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THE IMPACT OF DISPLACEMENT ON DOWRIES IN SRI LANKA

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Front Cover Photograph: Clay pots being produced by a group of displaced women in Sri Lanka (Danesh Jayatilaka, August 2011).

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TABLE OF CONTENTS

ACRONYMS	v
EXECUTIVE SUMMARY	vi
A HISTORICAL LOOK AT THE MATRILocal DOWRY SYSTEM IN SRI LANKA	1
DISPLACEMENT RESULTING FROM CONFLICT AND THE TSUNAMI	6
CHANGES IN HOUSING POLICIES RESULTING FROM DISPLACEMENT	11
IMPACT OF DISPLACEMENT AND CHANGED HOUSING POLICIES ON DOWRY SYSTEMS	16
HUMANITARIAN INTERVENTIONS AND ITS COMPOUNDING IMPACT ON THE DOWRY SYSTEM	19
IMPACT OF A CHANGED DOWRY SYSTEM ON WOMEN’S LIVELIHOODS, FAMILY LIFE AND TRADITIONS	21
CONCLUSION	26
REFERENCES	28
APPENDIX	34

ACRONYMS

CID	Conflict-Induced Displacement
CMRD	Centre for Migration Research and Development
DID	Development-Induced Displacement
ICES	International Centre for Ethnic Studies
IDPs	Internally Displaced Persons
IFRC	International Federation of the Red Cross and Red Crescent Societies
INGOs	International non-governmental organizations
IPKF	Indian Peace Keeping Force
LTTE	Liberation Tigers of Tamil Eelam
NEHRP	North East Housing Reconstruction Programme
NGOs	Non-governmental organizations
UNHCR	Office of the United Nations High Commissioner for Refugees
UN	United Nations

EXECUTIVE SUMMARY

Displacement, whether due to conflict, natural disasters or development, not only directly and negatively affects those who are displaced, but also can have far-reaching effects on the culture and society as a whole. The objective of this study is to examine the impact of displacement, caused by both the civil war and the 2004 tsunami – on Sri Lanka’s dowry systems – and the subsequent consequences for women’s livelihoods, family life and social traditions. While there are existing studies on displacement, gender and dowry systems in Sri Lanka, to the best of our knowledge, there are no studies examining the impact of displacement on dowries in Sri Lanka. This study is an attempt to shed light on this subject.

This study is based on a comprehensive desk review, supplemented by a limited number of interviews. As part of the desk review, the researchers examined the social science literature, including both printed materials and electronic sources. The researchers then consulted a number of academics and practitioners who had expertise on the topic and also conducted face-to-face interviews with four internally displaced families in the country’s Northern and Eastern Provinces, three of which were headed by females.

Traditionally, dowry is defined as the properties transferred by parents to their daughter, the bride, and to the groom during marriage. Assets such as houses, land and jewelry customarily go to the bride while the prospective husband may receive money. There are advantages and disadvantages to the practice of dowry: on the one hand, it may help women attract husbands and increase their financial and social security; on the other hand, it may put undue pressure on women and their families, causing stress and anxiety, particularly if they are poor. Dowry systems can also lead to post-marital violence due to the reaction of husbands and/or his family members to dowries which are considered insufficient. Dowry systems are closely related to inheritance practices. While both involve transfer of assets and wealth, the former occurs during times of marriage and the latter can take place at any time between parents and their children. Further, although dowry is practiced at different scales among the rich and the poor, inheritance is mostly confined to the wealthy.

The laws pertaining to property and inheritance have been generally favorable to women in Sri Lanka, although due to unique customary laws, the Sinhalese, Northern Tamil and Muslim practices vary. These three communities practice Kandyan law, Thesavalamai Law and Muslim law, respectively. The Tamils and Muslims in the east of the country also use the Kudi, a matrilineal system which is related to religious festivals and marriage. In addition to customary law, all three communities follow the general law, which is a mixture of European laws and local practices.

In the Sinhalese community, daughters can make a claim to inheritance but do not have the right to dowry, as the provision of a dowry is left to the discretion of the parents while the right to inheritance is legally proscribed. While dowry is generally given to women upon their marriage, a daughter’s entitlements are determined by where she and her husband choose to reside. In the Tamil community, women have strong inheritance rights with respect to land, and according to custom, the father’s property goes to his son while the mother’s property is given to her daughter as dowry. The land and house are a major component of the dowry transaction, and even though the bride owns the land and property transferred to her, the groom has significant control over the assets. Married daughters and mothers typically live nearby, usually choosing to reside in

clusters. Some of the practices of the Muslims are similar to those of the Tamils, as property in the form of land is given as dowry and mothers and married daughters also prefer to reside in clusters. Once they are married, however, Muslim women have less control over their land than Tamil women.

Displacement caused by both the 30-year conflict which began in the early 1980s and by the 2004 tsunami has directly impacted the dowry system. Additionally, women affected by these events have experienced profound cultural and social disruption. Women lost family members, houses, valuables and livelihoods – all of which constrained the ways in which they were able to plan for the future. Displacement has affected almost every aspect of women’s lives, ranging from identity and status to security and well-being. The particular effect of the war and the tsunami on women is evidenced by the high numbers of female heads of households and widows in the post-conflict north and east areas which includes the 8 districts of Jaffna, Kilinochchi, Mullaitheevu, Mannar, Vavuniya, Trincomalee, Batticaloa and Ampara. The loss of assets, and the impact of such loss on the dowry system, has changed women’s roles as caregivers, mothers, wives and daughters.

Despite the odds, Sri Lankan women have shown great resilience and ingenuity in coping with their situations in the wake of the war and tsunami. In many ways, their responses have been shaped by prior experiences with violence and dislocation. Land has always served as an important buffer against vulnerability and women have a long history of struggle with cultural and institutional practices that expected them to be dependent on and subservient to men. Even though women own property and customary laws favor them, this is often contested by men’s traditional patriarchal role. While property ownership alone may not give women control over decisions, it can serve as a safety net for them and can help them navigate changing social structures and traditions.

While humanitarian assistance was important in the aftermath of the war and tsunami, the lack of gender analysis in formulating relief responses meant that it had negative consequences for women’s social and cultural roles. For example, during both the tsunami and conflict, the government and donors gave deeds to resettlement houses to men, with little consideration for traditional gender roles or customary practices of the specific region. This not only disrupted Sri Lanka’s matrilineal system, where women hold the rights to land, but put them in harm’s way because they were even more dependent on men. Other relief activities such as state and NGO programs to restore livelihoods, also suffered because they were not based on careful needs analysis. Gender-disaggregated studies which could be helpful in program design were almost never conducted.

One of the main obstacles to safeguarding the rights of internally displaced women is the lack of recognition by international humanitarian agencies of local resilience and social systems, including inheritance rights and dowry practices. These practices have been central to the way women have responded to other disasters.

Cultural and social systems are not static. Sri Lankan women are increasingly becoming more educated and are entering the workforce in greater numbers. At the same time, they are questioning archaic practices that are misaligned with contemporary social, economic and political transformations. In particular, different forms of dowry are emerging and young girls and boys are beginning to reshape the institution.

The payment of dowry is shaped by supply and demand and there have been changes in the going 'rates' for grooms within the Sinhala, Tamil and Muslim communities which have been accepted by the brides' families. The Tamil diaspora has generated remarkable market models for matrimonial partnerships between local girls and boys living abroad. These new post-war approaches have bypassed previous caste, class and wealth stratifications and brought about entirely new arrangements for dowry and marriage. This has meant new opportunities for girls, including those without dowry, and bonuses for their families due to the migration opportunities for the bride's siblings and the steady flow of remittances to the parents. Sri Lankan Muslims have also formed alternative arrangements for dowry, where they ask for financial assets rather than physical ones, since that gives them more flexibility and options in planning their future return to their original lands in the north.

Given the impact of displacement on traditional marriage practices, including dowries, it is important for aid agencies to consider local cultural traditions when designing assistance programs. Failure to recognize these traditions can have harmful repercussions on women's family life, the sustainability of their livelihoods and their security.

A HISTORICAL LOOK AT THE MATRILocal DOWRY SYSTEM IN SRI LANKA

Dowry has traditionally been defined as the properties transferred from the bride's parents to their daughter and her husband mostly during the time of her marriage, while other dowry assets are also given to the groom, such as money.¹ The mother's house, or land, usually goes to the daughter, and if there are several daughters, the eldest receives preference while younger daughters may receive dowries consisting of other or new assets such as additional houses built by the father or brothers. To provide a sufficient dowry, families will try to accumulate assets, and some will even divide assets up equally among the daughters to ensure that all are able to marry.



Two Sri Lankan girls (Danesh Jayatilaka, January 2011)

Dowry systems can be perceived both positively and negatively. On the positive side, property inherited through dowries symbolizes belonging and continuity and allows women to increase their standard of living.^{2 3} Dowry practices facilitate the transmission of a family's 'good name.' They function as an inducement to attract a good groom and act as a safeguard for women and an insurance policy against divorce, as the groom risks losing property if he ill-treats or deserts his wife.⁴⁵ As Yalman argues, dowry systems also set up powerful claims between brothers and sisters, thereby providing a vital lateral spread to kinship relations.⁶

On the negative side, the dowry system can be coercive toward families and their daughters, bordering on 'institutional extortion' and resulting in familial stress. For poor families with limited assets, the task of securing a dowry can create additional economic and psychological pressure. Customary laws have been cited as structural impediments to women's emancipation.⁷ These problems are exacerbated by the material and financial transactions that occur at marriage, where, in the form of dowry, brides become the carriers or 'vehicles' for property.⁸ The obligation to provide dowry has also meant that tensions can arise when these requirements are not met, even when relationships are strong and prospects for the marriage are positive.⁹ When a

¹ Bishaka Sen, "Why Does Dowry Still Persist in India? An Economic Analysis using Human Capital," in *South Asians and the Dowry Problem* (London: Trentham, 1999), 75-95.

² Ibid.

³ Sharika Thiraganama, *In My Mother's House: Civil War in Sri Lanka* (Philadelphia: University of Pennsylvania Press, 2011).

⁴ Victor C. De Munck, "Cross-Sibling Relationships and the Dowry in Sri Lanka" in *Ethnos* 55 (New York: Routledge, 1990), 56-73.

⁵ Sen, "Why Does Dowry Still Persist in India? An Economic Analysis using Human Capital," 75-95.

⁶ Nur Yalman, *Under the Bo Tree: Studies in Caste, Kinship and Marriage in the Interior of Ceylon* (Oakland: University of California Press, 1967).

⁷ Muttukrishna Savananthan, "Impediments to Women in Post-Civil War Economic Growth in Sri Lanka," (Point Pedro Northern Province, Sri Lanka: Point Pedro Institute of Development, 2014).

⁸ Werner F. Menski, "South Asians and the Dowry Problem," (London: School of Oriental and African Studies, 1998).

⁹ Thiraganama, *In My Mother's House: Civil War in Sri Lanka*.

husband condemns the dowry, he is directly criticizing the wife and her family for not meeting the marital promise.^{10 11}

Property and inheritance laws in Sri Lanka have generally favored women although there are differences between religious and ethnic communities. The legal system in Sri Lanka has four separate branches in relation to property and inheritance rights.^{12 13 14} The Sinhalese, Tamils and Muslims each have their own distinct legal system, with most of each system codified through acts of parliament.¹⁵ Kandyan law applies to the Sinhalese, the Thesawalamai or Tamil customary law applies to residents in Jaffna district, and the Muslim law, which is a religious law, is applicable to those born into Islam. These three legal branches are sometimes referred to as special, personal or territorial laws as they apply to a particular community. The fourth branch of the Sri Lankan legal system, the general law, is a mixture of Roman, Dutch and English law and fills gaps when special, territorial laws do not cover a particular issue.

Despite having separate legal systems, the Sinhalese, Tamils and Muslims share some matrimonial customs.^{16 17} In most rural areas, families do not have separate deeds for land and house and ownership is generally by way of the land. In the Sinhalese community, families do not explicitly practice the dowry system, which is left to the discretion of each family. Daughters, however, can make a claim to inheritance. Inheritance refers to assets and wealth passed on to children by parents at any time, while dowry is the transfer of assets during times of marriage, mainly in response to demands by the groom and his family. Another difference between inheritance and dowry is that while the former applies mostly to wealthy families, the latter is practiced by the rich, middle class and the poor at various scales. According to the Sinhalese laws of inheritance, or the contemporary Kandyan law, a key distinction is made between women who married in 'deega' and those who married in 'binna,' the difference being where the woman lives after marriage. In *deega*, the daughter moves away from her parent's house to live with her husband while a woman who marries *binna* generally stays at her parent's house with her husband, or separately on land owned by the woman. A daughter married in *binna* has the same rights of inheritance to the ancestral estate, which was referred to as 'praweni,' and which belonged to her father, as her brothers and unmarried sisters. A *deega* daughter, on the other hand, has to give up her claim to her father's *praweni*, and sometimes receives dowry instead. For the Sinhalese, *deega* is the most common form of marriage. The choice between *binna* or *deega* depends on the nature of the property and whether the couple wishes to stay in the wife's home. It is also a collective decision involving parents in which the couple's preferences, and the particular situation is taken into account. For both *binna* and *deega*, dowry is generally cash or movables, such as jewelry and household furniture and goods, with land occasionally given among the wealthy, but rarely among the middle class and the poor. Further, dowry is not a daughter's right – as is the case with inheritance – and the family can

¹⁰ Chulani Kodikara, "Only Until the Rice Is Cooked? The Domestic Violence Act, Familial Ideology and Cultural Narratives in Sri Lanka," *Colombo: International Centre for Ethnic Studies 1* (2012).

¹¹ Menski, "South Asians and the Dowry Problem," 56-73.

¹² Bina Agarwal, *A Field of One's Own*.

¹³ Centre on Housing Rights & Evictions, *A Socio-Legal Study on the Household Concept in Sri Lanka*, (COHRE: Sri Lanka, 2008).

¹⁴ Muttukrishna Savanathan, "Impediments to Women in Post-Civil War Economic Growth in Sri Lanka."

¹⁵ Centre on Housing Rights & Evictions, *A Socio-Legal Study on the Household Concept in Sri Lanka*.

¹⁶ Agarwal, *A Field of One's Own*.

¹⁷ Centre on Housing Rights & Evictions, *A Socio-Legal Study on the Household Concept in Sri Lanka*.

decide not to provide any dowry at all. As might be expected, there are established practices for dealing with the breakup of a marriage with the return of property depending on the type of marital arrangement.

The local law bestowed nominal ownership on women but with no real command over the assets.

In the Tamil community, Tamil women have traditionally had strong inheritance rights with respect to land.^{18 19 20 21} However, there are differences among Tamil groups in different parts of the island, such as those in the north, east or hill country, with respect to laws concerning marriage, dowry and inheritance. The traditional Thesawalamai law of the northern district of Jaffna set the guiding principle for inheritance along strict gender lines.²² The law was compiled under the Dutch administration and came into force as a legal instrument during the British period, where according to the code, the father's property went to his son during his lifetime or at his death, and the mother's property went to her daughter as dowry at the time of her marriage. However, this was occasionally practiced with some flexibility depending on available assets and the number of children. What a daughter received as dowry was written into a dowry deed in her name, where the quality of the deed and its execution also become a measure of judgment.^{23 24} As with the Sinhalese, however, the giving of a dowry was practiced mostly among the wealthy and upper class and it included land, cash and jewels, with land historically being a mandatory component. The giving of a house was also a major component in the arrangement and had implications for the marriage negotiations. The dowry came from the mother's property, stayed in the daughter's name during her marriage, and then was subsequently passed down to her own daughter(s).²⁵ The poor were not expected to carry on the practice. Once married, the husband was able to control his wife's dowry land but was not allowed to dispose of it without her permission, as that was considered against the spirit of the dowry institution.^{26 27} The wife, too, could not dispose of the dowry without consent from her husband, which meant that as Sarvanathan observes, the local law bestowed nominal ownership on women but with no real command over the assets.²⁸ The woman was unable to donate, mortgage, or lease the property

¹⁸ Agarwal, *A Field of One's Own*.

¹⁹ Adele Balasingham, *The Will to Freedom: an Inside View of Tamil Resistance*, (London: Fairmax Publishing Ltd., 2003).

²⁰ Muttukrishna Savanathan, "Impediments to Women in Post-Civil War Economic Growth in Sri Lanka."

²¹ Leelangi Wanasundera, "Rural Women in Sri Lanka's Post-Conflict Rural Economy," (Colombo: Centre for Women's Research, 2006), 13.

²² Centre on Housing Rights & Evictions, *A Socio-Legal Study on the Household Concept in Sri Lanka*.

²³ Agarwal, *A Field of One's Own*.

²⁴ Menski, "South Asians and the Dowry Problem," 56-73.

²⁵ C.Y. Thangarajah, "Veiled Constructions: Conflict, Migration and Modernity in Eastern Sri Lanka," *Contributions to Indian Sociology* 3, no. 1, (2003): 141-162.

²⁶ Nandana Karunanayake, *Changing Pattern of Marriage in Sri Lanka*, (Colombo: Institute of Professional Development, 2000).

²⁷ Wanasundera, "Rural Women in Sri Lanka's Post-Conflict Rural Economy," 13.

²⁸ Muttukrishna Savanathan, "Impediments to Women in Post-Civil War Economic Growth in Sri Lanka."

without her husband's agreement. The control the husband had over his wife's assets stood in sharp contrast to his ability to freely use the assets he brought to the marriage.²⁹

Although the Tamils in the eastern district of Batticaloa do not have the Thesawalamai, they also practiced the same customs as those in Jaffna where wealth was transferred to the daughter as dowry. In Batticaloa, however, the local population did not embrace Roman-Dutch Law or patriarchal property rights despite the absence of a codified structure. Instead, communities in Batticaloa practice a matrilineal system called 'Kudi' where properties were given to the eldest daughter as dowry at the time of her marriage.³⁰ Similar to practices by the Tamils in Jaffna, the Tamils in Batticaloa also had arrangements where property and land were transferred to the daughter at the time of her marriage, the groom was expected to move into the bride's house, and brothers had to save money for their sisters' marriages. Newly-married couples lived in clusters with the bride's family, providing joint childcare and even protection during instances of domestic violence.³¹ The culture of living in adjoining houses was also evident in Jaffna where descendants lived in two or three houses next to each other, with home-ownership residing with the women.³² The modern house would be given to the bride while the older structure was occupied by the mother. Ultimately, all properties would be passed on to the daughter. During the Liberation Tigers of Tamil Eelam (LTTE) period, the movement tried unsuccessfully to abolish the dowry system claiming the custom demeaned women and was not in step with an egalitarian society. However, this suggestion was not favorably received by the local Tamil communities in the north and east, and the dowry practice continued during the period although it was often hidden.^{33 34}

Muslim dowry practices also share commonalities with the Tamils, reflecting the fact that Sri Lankan Muslims are considered to be descendants from Arab traders who had adopted Tamil as their language.^{35 36} Muslim communities have taken on elements of the Tamil culture, and their marriage systems, kinship patterns and matrimonial clan organizations closely resemble those of the Tamils. Like the Tamils, Muslims practice matrimonial inheritance, including the Kudi system observed in Batticaloa. Although Muslim religious code does not encourage the giving of dowry, Muslims in the north and east are known to commonly give house, cash, land and cattle as dowry.³⁷ While Muslim and Tamil communities live separately in both the north and east, the two communities have practiced similar customs such as transferring land and property to daughters as dowry, living in clusters whereby mothers and daughters live close to one another, and following the Kudi system, including specific traditions where the matrilineal system is practiced for religious festivals and marriage.³⁸ While Muslim women have even less control

²⁹ Agarwal, *A Field of One's Own*.

³⁰ Gananath Obeyesekere, *The Matrilineal East Coast, Circa 1968: Nostalgia and Post-Nostalgia in Our Troubled Time*, (Colombo: International Center for Ethnic Studies, 2004).

³¹ Jayadeva Uyangoda and Nelouder de Mel, *Reframing Democracy: Perspectives on the Cultures of Inclusion and Exclusion in Contemporary Sri Lanka*, (Colombo: Social Scientists' Association, 2012).

³² Balasingham, *The Will to Freedom: an Inside View of Tamil Resistance*.

³³ Ibid.

³⁴ International Crisis Group, *Sri Lanka: Women's Insecurity in the North and East* (ICG, 2011).

³⁵ Agarwal, *A Field of One's Own*.

³⁶ Thiranagama, *In My Mother's House: Civil War in Sri Lanka*.

³⁷ Ibid.

³⁸ Jayadeva Uyangoda and Nelouder de Mel, *Reframing Democracy: Perspectives on the Cultures of Inclusion and Exclusion in Contemporary Sri Lanka*.

over their land than the Tamils, they do have rights to land and can pass it on to their daughters as dowry.³⁹

Dowry practices are currently being transformed among all three communities, as societal expectations of gender roles have begun to change due to social and cultural shifts driven in part by the conflict and 2004 tsunami.⁴⁰ As more women work outside the house, patriarchal ideas such as the male as the breadwinner and head of household have started to diminish, thus advancing women's social status.^{41 42} Further, the timing of marriages has been impacted by families' abilities to raise dowry and funds for wedding expenses. Difficulties linked to raising funds for dowries and weddings are known to cause women to delay their marriages by one or two years.⁴³ A 1989 study conducted in the mostly Sinhala South found that dowry was given in 46 percent of marriages although it was less likely in urban slums, where only 40 percent gave dowry. Not surprisingly, residents from the middle class not only gave more dowry but they also spent more on weddings.⁴⁴ In comparison with Tamils and Muslims, Sinhalese were found to be less concerned about the dowry, and less worried about either late marriage or remaining single. Tamils and Muslims placed more emphasis on the dowry, although the Muslims emphasized early marriage more so than the Tamils.

³⁹ Agarwal, *A Field of One's Own*.

⁴⁰ John Caldwell, Indra Gajanayake, Bruce Caldwell, and Pat Caldwell, "Is Marriage Delay a Multiphasic Response to Pressures for Fertility Decline? The Case of Sri Lanka," *Journal of Marriage and the Family*, (1989), 337-51.

⁴¹ Chamila T. Attanapola, "Changing Gender Roles and Health Impacts among Female Workers in Export-Processing Industries in Sri Lanka," *Social Science & Medicine* 58, no. 11, (2004): 2301-12.

⁴² Centre on Housing Rights & Evictions, *A Socio-Legal Study on the Household Concept in Sri Lanka*.

⁴³ W. Indralal De Silva, "Age at Marriage in Sri Lanka: Stabilizing or Declining?," *Journal of Biosocial Science* 22, no.4, (1990): 395-404.

⁴⁴ John Caldwell, Indra Gajanayake, Bruce Caldwell, and Pat Caldwell, "Is Marriage Delay a Multiphasic Response to Pressures for Fertility Decline? The Case of Sri Lanka."

DISPLACEMENT RESULTING FROM CONFLICT AND THE TSUNAMI

Sri Lanka has experienced multiple displacements since the early 1900s, and has a history of return, resettlement and relocations resulting from development projects, environmental or natural disasters, and conflicts. Most recently, many Sri Lankan IDPs have faced multiple displacements, primarily from the three-decade conflict in the north and east of the country and from the 2004 tsunami.



Damage from the tsunami in Sri Lanka
(Danesh Jayatilaka, January 2011)

The intermittent conflict that lasted from 1983-2009 in the Northern and Eastern provinces of Sri Lanka is generally known as the longest conflict in South Asia⁴⁵ The protracted conflict is classified into four main phases: Eelam wars I (1983-87),⁴⁶ II (1990-94), III (1995-2002), and IV (2006-2009).^{47 48 49 50 51}

Scholars have traced the roots of the conflict to the fluid identities that were present before colonial times, but which after independence in 1948, became strained, mainly between the Sinhalese (74 percent) and Tamils (12 percent).^{52 53 54} Ethnic tensions simmered between the three groups with periodic outbreaks of communal riots, pogroms and other expressions of violence. Following these outbreaks, large numbers of Tamils fled to other countries and even larger numbers were displaced internally.^{55 56 57 58 59 60 61 62 63 64 65} During the 1970s, state legislation discriminating against the minority Tamils

⁴⁵ Sharika Thiranagama, "Making Tigers from Tamils: Long-Distance Nationalism and Sri Lankan Tamils in Toronto," *American Anthropologist* 116 no. 2 (2014): 265-78.

⁴⁶ The Indian Peace Keeping Forces (IPKF) were present during 1987 – 1990 where fighting flared between the LTTE and IPKF.

⁴⁷ Dayan Jayatilleka, *Long War, Cold Peace: Conflict and Crisis in Sri Lanka*, (Colombo: Vijitha Yapa Publications, 2013).

⁴⁸ G.H. Peiris, *Political Conflict in South Asia*, (Sri Lanka: University of Peradeniya Publication, 2013).

⁴⁹ Sharika Thiranagama, "Making Tigers from Tamils: Long-Distance Nationalism and Sri Lankan Tamils in Toronto," 265-78.

⁵⁰ Gordon Weiss, *The Cage: The Fight for Sri Lanka and the Last Days of the Tamil Tigers*, (London: Random House, 2011).

⁵¹ See <http://pact.lk/> for further detail

⁵² Meghan O'Sullivan, "Household Entitlements during Wartime: The Experience of Sri Lanka," *Oxford Development Studies* 25, no. 1, (1997): 95-121.

⁵³ Jonathan Spencer, *Sri Lanka: History and the Roots of Conflict*, (London: Routledge, 1990).

⁵⁴ The Tamils include Sri Lankan Tamils and hill country Tamils of Indian origin, who when added up is around 17 percent of the country population.

⁵⁵ Kopalapillai Amirthalingam and Rajith WD Lakshman, "Displaced Livelihoods in Sri Lanka: an Economic Analysis," *Journal of Refugee Studies* 22 no. 4, (2009): 502-24.

⁵⁶ Cathrine Brun, "Local Citizens or Internally Displaced Persons? Dilemmas of Long Term Displacement in Sri Lanka," *Journal of Refugee Studies* 16 no. 4, (2003): 376-97.

⁵⁷ Cathrine Brun and Ragnhild Lund, "Making a Home during Crisis: Post-Tsunami Recovery in a Context of War, Sri Lanka," *Singapore Journal of Tropical Geography* 29, no. 3 (2008):274-87.

in favor of the majority Sinhalese and the inability of Tamil parliamentary parties to meaningfully address the issue gave rise to militancy. By 1989, the LTTE had become the main group fighting the security forces of the government of Sri Lanka, and nearly three decades of conflict followed. The conflict affected all three communities in the country with the Tamils facing the brunt of it. Thousands of Tamils claimed asylum in Western countries, with Canada, the United Kingdom and France hosting the largest number of Tamil refugees. The Tamil diaspora numbered around 300,000 in the year 2000 and rose to 1,212,600 by 2008.^{66 67 68} It is perceived that those who were affluent migrated to Western countries, while those with less means travelled to India or stayed behind⁶⁹

By mid-1990, internal displacement had increased dramatically in the north and east and surpassed the refugee and asylum caseload outside the country. While internally displaced persons (IDPs) figures were still being estimated, the LTTE evicted all of the 75,000 Muslims from the north in 1990. These individuals made their way to the predominantly Muslim areas in the west, such as Puttalam, where they eventually settled down. The Sinhalese had left the affected areas in the late 1980s, but Muslim communities in the east became entangled in the LTTE's ethno-political struggle as the LTTE worked to create a Tamil homeland in the region.⁷⁰ On at least two occasions in the 1990s, displacement figures rose beyond one million but declined during the early 2000s due to the Cease Fire Agreement in 2001.⁷¹

As the conflict escalated in the north and the east, and larger numbers of civilians were displaced, the state together with humanitarian actors opened up hundreds of 'welfare centres' to provide relief assistance to those affected by the violence. In addition to these hastily constructed

⁵⁸ Danesh Jayatilaka, "Internal Displacement in Sri Lanka: Reflections Following the Guiding Principles Project 2001," in *Researching Internal Displacement: State of the Art, Conference Proceedings* edited by C Brun and N.M Birkeland, Department of Geography: NTNU, 2003, 261-76).

⁵⁹ Danesh Jayatilaka, "Guiding Principles on Internal Displacement: Sri Lanka Programme Syllabi," (Washington D.C.: Brookings Institution, 2004).

⁶⁰ Danesh Jayatilaka and Robert Muggah, "Where There is No Information: IDP Vulnerability Assessments in Sri Lanka's Borderlands," *Forced Migration Review* 20(2004): 39-41.

⁶¹ Rajith WD Lakshman and Sasini T.K. Kulatanga, "Responding to Security Threats: Livelihoods under Protracted Conflict in Sri Lanka," *Disasters* 37, no.4 (2007): 604-626.

⁶² Robert Muggah, *Relocation Failures in Sri Lanka: A Short History of Internal Displacement and Resettlement*, (New York: Macmillan, 2008).

⁶³ Robert Muggah and Danesh Jayatilaka, "Where There is No Information: IDP Vulnerability in Sri Lanka's 'Uncleared' Areas," (Humanitarian Practice Network, Overseas Development Institute, 2004)

⁶⁴ Sharika Thiranagama, "Making Tigers from Tamils: Long-Distance Nationalism and Sri Lankan Tamils in Toronto," 265-78.

⁶⁵ Nicholas Van Hear and Darini Rajasingham-Senanayake, "From Complex Displacement to Fragile Peace in Sri Lanka," in *Catching Fire; Containing Forced Migration in a Volatile World*, edited by N Van Hear and C McDowell, (Lanham: Lexington Books, 2006), 45-71).

⁶⁶ Asoka Bandarage, *The Separatist Conflict in Sri Lanka: Terrorism, Ethnicity, Political Economy*, (London: Routledge, 2008).

⁶⁷ Christopher McDowell, *A Tamil Asylum Diaspora: Sri Lankan Migration, Settlement and Politics in Switzerland*, (Oxford: Berghahn Books, 1996).

⁶⁸ Van Hear and Rajasingham-Senanayake, "From Complex Displacement to Fragile Peace in Sri Lanka," 45-71.

⁶⁹ Nira Wickramasinghe, *Sri Lanka in the Modern Age: A History of Contested Identities*, (Honolulu, University of Hawaii Press, 2006)

⁷⁰ Brun, "Local Citizens or Internally Displaced Persons? Dilemmas of Long Term Displacement in Sri Lanka," 376-97.

⁷¹ Muggah, *Relocation Failures in Sri Lanka: A Short History of Internal Displacement and Resettlement*.

sites, IDPs also stayed with friends and family in what are referred to as ‘host communities.’ By 1990, there were 700 welfare centers, or camps, of various types in the Northern and Eastern districts. People in these camps were provided with basic rations and temporary shelter by the government through its Commissioner General for Essential Services and the District Secretariats together with UN agencies such as World Food Programme, United Nations High Commissioner for Refugees (UNHCR), International Organization for Migration and United Nations Children’s Fund, while various international and local NGOs provided auxiliary support.^{72 7374} Managing the camps was a complex undertaking, as territories held by the government and the LTTE fluctuated during the war.

When the Indian Ocean tsunami hit the coastline of Sri Lanka in 2004, the country was faced with a new round of internal displacement.

When the Indian Ocean tsunami hit the coastline of Sri Lanka in 2004, the country – including many war-torn communities – was faced with a new round of internal displacement. Sri Lanka was one of the countries most seriously affected by the tsunami, and its devastating effects were felt by all three ethnic communities and by those living in both government and LTTE-held territories.^{75 76 77 78 79 80} According to a joint report of the UN and the government, the tsunami resulted in 35,322 deaths, 21,441 injuries and 516,150 IDPs in the country.⁸¹ Communities in the north and east faced dual disasters – that of conflict and natural disaster – and IDPs were now broadly categorized as (a) those affected by the war, (b) those affected by the tsunami and (c) those affected by both the war and tsunami.^{82 83}

The IDPs from the tsunami were housed in ‘transit camps’ situated all along the coastline and their resettlement was carried out alongside relief programming for those affected by the conflict. Prevailing political tensions and insecurity caused tensions regarding how tsunami aid was

⁷² Jayatilaka, “Internal Displacement in Sri Lanka: Reflections Following the Guiding Principles Project 2001,” 261-76.

⁷³ Jayatilaka, “Guiding Principles on Internal Displacement: Sri Lanka Programme Syllabi.”

⁷⁴ Van Hear and Rajasingham-Senanayake, “From Complex Displacement to Fragile Peace in Sri Lanka,” 45-71.

⁷⁵ Jörn Birkmann and Nishara Fernando, “Measuring Revealed and Emergent Vulnerabilities of Coastal Communities to Tsunami in Sri Lanka,” *Disasters* 32, no. 1(2008): 82–105.

⁷⁶ Danesh Jayatilaka, “Bridges and Voids: Strengthening IDP Host -Guest Relations in Sri Lanka,” (Sao Paulo: Oxford University Press, 2005).

⁷⁷ Kamakshi N. Perera-Mubarak, “Positive Responses, Uneven Experiences: Intersections of Gender, Ethnicity, and Location in Post-Tsunami Sri Lanka,” “Positive Responses, Uneven Experiences: Intersections of Gender, Ethnicity, and Location in Post-Tsunami Sri Lanka,” *Gender, Place & Culture* 20, no. 5, (2013): 664–85.

⁷⁸ Patrick Kilby, “The Strength of Networks: The Local NGO Response to the Tsunami in India,” *Disasters* 32 no.1 (2008): 120–30.

⁷⁹ MoFP, “Post Tsunami Recovery and Reconstruction: Progress, Challenges, and Way Forward,” (Sri Lanka: Ministry of Finance and Planning and the Reconstruction & Development Agency, 2006).

⁸⁰ United Nations, “Indian Ocean Earthquake-Tsunami,” (New York: UN Consolidated Appeals Process, 2005).

⁸¹ MoFP, “Post Tsunami Recovery and Reconstruction: Progress, Challenges, and Way Forward.”

⁸² Neloufer De Mel, “Between the War and the Sea: Critical Events, Contiguities and Feminist Work in Sri Lanka,” *Interventions* 9, no. 2 (2007): 238-54.

⁸³ Jennifer Hyndman, *Dual Disasters: Humanitarian Aid after the 2004 Tsunami*, (West Hartford: Kumarian Press, 2011).

divided between government and LTTE areas, including distribution among the three ethnic groups.⁸⁴ Relief efforts were also challenged by the fact that tsunami-affected areas faced higher poverty levels, a shortage of land and other vulnerabilities. The shortage of land was compounded by a 'buffer zone,' where people were not allowed to return to their homes; the loss of housing and infrastructure plunged large numbers of survivors into chronic poverty.^{85 86 87 88 89}

^{90 91} Alongside the agencies and donors providing relief and funding for reconstruction, state institutions such as the Task Force to Rebuild the Nation, Task Force for Relief, Reconstruction and Development Agency, and the Post Tsunami Operational Management Structure were used as platforms for coordinating day to day operations and efforts to 'build back better.'⁹²

With the full-scale outbreak of the fourth round of conflict in 2006, displacement figures again started to rise, and official estimates of IDPs increased to 683,000, with many having been displaced multiple times.⁹³ New camps appeared alongside old ones for new IDPs, and districts such as Batticaloa provided for over 100 scattered camps sheltering eastern IDPs, many of which were highly congested. Around 2007, IDP numbers decreased as the government began returning and resettling IDPs in the areas they were capturing from the LTTE in the east. Although the government permitted 'go and see' visits and consultations prior to return, there were allegations of forced returns in Trincomalee and Batticaloa.⁹⁴ While many families, such as those in Vakarai, were pleased to return to their homes, they also experienced shock and dismay when they witnessed the destruction of their property.

When the conflict finally ended in May 2009, there were close to 500,000 displaced persons, of whom 270,000 had been displaced from the fourth round of fighting, mainly in the north. The government returned and resettled 61,902 families by the middle of 2009, and with the

⁸⁴ Benedikt Korf, Shahul Habullah, Pia Hollenbach and Bart Klem, "The Gift of Disaster: The Commodification of Good Intentions in Post-Tsunami Sri Lanka," *Disasters* 37, no.4 (2013): 604-26.

⁸⁵ Amirthalingam and Lakshman, "Displaced Livelihoods in Sri Lanka: an Economic Analysis," 502-24.

⁸⁶ Kopalapillai Amirthalingam and Rajith WD Lakshman, "Women's Assets and Their Role in Surviving Displacement and Impoverishment in the Contexts of the War and the Tsunami in Eastern Sri Lanka," in *After the Waves: The Impact of the Tsunami on Women in Sri Lanka.*, edited by N de Mel, K.N Ruwanpura, and G Samarasinghe, (Colombo: Social Scientists' Association, 2009), 42-69.

⁸⁷ Kopalapillai Amirthalingam and Rajith WD Lakshman, "Financing of Internal Displacement: Excerpts from the Sri Lankan Experience," *Disasters* 34, no. 2, (2010): 402-425.

⁸⁸ Kopalapillai Amirthalingam and Rajith WD Lakshman, "Impact of Displacement on Women and Female-Headed Households: A Mixed Method Analysis with a Microeconomic Touch," *Journal of Refugee Studies* 26, no. 1 (2012): 26-46.

⁸⁹ Rasmus Larsen, Klockler F. Miller and F. Thomalla, "Vulnerability in the Context of Post 2004 Indian Ocean Tsunami Recovery: Lessons for Building More Resilient Coastal Communities," *Stockholm Environment Institute, Livelihoods and Vulnerability Report*, (2004).

⁹⁰ Kamakshi Perera-Mubarak, "Power Plays: Ethical Dilemmas of Dealing with Local Officials and Politicians," in *Fieldwork in the Global South: Ethical Challenges and Dilemmas*, edited by Jenny Lunn, (New York: Routledge, 2014), 206-16.

⁹¹ Alpa Sheth, Snigdha Sanyal, Arvind Jaiswal and Prathibha Gandhi, "Effects of the December 2004 Indian Ocean Tsunami on the Indian Mainland," *Earthquake Spectra* 22, no. 3, (2006): 435-73.

⁹² Savitri Goonesekere, "A Gender Analysis of Tsunami Impact: Relief, Recovery, and Reconstruction in Some Districts in Sri Lanka." in *After the Waves: The Impact of the Tsunami on Women in Sri Lanka*, edited by Neloufer De Mel, Kanchana N. Ruwanpura, and Gameela Samarasinghe (Colombo: Social Scientists' Association, 2009), 84-111.

⁹³ Muggah, *Relocation Failures in Sri Lanka: A Short History of Internal Displacement and Resettlement*.

⁹⁴ United Nations, "Conflict- Related Internal Displacement in Sri Lanka: A Study on Forced Displacement, Freedom of Movement, Return and Relocation," (Sri Lanka: Inter-Agency Standing Committee, 2007).

resettlements in the East nearly completed, the government focused on returning the people to the north.⁹⁵ By early 2010, the new IDP figures had been reduced to 109,000 and they continued to decline as resettlement took place with an estimated 236,429 IDPs resettled in their places of origin. Data made available by the UNHCR in January 2014 indicate there are currently 42,191 remaining IDPs and 40,691 returned IDPs in Sri Lanka, although government statistics cite lower numbers, illustrating disagreement about the extent of the problem and the need for continued resettlement policies.⁹⁶

⁹⁵ Danesh Jayatilka, “Lessons While En Route to Solutions: Revisiting the IDP Return and Resettlement Programme in the East of Sri Lanka,” 2009.

⁹⁶ “Sri Lanka,” *UNHCR Global Trends 2013*, UNHCR, (2013): 48.

CHANGES IN HOUSING POLICIES RESULTING FROM DISPLACEMENT

While there have been commonalities in policy and programmed responses to displacement in Sri Lanka with regard to development, natural disaster and conflict-induced displacement, there have also been significant differences in the way the stories of the displaced have unfolded.^{97 98 99} Evidence suggests the policy perception of adequate housing was significantly different between the various types of displacement. In development-induced displacement (DID), for example, resettlement policies promoted nucleated settlements, which consisted of hierarchical hamlets, villages and towns in areas of potential farmland, with each family provided a half-acre plot of land, tools and material for building a one or two room mud house. Although beneficiaries were permitted to use additional farmland, which was a key element of the scheme, they were never given the rights to own any of the land. This was intended to prevent them from selling the properties and moving.^{100 101} This resettlement policy was the approach taken following the start of the Mahaweli project that was a part of a significant hydroelectric project that began in 1970. The centrally driven approach of relocating marginalized populations and insisting that they remain there was intended to improve their living standards while also contributing to a broader development agenda. Sri Lanka continues to have a development agenda of poverty reduction, social transformation and city beautification, visible in the construction of large complexes of semi-luxurious flats being developed around Colombo. There have not been any parliamentary acts in relation to DID and resettlement, but a National Involuntary Resettlement Policy was developed and has been used in a number of resettlement and highway projects.¹⁰²



A 20 year old Sri Lankan mother in front of her home (Danesh Jayatilaka, January 2011).

The return of those affected by the tsunami saw two main policy approaches in relation to housing: owner-driven and donor-driven approaches.^{103 104 105 106 107} The distribution and

⁹⁷ Cathrine Brun and Ragnhild Lund, "Making a Home during Crisis: Post-Tsunami Recovery in a Context of War, Sri Lanka," 274-87.

⁹⁸ Cathrine Brun and Ragnhild Lund, "Unpacking the Narrative of a National Housing Policy in Sri Lanka," *Norwegian Journal of Geography* 63, no. 1 (2009): 10-22.

⁹⁹ Muggah, *Relocation Failures in Sri Lanka: A Short History of Internal Displacement and Resettlement*.

¹⁰⁰ Brun and Lund, "Unpacking the Narrative of a National Housing Policy in Sri Lanka," 10-22.

¹⁰¹ Muggah, *Relocation Failures in Sri Lanka: A Short History of Internal Displacement and Resettlement*.

¹⁰² N Godumunne M Kumarasiri, *Development and Displacement: The National Involuntary Resettlement Policy (NIRP) in Practice*, (Colombo: Centre for Poverty Analysis, 2010).

¹⁰³ Piers M. Blaikie, "The Tsunami of 2004 in Sri Lanka: An Introduction to Impacts and Policy in the Shadow of Civil War," *Norwegian Journal of Geography* 63, no. 1 (2009): 2-9.

¹⁰⁴ Brun and Lund, "Making a Home during Crisis: Post-Tsunami Recovery in a Context of War, Sri Lanka," 274-87.

¹⁰⁵ Brun and Lund, "Unpacking the Narrative of a National Housing Policy in Sri Lanka," 10-22.

allocation of new land for housing was the central responsibility of the government while hundreds of large, medium and small scale agencies assumed responsibility for the reconstruction of houses. Similar to the Mahaweli program, the state issued fixed standards for the two bedroom cement houses, with the assistance value ranging from USD 2,500 to USD 10,000, the higher end due to additional top-ups by a second donor, for either scheme.¹⁰⁸ In the case of owner-driven approaches, beneficiaries provided their own labor, and occasionally material, to rebuild on original lands, while those who received expensive pre-made houses under the donor-driven scheme mostly relocated to new sites, since they were unable to access their original houses due to a buffer zone declared by the government. Families garnered livelihoods start-up support from NGOs on an informal basis. The smaller owner-driven approach was considered generally decentralized while the donor driven approach was mostly centralized, due to the involvement of land and large resources. A multitude of state, UN and NGO actors were involved in the process requiring significant coordination, and the loss of housing and infrastructure in the buffer zone triggered a whole new range of problems where caseloads, donors and land needed to be reconfigured.¹⁰⁹ Lack of clarity and policy guidance on the buffer zone, and land ownership issues, within and outside the zone, occasionally caused confusion for both beneficiaries and agencies and presented challenges which put the reconstruction effort at risk.^{110 111} A dedicated policy for resettling the tsunami IDPs was never produced; rather the state drew on Land Ordinance and Coastal Conservation Acts with a series of ‘best practices’ generated by the UN and NGO community.

The resettlement of conflict-induced IDPs in Sri Lanka saw elements of the other two return-resettlement approaches.¹¹² Beneficiaries were eligible for the Unified Assistance Scheme which included assistance to build a temporary hut together with food aid, support to construct a permanent cement house, and a productive scheme to regain their livelihoods. The new element of this program was the role IDPs played in organizing themselves and building up settlements. This was particularly the case in Puttalam, in the west of the country,¹¹³ where people were not provided land by the state, but had to purchase it themselves. The drawback of the scheme was while the new re-settlers managed to get a foot on the ground, they were able to purchase only very small plots, raising questions about the sustainability of their move. This however was part of the government’s objective where it wanted the groups to eventually return to their original lands in the north of the country.

In the east, conflict-induced displacement (CID) and resettlement had taken place in Batticaloa, as far back as the 1990s, where the state experimented with model villages and policies based on ethnic-based settlement patterns.¹¹⁴ By the time that the final round of violence erupted between

¹⁰⁶ Michal Lyons, “Building Back Better: The Large-Scale Impact of Small-Scale Approaches to Reconstruction.” *World Development* 37, no.2, (2009): 385–98.

¹⁰⁷ MoFP, “Post Tsunami Recovery and Reconstruction: Progress, Challenges, and Way Forward.”

¹⁰⁸ Michal Lyons, “Building Back Better: The Large-Scale Impact of Small-Scale Approaches to Reconstruction,” 385–98.

¹⁰⁹ Tsunami Evaluation Committee, *Tsunami Evaluation Coalition: Impact of the Tsunami Response on Local and National Capacities*, (London: TEC, 2006).

¹¹⁰ Brun and Lund, “Making a Home during Crisis: Post-Tsunami Recovery in a Context of War, Sri Lanka,” 274–87.

¹¹¹ HRC, *After the Tsunami: Human Rights of Vulnerable Populations*, (Berkeley: University of California, 2005).

¹¹² Cathrine Brun and Ragnhild Lund, “Unpacking the Narrative of a National Housing Policy in Sri Lanka,” 10–22.

¹¹³ *Ibid*, 10–22.

¹¹⁴ Muggah, *Relocation Failures in Sri Lanka: A Short History of Internal Displacement and Resettlement*.

2006 and 2009, the government, together with donors and development agencies, launched large resettlement and reconstruction projects in the north and the east that targeted housing, livelihoods, infrastructure and economic development.^{115 116 117 118 119 120} The main resettlement and reconstruction programs in the east, the so-called ‘Eastern Reawakening,’ (*Nagenahira Navodaya* in Sinhala and *Kilakkin Uthayam* in Tamil) began in 2007 and ended in 2009, while the northern effort, called the ‘Northern Spring’ (*Uthuru Wasanthaya* in Sinhala and *Vadakkin Vasantham* in Tamil) started in 2009, and parts of the problem are ongoing. Repatriation of refugees and pending asylum claimants from India and the West also began after the end of the war in 2009.

With the destruction and abandonment of property, housing was a primary focus and a major cost component of reconstruction efforts.

With the destruction and abandonment of property, housing was a primary focus and a major cost component of reconstruction efforts. Led by the North East Housing Reconstruction Programme, which was funded by the World Bank, the European Union, the ongoing Indian Housing Scheme, UN agencies such as the United Nations Human Settlements Programme, numerous INGOs and private sector actors, including the military, housing programs were developed using both the owner-driven and donor-driven approaches found in tsunami resettlement practices. The policy was generally “a house for a house,” meaning that anyone who lost a family-owned (not rented) place of residence, regardless of personal land ownership, was eligible for a new house. Large state programs also targeted livelihoods of IDPs both directly and indirectly through programs such as the North East Community Restoration and Development Project, North East Irrigated Agricultural Project, the North East Coastal Community Development Project, Divi Naguma, Maga Naguma, Gama Naguma, alongside the UN Transition Recovery Programme managed by the United Nations Development Programme, and a considerable number of projects implemented by INGOs and NGOs.

As the North East Housing Reconstruction Programme (NEHRP) took over most of the housing for the region, the state, in consultation with its primary donors, promoted an owner-driven approach of giving USD 1,000 for partially damaged houses and a grant range of USD 2,500 to USD 3,250 for fully damaged houses, releasing the funds in installments, for houses that would be worth around USD 5,000 once completed.^{121 122 123} Criteria for eligibility was at two levels,

¹¹⁵ Danesh Jayatilka, “Lessons While En Route to Solutions: Revisiting the IDP Return and Resettlement Programme in the East of Sri Lanka.”

¹¹⁶ Chamindry Saparamadu and Aftab Lall, *Resettlement of Conflict-Induced IDPs in Northern Sri Lanka: Political Economy of State Policy and Practice*, (Colombo: Centre for Poverty Analysis, 2014).

¹¹⁷ Michael Shulz and Praddep Peiris, “Reconstruction Challenges in Sri Lanka,” in *D. Herath, K. Hoglund, M. Schulz and K. Silva (Eds) Post-War Reconstruction in Sri Lanka: Prospects and Challenges*, (Kandy: International Center for Ethnic Studies, 2010), 17–48.

¹¹⁸ Saman Kelegama, “Economic Development of the North and East of Sri Lanka: Potentials and Problems,” *Economic Review, Peoples Bank, Sri Lanka* February/March, (2010): 16–23.

¹¹⁹ Saman Kelegama, “Reconstruction and Rehabilitation of the North and East of Sri Lanka: Programmes and Constraints.” *Economic Review, Peoples Bank, Sri Lanka* February/March, (2010): 24–31.

¹²⁰ United Nations, *Early Recovery in 8 Resettled Divisions of Batticaloa and Trincomalee Districts: Outstanding Needs and Activities*, (Colombo: UN, 2010).

¹²¹ CHAP, *Sri Lanka: Mid-Year Review*, (Sri Lanka: UN, 2010).

first at the village level, where the program sought to create maximum coverage, and then at the individual level, where particularly vulnerable families or groups were targeted.¹²⁴ With the exception of Sampur, IDPs were able to return to their own lands and commence reconstruction of their houses in the east.

The Northern housing program was driven by the Indian Housing Programme and the NEHRP along with a number of other donors who provided financial and technical capital, such as UN, bilateral organizations, NGOs, the military and the private sector. While working with some of the same institutions as those used in the East, the government set up a Resettlement Authority alongside the Ministry for Resettlement to address IDP resettlement in the north. In addition, the government released plans like the ‘180 day programme’ to support resettlement which included activities such as demining and immediate requirements in public services, physical infrastructure and livelihoods development. The state and the UN also drew together the Joint Plan of Assistance to support resettlement which includes various sector-based projects and their operational framework. These programs set the foundation for the larger infrastructure-focused Northern Spring that included both relief and development components for the local communities and the district as well programming for the macro-economic revival of the Northern Province.

The synchronizing of emergency, early recovery, recovery and development funding, strategies, and partnerships has always been a programmatic challenge.^{125 126 127 128} The definition of return and resettlement has been used interchangeably by the state and associated actors,¹²⁹ and the lack of a legal or clear policy instrument on CID and resettlement, has contributed to the lack of clarity between emergency and development activities. The Ministry for Resettlement released a draft policy in late 2013 but it has yet to be finalized.

A recent study found that 61 percent of the 46,047 houses committed by donors – about a third of the estimated 143,268 fully and partially damaged houses required in the north - had been rebuilt by the middle of 2013.¹³⁰ The principal approach had been owner-driven, although there have been some concerns about the implementation and the impact of the program. For example,

¹²² A.E.R. Suresh Miranda, *Technical Guideline for Owner Driven Housing Construction Strategy*, North East Housing Reconstruction Programme, 2010.

¹²³ North East Housing Reconstruction Programme, “Final Progress,” presented at the North East Housing Programme, 2011.

¹²⁴ “Sri Lanka: North East Housing Reconstruction Program,” The World Bank, <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P083932>.

¹²⁵ Jayatilka, “Lessons While En Route to Solutions: Revisiting the IDP Return and Resettlement Programme in the East of Sri Lanka.”

¹²⁶ Kamakshi N. Perera Mubarak, *Analyzing Post-Tsunami Livelihoods Recovery: The Case of Masons in Polhena Village, Sri Lanka*, (University of Melbourne: School of Social and Environmental Enquiry, 2007).

¹²⁷ Kelegama, “Economic Development of the North and East of Sri Lanka: Potentials and Problems,” 16–23.

¹²⁸ Kelegama, “Reconstruction and Rehabilitation of the North and East of Sri Lanka: Programmes and Constraints,” 24–31.

¹²⁹ Chamindry Saparamadu and Aftab Lall, *Resettlement of Conflict-Induced IDPs in Northern Sri Lanka: Political Economy of State Policy and Practice*.

¹³⁰ K Romeshun, Vagisha Gunasekara, and Mohamed Munas, *Life and Debt: Assessing Indebtedness and Socio-Economic Conditions of Conflict Affected Housing Beneficiaries in Jaffna, Kilinochchi and Mullaitivu Districts*. (Colombo: Centre for Poverty Analysis, 2014).

findings from the field suggest that this approach led to indebtedness as beneficiaries had to borrow funds to complete and/or expand the structures.¹³¹ A similar survey conducted in several northern and eastern districts found that former IDPs, especially in the north, experienced difficulty securing houses and felt bypassed by larger development projects.^{132 133} While there were considerations such as escalating costs, the recipient's skills, or beneficiaries wanting to build a larger house with additional features, the situation required housing-related actors to revisit their policies and conduct further consultations with the community.

¹³¹ Ibid.

¹³² Richard Black and Michael Collyer, "Populations 'Trapped' at Times of Crisis," *Forced Migration Review* 45, (2014): 52-56.

¹³³ Minna Thaheer, Pradeep Peiris and Kasun Pathiraja, *Reconciliation in Sri Lanka: Voices from the Former War Zones*, (Colombo: International Centre for Ethnic Studies, 2013).

IMPACT OF DISPLACEMENT AND CHANGED HOUSING POLICIES ON DOWRY SYSTEMS

Displacement has led to a decline in basic incomes, assets, employment and housing, affecting people's socio-economic situation and future prospects.^{134 135} Among those who lost land and possessions due to displacement, women were both casualties and survivors. Without property that to use as collateral, women have struggled to obtain loans or financing. Because of the strong identity and social standing linked to marital status and home, displacement, the loss of property and/or the death of the husband have directly impacted both the dowry system and women's identities. Houses, land, cash, jewelry and even utensils have been used for dowry, and daughters in a family generally had an idea of what was to be included in their eventual dowry. The assets lost during displacement were often those that were meant for the dowry. The utility value of these assets is also generally higher for women, i.e. the utensils in relation to unpaid work or the house for making the home. Thus, the impacts of displacement are felt much more by women than men.¹³⁶

Displacement and landlessness have also have been issues for both women and men – and in turn the dowry system – due to loss of documentation and land to development projects, poverty and intra-family disputes.

Similarly, wedding practices have been an important feature in strategizing livelihoods. For example, Northern Muslims engaged in long-term planning in order to accumulate dowry for their daughters. The loss of houses and other immovable assets such as land has had profound impacts on their lives. When women were evicted from Jaffna by the LTTE, the women felt they had been stripped of their dowry and lost their reproductive potential between place and kin. Displacement and landlessness have also have been issues for both women and men – and in turn the dowry system – due to loss of documentation and land to development projects, poverty and intra-family disputes.¹³⁷ A woman generally could not sell her matrilineal dowry land without a male guardian's permission, and traditionally could not use it for purposes other than a dowry.¹³⁸ Land rights are thus a key component of post-conflict rebuilding in Sri Lanka. Much is changing due to the loss of male life and large numbers of women who are now the sole or primary owner and cultivator of lands. Data from the Ministry of Child Development and Women's Affairs

¹³⁴ Amirthalingam and WD Lakshman, "Displaced Livelihoods in Sri Lanka: an Economic Analysis," 502-24.

¹³⁵ S Hariharathamotharan, *Women in Post-War Sri Lanka: Research on War Affected Women-Heads of Households-Districts of Jaffna, Vavuniya & Batticaloa*, (Colombo: Viluthu Centre for Human Resource Development, 2013).

¹³⁶ Kopalapillai Amirthalingam and Rajith WD Lakshman, "Impact of Displacement on Women and Female-Headed Households: A Mixed Method Analysis with a Microeconomic Touch," *Journal of Refugee Studies* 26, no. 1 (2012): 26-46.

¹³⁷ Rajata Praja Kendraya Center, *Securing Land Rights for Women Affected by War: The Case of Three Border Villages in Anurathapura District*, (Colombo: The Women and Media Collective, 2014).

¹³⁸ Centre for Women's Research Sri Lanka, "Rural Women in Sri Lanka's Post-Conflict Rural Economy," *Food and Agriculture Organization of the UN* 13 (2006).

shows that there are around 89,000 war widows in Sri Lanka.¹³⁹ Women have faced disproportionate burdens related to land rights and ownership as officials are generally biased towards men. The perspective of expecting women to derive their economic support from men and lack of acknowledgement of their roles is particularly highlighted by the term ‘farm wives,’ which is used to describe women who work in the field in partnership with their husbands.¹⁴⁰

Disasters and displacement impact women and men differently. For example, women face social stigmatization as a result of displacement. During the war years, some women joined the LTTE as a way of avoiding cultural controls and subservient and domestic roles. Because society traditionally expected women to have feminine qualities such as being coy, timid, bashful and submissive,¹⁴¹ joining the militants could have been a liberating act. There is anecdotal evidence that poor families may have even encouraged their daughters to join the movement.^{142 143}

Similarly, there is well-documented evidence that some women were compelled during the conflict to marry early to avoid forced recruitment into the LTTE and to protect themselves from sexual and gender-based violence. Most of these marriages did not involve dowries. They were not registered according to prevailing marriage customs or law of the area, which has various results, including that these women have no matrilineal rights and no legal right to their own children.¹⁴⁴ A study in Batticaloa found that 53.5 percent of the women interviewed had married before the age of 18.¹⁴⁵ The impact of displacement on marriage and cultural practices was also highlighted by the fact that very few women affected by the tsunami remarried soon, while many more men did so. A combination of lack of a dowry, unwillingness to move, men receiving housing priorities, fear (as at times of rehousing women can be exposed to domestic violence), or even eviction from the house when the male is disproportionately favored as the head of the household led to lower female marriage rates.¹⁴⁶

Research conducted in post-war areas has shown that due to the death or injury of thousands of men, women have become widows, heads of households, single parents and caregivers to wounded husbands, children or the elderly.¹⁴⁷ A study conducted in the north and east found that 93 percent of the women interviewed were affected by the war, either directly or indirectly. As a result of the war 24.8 percent lost their husbands, 5.9 percent had family members disappear, 5.9 percent were injured, 24.1 percent experienced displacement, 13.3 percent faced loss of

¹³⁹ Centre for Policy Alternatives, South Asian Rights, *Internally Displaced Persons In Sri Lanka*, 2012.

¹⁴⁰ Women and Media Collective, *Women Claiming Rights: Study on Women Affected by Conflict in Post War Sri Lanka: Selected Cases of Marginalisation and Poverty; Female Headed Households; Female Ex-Combatants; Land Rights and Domestic Violence*, (Colombo: The Women and Media collective, 2014).

¹⁴¹ Daya Somasundaram and S. Sivayokan, *Mental Health in the Tamil Community*, (Jaffna: Transcultural Psychosocial Organization, 2000).

¹⁴² Balasingham, *The Will to Freedom: an Inside View of Tamil Resistance*.

¹⁴³ Margaret Trawick, “Reasons for Violence: A Preliminary Ethnographic Account of the LTTE,” in S. Gamage & I. B. Watson (Eds.), *Conflict and Community in Contemporary Sri Lanka—“Pearl of the East” or the “Island of Tears*,” New Delhi: Sage Publications, 1999).

¹⁴⁴ Amirthalingam and Lakshman, “Displaced Livelihoods in Sri Lanka: an Economic Analysis,” 502-24.

¹⁴⁵ Suriya Women’s Development Centre, *Women, Marginalisation and Poverty in Post War Sri Lanka*, (Colombo: Women and Media Collective, 2014).

¹⁴⁶ Jennifer Hyndman, “Feminism, Conflict and Disasters in Post-Tsunami Sri Lanka,” *Gender, Technology and Development* 12, no. 1, (2008): 101–21.

¹⁴⁷ Neloufer De Mel and Kanchana N. Ruwanpura, *Gendering the Tsunami: Women’s Experiences from Sri Lanka*, (Colombo: International Centre for Ethnic Studies, 2006).

properties and 25.9 percent faced other issues.¹⁴⁸ A survey conducted in selected districts in the north and east also found that 85.9 percent of the female headed households were widows, with many having one or more types of health issues; the rest were either unmarried or divorced or living apart from their spouses. Their average incomes were very low in spite of the fact that they were employed. Widows in particular, faced marginalization and experienced differential treatment from both the community and officials. While many indicated that they would like to engage in community activities, as widows, they faced stigma which made their daily conduct particularly difficult. Female ex-combatants, especially, were also found to be looked upon with suspicion by communities who had not been educated on how to accept and respond to these groups, or support their reintegration.¹⁴⁹ Hence, due to prevailing social, economic and cultural issues, exacerbated by dowry, women have become vulnerable across many spectrums.

¹⁴⁸ S Hariharathamotharan, *Women in Post-War Sri Lanka: Research on War Affected Women-Heads of Households-Districts of Jaffna, Vavuniya & Batticaloa*.

¹⁴⁹ Suriya Women's Development Centre, *Women, Marginalisation and Poverty in Post War Sri Lanka*, (Colombo: Women and Media Collective, 2014).

HUMANITARIAN INTERVENTIONS AND ITS COMPOUNDING IMPACT ON THE DOWRY SYSTEM

When people are resettled, land serves as an important asset against vulnerability and in Sri Lanka land has historically held a tremendous social, as well as economic, value.¹⁵⁰ Thus families whose access to their lands is restricted or cut off completely due to conflict and displacement may suffer continued economic and social hardships, even after resettlement. At times the resettlement programs for people displaced by the tsunami and the conflict have been insensitive to local culture and customs. State agencies and donors orchestrating resettlement programs have excluded women from joint or sole ownership of property.^{151 152} It is important to acknowledge that any form of resettlement that did not build on cultural norms and practices could hardly be called ‘building back better.’ In its efforts to address resettlement without integrating cultural practices, the state-led program was inadequate and the resulting resettlement programs created a new set of societal issues. This was also the case with international actors who did not grasp the underlying links between capacity building and gender.^{153 154} Hasty resettlement programs, facilitated by foreign aid (i.e. the UN, World Bank and US, UK and Australian governments) and international aid organizations (i.e. the IFRC) disrupted the traditional matrilineal system of the Northern and Eastern Provinces. When state and non-state actors facilitated the resettlement of IDPs in regions where women hold rights to land, nearly all the new houses were deeded to men. This mirrored what had previously happened in coastal regions during the post-2004 tsunami, when international humanitarian aid organizations only gave construction materials and wrote deeds to new houses to men.¹⁵⁵

Along with houses, the government and donors provided various services, such as micro credit, loans, vocational training and self-employment opportunities for women and men. Yet, according to published studies, there has been almost no disaggregated gender analysis conducted by these public and private donors on the impacts of these initiatives.^{156 157} In 1994, the Sri Lankan government introduced a welfare scheme *Samurdhi* that served as a safety net for the poor in rural areas. However, its impacts on alleviating poverty of women in the north and

¹⁵⁰ In Sri Lanka, the term resettlement and relocation are being used interchangeably where conflict induced IDPs have returned to their lands and were provided resettlement support. Those affected by development projects were generally relocated and provided similar support. There were both returns and relocations during the Tsunami.

¹⁵¹ Malathi De Alwis and Jennifer Hyndman, *Capacity Building in Conflict Zones: A Feminist Analysis of Humanitarian Assistance in Sri Lanka*, (Colombo: International Center for Ethnic Studies, 2002).

¹⁵² Jennifer Hyndman and Malathi De Alwis, “Beyond Gender: Towards a Feminist Analysis of Humanitarianism and Development in Sri Lanka,” *Women’s Studies Quarterly* (2003): 212–26.

¹⁵³ De Alwis and Hyndman, *Capacity Building in Conflict Zones: A Feminist Analysis of Humanitarian Assistance in Sri Lanka*.

¹⁵⁴ Hyndman and De Alwis, “Beyond Gender: Towards a Feminist Analysis of Humanitarianism and Development in Sri Lanka.”

¹⁵⁵ Dennis B. McGilvray and Michele R. Gamburd, *Tsunami Recovery in Sri Lanka: Ethnic and Regional Dimensions*, (London: Routledge, 2013).

¹⁵⁶ S. Hariharathamotharan, *Women in Post-War Sri Lanka: Research on War Affected Women-Heads of Households-Districts of Jaffna, Vavuniya & Batticaloa*.

¹⁵⁷ Daya Somasundaram and S. Sivayokan, *Mental Health in the Tamil Community*, (Jaffna: Transcultural Psychosocial Organization, 2000).

east are unclear. In fact, many women reportedly continued to earn low incomes and did not find the engagement with the program particularly meaningful. One of the problems of the *Samurdhi* program was the failure to recognize that female-headed households are a heterogeneous group, with distinct sub groups requiring different interventions. The assistance received from NGOs was no better, as they used generic criteria such as total loss, loss of husband, loss of property, loss of livelihoods and dependency to assess whether a woman was eligible for assistance rather than considering cultural and social factors.¹⁵⁸

¹⁵⁸ Suriya Women's Development Centre, *Women, Marginalisation and Poverty in Post War Sri Lanka*, (Colombo: Women and Media Collective, 2014).

IMPACT OF A CHANGED DOWRY SYSTEM ON WOMEN'S LIVELIHOODS, FAMILY LIFE AND TRADITIONS

There is strong evidence that displacement impacts women and men differently as women face vulnerabilities across a wide spectrum.¹⁵⁹ It is widely recognized that disasters are the result of the intersection of natural hazards with economic, social and political factors and that the state can play a key role in countering problems that arise from disasters through incisive policy and practice.^{160 161 162 163} One of the major problems today is the lack of recognition of local resilience and social systems that contribute to coping and recovery, such as local inheritance rights and dowry practices. These indigenous safeguards have been central to how victims have negotiated conflict and natural disaster-related displacements in the past and present.^{164 165}



A farming couple in Sri Lanka (Danesh Jayatilaka, January 2011).

As is true throughout the world, people in Sri Lanka live in accord with the culture, rules and beliefs of the community.^{166 167} When displacement occurs – whether due to conflict or natural disaster – the individual, family and community as a whole are affected.^{168 169} Research done on ‘home making’ especially has found the home to be a series of social, historical and psychological spaces, and not just a physical place or geographical location.^{170 171 172} This means, after the

¹⁵⁹ Uyangoda and De Mel, *Reframing Democracy: Perspectives on the Cultures of Inclusion and Exclusion in Contemporary Sri Lanka*.

¹⁶⁰ Jennifer Hyndman, “Feminism, Conflict and Disasters in Post-Tsunami Sri Lanka,” *Gender, Technology and Development* 12, no. 1, (2008): 101-21.

¹⁶¹ Jennifer Hyndman, *Dual Disasters: Humanitarian Aid after the 2004 Tsunami*.

¹⁶² Kamakshi N. Perera-Mubarak, “Positive Responses, Uneven Experiences: Intersections of Gender, Ethnicity, and Location in Post-Tsunami Sri Lanka,” 664–85.

¹⁶³ Jayadeva Uyangoda and Nelouder de Mel, *Reframing Democracy: Perspectives on the Cultures of Inclusion and Exclusion in Contemporary Sri Lanka*.

¹⁶⁴ De Mel and. Ruwanpura, *Gendering the Tsunami: Women's Experiences from Sri Lanka*.

¹⁶⁵ De Mel, “Between the War and the Sea: Critical Events, Contiguities and Feminist Work in Sri Lanka,” 238-54.

¹⁶⁶ Kodikara, “Only Until the Rice Is Cooked? The Domestic Violence Act, Familial Ideology and Cultural Narratives in Sri Lanka.”

¹⁶⁷ Perera-Mubarak, “Positive Responses, Uneven Experiences: Intersections of Gender, Ethnicity, and Location in Post-Tsunami Sri Lanka,” 664–85.

¹⁶⁸ Gameela Samarasinghe, “Introduction-The Tsunami and Psychological Impacts on Women,” in *After the Waves: The Impact of the Tsunami on Women in Sri Lanka*, edited by Neloufer De Mel, Kanchana N. Ruwanpura, and Gameela Samarasinghe, (Colombo: Social Scientists' Association, 2009) 179–87.

¹⁶⁹ Somasundaram and Sivayokan, *Mental Health in the Tamil Community*.

¹⁷⁰ Perera-Mubarak, “Positive Responses, Uneven Experiences: Intersections of Gender, Ethnicity, and Location in Post-Tsunami Sri Lanka,” 664–85.

shock of loss, women need to confidently navigate themselves in multiple arenas to get back on their feet.

Women from different communities react differently to displacement. Memory and community, played important parts in decision-making among tsunami-affected women according to a study conducted in the south and the east. Their responses to the tragedy were shaped by prior exposure to the war, underdevelopment, poverty, gender, class, caste and so on. The Southern Sinhalese, who had not been previously affected by displacement, found difficulty adjusting and were highly critical about their conditions, while Tamil and Muslim women in the east who had been affected by both the war and the tsunami showed resilience and entrepreneurship while in the camps.¹⁷³ This experience was also evident in the case of Burgher women, who also lived in the east, and were paralyzed after the tsunamis due to their lack of experience with dealing with the burdens of conflict.

In response to the recurring need to respond to displacement, women have strategized and developed novel and innovative techniques to maximize the utility of aid.

In response to the recurring need to respond to displacement, women have strategized and developed novel and innovative techniques to maximize the utility of aid, especially in relation to owning or acquiring a new house. In many cases, women would deliberately pass the ownership of a newly-donated house to their husbands, intentionally not claiming their stake in the new house at the resettled location. By doing so, women could maintain their rights over their original land and damaged or destroyed homes. Tsunami-affected women increased their family's total asset base and dowry options for their daughters by retaining previous land ownership while accruing new assets and temporary security through resettlement. Since most families in rural areas do not have separate deeds for land and houses and ownership is generally determined by land deeds, NGOs generally provide replacement houses for households on the basis of land deeds with ownership given to the head of household. In Batticaloa, for example, where relocation had implications for occupations, networks, access to services and social status the term 'mommy's dowry house' was used where families kept a hold on old as well as new properties, both of which were eventually transferred as inheritances.¹⁷⁴ For poorer families especially those who had more than one daughter, the prospect of getting another house because of relocation was a definite benefit for the future.¹⁷⁵ Similar patterns also applied to widows, as a new house in a relocation site could constitute an important asset by enhancing their chances for future marriage, social status and economic security.

¹⁷¹ Brun and Lund, "Making a Home during Crisis: Post-Tsunami Recovery in a Context of War, Sri Lanka," 274-87.

¹⁷² Anders H. Stefansson, "Homes in the Making: Property Restitution, Refugee Return, and Senses of Belonging in a Post-War Bosnian Town," *International Migration* 44, no.3 (2006): 115-39.

¹⁷³ De Mel and Ruwanpura, *Gendering the Tsunami: Women's Experiences from Sri Lanka*.

¹⁷⁴ Uyangoda and de Mel, *Reframing Democracy: Perspectives on the Cultures of Inclusion and Exclusion in Contemporary Sri Lanka*.

¹⁷⁵ Katharina Thurnheer, "A House for a Daughter? Constraints and Opportunities in Post-Tsunami Eastern Sri Lanka," *Contemporary South Asia* 17, no 1. ,(2009): 79-91.

While ownership of property may not necessarily give married women control over family decisions or even give them the recognition as heads of household, it can pave the way for more choices and provide a safety net. For example, home and land ownership can be a source of livelihood, as women can conduct income-generating activities, with access to nearby markets, factories, forests and towns. Studies on how women have coped with displacement have found that they have adjusted better and been more flexible to changing livelihoods than men. While internal displacement has ruptured life styles and caused painful experiences, women have also been able to find opportunities for change and transformation in the process.^{176 177 178}

Women have responded to new obstacles created by displacement and worked to get back on their feet through utilizing their resourcefulness developed in response to previously trying circumstances. Some women and families that have benefited from displacement through the allocation of new houses and capital for new construction made an effort to take advantage of new resources despite the devastation of displacement. The split housing arrangements, seen in the tsunami housing in Batticaloa, cut across all ethnic groups and locations, and can be attributed to post disaster innovativeness with implications for traditional norms.¹⁷⁹

While there have been demographic, social and economic changes in the north and east since the end of the war, certain marginalizing cultural practices such as caste and gender discrimination persist. While helping new families and livelihoods, dowries and inheritances are double-edged swords.¹⁸⁰ In recent years following the tsunami and the end of the conflict, the expectations of gender roles and practices have changed among all three communities.^{181 182} Young girls in conflict and tsunami-affected areas are beginning to question traditions that they see as incompatible to the realities of the day. Considering that more females are becoming educated and joining the workforce, parents will eventually have to recognize that cultural traditions are changing. Women who have migrated abroad, especially to the Middle East to earn money for their dowry, have begun to question marital arrangements, including why men expect them to be 'pure' while also expecting dowries, homemaking, children and second incomes. Dowry and education are contributing reasons for delays in marriage. While women may prefer a later marriage in order to first become educated and work, a delayed wedding can create the difficulties of having to find a groom and generate a larger dowry.¹⁸³ The provision of a new house due to resettlement is favorable for the daughter's marriage but the gains and losses are not straightforward. Gaining a new house through resettlement may come at the cost of giving up known livelihoods, losing social networks, having to leave one's village or moving to a not-so-welcoming host community.

¹⁷⁶ Amirthalingam and Lakshman, "Displaced Livelihoods in Sri Lanka: an Economic Analysis," 502-24.

¹⁷⁷ Perera-Mubarak, "Positive Responses, Uneven Experiences: Intersections of Gender, Ethnicity, and Location in Post-Tsunami Sri Lanka," 664-85.

¹⁷⁸ Uyangoda and de Mel, *Reframing Democracy: Perspectives on the Cultures of Inclusion and Exclusion in Contemporary Sri Lanka*.

¹⁷⁹ De Mel and Ruwanpura, *Gendering the Tsunami: Women's Experiences from Sri Lanka*.

¹⁸⁰ Savananthan, "Impediments to Women in Post-Civil War Economic Growth in Sri Lanka."

¹⁸¹ Attanapola, "Changing Gender Roles and Health Impacts among Female Workers in Export-Processing Industries in Sri Lanka," 2301-12.

¹⁸² Savananthan, "Impediments to Women in Post-Civil War Economic Growth in Sri Lanka."

¹⁸³ Bruce K. Caldwell, "Marriage Patterns and Demographic Change in Sri Lanka: A Long-Term Perspective' in *Asian Population History*, edited by Ts'ui-jung Liu, James Lee, David Seven Richer, and Osamu Saito, Ts'ui-jung Liu, James Lee, David Sven Reher and Osamu Saito, (Oxford: Oxford University Press, 2001), 416-40.

The symbolic roles attached to marriage and dowry and the typecasting of women continue, in some areas, with women being judged and stigmatized when they are unable to meet expectations. For example, there are cases of widows in conflict areas, who isolate or seclude themselves and former female combatants who live in anxiety while struggling to reintegrate into society.¹⁸⁴ The dowry house in particular is an example of one way that gender relations and social dynamics can become magnified after displacement.¹⁸⁵ The evidence suggests that problems with dowry are actually increasing, rather than declining. Due to social change and economic growth in the aftermath of the war expectations of what a dowry consists of has also expanded. In addition to land, families of the groom now tend to request a house, jewelry, furniture, clothing and other forms of property. For example, a home is now an important component of dowry for Tamils and Muslims. Due to pressure to provide a house as part of the dowry, mothers, fathers and even the girls themselves have migrated abroad to bring back the funds required to buy a home.¹⁸⁶ Additionally, many young Tamil men who left the country to avoid the conflict have attempted to find their brides in Jaffna, as this is seen as a way to maintain their culture abroad.¹⁸⁷

Inflated dowries is a distinguishing feature of all three communities in Sri Lanka. A Sri Lankan groom who is a doctor by profession will always demand more dowry than a school teacher, and the bride's family will likely be willing to give more due to his education and earning potential.¹⁸⁸ However, transnational bonds have introduced new market forces to the marriage-dowry negotiations particularly among the Tamils and boys abroad who are known to ask for dowry in other ways. There is anecdotal evidence that young Tamil men in Europe may settle for a marriage without dowry if the girl is fair and beautiful, especially if the young men do not have familial obligations, such as unmarried sisters, and have stable incomes. Depending on his country of residence, the groom has considerable bargaining power in negotiating a dowry. A Tamil boy in England will ask for a larger dowry than a Tamil boy in Saudi Arabia, especially if he also has relatives living abroad. This also applies to the Muslims and Sinhalese and there are indications the Tamil groom will negotiate for greater dowry if he has sisters, so he could use his wife's dowry to pay for the dowries of his sisters. Usually, if the couple is to reside in Sri Lanka, the dowry will consist of a house and land, whereas if the couple is living abroad, the dowry will most likely be composed of cash and jewelry. The potential groom may also ask the bride's parents to fully or partially cover her travel expenses to the country where he is living, particularly if there are difficulties in the sponsorship process, especially if he is still awaiting a decision on his asylum application.

There are empirical findings that Tamils reduce consumption and save in order to accumulate sufficient dowry for their daughters.¹⁸⁹ Conversely, male migrants are known to work extra hard,

¹⁸⁴ Hariharathamotharan, *Women in Post-War Sri Lanka: Research on War Affected Women-Heads of Households-Districts of Jaffna, Vavuniya & Batticaloa*.

¹⁸⁵ Minna Thaheer, Pradeep Peiris and Kasun Pathiraja, *Reconciliation in Sri Lanka: Voices from the Former War Zones*.

¹⁸⁶ Thangarajah, "Veiled Constructions: Conflict, Migration and Modernity in Eastern Sri Lanka," 141-162.

¹⁸⁷ Øivind Fuglerud, *Life on the Outside: The Tamil Diaspora and Long-Distance Nationalism*, (London: Pluto Press, 1999).

¹⁸⁸ Karunanayake, *Changing Pattern of Marriage in Sri Lanka*

¹⁸⁹ S. Santhirasegaram, "A Study on Financial Capacity of Rural Jaffna from Dowry System for Economic Development," in Jaffna University International Research Conference, July 20-21, 2012, proceedings of abstract, 248.

send money home and meet their obligations so they can sponsor their brides to emigrate.¹⁹⁰ When the Muslims were displaced from the north in the 1990s and the LTTE stripped them of their land, deeds, jewelry and other valuables, they had to settle down in Puttalam. The displaced Muslims lost property and money which they could have used for dowry.¹⁹¹ Since then, their approach to dowry has changed in two ways: first, they have asked for money instead of a land and house, and second, they have wanted a commercial interest in a business, in place of a normal dowry. This may be due to the expectation to return someday to their original lands in the north.¹⁹² With the large-scale migration of Tamils to other countries and the introduction of ‘liquid’ dowries and transportable cash, land in Jaffna is not valued as it was in the past. Although land seems to be reacquiring value for Tamils since the end of the war,¹⁹³ this is not the case for Muslims in Puttalam. Muslims in Puttalam longed to go back home and held on to the symbolism of land as dowry to claim and transmit assets into the future.

¹⁹⁰ Dhananjayan Sriskandarajah, “The Migration–development Nexus: Sri Lanka Case Study,” *International Migration* 40 no. 5(2002): 283–307.

¹⁹¹ Thiranagama, *In My Mother’s House: Civil War in Sri Lanka*.

¹⁹² Brun, “Local Citizens or Internally Displaced Persons? Dilemmas of Long Term Displacement in Sri Lanka,” 376-97.

¹⁹³ Thiranagama, *In My Mother’s House: Civil War in Sri Lanka*.

CONCLUSION

There are three types of internal displacement: DID, CID and displacement due to environmental disasters, and Sri Lanka has experienced all three forms. This study has only examined the situation of those displaced by conflict and disasters. Displacement due to conflict took place over a period of three decades, uprooting hundreds of thousands of people in the north and east of the country. By the time the war ended in 2009, there were close to half a million IDPs housed in welfare camps, many of whom had lost their loved ones and all of their assets. While the majority has since returned to their lands, there are concerns about the quality of the resettlement that took place. The tsunami displaced around half a million people in the coastal areas, many of whom were already affected by the conflict. With both calamities, the state, donors and other actors provided significant resources to resettle or relocate the affected communities and provide them durable solutions.



An impoverished displaced mother and child (Danesh Jayatilaka, January 2011).

Sri Lanka has rich and traditional dowry customs among its Sinhala, Tamil and Muslim communities. The Tamil and Muslim customary codes have been generally favorable towards recognizing property and inheritance rights for girls. Native safeguards such as dowries are double-edged and can have both positive and negative effects on the woman's future and wellbeing. While the idea has been to draw on its progressive features, the dowry system has come under considerable stress due to conflict, displacement and misguided external interventions. Resettlement and reconstruction efforts following the conflict and the tsunami magnified existing social and cultural biases and affected women in a multitude of negative ways. It has undermined the basic tenants of prosperity, protection and continuity that the dowry institution is meant to provide. The gap in clear-cut laws and policy in relation to resettlement at times of conflict or disasters has contributed to this problem, as has the rapid transformation taking place on the ground among women and their families. Women affected by the conflict and tsunami are coping with and negotiating their conditions across social, political, economic and transnational spaces. Women are simultaneously making efforts to claim their rights and fulfill obligations. In this way, dowry customs must be acknowledged, and their positive features both used and strengthened in situations of displacement and resettlement or relocation. Given the impact displacement has on traditional marriage practices, including dowries, in Sri Lanka, it is important for aid agencies working in both relief and development to consider local cultural traditions in designing assistance programs. The interventions must be mindful of the existing systems and their dynamics. Failure to address these traditions can have unanticipated negative consequences for women's family life, the sustainability of their livelihoods and their security in society.

There is a substantial literature related to the conflict, tsunami, women and marriage culture in Sri Lanka, but it is primarily compartmentalized. There is some literature in relation to dowry, and there are a limited number of small studies connecting the conflict and tsunami with the

dowry system. However, there are no current studies that examine the impact of displacement, either from conflict or the tsunami, on dowry systems in Sri Lanka. Due to the significance of the subject and dearth of understanding, it is important that further research be conducted to fill the literature gap in displacement and dowry systems. An in-depth study based on primary data would enrich the theme of this desk review further. Firstly, a future study can focus on the impact of international migration on dowry systems in Sri Lanka among displaced and resettled people, looking at factors such as risks, benefits and costs as well as their impact on caste and pre-existing social stratifications. Secondly, an audit can be done among the three communities to assess the positive and negative impacts of dowry in different parts of the country and different types of displacement. For example, consideration can be given to differences between north and south, between conflict and natural disasters, and intra-ethnic divides such as Jaffna, Mullaitheevu and Batticaloa for Tamils, Puttalam, Mannar and Ampara for Muslims and Anuradhapura, Ampara and Matara for Sinhalese.

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Four Case Studies

The below four small case studies conducted for this desk research corroborate the literature and illustrate some of the issues women recurrently face due to conflict-induced displacement. Their stories provide evidence that marriage, dowries, loss of guardians and assets have major implications on leading a normal life.

Trincomalee

Case Study 1:

A wealthy family with four children (two daughters of 23 years and 19 years old) was displaced and lost all their properties but not their money and jewelry. Since the father is a government servant he continued to receive a regular salary. The parents invested all their remaining cash and assets in the children's education. This delayed the oldest daughter's wedding. Since the father is retiring this year, they hope that the son who has entered the medical faculty will bring in finances and stability to family so they can give their daughters' dowries.

Case study 2:

A widow who is 40 years old from an average-income family lost all of her assets due to displacement. Soon afterwards her husband died in a road accident. She is raising her daughter who is 8 years old with no help from anyone else. Due to lack of income she joined a school as a clerk and is also studying for a degree with a goal of getting a job with a higher salary. According to the widow, she decided to work and study after having lost everything. She is anxious that her only child will grow up with care and there is a sufficient dowry to attract a suitable partner for her.

Jaffna

Case study 3:

A 50 year old mother with three unmarried daughters of 25, 23 and 21 years old and three young sons is living in a small house she received through the Indian housing scheme. Their father was abducted in 2007 and they now have very little income. Due to the family's history and the lack of a dowry, the ability of the daughters to marry has not been successful so far. "As long as the dowry system prevails we have no life," the elder daughter said.

Case study 4:

A 49 year old widow, who has five daughters and one young son, lost her husband due to suicide five years ago. Two of her elder daughters were able to marry without giving dowry, and the other three are doing well with their education. She believes that as the girls are studying they can earn money and find their own way. She also says "there are some boys who do not expect dowry, and I want them to come for my daughters."

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- Dr. Rajith Lakshman, Institute of Development Studies, UK
- Dr Darini Rajasingham Senanayake, Senior Researcher, Social Scientists' Association, Sri Lanka
- Dr. Muttukrishna Sarvananthan, Point Pedro Institute of Development, Sri Lanka
- Ms. Chulani Kodikara, Senior Researcher, International Centre for Ethnic Studies, Sri Lanka
- Mrs. H. Inthumathy, Programme Officer, Viluthu: Centre for Human Resource Development, Sri Lanka
- An IDP mother with two unmarried daughters in Trincomalee, Eastern Sri Lanka
- An IDP widow with one female child in Trincomalee, Eastern Sri Lanka
- A former IDP mother with three unmarried daughters in Jaffna, Northern Sri Lanka
- A former IDP mother with five daughters (three unmarried) in Jaffna, Northern Sri Lanka

Libraries Visited

- University of Colombo main library
- International Centre for Ethnic Studies library
- Centre for Poverty Analysis library
- Social Scientists' Association library
- Centre for Women's Research library