentrated on a specific part of the land:

Vattamadu (...) is made up of two main areas, ‘Old Vattamadu’ which is 681 acres and largely cultivation land owned primarily by Muslims, and ‘New Vattamadu’ which is used by both Muslims and Tamils for cultivation and cattle grazing. There are a number of issues in ‘New Vattamadu’ between the cattle breeders who claim that there is a gazette demarcating the land for grazing and the cultivators who claim they have been farming for decades.

Map 16 shows these areas, which are roughly divided by the road from Sagamam Tank to Vammiyadi Kulam. We learned from our interviewees that the lands to the west of this road are not disputed, while those on its eastern side are (thus confirming the above quote).

We understand that the cattle owners, through their Association, then *filed a first court case*. In that context, paddy farmers were said to have produced the documents issued by the government proving their rights to use the land. However, according to the cattle owners, these were all fake documents. They prove this by noting that even nine-year old children were listed as right-holders on these documents. They also accuse the *Land Kachcheri* of being involved in this forgery. In addition, the permits to cultivate were allegedly short-term (i.e. the Annual Permits). Paddy farmers responded to these accu-

¹¹⁹ <http://groups.yahoo.com/group/globaltamus/message/1367?var=1> (accessed February 2013).

sations by saying that they were requested by land-related government officials at that time to give the names and ages of their siblings, as they had cleared the land before they applied for formal registration (see the large membership of this organisation as reported in Table 14). Paddy farmers also claimed use-rights as, in their view, the land belonged to them, justified by long use.

People recalled that *problems increased when Thirukkovil became a separate Divisional Secretariat* with a Tamil majority (see Section 4.3). As a matter of fact, Wattamadu is now located within this Division.

8.4 (Non) access to land during the conflict period

The war period created severe problems for all social groups using land in Wattamadu, as it did in the adjoining paddy and sugarcane lands towards the north. Eelam War I (1983 – 1988) was generally less intense in this region compared to later phases; therefore, many people could still go to the area. We learned that another court case was filed in Kalmunai in 1987, and that the cattle farmers – keen to win their cause – were supported by M.H.M. Ashraff (see our discussion on the SLMC in Section 4.3).

But the mobility of both cattle owners and paddy farmers started to become severely limited around 1990. One reason was the nearby LTTE camps along the Kanchikudichchi Aru (see Map 16).¹²⁰ The Sri Lankan army itself established camps around the Sagamam tank. We understand that it was almost impossible for cattle as well as paddy farmers to go to Wattamadu. Tamil farmers claimed that they were not allowed to go to the pastures or fields, as the army would suspect them of supporting the LTTE. Muslim farmers were threatened by different sides and told not to join Tamils. As these problems persisted for more than ten years, many lost their interest in this land.

We were told that it was only during the peace talks in early 2002 that the warring factions allowed the repair of tanks (particularly Vammiyadi) and irrigation canals. This allowed some paddy farmers to once again start cultivation. Cattle farmers, though, claim that their animals often died due to unavailability of fodder and water. Our informants argue that around that time, the paddy cultivators reconfirmed their Farmers' Organisation by registration with the Agrarian Services Department. This allowed them to obtain further support for the repair and maintenance of the Vammiyadi Tank (see the World Bank project below). This tank is classified as a “minor tank”, and this category comes under the Eastern Province's Irrigation Department. They also claim to have signed a

¹²⁰ The name is given as Kangikadichi Ara on the One Inch map Pottuvil.

Photo 8: Cattle at Sagamam Tank on its way to Wattamadu



Photo A.R. Jesmil, 2016

maintenance agreement with Agrarian Services. They say that they paid land tax and received subsidies; “we have all proof for 40 years”. Cultivation meetings were said to have been held since 1991, for which an informant showed us the minutes.

In 2003, cattle farmers registered a new Cattle Owners’ Association at Thirukkovil with 25 initial members (incl. Muslims); now there are 125 members. But conflicts persisted, and through the many atrocities that took place between ‘ethnicities’ over the many years, the organisation of the cattle holders as well as the paddy farmers’ organisation gradually began to observe ethnic identifications. While both were ethnically mixed before and during the early period of the war, the cattle owners’ organisation came to be dominated by Tamils and the paddy farmers’ organisation, by Muslims. A news item from October 2003 expresses sentiments along these lines:

Following yesterdays confrontation between Muslim farmers and owners of livestock in Vattamadu, Muslim youths have attacked Tamil masons and warned them from coming to work in Akkaraipattu area (...) Special Task Force personnel and Police were patrolling the streets to prevent the conflict from escalating. Sources said the Liberation Tigers are also taking necessary

safety measures not to allow confrontation to spill over to other parts of the district. (TamilNet, 2003)

However, an article in 2004 hinted at the cross-ethnic composition of the professional groups:¹²¹

(...) livestock farmers, *mostly* the Tamils from Thirukkovil and Alayadivembu D.S. Divisions with the blessings of the LTTE entered into the scene claiming these to be Pasture lands. Muslim farmers of Wattamadu who inherited these lands from their fathers and forefathers have clear deeds to prove their ownership or authenticity and had been cultivating these lands since very long. After several discussions the Muslim farmers of Wattamadu along with the *Muslim civil society leaders* had with the Ampara district political wing leaders of the LTTE in 2004, the LTTE agreed to allow the Muslim farmers to cultivate around 250 acres in Wattamadu that year. When the Muslim farmers went there to prepare their lands for cultivation, the military wing of the LTTE chased them out by firing shots with heavy weapons they were possessing, in the air and snatched away their three tractors, *beating the Tamils who assisted the Muslim farmers in their cultivation work.* (emphasis added)

But even despite all these challenges, the paddy cultivators showed enormous agency through their Farmers' Organisation. As a matter of fact, they were able to tap into the huge World Bank-supported *North-East Irrigated Agriculture Project (NEIAP)*. In around 2003 or 2004, the project selected the Vammiyadi tank for a "Sample Full Feasibility Report For Medium Irrigation Schemes" (World Bank 2004).¹²² The feasibility report that finally resulted merits a study of its own, as it makes no mention at all of the paddy cultivators' conflict with the cattle herders. It instead speaks, in typical development language, of "small farmers" and "local community".

The above evidences indicate that the most important impact of the war on land use in Wattamadu was a certain *ethnicisation of a previously more professional or occupational conflict over land.* This impact was also felt after the formal closure to the war in the east in 2007. In October 2008, a newspaper reports:¹²³

121 See <https://tinyurl.com/yd5oloe6> (accessed February 2015).

122 Shahul Hasbullah, co-author of the present study, visited Vammiyadi tank together with the then leader of the Farmers' Organisation and the NEIAP officials.

123 <http://groups.yahoo.com/group/globaltamus/message/1367?var=1> (accessed February 2015).

Problems cropped up once again when the Agriculture Development Officer (ADO) conducted cultivation meetings for all other Kandams *leaving out the Wattamadu Kandam*. (...) The farmers of this Kandam cultivated around 600 acres during the Yala season this year and they are now being denied a cultivation meeting for this year Maha season. The security forces here too are not allowing the farmers to Kandams for which, the ADO had not conducted cultivation meeting. (...) Sources say the Provincial Agriculture Minister Nawaratnam and the Ampara district TMVP leader Iniyabharathi are behind this plot intended *to create problems for the Muslims of Ampara district*. (emphasis added)¹²⁴

The emphasis on ‘ethnicisation’, however, hides the fact that professional identities continued to be important, as members of both ‘ethnic groups’ (Muslims, Tamils) were still found in both ‘professional groups’ (paddy farmers and cattle herders), though in different percentages compared to the pre-war period.

8.5 A new interest group – claiming forests

A new player emerged on the scene in 2010, when Wattamadu was declared a part of a protected forest. This Bakmitiyawa–Thimbirigolla Forest Reserve was created by Gazette Notification 1673/45, issued on 1 October 2010 (GoSL 2010). Though it is not mentioned in the gazette, we understand that this refers partly or fully to the earlier Panama Proposed Forest Reserve (see Section 8.1). The gazette provides exact coordinates of some parts of the boundary (see Map 16). Other sections are described in words only, such as its north-eastern boundary:

(going) from there along Panchayadi annicut and up to the point at which annicut from Sagama tank and the road meets, and from there up to the point at which retaining wall of the Sagama tank and that road meet from there up to the end of the Eastern end of that retaining wall which finds when goes to East along that retaining wall of the tank. (GoSL 2010)

Following this demarcation, the new reserve includes the entire Wattamadu area as well. Regarding the legal status of a reserved forest, the Gazette refers to the Forest

¹²⁴ TMVP: Tamil Makkal Viduthalai Pulikal.

Conservation Ordinance. According to the Forest Department, the “Forest Ordinance No. 16 of 1907 is the corner stone of the present law relating to forests and plant protection. Since its enactment, the ordinance [has] been amended many times and the last amendment was in 2009”.¹²⁵ According to this Ordinance, any person is guilty who “clears or breaks up soil or digs any land for cultivation” or “permits cattle to trespass or cuts grass or any other plant or feed cattle with grass or plants (...).”¹²⁶ In other words, the 2010 gazette notification *affects, in principle, both the cattle herders as well as the paddy farmers.*

The Forest Department (or Forest Conservation Department) and the Wildlife Department officials stationed in the area were now expected to enforce this new gazette notification. According to the Forest Department’s homepage,

Forest Divisions are based on administrative districts in the country and managed through Divisional Forest Offices which are headed by Divisional Forest Officers. Each forest division is sub divided in to forest ranges, forest beats, and forest field assistant units.

Thus, there is a Divisional Forest Officer stationed in Ampara, supported by a number of staff, and several offices throughout the district.

8.6 The 2015 Colombo Court of Appeal verdict

Land use conflicts in Wattamadu garnered national attention in late 2015, when several newspapers and TV stations started to criticise either the paddy farmers or the cattle herders.¹²⁷ This trend was set off, when the Colombo Court of Appeal passed a verdict on 18 December 2015, declaring the cultivation of paddy in the area as illegal. The following account is an attempt to understand this rather surprising moment, and it highlights the enormous activism and agency of groups who have been able to mobilise around these issues, as well as the important role played by courts.

Mohmamadh (2017) reports that paddy farmers considered the forest reserve declaration as a “land grab”, and on November 19, 2013, they met the then central government’s

125 See <http://www.forestdept.gov.lk/index.php/en/#> (accessed June 2016 and July 2018).

126 See <https://tinyurl.com/ybvvh8jl> (accessed June 2016).

127 See <https://www.youtube.com/watch?v=q4Ecs1L87mg> (accessed June 2016) or <https://tinyurl.com/ybdsr9d> (accessed mid 2015).

Minister in charge of forests, S. Premjayanth. Based on this meeting, “five plots of land were released to them to cultivate”. However, on October 26, 2014, “when they went to their paddy fields they were captured by the Police for encroaching into the forest land and produced to the district court of Pottuvil. Since then the cat and mouse game continues”. The details of this “cat and mouse game” are as follows:¹²⁸

On 2 December 2014, a police post was placed near the entrance of Wattamadu to keep people from entering Wattamadu land. Two days later, paddy farmers were assaulted by a “gang of cattle owners” and had to be admitted to the Akkaraipattu hospital. Members of this “gang” were arrested and produced before the *Pottuvil court*. The “court ordered to remand the accused until 10 of December. Further on 5th December paddy farmers conducted a protest campaign at Akkaraipaththu town against the assaulting incident”. The police intensified their checkposts in Wattamadu. The Court heard the case on December 12th and adjourned it until 14 January 2015. The accused were released on bail. We understand that in parallel, the cattle owners started a case at the *Kalmunai court*. This case was heard on 15 December 2014, and was adjourned to 23 January 2015.

On 16 or 17 December 2014, “20 paddy farmers [were] chased away from their paddy field by cattle farmers in Wattamadu (...). After chasing away the paddy farmers, cattle farmers [led] the cattle into the paddy fields which were cultivated”. However, on 13 January 2015, a *court order* approved the cultivation of paddy; thus “approximately 20 paddy farmers started their farming in Wattamadu paddy field and they arranged the land using 02 bacco machines”. Meanwhile on January 21, the *Pottuvil court* heard the case and again adjourned it to 11 March.

On 23 January, the *Kalmunai Court*, hearing the case launched by the cattle farmers, did “forward the Wattamadu land case to *court of appeal in Colombo* [and] the case is to be recalled on 12 February 2015 at court of appeal, Colombo” (emphasis added). We did not find details on what then happened in Colombo.

Meanwhile, on 4 June in Wattamadu, “Muslims” started to cultivate paddy “in Wattamadu grass land and Tamil cattle owners complained to the Thirukkovil police. Muslims who gathered at the place proved with documents evidence of permits to cultivate Wattamadu lands”. On June 26, the Cattle Owners’ Association staged a protest in Wattamadu itself (at a place called Kokuluvai) against “Muslim cultivators”.

Finally, the *Court of Appeal in Colombo* handed down a decision on 19 December 2015. Its verdict declared “*paddy cultivation by Muslims in Tamil grassland*” as *illegal*. However, different circles interpreted this verdict in specific ways. A news item in

¹²⁸ This account is based on information from a local news service called Batt24news (Batti24news 2014-2015); see <http://batti24news.com/index.php> (accessed early 2016).

Tamil¹²⁹ recalled that in 1976, 4,000 acres were given to Tamils for cattle grazing through a gazette notification (see Box 5). It also claims that Muslims used false documents to grab the land from the Tamils who were not allowed to use the land during the conflict years. Another news item took the side of the cattle owners as well, but argues differently:

A decision from the Court of Appeal on Friday, prevented the Thibirigolla Reserve in Bakpitiyawa, Ampara, from *facing similar destruction to what was witnessed in Wilpattu*. As per the court's decision, the *police and the Forest Conservation Department, must immediately evict persons* who have established unauthorised paddy cultivations in the Wattamadu area of the Thibirigolla Reserve. (Newsfirst 2015; emphasis added)¹³⁰

8.7 Environmentalists' interests

We showed that the notification of the Bakmitiyawa-Thimbirigolla Forest Reserve added a third player to the struggle around the Wattamadu lands, i.e. the Forest Department, which is in charge of enforcing the new legislation. However, this third actor too gradually came under critique:

Dairy farmers who, for more than three decades, were allowed to graze their herds on these lands, were denied this right through organised and unauthorised paddy farming, which in turn led to public unrest. (...) A notable result of this case, is that while the Pottuvil Magistrate issued a verdict regarding the ownership of the land, the *Forest Conservation Department, in its lethargy, failed to even file an appeal*. An appeal was eventually filed by the dairy farmers themselves, at the Kalmunai High Court. (Newsfirst 2015, emphasis added)

This perceived inability of the state agency to implement the law legitimises new and additional claims to these lands. We label these fourth claims as 'environmental'. Recently, the World Bank financed a GEF/SGP project¹³¹ entitled "Biodiversity Conservation in

129 <http://www.jvpnews.com/srilanka/138849.html> (accessed October 2016, translation by S. Hasbullah).

130 For a discussion on the purported forest destruction in Wilpattu, see Hasbullah (2015).

131 GEF: Global Environmental Facility; SGP: Small Grants Project. This program "(...)" is one of the institution's largest and longest standing trust-funded programs. Since 1991, when the World Bank helped to establish the GEF, it has integrated global environmental benefits across the Bank's

Bakmitiyawa Timbirigolla Forest through community participation by National Ethnic Unity Foundation".¹³² We understand that the "National Ethnic Unity Foundation" is an NGO based in Ampara Town. The project description states:

A series of training programs on dairy farming will be provided for 120 farmers of dairy farming society. 75 Students of Pannalgma, Bakmitiyaawa, Manthotama schools will be facilitated with four workshops regarding *biodiversity and environmental management*. (...) A sustainable management plan will be prepared for Wattamadu grass land with the help of the dairy farmers (125 families) and governmental officers of the area. (...) Originally 600 acres of total encroached grassland area used for illegitimate paddy cultivation will be reduced by 80% *with the involvement of the regional community*. (emphasis added)

This is a rather disturbing project description. It indirectly refers to the intentions of the Forest Reserve (e.g. biodiversity conservation), but the villages of project beneficiaries are all Sinhala. In our understanding the project had two components, i.e. one in the western part of the Reserve close to the Sinhala village of Bakmitiyawa (see Map 16), and the other regarding the Wattamadu grasslands proper, where the project explicitly supports cattle farmers against paddy cultivators. As a matter of fact, in its impact report to the donor, the project claims that it *intervened in court* on the cattle farmers' behalf:

Policy Influence: The Forest Ordinance of Sri Lanka being influenced through the following process: Colombo Appeal Court: Case Number 399/11 Ritz ordinance Counter filed by the farmers – Potuvil APL 19878/PC/14H-CEP/REV/122/14 High courts Kalmunai - Ref. Appeal EP/HC/KAL/REVI/122/2014 - Ref/appeal/Farmers/ C.A.APN/01/2015 As a result, *3850 ha of the Bakmitiyawa reserve encroached by 60 illegal paddy farmers was restored and released from further destruction*. (emphasis added)

Up to now, we have not been able to verify this claim. The GEF programme in Sri Lanka is handled by the UNDP¹³³ in Colombo, and by chance, we met the officer in

programs through more than 790 investment projects and programs in 120 countries spanning every region of the world". See <http://www.worldbank.org/en/topic/climatechange/brief/gef> (accessed October 2016).

132 See <https://tinyurl.com/yb59g3gf> (accessed November 2015).

133 UNDP: United Nations Development Programme.

charge of the project described above. This officer was fully convinced that environmental protection was crucial and important, and so was the project mentioned. *There was no reference at all to the contentious context within which it takes place.*

Other ‘social groups’ struggling for environmental issues in Wattamadu too criticise the Forest Department and the Wildlife Department. A TV-news item¹³⁴ reports that on December 6, 2016, a group of *bikkus* led by the Sanghanayake of Ampara district, Venerable Giritale Gunandana Thera, complained to the District Wildlife Department in Ampara Town about the non-implementation of the protection of Wattamadu as required under the forest-related laws. The report also shows police questioning the farmers who cultivate land in Wattamadu (see Photo 9). The head of the Farmers’ Organisation is quoted as saying that they paid the lower Forest Department staff to get permission. It is interesting to note that *this TV report does not use ethnic categories* to describe the quarrelling factions.

It is also interesting to note that environmental concerns are brought forward by ‘social groups’ situated far apart from the contested area. The ‘Movement for Land and Agricultural Reform (MONLAR) reports that 600 acres of forests and grasslands are being converted to cultivable land in Wattamadu (MONLAR n.d.). This not only affects the cattle farmers, but also the area’s environmental importance. The report notes that the area serves as catchment to the Sagamam Tank, and is an important patch of land on the elephants’ migratory path between the national parks of Kumana¹³⁵ and Lahugala-Kitulana in the south-east to the Gal Oya National Park around Senanayake Samudra. MONLAR blames the District Secretary Ampara and the Forest Conservation Department for not taking any action. The District Secretary would have to enforce the 1976 allocation of pastureland, and the Forest Department the 2010 gazette notification which declared the Bakmitiyawa–Thimbirigolla Forest Reserve. The report identifies Rauff Hakeem (Head of SLMC, and since January 2015 Minister of Urban Development, Water Supply and Drainage) and A.L. Nawam Thawam (member of the Eastern Provincial Council) as assisting the unlawful activities in Wattamadu. Just to recall, MONLAR is a group of activists with a critical position vis-a-vis the government (see Section 3.5).

¹³⁴ See <https://tinyurl.com/y7q7wgro> (accessed February 2017). For the text see <https://tinyurl.com/y74nhrwt> (accessed February 2017).

¹³⁵ Kumana National Park is the eastern part of the Yala National Park.

8.8 Latest developments

At present, the blame game continues. Some for example argued during our last visits that the court case at Pottuvil ended in favour of paddy farmers because the judge was Muslim. Others said that the Kalmunai court's decision in favour of cattle owners was because that judge was a Tamil. The *practice of going to court* continues as well. In mid-August 2016 we learned that the Supreme Court dismissed a petition by cattle farmers to render the 2010 Forest Reserve declaration null and void. In November 2017, paddy farmers protested in Akkaraipattu for several days against the forest ordinance (Mohmamadh 2017; see Photo 10).

But more interestingly, there were voices that questioned both the two decisions recently taken at the national level. They argued that the 2010 declaration of the Bakmitiyawa Forest Reserve was not valid, as it is in contravention of the 1976 gazette notification, which declared Wattamadu as grazing land. With this, the subsequent 2015 verdict of the Colombo Court of Appeal is considered invalid as well, as it refers back to the 2010 decision.

Therefore, a key issue for some people we spoke to was to challenge the 2010 declaration of the Forest Reserve. In their view, this declaration goes against the interests of both cattle owners and paddy farmers, and therefore they should now join hands. As a matter of fact, some stated that such a process has already started. On a slightly different note, one interviewee argued that, although he supports the cattle farmers, he notes that the paddy farmers do not oppose the others' efforts, as they too dislike the declaration of the Forest Reserve.

However, the involved groups continue to seek support for their respective position among the political elite. This is the dominant trend. We learned that the cattle farmers had been supported by A. Kaveenthiran Kodeeswaran (called Robin), Member of Parliament of the TNA since 2015 (see Table 11).¹³⁶ Some argue that his support of cattle owners is not welcomed by his party, as this party still perceives cattle holding to be a Tamil activity, and that the TNA now instead wants to win the hearts of Muslims.

On the other hand, the paddy farmers are supported by an influential lawyer and member of SLMC. This lawyer for example explained during our recent interview that he can prove that the cattle owners' documents are not valid, but that those of the paddy farmers are. The paddy farmers are also trying to increase their organisational strength. At present, paddy cultivation in Wattamadu is organised under different Farmers' Organisations (see Table 14). Attempts are underway to combine them into one.

¹³⁶ Kodeeswaran is related to the late Member of Parliament Chandra Nehru (killed in 2005), who too, as we can recall here, had supported the cause of cattle herders.

Photo 9: Dispute between paddy farmers, cattle owners and police, 2016



Source: See footnote134

Photo 10: Protests in Akkaraipattu against the Forest Ordinance, November 2017



Source: Mohmmadh, 2017

Another issue is that the present FOs are administered under the Agrarian Services Centre Akkaraipattu East. Attempts are underway to shift this to the Agrarian Services Centre in Thirukkovil. An illustration of these FOs' agency is the following: The president of one of the FOs was invited to join a meeting at the parliament in Sri Jayawardenapura in late February 2017. This meeting was called by Rauf Hakeem to discuss land issues in the east, and was attended by many high-ranking officials as well, including the Ampara District Secretary.

To add: As shown in Map 16, some paddy land along the southern side of the Pannela Oya between Thottama and Manthottam comes under the new Bakmitiyawa–Thimbirigolla Forest Reserve. We learned that in 2016, the Muslim and Tamil farmers from the east coast that used to cultivate paddy in this area now received formal permission to do so. We were told that to achieve this, their Farmers' Organisations (Thonikal FO, Dipomadu FO) were supported by the TNA. The Wattamadu paddy farmers now argue that the same rights should apply to them as well.

And last but not least, the composition of the different groups continues to be a dynamic one. We for example learned from the Vice-President of the Cattle Farmers' Organisation that *more than half of their members were now Muslims*. He reiterates that cattle farming continues to be economically very interesting. Meat is in high demand, and there is a good milk collection network in the east for cow and buffalo milk. Many of the cattle holders have a long tradition in this profession, but there are *newcomers* as well, as cattle has become an investment for hotel owners or business people. They buy animals, and then employ labour (Muslims and Tamils) to look after them. As a result, the number of cattle in the area is said to have increased further.

9 Discussion

9.1 Recalling our puzzle

We ended with the land disputes in Wattamadu, a case which captures our research interest in a nutshell. It shows that access to land and the use of land can be contested; that the involved social groups are structured along different identities; it showed the heterogeneity of what is labelled as ‘the state’, in the singular; and finally, it illustrates the agency demonstrated by involved groups in negotiating this institutional setting. It is now time to bring our insights together and to discuss the puzzle with which we introduced the present study. Just to recall, we sketched out our concerns as follows:

Social groups and land: In Sri Lanka, contestations among social groups around land are often explained along ethnic lines, and specifically as consequences of the decades-long civil war. In this reading, the involved ‘social groups’ represent distinct ethnic communities, and the contestations are nurtured through ethnic claims on land. *However*, our insights do not necessarily fit this explanation, as the ‘social groups’ involved in land conflicts often go beyond the marker of ethnicity.

The state: Many describe the Sri Lankan state in the singular, as a homogeneous entity that is dominated, controlled and instrumentalised by one ethnicity, i.e. the Sinhalese. It is this ethnically controlled majoritarian state which – through its land policy inspired by ‘*the frontier*’ (in singular as well) – has triggered many of the land conflicts. *However*, our case studies do not necessarily fit this explanation, as we encountered a highly heterogeneous ‘state’ at the local level, and an array of diverse issues triggering land conflicts.

Mobilisation: South Asia is known for its long history of peasant movements. Sri Lanka, though, is described as an exception to this, and we illustrated this by citing Moore (1985: 10) who noted a “relative weakness of social and economic associations and organisations outside the sphere of the state”. *However*, our examples do not necessarily fit this explanation, as we found a whole array of local organisations and forms of

social mobilisation around issues of land and agricultural production, and in struggle with the state.

In the following section, we discuss each of these points in detail, and we interlink them with more theoretical debates within Sri Lanka and beyond that critically engage with our issues. In doing so, we have tried to stay as close as possible to our empirical insights, and thus avoid arriving at (theoretical) generalisations too quickly. Generalising and theorising our insights are, indeed, a complex undertaking in itself, and what we try in the following is to indicate possible links between our insights and more abstract concepts.¹³⁷

9.2 The state

The heterogeneity of the state

First on the ‘state’ – how did we experience and encounter ‘the state’ *empirically* in the context of our studies? In retrospect, we came across a range of administrative entities and state actors that can be, generally, attributed to ‘the state’:

Delimitations: In the gradual demarcation and the everyday operation of administrative and political sub-units of the Ampara district, we came across an ever increasing range of representatives of the state – the Government Agent (who has lost influence over time) and the District Secretary; the Ministry of Local Government in Colombo (controlled, during important times, by an influential person from Akkaraipattu itself); the Divisional Secretaries (who are Tamils in the Tamil Divisions, Muslims in the Muslim Divisions, Sinhalese in the Sinhalese Divisions); the Department of Local Government of the Eastern Province; the *Pradeshiya Sabhas* as forms of local governance; etc.

Allocation of land: In the allocation of Crown/State land and decision-making on the use of land under the Gal Oya scheme and afterwards, we encountered, among others, the Gal Oya Development Board in the early 1950s; the Government Agent; later followed by the Divisional Secretariats as implementing agencies of the central government’s authorities in charge of land; the agencies in charge of land from the Eastern Provincial government (e.g. the Department of Land Administration, Eastern Province); then the central government’s Irrigation Department and the Eastern Provincial Coun-

¹³⁷ There are, of course, other theoretical concepts we could have used, such as political society, sovereignty, territorialisation, etc. However, we selected some more “disaggregated” ones through which we can engage with our empirical insights more directly. Remember the statement by Lund (2014: 228) that ‘the state’ is too abstract a concept and that “we may even need to disaggregate [such] constituent concepts before they become empirically visible”.

cil's Irrigation Authority, the Land Officers, the Field Instructors, the *Gramma Niladaris* at the Divisional Secretariats; etc.

Agricultural support: In the services that are required by farmers to cultivate their land (whether they hold it as private property, under LDO permits, or Annual Permits): Again, the Irrigation Department of the central state; the Irrigation Agency of the Eastern Provincial Council; the Agrarian Services Department; all the other line agencies involved in agriculture or animal husbandry; and so on.

Excess water: The Gal Oya Board in the beginning; then various Members of the national Parliament, the Eastern Provincial Council's budget allocations to its members; international donors that support specific government departments and MPs, etc.

Wattamadu: The Ministry of Environment, which published a gazette notification demanding action from other 'state' agencies (the Forest Department, the Wildlife Department); the Provincial Irrigation Department and its officials in charge of *kanna* meetings and the maintenance of minor tanks; the agencies servicing the livestock sector, etc. Though not part of the state proper, we can add the courts at different administrative levels.

In sum, we found - empirically - a huge array of diverse state agencies, divided by *sectorial responsibilities* (land registration, irrigation, agricultural services, etc.) and by the 13th Amendment's schedules (e.g. the centre's irrigation agencies, the province's irrigation agencies). It is this dazzling array of diverse representations of 'the local state' that ordinary people at the grassroots level encounter.

Contradictions within 'the state'

The state in the singular would mean that these diverse entities would be working together in a well-coordinated manner. Talking of such an 'ethnic Sinhala-majority-controlled Sri Lankan state' would thus imply that one ethnicity is in command of this monolithic apparatus – and that this state governs the mentalities and behaviours (to refer to an influential theoretical concept)¹³⁸ of its citizens. Let us briefly revisit our case studies:

Delimitations: Divisional Secretariats are, in principle, the local expression of the central state. But does this imply that they all are working in lock step, representing 'the state' and implementing the state's agenda in unison like puppets on a string, without adding something to it on their own? That the D.S. system is "an extension of presidential power" (Tiruchelvam 2000: 205)? Our findings clearly show that this is difficult to substantiate, at least at the level of everyday practices. We find that the different Divi-

¹³⁸ Foucault's notion of governmentality has become very influential in portraying states as socially dominating formations.

sional Secretariats do have considerable agency, or “room for manoeuvre” (Long and Long 1992). The fact that many local organisations struggled for the creation of new Divisions in their own areas indicates that D.S.s are also *important arrangements for local aspirations*. This becomes visible in conflicts between neighbouring D.S. Divisions, or at times *Pradeshiya Sabhas* – most obviously over public places in central Akkaraipattu. The collection of taxes from the market place, for example, is a contest between the *Pradeshiya Sabha* of Alayadivembu and the Akkaraipattu Municipal Council. In another instance, the D.S. Divisions of Akkaraipattu and Irrakamam had their boundary adjusted. But tensions do not only exist between D.S. Divisions. At times tensions also exist vertically, towards the central state. In one of the Secretariats we visited, the Tamil-speaking staff complains that instructions coming from Colombo are often written in Sinhala only, and that they face difficulties in understanding them. In other words, instructions from ‘the state’ written in Sinhala means that they may not be implemented right away – rather, *they need to be read, translated, interpreted, and, most likely ‘adapted’ to local circumstances*.

Allocation of land: We highlighted the fact that the initial process of land allocation under the Gal Oya scheme is difficult to reconstruct. Of course, ‘the Minister’ did have enormous influence in selecting settlers, and thus Sinhala-nationalist ideology was able to enter the scene. But we learned that many others were involved, not least the Members of Parliament from the different regions. We also learned that some state departments were more powerful than others in deciding on land use in the Gal Oya scheme. The Irrigation Department seems to have had the upper hand, while the agencies in charge of animal husbandry had little influence. In other words, many state actors were involved in allocating the land, and this often happened in an uncoordinated manner. Some would argue that this problem of coordination may not have existed in the case of Gal Oya, at least initially, when diverse departments were coordinated through the G.O.D.B. However, as Harriss (1984: 326) notes, “(...) departmental loyalties remain strong amongst irrigation engineers, agriculturalists and community development workers – and that the first mentioned are usually most powerful”.

Wattamadu: Here, contradictions within ‘the state’ are most visible. In the land area between the three tanks of Rufus, Sagamam and Vammiyadi, we find the Agrarian Services, the Provincial Irrigation Department, the agencies involved in animal husbandry, and those in the central government entrusted with forestry and environmental issues. We were able to document that these different state departments did not function as ‘one state’, and instead *took decisions in splendid isolation* from each other. As Map 16 strikingly highlights, the recently delineated Forest Reserve (which implies that no cultivation is allowed within its perimeter) even includes irrigated land (cared

for, to some extent, by the provincial irrigation authorities), not to speak of land that is officially allocated as pasture by another state agency.

The ambiguity of the everyday ‘local state system’

Through our studies, we tried to understand what the state looks like when seen from the grassroots level. How do people in this region experience the state? Who represents the state for them? We found that in most cases the state is experienced through ‘officials’ that one has to contact – the *Grama Niladari*, the Land Officer, the Forester, the Irrigation Engineer, the Agricultural Instructor, the staff at the *Pradeshiya Sabha* or the Divisional Secretariat, or the Police Officer. Although these are all officials linked to the state, they nevertheless represent different branches of this state. And our studies show that these branches often have *independent lives* – even though they are part and parcel of the same bureaucracy. They do not follow the same centralised blueprint for structuring state-citizen interactions, so to speak. We recall Bastian’s (2012) suggestion given in our introductory chapter that enjoins us to “see states as arenas of struggles and conflicts. In [these] struggles there are interest groups, politics and a messy process (...).”

Our empirical insights lead us to argue that – at least in the case of our study region – the use of the analytical category of the singular ‘state’ does not allow us to uncover local complexities (see also Lund 2014). Instead, looking in detail at the very specific agencies that are involved on the ground helped us to unravel these complexities. This approach also helped us to unravel instances where conflicts around land were *actually triggered, or at least influenced, by contradictions between specific agencies of ‘the state’* – remember the conflicts created within the Gal Oya scheme between irrigated cultivation and animal husbandry, or the tensions created between paddy farmers and livestock herders in Wattamadu.

This difference between the (assumed) presence of one single state power and its actually experienced contradictory nature was captured long ago by Abrams (1977: 119) in his differentiation between the “*state idea*”, and the “*state system*”. We will return to the “*state idea*” further below, but first we use the concept of the “*state system*” to make further sense of our insights. For him, the state-system refers to:

(...) a cluster of institutions of political and executive control and their key personnel (...): the government, the administration, the military and the police, the judicial branch, the sub-central governments and parliamentary assemblies.
 (Abrams 1977: 119)

What we find in eastern Sri Lanka is an array of different government departments from the central and provincial levels, each with its own bureaucracy, administrative procedures, offices, regulations and files – a complex coexistence that is involved in contradictory practices. But each component insists on the right to issue legal documents, and thus the Wattamadu paddy farmers are able to provide proof of their rights, as do the cattle herders, as does the local forestry staff, as do the environmentalists. And worst of all, these competing claims on legality can inflame local conflicts.

Ordinary people have to encounter this *legal pluralism*. Legal pluralism recognises the existence of different types of laws such as state law, folk law, customary law, indigenous law, religious law, etc. (Benda-Beckmann 2001). This author argues that legal pluralism means that in many life situations, different people can make use of more than one regulatory repertoire to rationalise and legitimise their actions. However, the legal pluralism we encountered is not necessarily one that emerges from contradictions between state laws and, say, traditional regulations, or rules established by “unruly war entrepreneurs” that make “property rights to local resources [becoming] the theatre of contestation” (Korf 2005: 212). The legal pluralism we encounter is one that is not linked to a situation of exception (such as war), but it is built into the very formal system of the nation state.

Weak state – strong state

Above, we propose that Abrams’ notion of the ‘state system’ helps us to make further sense of what we found through our bottom-up research approach. And it helps us to speak to other debates we consider relevant in this context. One concerns the consequences of the ambiguous state system at the local level. We discuss this through the notions of the ‘weak state’ and the ‘strong state’.

The weak state: We encountered the challenges faced by state officials stationed in the Gal Oya scheme; remember the finding by Merrey and Murray-Rust (1987: 5f) that “(...) Gal Oya was considered to be one of the least popular field postings in the country”. In Wattamadu we found different land users approaching different government offices to obtain different documents. These and other empirical insights make us suggest that the Sri Lankan state *at the local level* is not really a strong and united entity and not really able to enforce the ‘ethnically controlled majoritarian state’. Indeed, we find related thoughts in Spencer (1990: 220) when he argues:

Legally, the control [by the State] is strong; practically – administratively – the State’s ability *to exercise it is relatively weak*. (...) The bulk of the population has to *confront the State in order to gain access to the means of its own reproduction*. The gap between the State’s legal pretensions and its real power

privileges those with secure access to the State – *the politically connected (...).*
 (emphasis added)

It is at the local level that the actual capacity of ‘the state’ needs to be empirically observed, and our bottom-up empirical findings indeed correspond to Spencer’s notion of the “weak” state at the local level. We thus propose that this concept elucidates many insights from our case studies.

Going even further, we find similar thoughts in the literature that engage with the study of social movements. One influential concept that emerged from political scientists is the idea of *political opportunity structures*. Opportunity structures refer to the formal institutions within a state and their *actual powers of enforcement*. Simply said, the more authoritarian a state is, the more difficult it becomes for people to raise their voices: “Political opportunity structures influence (...) the impact of social movements on their environment” (Kriesi 2004: 69). Based on this concept, Kriesi (2004: 70) proposes the hypothesis that:

The greater the separation of power between the legislature (parliamentary arena), the executive (government and public administration), and the judiciary, as well as within each of these powers, *the greater the degree of formal access and the more limited the capacity of the state to act.* (emphasis added)

This hypothesis encompasses a lot of what we found: the ambiguity of the local state system and the great “degree of formal access” – just recall the consequences of the continued delimitation of administrative divisions. Our present study points in this direction, but it would require further reflection and a comparative analysis of other cases within Sri Lanka to substantiate this line of thinking. This goes well beyond the scope of this report.

But there remains an important uneasiness with these concepts of the “weak state” or the favourable – from the point of view of contesting local interests – “political opportunity structures”. And this has to do with the perception of the state as being strong – because it is an ‘ethnic Sinhala majority-controlled Sri Lankan state’.

The strong state: In most of our case studies, people organise because of their concerns with land as a material resource, and they mobilise around professional identities to negotiate with the ambiguous local state system’s bureaucrats. But our interviews also showed that many indeed referred to a powerful state when describing the causes of their problems. In addition, much of the literature on our study region establishes direct causalities between local concerns and a ‘strong state’. We recall three such manifestations of the strong state:

(1) In the 1950s and 60s, the Gal Oya development project radically changed the pattern of land use, and changed the composition and distribution of the population. The Gal Oya Development Board played a crucial role in these processes. This is seen by many as extending the agenda of the strong state through ‘colonisation’ schemes.

(2) A few years back, the central state’s Ministry in charge of forests declared the new Bakmitiyawa Forest Reserve, and Wattamadu became part of it. This is seen by many as extending the agenda of the strong state through ‘environmental’ concerns.

(3) Some ministries of the central state have considerable influence on the delimitation of administrative divisions and electorates. This is seen by many as extending the agenda of the strong state through gerrymandering (see Section 4.4).

Indeed, the central state (or rather, bureaucrats and politicians at the centre) had, and does have, enormous influence in all these three cases, and it would be futile to disagree with these established facts. Still, based on the empirical insights that we gained from our studies, we are inclined to suggest the need for a critical engagement with, and to differentiate the notion of the ‘strong state’, not least because it has become a very powerful ideological device. Our empirical findings highlight the fact that this state’s role in local issues of land is a very complex issue. Here we highlight just a few contradictions with regard to the three points listed above:

(1) The Gal Oya scheme indeed brought many Sinhalese settlers to the east. Still, many Muslim (and to a lesser degree Tamil) farmers benefitted as well. Our insights to some degree resonate with what UTHR suggested, i.e. that the “scheme to tap the water resources of the region inaugurated by D.S. Senanayake *was a rational one*. It was in the 50’s that the scheme started to become tied up with the state ideology of marginalising Tamil influence. *It is difficult here to speak of a state conspiracy*” (UTHR 1990: 34f, emphasis added).

(2) Is the demarcation of the Bakmitiyawa Forest Reserve a contemporary attempt by the central ‘ethnically majoritarian state’ to expand its ‘frontier’, and thus to increase its hold on land? Where would we find empirical indications of this? Some argue that the Ministry of the central government in charge is controlled by ethnically biased forces:

Champika Ranawaka, a prominent JHU politician, *was also then the Minister in charge of Environment and Natural Resources* and therefore had a *mandate to oversee forest protection* but his direct involvement in some of the cases, including Deegavapi has raised fears among the Muslim Community that there is an ethnic and religious motive that goes beyond forest protection. (Fonseka 2010: 35; emphasis added)¹³⁹

¹³⁹ The Jathika Hela Urumaya (JHU) is a right-wing nationalist political party in Sri Lanka.

The notification for the Bakmityawa Forest Reserve, however, was issued through another Minister (Anura Priyadarshana Yapa). Afterwards, Minister S. Premjayanth is reported to have released some land in Wattamadu to local farmers (see Section 8.6). Protecting forests is, generally speaking, a contemporary issue of importance. Some might argue that related complaints raised by the Ampara-based Buddhist clergy at the Wildlife Department's office (see Section 8.8) is evidence of the long arm of the 'ethnically majoritarian state'. But then, we find MONLAR involved as well in Wattamadu struggling for environmental concerns. This organisation is a member of the world-wide peasant alliance Via Campesino and is known to be very critical of state policies. It would require a specific research study to carefully analyse the relation between the actual practices of this group and Sinhala-nationalist ideology. Also, contestations around the nexus of forests and environmental concerns are on-going *within the Sinhala-dominated regions of Sri Lanka* as well.

(3) Is the delimitation of administrative divisions and electorates causally determined by the politics of gerrymandering? Or is it rather the *complex (at times contingent) outcome and consequence* of close networking between, say, politicians and their local networks, formed of 'local people' who demand 'their politicians to deliver'?

Again: We are fully aware of the fact that many land-related actions of the Sri Lankan state can be read as fostering the interests of Sinhala majority interests only. But we are also aware of the fact that land is very often used, or misused, as an *ideological battleground*; hence, the need for differentiated empirical research. Such research also needs to take into account *regional differences* in these causalities (consider, for example, the issues around Deegavapi or Weli Oya). Such differentiated research would also need to take into account what Fonseka and Raheem highlighted (2010: 23):

Even if the Government is aiming to promote development with an eye towards local needs, it will have to tackle the issue of perceptions, where development programs are perceived to advantage a particular constituency or community.

It is here where we suggest that the second notion of Abrams, i.e. the 'state idea', can be an interesting entry point for critical reflection.

The 'state idea'

Above, we referred to Abram's (1977) notion of the state system, and we discussed it using Spencer's (1990) notions of weak and strong state. In contrast to this concrete and tangible state system, Abrams speaks of an abstract *state idea*. With this notion, he refers to an independent and real authority ('the state') that is assumed to exist behind

the state-system. It is this assumption that Abrams unmasks as imaginary and only an (invented) idea, but also suggests that this idea has enormous force. He argues that ‘the state’ in the singular does not really exist, except as an idea – and that this idea emerged as an *ideological instrument* to justify and legitimise the functioning of, and control over, the state-system. “Ideological instrument” refers, for example, to appeals to the unity of a nation which is represented by ‘the state’, and thus to *discourses* and *ideologies* that create the imaginary notion of such a unitary power legitimised to enforce its will. Therefore, so Abrams argues, it is crucial to analyse the *discourses* and the *ideological underpinnings* of these appeals.

This brings us to the *ethno-political discourse*. We pointed to the phenomenon that appeals to ethnic markers of identity are used as proof of being marginalised or disadvantaged. We can also recall the Secretariat for Muslims (2015: 8; see also Fonseka and Raheem mentioned just above) which proposes that:

(...) virtually all grievances pertaining to administration and local administration are invariably articulated in ethnic terms as discrimination on count of an administration biased or belonging to the ‘other ethnic group’.

We propose that these notions of ‘state idea’ and ‘discourses’ – though being rather old concepts – can help us to critically differentiate between the *material concerns* around land, and the *discursive framing* of these concerns. In the latter, we agree with researchers who highlight the role of “political entrepreneurs” (Herring and Agarwala 2006) in influencing these frames, which at times can lead to “orchestrated antagonisms” (Hasbullah and Korf 2005; see Section 1.3). By way of illustration, we come back to the Bakmitiyawa Forest Reserve; indeed, the (objective) need to protect forests can be instrumentalised by elements of the state system to advance (subjective) partisan interests. Such instrumentalisation often happens through the simple procedure of ‘ethnic othering’, reducing the culprits ‘engendering’ one’s problems to elements linked to ethnic identity only. Such ‘elements’ could be (some) politicians, but also (some) bureaucrats, or even (some) ‘experts’ who are being consulted to draw up policies and regulations. But there can also be ‘elements’ in the chain of fostering partisan interests that are actually unaware of doing so. We mentioned our strong concerns over the support given by a member of UNDP to a NGO-project which *works with just one section of the quarreling factions in Wattamadu, and not with others*.

Our preliminary thoughts on the notion of the ‘state’ so far resonate with the suggestion by Lund (2014: 228) that ‘*the state*’ is too abstract a concept and that “we may even need to disaggregate [such] constituent concepts before they become empirically visible”. We argue that this empirical visibility can be found in the local level manifestations

of the state system: the Divisional Secretariats; the files in Sinhala-language-only sent by the centre to the Tamil-speaking staff of these Secretariats; the contradictions produced by diverse departmental offices at the local level in issuing land-related permits; or the inability of forest-related authorities at the local level to coordinate their everyday practices with those of other departments that support paddy farmers or cattle owners.

We also argue that this level of empirical disaggregation allows us to think, in a more realistic manner, about the ‘possibilities’ of how to cut through the gordian knot of land issues so deeply informed by ideological discourses. We will address this in Section 9.8.

9.3 Social groups

Our second research interest focuses on the *emergence of interest groups* around land conflicts, or to recall Herring and Agarwala (2006: 327; see Section 1.3): “Under what conditions do individuals with similar interests unite to promote a common goal”?

Our brief overview on the D.S. Divisions of Akkaraipattu and Alayadivembu in Section 3 illustrated the *diversity of identities*. One of them is, of course, ‘ethnic’ (Muslim, Tamil, Sinhalese), but we showed that other identities were important as well. The Tamils, for example, are highly stratified along extra-economic categories, and are linked together through complex social relations. Table 8 highlights the heterogeneity of the ‘ethnic communities’ along economic identities – the rich, the middle class, the poor. The related Map 8 impressively shows how this stratification cuts across ethnic lines. To recall Moore’s truism from Section 1.1: “... any individual or group has a wide range of potential identities or interests in politics, e.g. locality, region, socio-cultural category, social stratum, gender, occupation, or ties of personal obligations” (Moore 1985: 4). Which (or which combination) of these potential group identities comes into play when conflicts around land emerge? Let us briefly summarise some of our findings:

Creation of new Divisions: Our larger study region witnessed an intensive process of sub-dividing existing administrative-political units. For long periods of time, most of the area was administered under two units, i.e. Yatipalata Korale in the west, and Akkarai Pattu in the east. The first was sparsely inhabited, mainly by Sinhalese (though part of the land was used by people from Akkarai Pattu), and the latter was densely populated in its eastern areas by Muslims, Hindus, and some Christians. The boundary between these two units still exists today (and is *not* the outcome of the Gal Oya scheme). But while Yatipalata Korale remained more or less one unit (now called Damana D.S. Division), Akkarai Pattu has been divided into the present D.S. Divisions of Addalachchenai, Akkaraipattu, Alayadivembu, and Thirukkovil. Thus, *sub-divisions took place exclusively*

among the Tamil-speaking population, partly separating regions with a Muslim majority from those with a Hindu/Tamil majority, but also subdividing respective majority areas (both, Alayadivembu and Thirukkovil have Tamil-speaking Hindu majorities; and both Akkaraipattu and Addalachchenai are dominated by Muslims). We can add Irakkamam, which split from Sammanthurai, both Muslim-dominated areas. It becomes even more complex when we look at the divisions of local governance, where a few years ago, the Akkaraipattu Municipal Council area was separated from the Akkaraipattu *Pradeshiya Sabha*, both Muslim majority areas. We thus conclude that other markers of identity different from dominant ethnicity (e.g. identities of place) played a decisive role.

Conflicts along the border-in-the-making between Akkaraipattu and Alayadivembu: This border follows roughly the ‘ethnic’ border, with Muslims to the north of the Akkaraipattu-Ampara main road, and Tamil/ Hindus and some Christians to its south (see Section 5.2). But only roughly so. There are overlaps along this border zone, with some Tamil/Hindus and some Christians living on the northern side. Yes, we found that related mobilisations emerged mostly along ethnic lines – but not exclusively. We also found organisations of traders that have members from both main ethnic groups. Thus, occupational or professional identity comes into play. To recall, people in our study region, though of different ethnicity, continue to consider themselves as part of the ‘community’ of the larger Akkaraipattu.

Accessing land along the border with the Damana D.S. Division: We need to distinguish earlier processes from more recent ones.

Earlier processes refer to the distribution of the land that was provided with new irrigation infrastructure under the Gal Oya scheme. It is important to remember that a part of this land had been used before, either under minor irrigation (along rivers or in *purana* villages), or under rain-fed conditions. We also understand that already prior to the Gal Oya scheme, people migrated to this area in search of land; Moore (1985) refers to up-country Sinhalese who came here, leading to conflicts with the resident Sinhalese population. Turning to the Gal Oya scheme, and more precisely to its Right Bank area,¹⁴⁰ we argue that *access to some sorts of social networks* was helpful, even essential, in accessing land under the scheme. We described the way people from central or south-western Sri Lanka were selected because their area had been declared a “source area” (see Section 6.8), and they were then proposed by the Village Headmen or other ‘patrons’, and finally by ‘a Minister’. Similarly, Members of Parliament (MPs) from the east submitted lists of interested people for the *Land Kachcheries*. We understand that MPs representing the interests of the Muslims did so, while those (supposedly) representing the interests

¹⁴⁰ Based on the complexity we witnessed, we assume that a closer look at the Gal Oya Left Bank region may reveal processes that differ from the ones we observed in our study region.

of Tamils did so to a lesser extent. As a consequence, we found that Muslims operate large tracts of new Gal Oya land throughout the then Akkarai Pattu (population-wise, Muslims have a larger share, but that alone does not explain their share in land). We also need to mention how access to land took place through spontaneous encroachments, and we learned that this concerned vast tracts of land; however, little is known of these processes.

The creation of the sugar factory created its own dynamics. The factory was established in the Damana area, and was an important source of government employment. We learned that access to this employment was contested between Sinhalese MPs, and between an array of trade unions. Thus, within the ethnic category of Sinhalese', a range of other markers of identity played a role, such as party affiliation or membership in a trade union.

Recent processes: We refer to the period after the end of the military conflict in 2007. The turmoil of the war brought hardship to people, regardless of their ethnicity. It also complicated the ways in which land was accessed and used, as many people were not able to cultivate their plots, either for shorter periods of time or for many years. Control over some land also changed hands; people who were unable to cultivate their land had to follow different strategies. Some leased the land to people who had fewer problems in accessing this land; others informally sold or acquired land. In recent times, market forces have come increasingly into play as well, with some people having more money (or other means required for accumulation) at their disposal.

Cultivating land now: While accessing land is one challenge, cultivating it is another. Farmers need irrigation water, other inputs for cultivation, and markets to sell their products. In these spheres, we found that Farmers' Organisations played an important role. In our survey of some of the FOs along the border between the D.S. Divisions of Damana and Akkaraipattu, resp. Alayadivembu, we found interesting details about the membership. While the members of some FOs belong exclusively to one ethnic group, *others are mixed (Tamil-speaking Muslims and Tamil-speaking Hindus)*. This is mainly because FOs are organised along irrigated tracts (*kandams*), and land in such *kandams* is either owned by one ethnic group, or by members of both. Thus, *professional markers* of identity come into play again. Indeed, a closer look at land use conflicts along the 'grand frontier' challenges the often stereotyped notion that there are antagonisms between main 'ethnic communities'. Our findings resonate with the Secretariat for Muslims' study on Deegavapi. Contestations at this site result from ethnically instrumentalised land policies, but they highlight the fact that members of all ethnic groups share similar professional concerns. They are:

(...) part of a peasant economy that is in constant crisis to lack of secure tenure to being victims of human-elephant conflict and drought and floods to suffering from the after-effects of the war and the tsunami. It is important to note that a privileged political status is no guarantee of social and economic security. For example, *notwithstanding their privileged status and their entitlement to ‘sacred land’, the Sinhala Buddhist peasant community in and around Deegavapi were not only forced to cultivate sugarcane but also reported dropping incomes even as the sugar factory announced ‘record breaking profits’.* (...) Notwithstanding the complexities of inter-ethnic relations (...) there are several spaces and contexts in which *social interaction exceeds ethnic boundaries*. Muslims and Sinhalese work in each other’s fields in Deegavapi, (...) and most importantly there are *small civil society groups and community based organisations* that are multi-ethnic and work with all communities on shared issues and concerns. (Secretariat for Muslims, 2015: 25f, emphasis added)

Excess water: This problem occurred locally along the built-up areas of Akkaraipattu and Addalachchenai. Those mobilising for solutions included mainly MPs from the area, in close interaction with a variety of local organisations. Though all were located in the Muslim-dominated areas, these organisations represented a range of interests. We also found a marker of identity roughly related to “being-affected”: While those whose lands got rid of the excess water welcomed the installing of water pumps or deepening water channels, those who suffered from unintended consequences of these efforts (e.g. the lowering of water tables in wells used for drinking water) opposed them.

Wattamadu: To make a long story short, it is here where the correlation between local forms of organisations, mobilisation, and markers of identity became the most confusing. We find that today, on the surface, the paddy farmers represent Muslim interests, the cattle owners those of Tamils, and the environmentalists those of Sinhalese. But that is on the surface only, and it is here where a *critical analysis of discursive framings and related appeals to (imagined) overarching powers is required*. We take cattle pasturing as example. There are a whole range of differences to be considered. For example, (a) there are also Muslim cattle owners who bring their animals to Wattamadu, and their share is increasing; (b) there is often a difference between those who own the animals and those that provide the labour; (c) there are economic differences, as some of the cattle owners are *podiyars*; (d) the role of an ‘identity of place’ increased when Wattamadu became part of the (Tamil-dominated) Thirukkovil D.S. Division; and (e) all these dimensions, or markers of identity, have *changed over the last several decades*.

We now turn to mobilisation, and thus to social relations within and across the multitude of social groups and markers of identity we just described.

9.4 Local mobilisation around land

Forms of local mobilisation

Through our surveys, we were able to identify a whole array of local organisations ranging from different types of Farmers' Organisations to associations of tractor drivers or traders, to religious associations and NGOs. Some of these are used as institutional platforms to mobilise around perceived grievances, including issues concerning access to and use of land. We do not come across huge peasant movements, as one does in India, but at the same time we do not find only apolitical NGOs in their place. Just a brief recall:

Delimitation: We often learned that politicians were approached by 'organisations of citizens' to lobby for their interests. Such organisations included groups linked to Mosques or Hindu temples, as well as other institutions. When, as a consequence of the on-going boundary dispute in Akkaraipattu, mosques were to be located in another administrative Division, mosque committees became very active. Others acted through the Catholic Church. Yet other people mobilised through established professional associations, etc.

Land allocation: We understand that there were no formal organisations of farmers in the initial period of the Gal Oya scheme. Protests did take place, however, and it seems that they emerged more spontaneously and informally. Then, Farmers' Organisations were established, and many of them became involved in land-related issues. The most interesting attempt is the very recent call to protest against the sugarcane company's enforcement of sugarcane production, a call that was raised across ethnic boundaries (see Section 6.8).

Wattamadu: In this arena of conflicts, we came across specialised professional organisations of paddy farmers and of cattle owners. They were, and are, very vocal in articulating their demands and grievances. With regard to forestry and environmental concerns, NGO-like organisations are more visible or present, with some linked to international donors.

Reasons for mobilisation

We addressed five cases, and all of them concerned struggles over land. We found that social mobilisation was informed by a range of concerns related to land. Most of these had to do with the more classical field of 'farming', but we found many more land-related issues – just recall the notion of *land as a bundle of resources* (see Section 1.3). We summarise some of these in Box 6. Interestingly, the reasons for mobilisation given in this Box extend far beyond the classic ones that are generally provided when discussing peasant mobilisation, i.e. land to the tiller (or land reform), and renumerative prices for

Box 6: Land as a bundle of resources – evidence

Many people aspired to have more control over the land in their vicinity; hence, the demand (not only, but also) for separate Divisions and *Pradeshiya Sabhas*.

Others felt that interacting with an administration that speaks the same language, or follows the same faith, or ‘is from the area’ would facilitate receiving *Samurdhi* support or official land titles, etc.

Again, others were in need of irrigation water to cultivate paddy, or a certificate allowing cattle owners to let their animals graze in a fertile site.

Others whom we met wanted to continue their paddy cultivation, though legal documents demanded that they produced sugarcane for the Hingurana sugar factory.

In one case, some people were keen to regain their paddyland that had been flooded, while others from the same locality were in search of urgently required building areas; thus, the very same land represented different resources to different social groups.

In Wattamadu, some groups claimed environmental concerns, as they saw the forests endangered by paddy cultivation, cattle grazing, and the inaction of the state forest authorities.

agricultural products. We, in fact, did not come across explicit demands around these points, and we will return to this issue further below.

9.5 Practices of mobilisation

We found diverse social groups (constituted around different markers of identity) that emerged around a variety of land conflicts, and often around different expectations upon the very same piece of land. How, then, do people mobilise around certain issues? How do they engage with other social groups, and especially how do they engage and interact with the complex and ambiguous local state system? As a first step, we shall differentiate our insights into direct and more indirect encounters: By *direct encounters* we refer to face-to-face engagements, such as protesting in front of state officials in the early days of the Gal Oya scheme, or (at times violent) skirmishes between cattle owners/herders and paddy farmers in Wattamadu. By *indirect encounters*, we refer to the use of pamphlets, the involvement of courts, or the interaction with politicians, with the aim of mobilising around one’s interests. Our case study descriptions showed some instances of direct

encounters, but we found that practices of indirect encounters were rather widespread. Two of them demand specific attention:

Engaging the courts

What surprised us was the importance of courts in struggles around access to, and use of land. Very often, people mentioned that “a court case is pending”, or “a court case is going on”. Most prominently, we found this practice in the instance of Wattamadu. Here, for decades, competing groups have approached the courts of Kalmunai or Pottuvil or even the Appellate Court in Colombo. We argue that this ‘going-to-court’ is fueled, to a considerable extent, by the consequences of the ambiguous local state system. This confusing state issues diverse legal documents to social groups as marks of proof of their respective rights to land; as a result, diverse legal documents can refer to the very same piece of land. No wonder that people then expect the court to clarify this *formal legal pluralism that exists within the state*.

What intrigues us is that going to courts must involve considerable costs, but that when the court arrives at a verdict, such decisions seem to have rather short-term impacts. Quite often, we learned that verdicts were challenged in front of yet another court. Still, people seem to have great expectations of court rulings. Indeed, the role of courts is, at present, a much under-researched theme, and would merit much more attention.¹⁴¹

Networking with one's 'patrons'

Indeed, in all of our case studies, politicians played a very important role. They were involved in negotiations for the creation of new Divisions, the delimitation of the boundaries of these Divisions, accessing land under the Gal Oya scheme, searching for solutions to waterlogging from excess water, and in the struggles around access to land in Wattamadu. We also found that at times, *local politicians competed with one another*, and this was often linked to their representing conflicting local interests. Looking closer, the mobilisations we came across typically build on networks between concerned people (farmers, cattle owners or herders, traders, and others), leaders of local organisations, and local politicians.

Such networks are often described as *patronage systems*, and we have to engage with this notion, as it is often used to describe politics in eastern Sri Lanka. Usually, this understanding has a rather negative normative connotation. Politicians are described as interested only in enlarging their vote banks. In return, they favour their voters when it

141 See Spencer, 1990: 221f, for a discussion of the role of courts in the colonial period.

comes to the allocation and distribution of state resources (roads, access to projects, etc.). Put more academically, Piliavsky (2014) confirms that much research portrays patronage as:

(...) a perverse and backward political practice, which prevails only when modern states fail [(p.3), and:] (...) patronage as a *relation between two unequal persons*, one of whom holds the upper hand. Patrons are wealthier, politically more potent or otherwise privileged, and they control what others need or want, making their clients at best dependent and at worst oppressed. (Piliavsky 2014: 5; emphasis added)

She argues that this understanding stems from an *idealised vision* of how decision-making within a society *should take place* if it were to achieve a “greater social good, driven by policies and ideologies whose benefits stretch beyond any individual’s interests (...)” (p. 28). Such an idealised vision would like to view politicians in a functionalist manner, as neutral intermediaries between individual’s interests and greater social goods. But, so she argues rather pragmatically, elections *always involve real people and not just ideas* – and voters everywhere choose a certain candidate as a person based on preferences or expectation: “(...) what is democratic representation if not a *social relation*”? (p. 29, emphasis added). How such social relations are expressed can differ from region to region. Therefore, Piliavsky proposes an understanding of patronage in a less normative way, but in more neutral and *analytical terms* – not as naive, functionalist or moral, but as a *social relation between people and their representatives*. This social relation can, but need not, be exploitative.

In Sri Lanka specifically, the enormous state allocations to welfare and the enormous influx of foreign aid are seen by many as fostering patronage networks and dependencies. Following the more normative conceptualisation of patronage, we would have to understand the involvement of local politicians in Wattamadu or in the case of excess water as being guided only by their selfish interests, and in consequence, as the exploitation of their supporters. However, following a more analytical understanding of patronage, we first need to recognise that politicians *are* central in most of our case studies. We highlighted in many instances the great expectations that people affected by land conflicts had of networks linking them to more influential persons. This brings us back to Spencer’s proposition (1990: 220), which we have already introduced: “The bulk of the population has to confront the State in order to gain access to the means of its own reproduction”. Local politicians indeed can be read as *gatekeepers* between people and the state (that is: the state system). But we find it difficult to reduce our insights to an understanding of this gatekeeping as being guided by selfish interests only, and in consequence,

as the exploitation of politicians' supporters. After all, many of these supporters were able – through their local forms of mobilisation – to get their own A.G.A. Division, or *Pradeshiya Sabha*, improved access to Divisional Secretariats, water for their paddy fields, or legal clearance to graze cattle in a forest reserve. Put simply, why else are people voting for a specific candidate during elections? After all, one hopes that this person will win, and then represent the interests of his/her voters, thereby becoming the patron of their concerns vis-a-vis the state. As Piliavsky noted above: “(...) what is democratic representation if not a social relation”?

We find these thoughts inspiring. Cattle owners in Wattamadu expect support from the people they voted for. They expect access to, and control over, grazing grounds. And they either demand this support, or the respective politician(s) offer this support. Thus, politicians act as *conduit* between the cattle owners and the wider societal context (the state system and its complex bureaucratic structure, and other local groups with different interests). This social relation, thus, centres around struggles to (in more abstract terms) “distribute power and resources” (Goodhand and Walton 2016). These authors then note:

Whilst some see this as a battle for a new kind of politics, others view it as a very old game in which new political elites jostle with older established elites in order to gain access to power and resources – in other words it is as much to do with extending patronage networks as democratizing the state.

9.6 Negotiating access to land

So far, the discussion of our insights has been around specific issues of the state, social groups and their identities, mobilisation and practices of mobilisation, and encounters with the state. In sum, we argue that:

(1) an understanding of **the state** as a monolithic ‘majoritarian state’ (in the singular) does not allow for an adequate analysis of ground realities. Rather, what the people and diverse social groups in our study region experience is a *highly heterogeneous, ambiguous, and weak state system*. At the very same time, they are engulfed in *discourses of state ideas* that portray ‘the others’ as culprits and responsible for one’s own problems. In this portrayal, discursive appeals to ideologies of a *strong state* play a crucial role;

(2) we do find rural **social mobilisation and organisation** that can make a change. These mobilisations, though, do not focus on land reform or prices, but on a *wide range of issues that are in some way concerned with land, land use, and livelihoods*;

(3) the **social groups** we identified to some extent fit majority and minority ethnic groups – but not entirely. In many instances, ethnicity was not the key marker of identity of those engaged in a specific organisation, or mobilised around specific concerns, although we found that references to ethnic identities did increase with the war. Still, *profession, place, and economic status* remained important;

(4) many of these social groups use **various practices** to foster their interests. We specifically came across the breaking of law (though this notion would again need deeper reflection), using ethnic othering, going to courts, and, above all, the use of networks linking them with local politicians, who are expected to perform the role of gatekeepers vis-a-vis the state.

These propositions emerge from our five case studies. However, whether they hold true for other localities in Eastern Sri Lanka, or Sri Lanka as a whole, demands further study. We can nevertheless propose some potential entry points into wider and more theoretical debates. Such debates would also aspire toward a greater generalisation around what we label as *social practices of negotiating access to land*:

The peasantry: Our empirical experiences point to an enormous density of *contestations around land* in eastern Sri Lanka. These contestations are often triggered by very *specific material concerns* linked to people's everyday livelihoods. This specificity of concerns leads those individuals directly affected to join their peers and to form *specific social groups*. Therefore, we *do not find one peasantry*, as “(...) people simply do not have the same interests” (see Harriss above). The mobilisations of these interest groups are motivated by the search for solutions to their immediate concerns, and as we repeatedly showed, there is not one single concern around land, rather many. The search for such solutions requires a repertoire of practices of struggle, such as working through the *courts* and *networking with politically influential figures*. And it requires strategic engagement with the *ambiguous local state*.¹⁴²

Peasant movements: Moore (1985: 10) observed a “relative weakness of social and economic associations and organisations outside the sphere of the state” and he noted that the “record among the Sinhalese of local-level voluntary, quasi-statutory and statutory representative organizations is poor” (p. 228). This conclusion arose out of his analysis that focused on mobilisation around demands for land reforms and for adequate prices. Indeed, in these spheres of demands, he showed that little or no mobilisation took place, and he described the reasons in detail. However, in reviewing Moore’s book, Herring (1988: 617) notes that Moore to some extent started from a normative position, expecting peasant movements as an actual requirement in development processes, but

142 For such debates beyond Sri Lanka regarding the heterogeneity of the ‘peasantry’ see, for example, Bernstein (2013).

then notes that “[Moore] is wondering about the dog that did not bark”. In other words, why should Sri Lankan farmers (‘peasants’) complain, or mobilise, in a context where the state actually provides access to land, generally, ensures adequate prices for the products, and also subsidises many inputs? Peasants nevertheless do have other concerns. Though we focused on land, *we did not limit our analysis to the issues of land reform and prices*. Consequently, we found many more reasons around which a range of social groups perceived a need to mobilise. In tandem, we were able to identify a much wider range of differentiated forms of organisations beyond strictly ‘peasant’ ones.

Transformative potential versus everyday concerns: In our endeavours, we did not find peasant movements in the strict sense of the term, but found a whole array of mobilisations and struggles around specific concerns, i.e. “*local, and highly variable forms of contentions*” (Kriesi 2014: 67; emphasis added). These contentions do not aspire to have “transformative potential” that would “reshape social relations” towards “substantial structural change” (see Barker et al. 2013 in Section 1.3); however, they are concerned with everyday challenges, and thus they are *very crucial to people and the everyday practice of their livelihoods*.

To conclude our study, we can only hint at ongoing larger debates among researchers and among activists around exactly this tension around normative expectations upon mobilisation. Some criticise the present-day widespread focus of local mobilisation on immediate concerns as “narrow realism” and they call for renewed efforts to “(...) challenge (...) broader sets of exploitative and repressive social relations” (Barker et al. 2013: 14). Others, though, are rather critical of this kind of radical demands, and they at times dub them as simple ‘sloganeering’ because it seldom brings actual improvements to people that have to struggle for their everyday existence (for a first discussion, see Geiser 2017). Thus, they advocate for much more attention to such everyday concerns.

9.7 Dispassionate research

During our discussion we repeatedly mentioned the need for further research and attention, and of course a deeper reading of the analytical and theoretical concepts we mentioned. We consider this balancing of empirical insights and generalisation as an extremely demanding endeavour. We recall Spencer (1997: 13) who critiques generalisations based on “limited empirical terrain that is being traversed (...). And we take note of Jazeel’s (2014: 95) remark that: “Whatever else theory is, it is a key optic through which the world is made present *and* imaginatively constituted at one and the same time.”

We argue that this is a challenge in Sri Lanka as well, *where the ethnic dimension has become a standard political device* (without much empirical grounding) to justify one's claims, or to disqualify the claims of others. This political practice has created havoc, but, nevertheless, continues to be used. There is a whole range of highly relevant socio-cultural research that analyses this political practice and deconstructs its true face. Still, we suggest that this *dominance of the ethno-political discourse* and its consequences is accompanied by a concomitant lack of research that addresses the *everyday material challenges* ordinary people in Sri Lanka have to face. We mentioned that there was such research in the 1970s and 80s, which focused on political-economic processes and practices. Since then, and understandably, researchers focused on the phenomena that overlapped everything, i.e. the 'ethnic' dimension as political practice. Of course, there are many economic studies that are being undertaken today, but they are usually emerging from contracts with international donor agencies.

We therefore propose that there is a need to re-focus at least some research in a more political-economic direction, and to specifically research, in a more nuanced manner – and dispassionately – the material livelihood struggles at the grassroots level. We recall our meeting with the Colombo-based official (see Section 8.7) in charge of granting international aid to one group in Wattamadu, and justifying it by referring to the "undisputed urgency of environmental protection" – while at the same time being completely unaware of the disputes between professional groups struggling for their diverse interests in land.

9.8 Towards ideas of possibilities

The need for dispassionate research is one suggestion emerging out of our study. But what about more concrete policy recommendations – that is, suggestions (based on our empirical insights) to the actors involved in producing and reproducing conflicts around land? These encompass government officials at the central level, but also in the Provinces and the D.S. Divisions. It similarly encompasses leaders and activists in the many local organisations we encountered.

Realising the complexity of land-related issues in just a small part of eastern Sri Lanka and the complexity of actors involved, thinking about possible ways to overcome conflicts is a daring endeavour, not least because it would risk proposing unrealistic simplifications. Therefore, one would need to understand much better how policy processes actually work. Such an analysis would have to consider what Keely and Scoones (2000: 3f) argued, i.e., that such processes are not just rational and linear in the sense that "policy

makers”, based on their expertise, shape and decide policies that are then implemented by the bureaucracy. Far from it; policy processes are inherently political:

In this view, by mobilising a legitimising discourse – and the associated metaphors, labels and symbols of scientific authority – support is granted to ‘official’ policies. Through the power of expertise, *certain assumptions are normalised* and subsequently internalised by individuals. (...) By seeing policy as discourse, analytical attention is turned to the webs of power underlying the practices of different actors in the policy process, as well as the discursive and non-discursive practices which are invested in policy negotiation and contestation. Thus linguistic and textual styles, classificatory systems and particular discursive formations can be seen to *empower some and silence others*. (Keely and Scoones 2000: 5; emphasis added)

Keeping such thoughts in mind, we can but suggest some first steps that might be taken when attempting to translate our empirical insights into ‘possibilities’, that is, ideas to be considered within the complex policy process. Some such preliminary ideas are:

How do policy processes work in Sri Lanka, especially around land? This requires careful analysis.

What are the issues at stake? Coming to specific land use conflicts, careful attention is required to understand the perceptions of all those that are involved. How do they phrase their concerns, and legitimise their claims?

What is the history of these issues? Many contemporary land use conflicts are not just recent phenomena that can be shoehorned into the category of ‘post-war’ issues. Careful attention needs to be paid to unravel the history of such contestations.

How do the involved state actors define specific land conflicts? Realising that policy processes are political suggests that the government/bureaucracy is not necessarily a neutral outside agency. Rather, these officials do have normative positions as well, and they need to be made transparent.

The need for state actors to clarify their position: State actors too have their interests – after all, they are mandated by laws and regulations to implement certain rules and procedures. And they are influenced by the legislature; in other words, they are influenced by the politicians that represent, in principle, ‘the people’. Formal rules and politicians’ influence can lead to confusion, and confusion to mistrust. Take the nexus between forestry and environmental concerns. In order to address the fears of many who think that these links advance partisan (ethnic) interests, the involved state actors urgently need to make their positions transparent.

Take local organisations seriously: We have shown the range of organisations existing at the grassroots level in our study region. Are they consulted by the state or international donors in the search for ways out of land-related conflicts? Many of these international agencies are even very critical about established Farmers' Organisations or the traditional cooperative system. But here we agree with Kadirgamar and Kadirgamar (2018), who argue that cooperatives can be “reserves for emancipatory politics”. At the very least, these possibilities require further attention.

As was said, these are just preliminary thoughts, but we believe that reflecting on ‘ideas of possibilities’ merits much more attention not only from ‘policy makers’, but from concerned researchers as well.

10 Appendixes

10.1 Technical notes on the thematic Maps 2 to 5

Maps 2 to 5 are based on different sources:

The map for 1952 is based on the 1952 edition of the topographic One Inch to One Mile “Tirrukkovil” sheet. The map sheet for the southern part of our study region was not available.

The map for 1956 is based on the One Inch to One Mile land use maps prepared under the Hunting Surveys projects in the second half of the 1950s (Hunting Survey Corporation 1962). The original black and white line maps show land use categories which were interpreted on the basis of aerial photographs made in 1956. We used the “Tirrukkovil” and “Pottuvil” map sheets. To facilitate reading, we generalised the land use categories.

The map for 1968 is based on the 1968 edition of the topographic One Inch to One Mile “Tirrukkovil” sheet. This map was revised (partly) in 1968, and printed in 1970. For the southern area of our study region, the “Pottuvil” map sheet was used (revised in 1965, and printed in 1968).

The map for 1981 is based on the new topographic maps that followed the One Inch to One Mile series, i.e. the 1:50,000 map series produced by the Survey Department from the early 1980s onwards with the support of USAID. We used sheets 57/58 (Ampara and Kalimunai) and 64/65 (Thirukkovil and Tampaddai). Sheet 57/58 does not show the category of sugarcane. Therefore, we added an approximate extent from other sources.

The complexity of the original maps was reduced (i.e. generalised) to suit the purpose of the present study. To facilitate reading, we decided to show only a few land use categories.

It is especially the category of sugarcane that is difficult to represent on the maps. As we discuss in Section 6.3, sugarcane is first of all a category related to planning. The responsible authorities allocated a certain amount of land under the Gal Oya Right

Bank canal for use by the state-owned Hingurana sugar factory. The Gal Oya evaluation report (Government of Ceylon 1970) gives an indicative map of this planned extent of land. However, the factory was quite often not in operation, and consequently the cultivators switched to paddy. Therefore, not all the land allocated by planners for sugarcane was actually cultivated with this crop. Some of the land has recently been re-allocated to sugarcane, but actual extents are not available on maps.

10.2 Details of the socio-economic stratification

As mentioned in Section 3.3, we conducted our own survey to deepen our understanding of the socio-economic stratification in the study region. The details of the results are given below.

‘The rich’: They include large landowners (often absentee farmers), professionals, the politically and socially influential, and people of (locally perceived) high social status. Our survey shows that in Akkaraipattu, they live in the old settlement areas in the central part, around the main old mosque. They belong to traditionally influential matrilineal groups (*kuddy*), and have generally benefited extensively from the social, political and economic changes that have taken place in this region in recent decades. Many obtained access to additional land under the Gal Oya irrigation project, which also increased the opportunities for economic advancement.¹⁴³ Some belong to the group traditionally labelled as *podiyers* or big landowners. They were and are able to invest in the education of their children and thus benefit from the increased investments that the state has made in the education infrastructure. To recall, the Sri Lankan education system makes provisions for students from lower income regions in their access to higher education, which has greatly empowered outlying regions. In the second half of the 1970s, Ampara was declared a ‘backward district’ regarding education, which implies that a quota of students needed lesser marks in the A-level university entry exams than students from more ‘privileged’ districts. It is especially the Muslim youth of Akkaraipattu that have benefited from this. ICG (2007: 5) for example write that from the 1970s, “greater educational opportunities began to produce a nascent eastern Muslim intelligentsia”. Many families have relatives in Colombo or even abroad (e.g. in the UK). During the war period, they had restricted access to their paddy fields, but otherwise, they were more secure, as

¹⁴³ Political economists would describe these processes as accumulation. As we do not have detailed insights on the actual processes of how the rich became better off, we are not inclined to use this terminology.

Box 7: An example of a rich person in Akkaraipattu

This Muslim professional is employed by the Municipal Council and owns two houses and about 20 acres of land (deeded land and permit land in Neethai). He is member of the Rural Development Society (RDS) and he helped rebuild the Grand Mosque. He also owes his present economic status partly to his marriage into an influential family.

Source: Interviews in 2014

they lived in the central part of Akkaraipattu, away from the main road that formed the boundary with Tamil settlements. We estimate that they represent around 20% of the population of the Akkaraipattu D.S. Division.

For Alayadivembu, we estimate that ‘the rich’ include only around 3% of the population. They are found mainly in G.N. Division No. 8. This Ward is in the centre of the settlement and houses important temples. Usually high caste people live here with large land ownership and/or herds of cattle. Some are Christians. They have also benefited from the new educational opportunities, though to a lesser extent than their counterparts in the Akkaraipattu D.S. Division. Some have been able to go to western countries and thereby gain wealth and higher social status. One is a former Minister in the Eastern Provincial Council, others are doctors or engineers, but there are also goldsmiths and persons of other service castes.

Middle-income category: In Akkaraipattu, this category of people live within the core localities of the settlement, but their houses are a bit less spacious or posh. Still, they can afford to live in this part of the town where land prices have increased. Though they do not have large landholdings, they have benefited from education and Middle Eastern employment in the 1980s and 1990s. Many are professionals or higher government employees. Some of them can be labelled as the ‘new rich’, which also gives them a new form of social status, including considerable political connections. We estimate that they represent around 23% of households/people. For Alayadivembu, we estimate their share at around 13%. Here, many belong to the farmer caste (*vellalars*). Some are Christians. Many are government-employed as well, and some live in the UK. They also live more in the centre of the settlement.

‘The poor’: Many of the poor in Akkaraipattu may have lived in the central/inner areas of the settlement as well, but they were not able to keep their plots, as their incomes did not match rising living costs and the steep rise of land prices. Thus, they shifted towards the town’s borders in the east along the sea, or towards the west where a whole

Box 8: An example of a middle-income family

This Muslim couple has four children. The husband completed the A-level and he said he received a job in the Colombo harbour on the basis of his support of the Sri Lanka Muslim Congress (SLMC; in 1994, the leader of the SLMC was Minister of Shipping, Ports and Rehabilitation). He then received compensation from the Harbour Corporation, which he invested in a tractor and harvesting machines. The family received some land as dowry from their daughter's father-in-law. The husband is a member of the local RDS, the Tractor Drivers' Association, and is also the leader of a *kuddy*.

Source: Interviews in 2014

new settlement (Muhammadiya) has developed in the last decades. They live off lagoon fishing or work as agricultural labour. They may own the land where their house is built, but generally, they have small plots of agricultural land only, or none at all. Families are often large, and they are locally considered as being of lower social status. Living in the border areas of the town, they were more exposed to the risks of the war. For Akkaraipattu we estimate that they represent around 28% of households/people. In Alayadivembu, the poor (around 18%, we estimate) are from middle to low castes, and many suffer from low employment or unemployment. Others, though, have access to education facilities, and some have gone to the Middle East.

The 'very poor', i.e. households with generally low incomes, earning a living from manual labour, generally landless, often having larger families with generally low education levels, and (according to local perceptions) having a lower social status. They too live on the borders of the Akkaraipattu D.S. Division along the edge of the sea. Their house plots are small, and the houses are often in poor condition. Interestingly, a considerable number of women have found employment in the Middle East. We estimate that they include around 31% of households.

The very poor income category, however, is large in Alayadivembu. In our estimation, 2/3 of the people fall in this category and they make up most of the D.S. Division. Many belong to service castes and continue to engage in traditional occupations such as being a *dhoby* (washerman/woman) or tree climbers. Some of them live in places outside the main settlement area, such as Kolavil and Aligambe (see Map 6 for the locations of these G.N. Divisions). Others do construction work in the Muslim area or are agricultural labourers, working for Tamil and/or Muslim farmers. They are generally landless. Being on the fringes of the village, many were affected by the Tsunami of 2004 and the war. In fact, many were displaced as a result of these two events.

Box 9: Two examples of poor households

This Muslim family of five cultivates paddy land in Wattamadu on a permit basis, but access to this land is often difficult. The husband reports that he has been a member of the Wattamadu Farmers' Organisation since 1997. The family receives *Samurdhi* support.

This Tamil barber, his wife and four children live in their own small house. The husband and one son work together in a barbershop located in the centre of the Muslim area. This barbershop was built through help received from a local NGO (Makkal Mutpokku Sangam, or People's Progressive Front). His relations with the Muslims are good and he is considered by Muslims to be a "good" person. For being classified 'Below Poverty Line', they get *Samurdhi* support, as well as assistance from the RDS.

Source: Interviews in 2014

Box 10: Three examples of the very poor

This Muslim household consists of five members, i.e. a woman and her husband, her mother-in-law, and two daughters. The house is in very poor condition, and the household has no other land. The husband works as a tractor driver on a daily wage basis, the mother-in-law, as an agricultural labourer, mainly in paddy. The husband quarrels with the *Gram Niladari* and accuses him of not providing welfare to which he feels he is entitled. The mother-in-law receives *Samurdhi* support, and the household has also received support from NGOs, as well as *zakat* (which they consider the most important contribution).

A Muslim widow has four children, including a mentally ill son. She prepares string-hoppers for the nearby school and some shops. The family gets support from *zakat* and *Samurdhi*, plus a monthly rent for their sick son. Their house is in poor condition. They face problems in building a new house and accumulating resources to give their daughter as *dowry*.

This Tamil couple has five children (all going to school), and makes a living from pottery work. They receive 450.- Rs a month from *Samurdhi*. They were able to build a house with the help of the *Gram Niladari* and some support from other organisations, but they are in debt. Moreover, they do not have any relatives to support them financially.

Source: Interviews in 2014

10.3 Developmental needs

Box 11: Needs as given on the homepage of the Akaraipattu D.S.D.

Development needs for the people living in Akkaraipattu have been identified according to the indicators of MDG. It aims to encourage development by improving social and economic conditions in Akkaraipattu Divisional Secretariat Division. They are as follows.

1. Education

(...) schools are prevailing with less physical resources, infrastructure deficiencies and poor road condition around the schools. The following [are the] reasons for poor access to students:

1. Poor English Knowledge.
2. Economic background
3. Carelessness of Parents.
4. Growing entertainments option.
5. Too much of academic education and very less practical education.
6. School Text Books helps only little for students for stand up in the present Job Market.

Mitigation Activities for Prevailing Problems in Education:

1. Providing enough physical resources for each schools.
2. Making the students aware technical & professional education.
3. Making them understand that government job is not the only option.
4. Making the parents to care for their children.
5. Improve the infrastructure & access roads to school.

2. Health

(...) The Base Hospital MOH office & Clinic Center are prevailing with lack of officers and facilities such as, Doctors, Nurses, MLT, PHI, Mid Wife and other health officers. MOH office is functioning in private small building with lack of officers as a result, MOH is facing many problems to protect the people from epidemic diseases such Dengue, Malaria, HIV aids etc. and improve the Maternal health and to reduce child mortality. Mitigation Activities for Health Sector:

1. Appointing required health officers and doctors.
2. Providing the basic Health facilities.
3. Making the People aware of good medical habits.
4. Providing permanent building complex to MOH Office.
5. Providing Nutrition for mother and child.

3. Poverty and Hunger

(...) The Economy of Akkaraipattu is largely based on Agriculture, inland and ocean fishery and livestock earning also contribute to the Local Divisional economy of primary sector.

Akkaraipattu DS Division has 11536 families out of that 42% families are running their life under poverty line because of the income level of these families are inadequate to face their basic needs.

[There] are 6000 youth in Akkaraipattu DS Division. They completed primary and Secondary education, 3500 youths out of 6000 have been engaged Agriculture sector, Business sector, Manufacturing sector and foreign Employment and continuous higher study also, so the balance 2500 youths are unemployed in the Division. (...) these people of family are facing much difficult in fulfilling their basic needs in order to mitigate their poverty and hunger the following measures should be taken:

1. Self Employment opportunities, Grant facilities, Credit facilities and provision of essential equipment.
2. Sustainable home garden Project Programme.
3. Youth should be trained through the vocational training to meet on Local, National and International employment demand.
4. To make community infrastructure Development such as Road, Drainage, Children Play Ground.
5. Self Employment Opportunities to specially windows and youth.

Source: <http://www.akkaraipattu.ds.gov.lk/> (accessed June 2014)

10.4 Local organisations in our study regions

A brief overview of local organisations is given in Section 3.5. These are further detailed and illustrated in this appendix.

Farmers' Organisations

There is much debate in Sri Lanka about pre-colonial or vernacular forms of village organisations, such as *wewa sabbas*. More recently, around 1958, the then Minister of Agriculture, Philip Gunawardena, a Marxist, introduced the *1958 Paddy Lands Act* to regulate the (assumed) exploitative relation between landlords and tenant farmers/share-croppers. Among other things, the Act entitled tillers to form Cultivation Committees. The Department of Agrarian Services was created to support them. However, the legal coverage and organisational forms of these committees have changed several times over the last decades, which also reflects the changes from the more leftist-socialist politics of the 1970s to the more market-friendly (or 'neo-liberal') ones that have followed.

At present, the Agrarian Development Act No. 46 of 2006 structures state-farmer relations. According to this law, people who are involved in paddy and other types of cultivation such as cattle farming, flower gardening, vegetable growing, etc. can form Farmers' Organisations (FOs). To be a member of this organisation, one must be a citizen of Sri Lanka, aged 18 years and above, and be involved in agricultural activities. The Department of Irrigation also forms its own groups. Often, FOs are grouped according to areas covered by respective *Agricultural Services Centres*. In our study region, there are several such Agrarian Service Centres, e.g. Akkaraipattu East (Table 14) and Akkarai-pattu West (Table 15), each with many FOs.

FOs are professional associations. As we show in a number of our case studies, many of them play a very important role beyond their regular involvement in farming-related issues.¹⁴⁴ Indeed, such FOs can be crucial to their members' access to state support. In the early 1980s, there existed a dense network for Agricultural Extension, with officials, at least *de jure*, within easy reach of the farmers. This set-up emerged under the then famous World Bank Training and Visit Scheme (T&V).¹⁴⁵ However, by the late 1980s and the closure of the World Bank project, the state was unable to maintain the scheme. Its field staff was transferred under the 13th Amendment to another state department to become *Grama Niladaris* (de Silva 2011: 56f). With this, Agricultural Extension support became available only through the Agrarian Service Centres, which are often far away from the farmers.

Other occupational organisations

These include associations of teachers, traders (see Box 12), fishermen, jewelry shop owners, tractor drivers, washermen, or weed removers. We found very little existing research on such organisations. One of the few examples is this from the eastern coastal area:

Due to the increase in their cost of living, the tractor drivers even took trade union actions to exert pressure on the tractor owners to meet their demand for higher wages. These labour disputes between the tractor owners and the dri-

¹⁴⁴ We did not find many recent research-based studies on Farmers' Organisations. Korf (2004: 289) reports that in a village close to Trincomalee, one farmer leader "was able to force lower level administrators to grant land titles to members of his farmers' organisation, in contravention of existing legal procedures".

¹⁴⁵ Under the T&V system, the World Bank intended to have one Extension Officer to advise 36 "contact farmers". Each of these contact farmers was expected to advise 20 other farmers, thus resulting in a ratio of one state official to 750 trained farmers. (Wijeratne 1988: 77f)

Box 12: Two examples of professional organisations

The Akkaraipattu Traders Association: This professional association was formed in 1999 to protect the interests of Akkaraipattu traders. Members pay a membership fee, which is used, among other things, to fund court cases. Such court cases were taken up in relation to the conflict around the main market. The organisation also renovated the main bus stand. Beyond this, the Association is very much concerned with peace and stability in the town, as they suffered and incurred extensive losses in the past due to ethnic violence. The 1985 Tamil-Muslim tensions (when the market was burnt) cost many traders and businessmen a fortune. At the same time, business rivalry is evident among Muslim traders as well as between them and Tamil businesses, but this has not led to more violent forms of conflict.

The Association of Jewellers: There are about 15 jewellery shops in the town. Muslim and Tamil traders formed this organisation. They collectively decide on issues such as production, price, and the welfare of its members. They also discuss whom to support during elections. When Mr. Athaullah was elected to office, the Association organised a large felicitation event for him and also placed a plaque with his picture on it in the centre of the town.

Source: interviews in 2014

vers mostly took place during the peak land preparation schedule. Such labour disputes also served as a contributing factor to the delay in the completion of land preparation activities in the sample villages. (Ahamed 1990: 27f)

Rural Development Societies

Rural Development Societies (RDS) were started in 1939 and state support to RDSs was consolidated in 1947 through the creation of a Department of Rural Development (Bastian 2011: 8). In 1990 they were brought under the provincial governments. RDSs are involved in the development activities of a particular locality, usually a G.N. Division. 50% of its population can form an RDS. They are engaged, in principle, in activities such as income generation, arts and culture, infrastructural development of the localities (e.g. taking sub-contracts to do road construction), sports and recreation promotion, and the environment. In our case study area, almost every G.N. Division has a separate RDS (see Box 13 for an example). They receive funds through membership fees, from the government or through NGOs. A significant number are *Women-RDSs* where women are engaged in activities involving income generation, self-employment, organising discussions and workshop on purportedly women's concerns, family planning and

health related activities. We generally found that RDSSs are less involved in issues around land, and concentrated mainly on supporting self-employment.

Multi-Purpose Cooperative Societies

According to Bastian (2011), the cooperative system was started during colonial period and continues to this day. The National Cooperative Council of Sri Lanka (2016) states:

The present practicing legal enactment is the Cooperative Act No.5 of 1972. With the 13th amendment to the Constitution of our country the activities of the Cooperative Movement were decentralized and the Provincial councils act No.42 of 1987 resulted in a devolution of power to Provincial Council. Consequently, the NCC [National Co-operative Council] was also decentralized.

Religious organisations

Religious activities are conducted and performed around a number of institutions such as temples, churches and mosques. At the same time, organisations indirectly associated with Temples (Buddhist and Hindu), churches and mosques are formally registered with government departments. Also, a large number of religious movements by all religions function informally at the grassroots level (see Box 15 for an example). Each mosque has its own board of trustees. Each settlement has formed an umbrella body of mosque association called a ‘mosque federation’. The mosque is a place of worship and is also a place where community issues are discussed and resolved. Community leadership is not necessarily religious, and members of the trustees of mosques hail from different segments of the community. Mosque trustees are expected to take the lead in resolving community issues. They also appoint qualified people to handle some other issues.

Sports, education, culture

Muslims have their own separate schools. McGilvray (2007: 15) writes that especially in the 1970s, the SLFP government supported such ethnically segmented education, which has “worsened ethnic tensions by restricting direct face-to-face contacts and friendships between students and faculty from different ethnic communities”. We already referred to the fact that disproportionately more educational organisations are located in the Akkarai-pattu D.S. Division than in the Alayadivembu D.S. Division. The long years of the war also impinged on the educational opportunities of the Tamils of Alayadivembu D.S. Division. Many local organisations are involved in tutoring (at times organised privately

Box 13: The example of the Rural Development Society Akkaraipattu 8/1

The RDS for the *Grama Niladari* Division Akkaraipattu 8/1 of the Alayadivembu D.S. Division was established only in 2007. Initially, it received funding from SWOAD (Social Welfare Organisation Ampara District). At present, though, no funding is said to be forthcoming, and thus only a few activities have been undertaken. Some argue that this is so because a separate Women's RDS is active in this area.

Source: Interviews in 2014

Box 14: The example of the Alayadivembu Multi-Purpose Cooperative Society

Registered in 1995, this cooperative society maintains a retail shop. Funding is received from the Ministry of Cooperatives. However, other activities had to be stopped due to a lack of funds.

Source: Interviews in 2014

Box 15: Sri Lanka National Jamaat-e-Islami, Akkaraipattu Branch

The Akkaraipattu Branch of the *Jamaat-e-Islami* opened only a few years ago. The organisation focuses on the support of Muslims, specifically the poorer section. It is entitled to collect *zakat* and to distribute it to those in need. Other activities included the construction of houses to those who converted to Islam, support after Tsunami, and more recently, supporting poorer Muslims in the Wattamadu land conflict through the granting of *zakat*.

Source: Interview in 2014; for the Wattamadu issue see Section 8.

as well). In addition, teachers and other groups professionally linked to education have their own specific forms of organisations.

Political organisations

This usually refers to local branches of political parties. People say that politics reaches all spectrums of the society, and that nothing is done without the help of politicians. Apart from political party organisations, there are a number of clubs, youth and women's groups associated with these parties. Tamil political parties represent the majority of the Tamil population of the region. While a significant number of Muslims feel they are represented by their own parties (e.g. the Sri Lanka Muslim Congress), many have a tradition of aligning themselves with the political parties that are influential at the national level.

Women-related groups

In the past, women in this area held informal gatherings for social and economic activities, e.g. to pool money to give one person to use for domestic and other needs. Such *cheetu* saving systems (see below) continue, though not with the same number and vigour. At the same time, there are now a number of newly formed women's organisations to meet the various needs of women (see Box 16 for an example).

Non-governmental organisations (NGOs)

We use the term 'NGO' for organisations that do not necessarily have a broad-based membership, but whose activities are decided upon, and undertaken, by a group that considers itself as staff. Often, such NGOs need finances to pay for this staff, and of course the activities undertaken by them. Such funds generally come from other NGOs or directly from national or international donor organisations. It was specifically in the context of the war that many international NGOs offered support to local organisations such as RDSs. As a sort of conduit for these external flows of funds and means, a series of local NGOs emerged around that time as well. However, there were others that had long been active (see Box 17 for an example). The Tsunami in late 2004 led to another wave of NGO support, especially for immediate disaster relief, and then the rehabilitation and relocation of Tsunami victims. In recent years, international NGOs have more or less disappeared from our study region, leaving their local partners struggling to find new sources of funding. As we see in our case studies, only a few of these NGOs are involved in land issues.

Customary forms of organisations

The most important one is *kuddy*, found among Tamils and Muslims of the east. *Kuddy* is an age-old matrilineal organisation. It is very much integrated into many other parts of society involving day-to-day matters. It is still said to have influence over social

Box 16: The Akkaraipattu Women's Organisation

This organisation has been active since 1998 in fostering self-employment among women in the Akkaraipattu D.S. Division. At times, funding is received from NGOs who in turn received grants from mainly international sources (e.g. UNICEF, Save the Children). There were many such funds after the Tsunami. If funds are not forthcoming, the organisation finds it difficult to function. If required, the organisation interacts with the Secretariat of the D.S. Division. Regarding land issues, the organisation held a workshop (funded by a donor) to discuss the border issue between the D.S. Divisions of Akkaraipattu and Alayadivembu.

Source: Interviews in 2014.

Note: For the border issue between Akkaraipattu and Alayadiwembu see Section 5.

Box 17: People's Progressive Front

This non-governmental organisation was formed and registered in 1980 by Mr. A. Manikkavasam to specifically support underprivileged and low-caste Tamils in Alayadivembu. Activities include the promotion of savings or encouragement of self-employment. Initially, funds were received from other NGOs (e.g. Save the Children, Oxfam), but now the organisation has its own funds. It is also active politically, and is said to have fought for the creation of a separate Alayadivembu D.S. Division (Mr. Manikkavasam was an advisor to the Member of Parliament Mr. Kanakaratnam).

Source: Interviews in 2014

Note: For Mr. Kanakaratnam see Section 4.3.

and political matters in the region, while others argue that its role has weakened. Interestingly, this social system is found across Tamil and Muslim ethnic communities. Another traditional form of organisation we encountered is the *cheetu* saving system described above. Finally, *thatthi* is a system of organising labour, popular in eastern Sri Lanka. A group of labourers are organised under a leader. The leader then negotiates the terms of labour contract with the landowner. However, in the recent past, labour in agriculture now relies more on individual arrangements, often on a daily wage basis.

10.5 Diversity of farmers' livelihoods

Box 18: Part time operators in agriculture, Ampara district, 2002

	Number of operators
Total operators	54,416
Part time operators	11,859
Main occupation of part time operators:	
Legislator & administrators	27
Corporate managers	53
General managers	166
Private business	243
Physical, mathematical & engineering science professionals	74
Life science and health professionals	183
Teaching professionals	1,268
Other professionals	86
Physical science & engineering associate professionals	16
Life science and health associate professionals	51
Other associate professionals	2,207
Office clerk	425
Customer services clerk	24
Personal & protective services workers	1414
Sales persons, demonstrators & models	61
Market oriented skilled agricultural & fishery workers	111
Subsistence, agricultural and fishery workers	26
Extraction & building trade workers	351
Metal & machinery traders workers	252
Precision, handicraft, printing & related trades workers	42
Other craft & realted trades workers	342
Industrial plant operators	17
Stationary machine operators & assemblers	2
Driver & mobile machinery operators	482
Sales & services elementary occupations	301
Agricultural, fishery & related labourers	21
Labourers in mining, construction, manufacturing & transport	3
Other labourers not elsewhere classified	2,987
Workers reporting occupations unidentifiable	346
Armed forces personnel	278

Source: Department of Census and Statistics (2007a): Sri Lanka, census of agriculture 2002, small holding sector, all island tables: 34f.

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Negotiating access to land in eastern Sri Lanka – social mobilisation of livelihood concerns and everyday encounters with an ambiguous State

Discourses of the rural in eastern Sri Lanka differ in their emphases but are alike in their reification of a monolithic state and their denial of localised agency. In the influential *state-centric discourse*, rural people are imagined as clients of a powerful state. The state provides essential services to ‘peasants’ while also subordinating them through patronage networks. In a variant of this view, the state is controlled by Sri Lanka’s ethnic majority, which has expanded its control over land through ethnicsed colonisation. In a *developmentalist discourse*, ‘villagers’ and ‘settlers’ cultivate land through customary practices, and the state’s role is to awaken their entrepreneurial spirit. Together, these discourses imagine the rural space of eastern Sri Lanka as one produced by ethnic conflicts over land and in need for state-led modernisation.

To revisit these assumed causalities, we conducted in-depth research on conflicts around land in the Akkaraipattu and Gal Oya Right Bank regions. What we learned through our bottom-up research approach nurtures our critique of grand explanations. Indeed, rural people’s concerns with land are above all informed by everyday livelihood needs that vary enormously, as do people’s economic capabilities to meet them, across ethnic markers of identity. This highly differentiated and at times divided rural populace encounters a state at the local level that is fragmented, compartmentalised, and *ambiguous*. Local organisations display agency in negotiating the land-related claims of competing local groups and demonstrate surprising skill in dealing with the local state, leading to differentiated practices of land-related mobilisation. All of these insights escape the easy shoehorning of land conflicts into explanations centered around ‘ethnic disputes’ or ‘paternalistic patronage’.

This study is above all an attempt to *re-empiricalise* state–people relations in eastern Sri Lanka and to dispassionately document the diversity and complexity of the land conflicts in which people are involved. We believe that while such detailed analyses may not solve conflicts, they do provide a starting point in the search for possible solutions.



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