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# **Grievances over Land**

**Dehiwatte - Menkamam: Thematic Area Study on Land Use**

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## Preface

The IFSP-CATAD Project 2001 is a joint venture of the Integrated Food Security Programme Trincomalee (IFSP), Sri Lanka and the Centre for Advanced Training in Agricultural and Rural Development (CATAD) from Humboldt University of Berlin, Germany. The study is funded by IFSP with the financial assistance of the German Federal Ministry of Economic Co-operation and Development (BMZ) and is carried out by an interdisciplinary Sri Lankan-German team of young researchers and practitioners.

The IFSP-CATAD Project 2001 explores socio-economic coping strategies and changes in land use pattern of conflict-affected communities in Trincomalee District. The study follows the livelihood system approach developed by the Department for International Development (DFID), UK.

The preliminary results of the IFSP-CATAD Project 2001 are documented in then IFSP Working Papers 37 to 45. The different steps of knowledge generation along the consecutive research phases and the research results are presented for further discussion.

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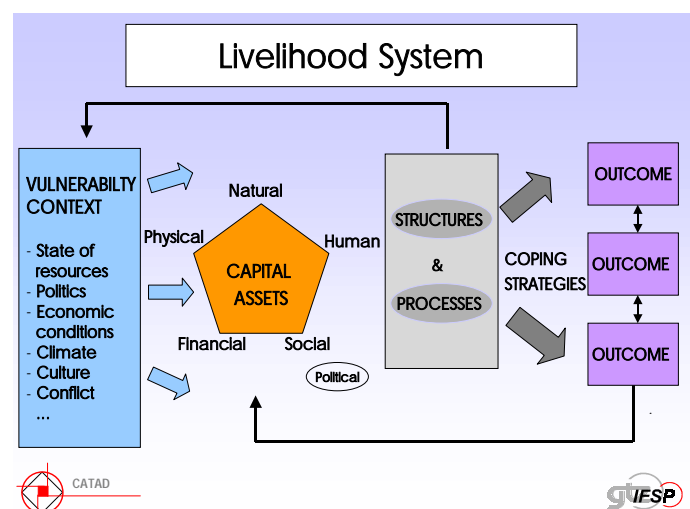
# 1 INTRODUCTION

## 1.1 Background

The prevailing conflict and war in the Northeast Province (NEP) of Sri Lanka have resulted in an alarming degree of malnutrition and impoverishment. The most pervasive deprivation of people originates from the loss of lives, physical destruction and psychological trauma, internal displacement, the breakdown of community and institutional networks. The severely restricted local economy prevents individuals from approaching opportunities. The vulnerability of households that depend on fishing, small-scale labour, and of female-headed households in particular, is striking. How do people, especially vulnerable families, manage to survive in such a political, social and economic environment? Are livelihoods sufficient to sustain a living for people? It would be essential for the various actors and agencies in rehabilitation and development to gain a thorough understanding of how people cope with the prevailing conditions of a protracted war in order to derive appropriate interventions strategies.

The Livelihood System Approach (LSA) provides a framework of analysis to better understand the complexity of community life and behavioural pattern of people in a particular context. The LSA differentiates between three levels of analysis:

- (i) **Vulnerability Context:** what are the social, political, economic and natural trends and shocks and local cultural practices, which affect livelihoods? Villagers face these frame conditions without being able to change or influence them.
- (ii) **Capital Assets:** what are the resources a household can rely on. We distinguish six forms of capital: natural, social, human, physical, social and political capital.
- (iii) **Structures and Processes:** structures (organisations, laws, policies) and how these are performing (processes = rules of the game, (dis-) incentives) define people's livelihood options.
- (iv) **Coping Strategies:** How do people combine their capital assets while making use of existing structures and processes in order to carry out livelihood activities under the prevailing vulnerability context?
- (v) **Outcomes:** livelihood activities derive certain positive and negative outcomes for the household and its capital assets.



- (vi) Feedback loops: what are the effects of these outcomes on the capital assets of both the household carrying out the livelihood activities and those of other households or communities?

Land use patterns have a close relation with the concept of food and nutrition security (FNS), which distinguishes three dimensions: (i) availability of food (is sufficient food locally produced or imported to be available at local markets), (ii) access to food (do households have the purchasing power or other entitlements to buy food), and (iii) use and utilisation of food (nutrients, dietary status, hygiene). In the context of FNS; it is essential to ask: What farming systems are commonly practised and how do they provide people with income (access to food) or subsistence (availability of and access to food)? Land use covers both, the aspect of economic land resource utilisation and of land use rights (Box 1), which determine whether or not people are ready for long-term investment in land resources.

#### Box 1: Definition of Land Use

IFSP-CATAD understands the term 'land use' twofold:

- (i) *land resource utilisation*: how do people (physically) make use of land resources for economic activities (farming systems)? Economic land use can be multi-faceted, ranging from farming practices, livestock keeping (grazing lands) to hunting and gathering of wildlife resources.
- (ii) *land use rights*: what are the entitlements (rights, claims, informal rules) to make use of land (formal, informal). We can distinguish four idealistic property rights systems in land: (1) private property, (2) state property, (3) common (communal) property, and (4) systems with unrestricted access to resources (open access).

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Land use for agricultural production has been severely affected by the conflict due to abandonment or inaccessibility of land resources. Grievances over land resource distribution in large-scale settlement schemes (e.g. Mahaweli, Gal Oya) have been major triggers of the ongoing conflict. The current volatile situation of land utilisation, land use rights and encroachment is a serious constraint for development, and could in the future create new socio-political cleavages among the communal groups in the Trincomalee District.

The present thematic area study analyses the impacts of an ethnicised land dispute between the border villages of Menkamam (Muthur DS Division) and Dehiwaththa (Seruvila DS Division). The key research question was: How do the unsettled land use rights affect community life and economic land resource utilisation? The main case of investigation is the well-known tank bed encroachment problem at Menkamam tank, which has caused major communal grievances on both, the Sinhalese and the Tamil side.

## **1.2 Methodology and Research Methods**

A research team comprising German and Sri Lankan scientists from multi-disciplinary backgrounds carried out the action- and decision-oriented research project in Menkamam and Dehiwaththa in the period of August to September 2001. The key field research phase was in the week from 6th to 10th August. Existing knowledge gaps were further investigated in a second field phase in September. The team employed a wide range of qualitative research methods, namely in-depth interviews with individuals or families, observation, focused group discussions and semi-structured interviews with key resource persons. In addition, selected rapid rural appraisal (RRA) tools were applied where appropriate (e.g. village walks). The teams used unstructured interview guidelines, which were adapted according to the flow of conversation, newly erupting information or other local conditions. Thus, the investigation was largely explorative in nature. Informants in the villages were randomly selected for interviews focusing on different social groups in the community (widows, farmers, traders, village leaders, etc.). The research team co-operated closely with field staff of IFSP. The Sri Lankan team members largely conducted the interviews in the villages and interpreted for the German team members.

It was the explicit aim of the research team to collect the perceptions, grievances and of both sides in the dispute. Data were confirmed from various sources of both parties. Since the land dispute is so sensitive, affected groups often tend to express their plight or to exaggerate their suffering, or avoid releasing information, if they feel it could damage their position. Furthermore, people might gain hope for a solution after an investigation has taken place. The team therefore focused on interviews with key informants and institutional resource persons.

## **2 VULNERABILITY CONTEXT**

The villages of Menkamam and Dehiwaththa are part of the Allai Extension Scheme (AES), which is an extension of the Mahaweli Scheme. However, while Menkamam was a traditional Tamil village with a small village tank – Menkamam – and got additional land allocated under the AES, Dehiwaththa is a Sinhalese settlement village, which was founded under the AES. Menkamam is a border village of Muthur Division and Dehiwaththa is the adjoining village in Seruvila DS Division. The Seruvila DS Division was formed as a new AGA division in 1960 and promoted as DS division in 1988.

### **2.1 Menkamam - History of Settlement**

The village Menkamam is located at 15km south of Muthur town in southern direction. It is an ancient village with a 500 years history and Tamil population who mostly follow Hinduism as their religion except a few who follow Christianity. 240 families live in the village and the population is 980. Out of the total paddy land acreage of 281 acres, the village has 114 acres of paddy land under the ancient tank Menkamam. The balance comes under the AES, which alienated 1 acre of homestead area in highland with a house in it, and 3 acres of paddy land in the newly formed irrigation assured areas and provided fencing and agricultural equipment. Irrigated paddy cultivation is thus the dominating farming system in Menkamam.

In 1985, a sudden burst of conflict between security forces and LTTE turned several villages deserted in Muthur, Seruvila and Eachchilampattai DS Divisions. Many people lost everything and got displaced in fear of life, and Menkamam was one of such villages. Resettlement took place in 1987, almost after a refugee life of two years, which they spent in several state-run refugee camps in the district. The government provided dry ration for nine months and a sum of money to all families to support the resettlement. Another such displacement took place in June 1990, when the peace talks between government and LTTE broke up after the withdrawal of Indian Peace Keeping Forces (IPKF). The displaced people were again resettled after 3 months, in September 1990.

Despite being a village in the cleared area, Menkamam - like other Tamil villages in cleared area - is still under the influence of LTTE. Collection of tax (Paddy land cultivators, machinery and cart owners, big cattle owners and rich people) and gathering information about incidents happening in village and surroundings seem to be some of the activities of LTTE. However, the army camp is located just one kilometre from the village, which is therefore, accessible to security forces whenever they want.

The homestead area is highland and covers an extent of 90 acres. As a typical feature of ancient villages, the allotments are very small as a result of continuous fragmentation. Shrinkage of allotments leaves less or no space for home gardening which was practised by elderly farmers, in earlier days when they had bigger allotments before the land was fragmented legally. Villagers are familiar with the main land regulations and transfer of land is often carried out legally and formally.

There are many perennial crops like coconut, palmyrah, mango jack etc and the village roads are somehow in good condition. They have comparatively good houses with wells. Most villagers have kinship bonds among themselves, so that it helps to maintain co-ordination and co-operation between families, especially in the case of events like festivals, weddings, funeral etc. Villagers are interested in educating their children who hardly lose opportunity of primary education. There are around 100 youth that have completed Ordinary Level or Advanced Level or College of education examination and seeking for suitable employment or higher studies.

## **2.2 Dehiwaththa - Settlement History**

Dehiwaththa is the adjoining G.S. division in Seruvila D.S. division and consists of three settlements: LB (Left Bank) Colony 6, LB Colony 7, which are both Sinhalese communities, and Sivapuram, a Tamil village. The Sinhalese settlers arrived and settled down in the period of 1952-58 under the AES. The settlers originated from Kurunegala, Hambantota, Ambalantota, and Kotmale. Dehiwaththa G.S. division comprised 175 families in earlier times. According to the Samurdhi Development Officer (SDO), 25 % of the villagers have left due to the conflict situation. The total cultivable paddy area is 429 acres, while 389 acres are currently accessible. In addition, 105 acres of highland are available.

Dehiwaththa is economically one of the better off villages in Seruvila division, since its natural resources are conducive to agricultural production. The soil is of high quality, and water availability is assured through the Allai Extension Scheme. Villagers have paddy and highlands under the settlement scheme. 90% of villagers are engaged in paddy cultivation, only few cultivate bananas, coconuts, or mango and jackfruit. Generally, two-season cultivation is assured with the exception of a few fields, which are becoming waterlogged in the main rainy season due to poor and dilapidated drainage facilities. Some channels are not cleared, because farmers and the respective departments avoid accessing these areas due to the security situation.

Some areas of the village are inaccessible due to the presence of the LTTE. According to the statements of some villagers, cultivation in some of the remote fields is only possible when paying taxes to the other party, while in some locations, e.g. channel 11, farmers cannot go to their field at all. Farmers are afraid that if they did not pay, the other party would further restrict their mobility or even undertake more severe punishment, such as kidnapping. Since taxation has become such an economic burden to farmers, Sinhalese villages in the area plan to organise themselves to resist taxation. Normally, paddy farmers, boutique owners and tractor owners are subject of taxation. It seems that there is an unofficial curfew in Dehiwaththa in the night.

Villagers in Dehiwaththa recognise one elder person as their leader. He is settling disputes, and people approach him for solving problems. Nowadays, villagers also address the police for internal problem solving within the village community.



Villagers in Dehiwaththa stated that Tamil people from Menkamam move freely and come to Dehiwaththa for shopping. The problem was the interference of LTTE, but villagers said that they had no grievances with their Tamil neighbours.

### **3 STRUCTURES AND PROCESSES (LAND USE)**

Chapter 3 will look into structures and processes relevant for land resource utilisation. Section 3.1 analyses land use rights, whereas section 3.2 investigates economic structures and processes for farming (credit and marketing).

#### **3.1 Credit and Marketing**

##### **3.1.1 Menkamam**

The financial capacity of the villages appears to have shrunk during conflict and loans, especially for paddy farming are accessed mainly from outside sources and rarely within the village. Villagers often undergo verbal agreements and rarely practise written ones.

Most farmers lack finance for inputs and they get it from traders under loan, which has to be repaid in the form of paddy at the price fixed by the trader, at the end of the cultivation. Prices of inputs are much higher with the traders compared to control prices fixed by the government. Paddy is bought from farmers at lower prices compared to the regional control prices. Farmers expressed their dissatisfaction over this arrangement while agreeing that there is no other alternative. The Agrarian Service Centre (ASC) in Kiliveddy village, which covers Menkamam and other surrounding villages, was destroyed during the conflict in 1985, and partly renovated in late 1990s. At present, the ASC is not in a position to provide adequate services in input supply (seed paddy, fertiliser, germicides, weedicides, insecticides etc.) due to lack of staff and facilities.

#### **Box 2: Cultivation Loan from an NGO**

A cultivation loan was given to 9 people each 9000/- through ZOA society, formed and run by ZOA, a Netherlands based NGO. Most of those who got this loan utilised it for cultivation, but failed to refund the money to the society so as to enable other members to enjoy the benefit turn in the rotational loan system. ZOA therefore discontinued the system. The members of the society agreed that the reluctance of the first round loan takers to repay had deterred the chance of other members. They did not blame ZOA.

Another loan arrangement practised in the village is getting loan from a rich person in the form of cash and returning it with fifty percent interest in cash at the end of the cultivation, which generally covers 5-6 months. Tenants feel that this is a worse system for exploitation and compared to the interest rates paid to bank loans. The above system amounts to 100%-120% interest per year, compared to a maximum of 23% interest per year paid to bank loan. However, banks do not dare to invest in paddy cultivation since the situation is uncertain and profit from paddy is not guaranteed, small and vulnerable.

It appears that most farmers treat the loan from individuals and the loan from NGO in different manner. Repayment in the case of former was felt obligatory whereas the NGO loan was either viewed as a charitable activity or from a recipient manner.

In pre-conflict period, paddy produced by farmers was purchased by the Paddy Marketing Board (PMB) at the price fixed by the government. Nowadays PMB is not functioning, and the role is played again by private traders, who are predominantly from one communal group (Muslims). These have the capacity of maintaining a good relationship or links with politicians and security forces, while satisfying LTTE by paying their tax. According to villagers, traders employ certain 'dirty mechanisms' in order to maintain their monopoly and domination over the purchase of paddy.

**Box 3: Traders' Dirty Tricks – as Perceived by Villagers from Menkamam**

- Demanding 70kg paddy in each bag instead of 66.5kg.
- Traders talk among themselves and fix paddy price, which is much lower than the control price fixed by the government. (price cartels: e.g. control price Rs.13-14 per kg and with private traders Rs.9-11 per kg)
- Paying the farmers 2-3 months after purchasing paddy or paying only a portion in advance and balance after 2-3 months. No interest is paid for the delay
- Maintaining an entry barrier to new traders either by giving troubles through security forces or threatening with possibility of LTTE attack.

Another factor affecting paddy marketing is lack of paddy processing industry and storage facility at regional levels. A major portion of paddy produced in Trincomalee district is brought to Kurunegala or Colombo districts for processing and rice, the processed form of paddy, is brought back to Trincomalee again. Therefore, inevitably traders and mill owners are involved and take a vital, inevitable position in paddy marketing. The conflict environment in the district is not attractive to investors of processing industry. Furthermore, villagers are dependent on Dambulla or uncleared area vegetables and not on their own production. According to them,

this was not the case in the pre-conflict period.

### **3.1.2 Dehiwaththa**

Villagers in Dehiwaththa face similar constraints in accessing institution in the economic sector. They have limited access to loans, which are mainly paid back in paddy to traders who provide them advances for inputs at the beginning of the cultivation period. Due to transport difficulties and the high risk (security situation), prices for paddy have dropped: farmers now have to pay 64 Kg instead of 68 kg for one bag worth Rs. 800, i.e. kg prices have dropped from Rs. 12.5 to Rs. 11.8). Some farmers have deposits in banks (People's Bank, Ceylon Bank), mostly in Kantale, because they feel that the bank in Seruvila is not safe enough.

Marketing by the government is insufficient to meet the demand with only one MPCS buying the farmers' produce. Private traders are an alternative, but pay lower prices (Rs 10 per kg instead of Rs 12-13 per kg). Paddy is sold to

- shop keepers for internal trade
- traders from Kurunegala (most purchaser), also Vavuniya, Kantale, Polonnaruwa, Dambulla

It was reported that some business people from Kantale provide distorted information about the troublesome areas in Muthur and Seruvila in order to frighten outside traders and to keep them thus out of the game.

## **3.2 Landownership, Tenancy Arrangements and Wage Labour**

### **3.2.1 Menkamam**

Tenancy practice is very common in Menkamam as well in other similar farming villages. The paddy lands are further fragmented into allotments mainly to provide it as dowry for the female inheritor. However, the economic holding of paddy land extent and fragmentation law influence the minimum extent of fragmentation. Therefore, limited extent of paddy land in the region cannot ensure holding of ownership of economically viable extent of paddy land for the expanding number of households in the villages. This creates tenants who are knowledgeable farmers lacking land or adequate land for livelihood.

Farmers often go for informal tenancy agreements in order to avoid problems due to formal procedures and law. There is mutual trust between tenants and landowners, and tenant rarely deceives landowner because his reliability is an asset for him to find land in the competitive environment. The tenant pays the agreed tenancy fare to the landowner in advance for 1-4 seasons of continuous cultivation so that the tenancy payment is assured regardless of loss in cultivation. The owner can also claim his fare, which is fixed in advance through negotiation, in the form of paddy at the end of cultivation. However, the owner has some obligation to share the possible losses of the tenant, and his tenancy payment is under risk. Therefore, tenant fare is often preferred in cash and not in paddy.

Another tenancy method, which is rarely practised, is to give a sum to the land owner and getting the land for cultivation to a proposed period until the owner returns the sum to the tenant. The owner is not expected to pay interest to the money, which he got from tenant, and the tenant can cultivate the land for the proposed period. The tenant can get his sum by the end of the period, or on the agreement of both parties the contract is extended. This method is often initiated by landowner who is in urgent need of a sum of money. And this method puts fewer burdens on the tenant economically.

### 3.2.2 Dehiwaththa

Settlers under the AES received first an LDO permit for their paddy and highland, which was later transformed into a grant title. Nowadays, most landowners have a Swarnaboomi grant title for their land. 100 families in the village are landowners, about 35 farmers are tenant cultivators. Due to land scarcity and the security situation, approx. 20 families left Dehiwaththa and returned to their villages of origin, while leasing their land out to tenant cultivators. Another 30 families reside outside the village and only return during the cultivation periods. The currently practiced tenancy arrangements foresee a fixed tenancy rate (15-20 bushels of paddy per acre or Rs. 2.500 – 3000 in cash). Most tenancy arrangements are informal.

Encroachment on crown land within Dehiwaththa village has taken place on two different locations:

- 10 Sinhalese families from Sivapuram encroached land, and currently apply for land titles (permits and grants) to legitimise their land utilisation. Land encroached comprised grazing land and crown land close to the jungle area.
- In 1986/87, villagers who displaced from the boundaries of Dehiwaththa, settled on crown land (school lands) in the central area of the village. Since these villagers lack income opportunities, some of them are now illegally producing arrack.

It is interesting to note that Sinhalese farmers from Dehiwaththa employ Tamil wage labourers from neighbouring communities to cultivate fields in insecure areas close to the realm of LTTE influence. Wage labourers mainly originate from Eachchilampattai and Batticaloa, while in earlier times, they also employed Muslim wage labourers from Thoppur. Nowadays, labour charge is around Rs. 250 per day or Rs. 4000 for harvesting one acre of paddy land. Furthermore, villagers practice *Atam*, a traditional form of labour exchange among neighbours. If one farmer is unable to carry out the work, he will have to pay compensation.

## 4 COPING STRATEGIES

The present chapter elaborates briefly on some important coping strategies, practiced in order to adopt farming systems according to the present vulnerability context.

### 4.1 Migration

Villagers migrate for two main reasons: (i) avoiding presence in insecure areas, and (ii) accessing attractive income opportunities (economic migration).

#### 4.1.1 Economic Migration in Menkamam

In Menkamam, economic migration is a feature of assuring household income. It was understood that opportunities for men to involve in some income earning activities through free movement to several villages (especially trade) was limited due to security restrictions or harassment.

Therefore, the income-earning role, in some households is fully or partly taken by females. Young women, especially from lower class go abroad (Middle East) to work as housemaids that require no qualifications except physical fitness. Several sources confirmed that it had not been the trend in pre-conflict time. Close relatives of women headed families were able to support such families so that their financial capacity prevented the women from going abroad. Now the village community has less hesitation in accepting and adapting to the changes by relaxing cultural norms. Comparatively more money is required for men to go abroad as labourers than is required for females as housemaids.

#### Box ?: Dowry Practice

During focused group discussion with women, it was found that the practise of dowry system has increased in the village. In middle class people it appears to be common and saving for dowry is compulsory. The dowry practice seems to have spread to lower class people too and contributes to seeking Middle East employment.

The employment in Middle East helps to make some money on which female has more hold and power to make decisions. At the same time the male in the village either idles and spends this money or saves this money and further contributes to the family with his earnings to establish other assets (house, well, toilet, education, land, etc). The family either becomes more reputed economically and socially or desperate and disintegrates. We observed both categories of families in Menkamam.

### **4.1.2 Coping with Land Scarcity and Lack of Security in Dehiwaththa**

In Dehiwaththa, migration takes place due to land scarcity and due to the security situation. The SDO explained that approx. 25% of villagers have left the village. We can distinguish two types of migration:

- permanent migration: 20 families returned to their places of origin and lease out their land to tenant cultivators.
- seasonal migration: Other families reside outside the village and return temporarily for farming on their allotments during cultivation seasons.

Mainly the poor, who cannot afford to migrate, remain in the village.

## **4.2 Wage Employment**

There are two main employment opportunities, which are different for villagers from Menkamam and Dehiwaththa. Wage labourers from Menkamam also work on fields of landowners in Dehiwaththa, nowadays especially in remote areas with expected LTTE presence, where Sinhalese farmers would be frightened to cultivate the land. Most farmers of Menkamam are either tenants or waged labourers. Tenants who are much exposed to the risks of cultivation get less profit if they lack own capital. Even though a tenant has more reputation than a wage labourer, poor tenants nowadays increasingly depend on the combined income from both tenancy and wage labour.

For young landless families in Dehiwaththa, home guard service provides regular income opportunities for altogether 43 families. Home guard employment guarantees a regular income of approx. Rs. 4.000-5.000 per month.

In Menkamam, 11 villagers are government employees, and around 100 educated youth and almost all children are provided primary education. This could imply that there is a trend towards education-based livelihoods.

## **4.3 Livestock Cultivation**

Encroachment on grazing land exerted a direct threat to livestock keeping in Menkamam. However, Farmers who have herd of Cattle send them to remote villages, where there is enough feed and make arrangement to sell milk to Sinhalese traders, who collect milk with bicycle on a small scale. LTTE who sometimes cross these villages do not harm these Sinhalese traders. Villagers from Menkamam stated that they would pay money to the home guards, who threatened to kill or confiscate stray cattle coming close the checkpoint.

In Dehiwaththa, the livestock assets of villagers were captured by the 'Boys' - LTTE. Only recently, CARE started a new livestock-keeping project (30 cattle). The cattle are kept inside the villages in the night. Cattle damages to crop cultivators are handled by the GN who is responsible for enforcing compensation by cattle owner to cultivator. In most cases, he tries to settle disputes informally. Nowadays, there are more cattle in the village and more clashes occur.

#### **4.4 Changing Gender Roles**

Dehiwaththa villagers told that women now play a more prominent role in village life by:

- bringing goods for trade to Muthur, mostly for small scale trade,
- cultivating paddy on remote fields (security reasons: men are more easily captured by the LTTE),
- dealing with LTTE for deliberation of kidnapped persons and paying ransom.

In Menkamam, the conflict has not directly affected gender relations.

#### **4.5 Satisfying Claims of Armed Actors**

Villagers in Dehiwaththa reported that they would pay taxes to the LTTE to be able to move and cultivate freely. However, tax payment seems only an option for the better-off villagers.

Informants from Menkamam talked about three incidences in the past, where villagers from Menkamam paid a 'cattle tax': Home guards from Dehiwaththa threatened to kill or confiscate roaming cattle or buffaloes, which belong to people from Menkamam. Cattle owner therefore left one cattle to the home guards in order to safeguard their other cattle.

#### **4.6 Re-orienting Life Priorities**

In Menkamam, the research team observed an increasing tendency to pay more attention to day-to-day entertainment than the long-term basic requirements. People, who are accessible to electricity (legal or illegal) and live in cadjan thatched houses, give more importance to buy a television than building a better house. It appears because they are afraid of another displacement therefore go for portable assets or they first want to relax themselves in the desperate conflict environment. (Observation: Villagers are interested in typical Tamil films, shown everyday in televisions. Those films always depict the life style of upper class people with lot of merry making, funny scenarios that keep the audience in a happy mood and make them forget their daily worries.)

## **5 TANK BED ENCROACHMENT AT MENKAMAM**

### **5.1 Encroachment History**

The Menkamam tank is an ancient, traditional tank, which was constructed hundreds of years ago, well before the establishment of Allai Extension Scheme- an irrigation scheme under Mahaweli Development Project. As in the other tanks, the very upstream area of Menkamam tank was reserved as grazing land by the villages in AES. However, a portion of this grazing land was encroached by Tamil farmers and used for paddy cultivation illegally well before 1950. In 1954, Tamils, anticipating a court decision to vacate the encroachment area, sold the land to Sinhalese farmers through informal agreements. A court case against this encroachment made a judgement in late 1960s, demanding the vacation of grazing land. The court order was not so seriously considered, however, and the encroachment remains unresolved up to the present day. At present, 10 Tamil and 40 Sinhalese farmers encroach the tank bed area.

The illegal cultivation continued regardless of court order, further expanded and water-spread area too came under eventual encroachment. Then the situation turned worse because when water was retained in the tank to its full capacity, illegal cultivation in the tank bed was submerged and when the water was not stored to the full capacity, paddy lands depending on tank water lost proper irrigation. Menkamam villagers complained that, whenever they stored water in the tank to full capacity, Sinhalese farmers from Dehiwaththa would cut the bund and drain the tank water or block the channel, which supplies water to the tank. The problem contributed to gradual building up of enmity and resentment between the two villages.

Until 1983, in the pre-ethnic conflict period, it was possible for both villages to settle this matter by negotiation among themselves. Since 1983, due to the prevalence of a conflict environment, many Sinhalese farmers joined either security forces/home guards or were given firearms and negotiation was no more a means of problem solving. Tamil farmers from Menkamam village approached the DOI, which maintains AES, and DS Muthur, who is dealing with crown land (provincial), however the problem still remains unsettled. Presently, a portion of command area is irrigated by tank and the DOI cut a new channel to provide irrigation facility to the affected command area and still 46 acres of land is just left barren without any cultivation activities due to water scarcity.

During our field investigation in Dehiwaththa, one informant stated that villagers under the guidance of the vel vidane from Dehiwaththa have tried to illegally block water distribution to certain areas of the AES, which would also affect the water flow to Menkamam tank. It was considered as one possible reason for the kidnapping of the vel vidane by LTTE, which happened on 14 September 2001.



## **5.2 Coping Strategies of Key Actors in Solving the Problem**

### **5.2.1 Farmers**

Farmers from Menkamam stated that they tried several approaches to achieve a settlement, or at least a relaxation of the tense situation. They explained that they approached the Officer-in-Charge of the Dehiwatte army camp and plead with him to convince Sinhalese farmers of Dehiwatte village to release water through the channel. Furthermore, they addressed the officers of the relevant departments (Divisional Secretaries, Department of Irrigation) verbally and through letters.

Farmers also took action to mitigate some of the effects of tank bund damages and cut a temporary field channels from distribution channels of the AES to irrigate the command area under the tank. In case of water scarcity, they abandon cultivation in a portion of the command area, whenever they predict a season with scarce water resources.

### **5.2.2 Decision-makers**

The government institutions official in charge of settling the land disputes in the area are reluctant to take action and responsibility, even though – or maybe just because – they are fully aware of the severity of problem and the sensitivity of the issue. The different institutions tend to pinpoint to other administrative bodies to shift responsibilities to others. Taking action would expose these institutions and would make them vulnerable in the ethnicised political economy of Trincomalee. Officially in charge of handling encroachments are either the divisional secretary or the Land Officer (Kachcheri) for land under central government (AES is a major irrigation scheme).

According to the legislation, the Department of Irrigation (Central) would be in charge for settling encroachment in tank beds. The department, however, claims that it cannot take action against these encroachers, but has developed technical options for a solution of the water distribution problem. It proposed to cut a water conveyance channel to feed the tank with AES water for irrigation of the command area under the Menkamam tank. The latter would then no longer have to be utilised as a storage facility, and encroachers in the tank bed could continue cultivation without risk of water logging. However, technical solutions can only be implemented with the prior consent, co-operation and support from both dispute parties and the armed actors (army, police and LTTE).

## ANNEX I: Research Methods

PARTICIPANTS	METHOD	PURPOSE
Chief Engineer, The Department of Irrigation (DOI), Central, Trincomalee. The DOI is in charge of the Allai Extension Scheme (AES).	In-depth interview	To become familiar with the encroachment history
DS Muthur DS Seruvila Chief elderly member of the farmer organisation, Menkamam. Elderly member of the farmer organisation, Dehiwatte	in-depth discussion	Encroachment history of the tank. Lifestyle of the village people.
SDO, GS & village health volunteer Women Farmers from Menkamam Farmers from Dehiwatte	Focused group discussion	Discussion with Seruvila DS, site visit to Dehiwatte village, discussion with Dehiwatte farmers.
Two tenant farmers (individually)	In-depth interview	Coping, lifestyle and cost-benefit analysis for paddy cultivation.
Author, Journalist	In-depth interview	Encroachment history, people's coping strategies
Divisional Secretariat Seruvila, clerical staff	In-depth interview	Confirmation of encroachment case
Elder person in Menkamam	In-depth interview	
Elder person and farmer in Dehiwaththa	In-depth interview	Encroachment, land use, tank irrigation
Field officers from Department of Irrigation (DOI) – Tamil and Muslim officers.	On-the- spot discussion	Encroachment, water management