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Complications of Land Reform in Posttsunami Sri Lanka

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On December 26, 2004, a tsunami in the Indian Ocean devastated many coastal areas of Sri Lanka, resulting in the deaths of more than 30,000 people, the displacement of well over 500,000 and the decimation of tens of thousands of coastal dwellings. In a land beleaguered by long-running civil strife between progovernment forces and the Tamil Eelam separatists, the tsunami precipitated yet further turmoil in a country that could little accommodate it. Today, more than two years after the impact of the tsunami, thousands of Sri Lankan citizens continue to live in temporary, often-substandard housing provided by the government. The rebuilding of homes in tsunami-affected Sri Lanka remains an area of concern for many international observers, amid growing political strife, a hodgepodge of laws and regulations currently in flux and accusations of improper allocation of resources.

The numbers speak for themselves. In southern Sri Lanka, an area that has remained relatively unscathed by the political struggles of the Tamil Tigers, the government has had considerable success in assisting tsunami victims, having constructed approximately 90 percent of the homes targeted for rebuilding. Along the war-torn northeastern coast, however, a mere 10 percent of the homes targeted for rebuilding have been constructed. Since last August, the government has prohibited the shipment of building supplies into Tamil-controlled areas of country, concerned that such goods will be used for military purposes. Furthermore, many contractors and construction workers are understandably resistant to working in areas that incurred 3,000 deaths from civil strife last year alone. Without needed labor and materials, thousands of Sri Lankan citizens will continue living in temporary housing not designed or intended for multiyear occupation. Last December, President Clinton noted in the *Washington Post* that many Sri Lankan tsunami victims “will continue to suffer . . . until the [government and the Tamil Tigers] resume a serious dialogue and reestablish the cease-fire.”

Beyond the exacerbations precipitated by growing civil strife, the government's well-intended creation of coastal buffer zones shortly after the tsunami has complicated matters. Initially, the government mandated a 100-meter buffer zone along the south and west coasts of the island and a 200-meter buffer zone along the north and east coasts to prevent rebuilding in shoreline areas deemed to be under acute threat of destruction by any subsequent tsunami. Unsurprisingly, the greatest damage and loss of life occurred near the shoreline.

However, soon after the imposition of the buffer zones, the government granted a variety of exemptions to tourism and fishery concerns. The government permitted existing hotels with limited or no damage to remain within the buffer zone. Hotels that were either heavily or completely destroyed received priority for allocated land in

15 “tourism zones” created by the Sri Lanka Tourist Board in 2005 and planned for many of the most popular seaside resorts.

According to Tricia Barnett of Tourism Concern, a watchdog organization for tourism exploitation, these buffer zones have facilitated the construction of prioritized tourism developments at the expense of impoverished fishing communities displaced for resettlement farther inland. A recent report by the NGO Action Aid notes, “Buffer zones have been used to remove people from coastal areas under the guise of safety, [jeopardizing] the livelihoods of those who rely on the sea for a living.”

Some decry what they characterize as the government’s opportunistic and inappropriate seizure of land for these tourism zones. Others applaud the government’s efforts to help the country’s tourism industry, the nation’s fourth-biggest foreign-exchange earner and a key employer for many poor Sri Lankans. At any rate, the planned tourism zones will impact some communities considerably. For example, ambitious, multimillion dollar plans for the development of Arugam Bay, a small surfer haven on the southeast coast, will necessitate the relocation farther inland of hundreds of families, many of which work in the fisheries industry. Many of the coastal areas of Sri Lanka are in demand from people on both ends of the socioeconomic spectrum: impoverished people employed in the fisheries industry and wealthy foreign tourists. It remains to be seen whether the shared socioeconomic benefits from such tourism projects outweigh the human-displacement costs for impoverished Sri Lankan citizens.

Tourism Zones are but one controversial outgrowth of the government’s buffer zone policy. In late 2005, the government scaled back these buffer zones for several reasons. First, construction of new homes was delayed in some cases because of the difficulty in finding suitable land farther inland from the coast. Second, large numbers of people employed in the fisheries industry objected to being relocated often several kilometers inland, something that was at best an inconvenience and at worst a move that prevented them from resuming their livelihoods. Third, many individuals flouted the buffer zones and rebuilt their homes near the coastline anyway, leading to inconsistent enforcement of the zones. In some areas, the government subsequently destroyed these homes, while in other areas the structures were allowed to remain.

According to a Red Cross report on Sri Lankan land rights, the buffer zones “added to the confusion, creating uncertainty as to where residents within the zone would be relocated and what would happen to the land they were occupying in the zone when the tsunami struck.” Despite the relaxation of the buffer zones in late 2005, “inconsistencies and questions remain,” the report states. For example, those who resided on land within the buffer zone are entitled to new property outside the original buffer zone, even if they did not actually own the affected property on which they resided. By contrast, those

whose homes were located outside the buffer zone and who suffered the same destruction of their residences in the tsunami will not be entitled to new properties if they cannot document ownership of the property, a policy that has precipitated considerable frustration and resentment. According to Action Aid, “One of the greatest impediments to providing permanent housing in Sri Lanka has been the lack of a clear policy or mechanism for land acquisition and redistribution. This includes a lack of coordination between NGOs and the government Additionally, legal procedures for acquiring land tend to be cumbersome, leading to corruption by officials and politicians.”

The Sri Lankan government has faced a gargantuan reconstruction effort and should be applauded for the resettlement of hundreds of thousands of citizens, often in conditions measurably better than those in which they had lived previously. Needless to say, much more remains to be done. To that end, it would behoove the Sri Lankan government to ensure that it communicate clearly and unequivocally with all stakeholders (not least of whom are the tsunami victims themselves), that it eliminate ambiguity and unfairness in tsunami-related land-rights issues and that it balance the desire for further economic development of its coastal areas with due respect for individual property rights.

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