

ESCR | Newsletter

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WHO ARE REFUGEES ?



Photo : Steve Gumaer

The universal presence of refugees can be seen in all regions and cultures, throughout the history of the world. As a young child I learned that Jesus fled to Egypt to escape the massacre of children by King Herod. I later came to know that Jesus was a refugee in Egypt for more than 10 years. Hinduism and Maha Bharath refer to people seeking refuge in various situations. In Islam the Holy Qur'an expressly refers to refugees: "And if anyone of the disbelievers seeks your protection, then grant him protection so that he may hear the word of Allah, and then escort him to where he will be secure." (Surah 9:6)

Pakistan and Afghanistan

In Hong Kong, I became a volunteer and a Para-legal for refugee support work especially among Sri Lankans who sought asylum in Hong Kong. In Pakistan, during my visits, I gained a fair understanding of the brutality of religious fundamentalism. In Sri Lanka since my return in 2008, I have met thousands of Pakistani and Afghan asylum seekers. I listen to their stories in full, knowing the severity of the persecution faced by the Ahmadi, Christian and Shia communities in Pakistan, preparing the Refugee status determination applications for the Colombo Office of United Nations High Commission for Refugees (UNHCR).

Since virtually none of the South Asian nations are signatories to the UN Convention on Refugees 1951 there is no possibility for these communities to seek asylum elsewhere in the region. Sri Lanka is their only hope for survival. There is no South Asian refugee legal heritage despite the fact that our sub region is home to one of the largest refugee communities in the world. Approximately 3,000,000 refugees reside in South Asia and include Afghan refugees in Pakistan, Chin refugees in India, Rohingyas in Bangladesh, as well as Sri Lankan and Tibetan refugees in India.

Strict religious fundamentalism is rife in Pakistan and minority persecution by non state actors is facilitated by the blasphemy law under Pakistan's Penal Code Section 295c. Since the 1970s the Pakistani government has sanctioned the persecution-following the 1974 anti-Ahmadi riots, their parliament amended the constitution to the effect that Ahmadi were excluded from the definition of a Muslim. A 1984 amendment prohibited Ahmadi from professing their belief. Essentially, Ahmadi are prohibited *as a matter of law* from building mosques, repairing existing ones, referring to their places of worship as 'mosques', and are prohibited from even using the greeting uttered by Muslims the world over.¹ In 2010, organized squads of gunmen entered Ahmadi mosques in Lahore and proceeded to gun down/ lob grenades/ explode suicide vests at the gathered worshippers, killing 95 people². A more recent incident occurred this July, when a frenzied 1,000 strong mob, burned to death an Ahmadi woman and her two young granddaughters after someone in their community allegedly posted a blasphemous image on Facebook³. The United Nations has called for a stop to these "faith based killings"⁴ and for the Pakistani government to protect the Ahmadi community, but to no avail.

I met people who fled violent massacres as well as individual incidents where they had to resort to begging despite having once enjoyed stable wealthy lifestyles. The life stories are tragic and raise serious concerns about the Rule of Law in Pakistan. The Government of Pakistan has on many occasions failed to protect their citizens from fundamentalist non-state actors intent on taking the law into their hands. I met many men and women who were subjected to rapes, severe beatings, torture and young children who had endured life threatening situations. Their lives are in peril in the hands of the Pakistani government which remains indifferent to their plight.

Almost all South Asian states struggle with the hegemony of the majority, nationalism, trade issues, national security, and rule with an iron fist when it comes to state and cross border control. This has undermined the centuries old pluralism in South Asian Societies, which inevitably led to refugees fleeing conflicts that arose in this context. Since there is no space for dissent, nor tolerance for minorities, such persons have no option except to abandon their homes, possessions and jobs and flee their country in order to survive. The situation in Kandhamal in India instigated a new wave of religious killings. In Myanmar hundreds of thousands of the Rohingyas continue to be persecuted, and those who fled to Bangladesh are forced to live in impoverished conditions in Cox's Bazar in Chittagong, Bangladesh. Some Rohingyas take a rickety bamboo ferry and

- 1 Banyan Asia, We decide whether you're Muslim or Not, The Economist http://www.economist.com/blogs/banyan/2010/06/state_persecution_and_pakistans_ahmadi_sect
- 2 ibid
- 3 Waqar Gillani, 3 Killed in a Facebook Blasphemy Rampage, The New York Times http://www.nytimes.com/2014/07/29/world/asia/3-pakistanis-die-as-facebook-photo-sets-off-muslim-rampage.html?_r=0
- 4 "Stop faith-based killings" – UN rights experts urge Pakistan to protect Ahmadiyya Muslim minorities <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14658&#sthash.Mz4HVjOm.dpuf>

brave the journey across the seas in the hopes of surviving. I have come across at least 300 such refugees in Sri Lanka since 2008. Some of them were at Mirihana Detention camp (before they were accepted as refugees) and they lived in destitute cramped conditions in a camp, which resembled a scout camp on a rainy day. St Michael's Church built toilets for these refugees as their basic sanitation needs were not addressed. There are still nearly 60 Rohingyas in Sri Lanka living under UNHCR protection. My lengthy description may irritate readers but I have found that most Sri Lankans are unaware of these realities.

The UN Committee Against Torture (CAT) in 2005 recommended that Sri Lanka 'review the Convention against Torture Act 22/94 and other relevant laws' in order to ensure conformity with international standards relating to extradition, return and expulsion. In response, Sri Lanka promised to uphold the principle of non refoulement. Despite all the international obligations Sri Lanka has undertaken, it steadfastly maintains its position and refuses to comply with certain international law rules. This is specially so with regard to the customary international law principle of non refoulement.

In June 2014, Sri Lanka began arresting asylum seekers and in August 2014 started deporting them back to Pakistan and Afghanistan, and has already deported more than 300 such persons.

John Tatar (An asylum seeker) says there are no Christians in Afghanistan or if they are, they are afraid to identify as such in public yet he waits with his wife and daughter for deportation back to Afghanistan at the Mirihana Camp.

Whether or not John and his family will be killed in Afghanistan is not an issue for Sri Lanka, which simply wants to be rid of them, it matters not if they return to an almost certain death.

So many Sri Lanka politicians and members of civil society fled the country during the past 30 years, what would be their plight if they were returned to Sri Lanka? I have never heard any of them speak up for the rights of the refugee community in Sri Lanka. Nor have I heard of any questions posed in Parliament in the adjournment motions or oral questions regarding the asylum seekers in Sri Lanka.

Although I often feel this is a fight against insurmountable odds, I am thankful that some churches and mosques provide support and services to this vulnerable community, regardless of religion or origin.

In ancient civilization, Jesus was a refugee child fleeing the massacre perpetrated on King Herod's orders. In modern times we pride ourselves on our common humanity strengthened by

various international conventions. However the sad truth is that if Jesus were to seek refuge in Sri Lanka today, as he did in Egypt 2000 years ago, he would be deported back to Israel and he would die at the hands of King Herod's soldiers.

Lakshan Dias⁵

- 5 Attorney at Law, Chairman SANRIM, Colombo Urban Lawyers and Lakshan Dias Associates Legal Consultants on Refugee, Human Rights, Religious Rights & Criminal Cases.

Article 14 of the Universal Declaration of Human Rights states that *"everyone has the right to seek and to enjoy in other countries asylum from persecution."*

An asylum-seeker is a person who has made a claim that he or she is a refugee. Such a person is still in the process of seeking asylum.

The principle of non refoulement - A principle of customary international law which prohibits States from forcibly returning people to a territory where they face danger.

The government's stance :

AMJ Sadiq from the Ministry of External Affairs is quoted as saying that 'non-refoulement is part of the 1951 refugee convention to which we are not a party, so we are not bound by it.'

NUMBERS

1800 : Estimated total number of asylum seekers & refugees in Sri Lanka as of September, 2014¹

1500 : Estimated number of asylum seekers from Pakistan²

240 : Number of asylum seekers arrested and detained (ibid)³

312 : Number of asylum seekers deported since August 1st, 2014⁴.

- 1 Sri Lankan government deports asylum-seekers W.A. Sunil <http://www.wsws.org/en/articles/2014/09/01/sril-s01.html>
- 2 Sri Lanka: Don't Summarily Deport Pakistani Minorities, *Human Rights Watch* <http://www.hrw.org/news/2014/07/02/sri-lanka-don-t-summarily-deport-pakistani-minorities>
- 3 Sri Lankan government deports asylum-seekers W.A. Sunil <http://www.wsws.org/en/articles/2014/09/01/sril-s01.html>
- 4 Fears for refugees as Sri Lanka rejects bid to halt deportations <http://www.ucanews.com/news/fears-for-refugees-as-sri-lanka-rejects-bid-to-halt-deportations/72121>

SRI LANKA'S SUICIDE EPIDEMIC

Interview with Dr. Tom Wiger, Author of *'Suicide in Sri Lanka: the Anthropology of an Epidemic'*



Dr. Tom Wiger

Note : The full unabridged version of Dr. Wiger's interview can be found at <http://lawandsocietytrust.blogspot.com/>

In a 2014 report titled *'Preventing suicide: A global imperative'* by the World Health Organization, Sri Lanka was ranked as having the 4th highest suicide rate in the world.

This is hardly surprising, since Sri Lanka has consistently had a suicide rate far above the global average since the mid 1980s.

In order to understand why such a high suicide rate has persisted throughout the years, we spoke to Dr. Tom Wiger (Associate Researcher, University of Sussex) , author of *'Suicide in Sri Lanka : the Anthropology of an Epidemic'*, who has studied this phenomenon for the past 14 years.

The Law & Society Trust's ESCR team would like to thank Dr. Wiger for granting an interview regarding this issue.

Q: What are the elements of a strong national suicide prevention strategy ? How does Sri Lanka's strategy measure up ?

A: Sri Lanka doesn't really have a national prevention strategy. A Presidential strategy was published in 1996 and that put further weight behind pesticide regulation but in terms of social intervention very little has taken place. The tsunami also provided further impetus for developing psychiatric services across Sri Lanka, also with the prevention of suicide in mind, but it's unknown how effective these are or could be.

The evidence pretty clearly shows how self-harm and suicide in Sri Lanka aren't caused by depression but relational violence. Is this a job primarily for psychiatrists or social services? Should it be tackled through specialist mental health interventions or much wider, broad-based community strategies around gender equality and the reduction of domestic violence? These are questions that Sri Lanka needs to address.

As an anthropologist I want to see far greater attention to sociocultural issues in any national prevention strategy. In fact, I argue we need to achieve cultural, social, and medical equity. First, prevention programmes need to be designed with local meanings of suicide in mind – they need to be culturally equitable. Simply applying global solutions to a local problem is inefficient. Greater fit between how suicidal

people understand the causes of their behaviour and how professionals respond to those understandings can reduce the risk of wasted resources and lead to better patient outcomes. This will require rethinking how self-harm is defined in Sri Lanka, from its current designation as a mental health problem to one that takes into consideration its cultural roots. A rethink of this kind is not easy, and much work needs to be done. It calls for inter-disciplinary cooperation between health and social researchers and the maintenance of a dialogue over time.

Second, prevention programmes need to avoid reproducing the inequalities leading to suicide in the first place – they need to be socially equitable. In Sri Lanka, suicidal behaviours are widely performed to bring attention to relational conflicts, often some kind of maltreatment or abuse. Typical examples include violence against children and women, attempts to control women's bodies either sexually or in terms of women's migration overseas. A large number of men's suicides are performed in response to challenged masculinities. In these contexts self-harm offers an important – if risky – opportunity for communication when others aren't available. Limiting that opportunity can mean limiting a person's ability to bring about change in their lives – an ethically contentious proposition. Health workers must honour their pledge to save lives but also to 'do no harm.' As tends to currently be the case, psychosocial counselling shouldn't end with returning patients to an abusive domestic environment. This will require greater cooperation between agencies, for example mental health and social services, so care between the hospital and the community is streamlined.

Third, greater cultural and social equity can lead to enhanced medical equity. Faced with suicidal behaviours that don't fit the textbook definition of depression, too many frontline medical staff try to deter future attempts by making first aid treatments unnecessarily painful. This practice isn't limited to Sri Lanka, but represents a common misunderstanding that non-fatal acts of self-harm are 'just cries for help' by 'attention seekers.' But if instead recognised for what they are – as culturally meaningful practices transforming social relations between oneself and others – health and social service professionals will be better placed to respond with empathy and ultimately help suicidal individuals to a place where such drastic measures needn't be taken.

Q: Dave Rush, writing for Republic Square drew a contrast between the highly visible and successful national Dengue campaign (which killed 225 people in Sri Lanka last year) and the absence of awareness on suicide (Which claimed a staggering 3500 lives last year). Is it a cultural taboo to discuss suicide ? Or is the state not committed to preventing it ?

A: I'm not sure if talking about suicide is taboo as such, perhaps it's more because people aren't sure whether suicide is an illness to be cured or a social practice that exists as part of cultural life. With dengue, victims are more clearly victims. With suicide, there is always a degree of 'choice'. Suicide prevention in the 1990s, like CKDu prevention today, did lead to some bold moves with regards to pesticide regulation. In fact, Sri Lanka is regarded as a leading country in the Asia-Pacific region when it comes to the restriction of pesticides as a form of suicide prevention.

But if we turn to self-harm, then yes, there has been very little action. Here we can ask how the government is fairing with regards to issues like gender equality and tackling domestic violence. Talking about these issues, and the field of human rights generally, is certainly taboo, as is the whole idea of civil society and 'NGOs' that could lead the way.

Q: *You have written that there is a considerable discrepancy between the causes of suicide in Western countries and those in Sri Lanka. What are the cultural factors contributing to suicide in Sri Lanka?*

This is a difficult question, as while I think there are differences it's also important not to overstate them or reify them. What I'm talking about is the differences in how suicide is perceived in popular and medical perception. I think in actual practice, what often goes without saying and is often overlooked, there is much greater overlap.

So, in the Euro-American context, many people assume suicide to be the result of deep-seated psychological illnesses like depression – up to 90% of cases by most estimates. When people feel suicidal or are suspected of being suicidal, they are referred to mental health specialists who encourage them to follow a programme of therapy and, or, pharmaceutical treatment. Suicidal ideas and plans develop over a period of days, weeks, or even months, meaning family and friends have opportunities to spot danger signs and intervene. People contemplating suicide might start hoarding medicines or talking about life after they're gone; they might complain about being 'trapped' by circumstances beyond their control and of not knowing how to escape. Thoughts like these can be enough to encourage suicidal people to seek professional help or for others to encourage them to do so. But in Sri Lanka, people assume suicidal behaviours arise 'impulsively,' with little or no warning. Researchers working on suicide in the country, including psychiatrists, psychologists, sociologists, and anthropologists, agree that only a minority of suicide cases are linked with depression – somewhere between 10% and 40%, depending on who you ask (and many wouldn't accept the application of a western diagnostic category at all). Instead, a family quarrel or sudden disappointment might cause feelings of overwhelming suffering, frustration, and anger, leading to the swallowing of poison as a public statement. Suicidal ideas and plans develop in a matter of

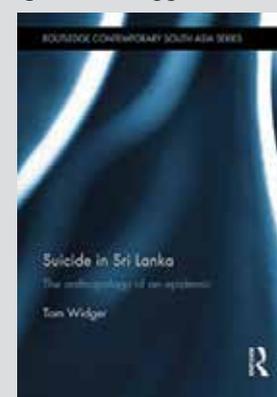
hours or even minutes – leaving very little time for family or friends to see the danger signs and intervene. Because the idea of suicide arises very suddenly, people don't have time to reflect on their thoughts and try to speak to someone before committing self-harm.

Q: *You have extensively researched this issue throughout your academic career, for almost 14 years. In your experience, what are the discernible patterns in Sri Lankan suicides?*

A: Patterns of suicide do vary around the country, and by region, ethnicity, and gender. Suicide rates tend to be highest in Sinhala and Tamil communities, and lowest in Muslim communities. Suicides also tend to be highest in Buddhist and Hindu communities, and lowest in Islamic and Christian communities. Finally, suicides tend to be highest in rural areas, although the recent increase in self-harm by paracetamol may suggest an urbanization of suicide.

There is general disagreement over the likely causes of Sri Lanka's suicide and self-harm epidemics. On the one hand are the health professionals, some of whom argue that suicide is primarily caused by depression and others argue that depression accounts for only a small number of cases. On the other hand are the social scientists, some of whom have argued that suicide is caused by macro-level economic, social, and political turbulence, and some of whom argue that suicide is a culturally-embedded response to interpersonal disputes.

While convincing 'ultimate' explanations still seem a long way off, there is more agreement over the 'proximate' causes. These include a range of family and interpersonal disputes, for example arguments between spouses, parents and children, and some extended kin. Failed love affairs, extra-marital affairs, and failed examinations and job opportunities are also frequently cited. In many cases, shame is recognised as a leading cause of suicide; self-harm or suicide may be committed to escape shame or to cause shame for another person. In many cases, self-harm or suicide arise because they are felt to provide an appropriate response: in children and young women, for example, self-harm exists as an alternative to public expressions of anger. There appears to be an important relationship between self-harm, suicide, and gender and other forms of relational inequality. Finally, many acts of self-harm are also said to arise 'impulsively,' as a sudden and unplanned response to particular problems. Very few cases arise after an extended period of contemplation, which makes the efficacy of psychosocial preventions designed in Euro-American contexts unlikely.



Dr. Tom Widger's book, 'Suicide in Sri Lanka: the Anthropology of an Epidemic'

SRI LANKA'S ECONOMIC POLICY : MISPLACED PRIORITIES ?

Sri Lankans have become rather used to seeing flamboyant public works dominating the headlines and politicians love them. Whether it is a highway winding its way through the countryside or a dubiously placed airport, they all have the same effect: the awesome symbols of development and progress. Yet, in a world where technology and innovation separate the developing from the developed, infrastructure aside, investing in a knowledge economy is vital. Such an economy is one where the primary objective is to create an environment where technology, entrepreneurship, and innovation can thrive. For a low-middle income country such as Sri Lanka, it is the best way to escape the so-called “middle-income” trap, where countries fail to compete with high-income countries due to the lack of innovation and technology. Importantly, transitioning to a knowledge economy can compensate for other constraints such as the lack of natural resources or poor geographical advantages. To seize the benefits of such an economy, Sri Lanka needs a large-scale investment programme for its human capital. This involves large-scale expenditure on relatively publicly mundane issues such as health, education and social welfare. Yet, as the International Monetary Fund (IMF) highlighted in a July press release, the government's economic policies are detrimental towards the development of a knowledge economy, and by extension, the economic, social and cultural rights of its citizens.

Interestingly, there is a strong relationship between high-income earning economies and a strong institutional framework for Economic, Social and Cultural Rights as highlighted in the UN convention. Such rights involve but are not limited to the right to social security and social protections, an adequate standard of living, health, and education. An economy that seeks to emphasise entrepreneurship, technology and innovation needs the necessary investments and institutional framework to ensure its citizens can reach their highest potential. Only in an environment where their rights are realised, can they direct their energy towards activities that entail higher risks and bring about higher rewards, instead of settling for safer or simpler activities that require lower costs but also bring about lower returns. Thus, ESCR is a suitable lens to study the statement of the IMF.

Buried within the statement of the IMF, were serious warnings against poor public revenues, inadequate investment rates, and high levels of public debt. All of which negatively affect ESCR and damage the Sri Lankan economy's ability to transition to a high-income generating knowledge economy.

Government or public debt as of 2013, was about 78% of GDP, which the IMF's representative in Sri Lanka,

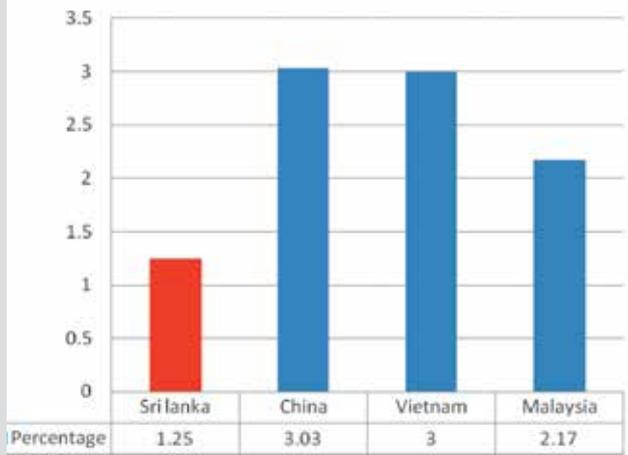
Koshi Mathai, called “too high” for Sri Lankan standards¹. Moreover, the structure of the debt is also changing. Sri Lanka is now using more short-term commercial loans at increasing interest rates. Already, this is causing problems for the economy, as public investment declined from 6.3% in 2011 to 2.9% in 2013² [note: there is a discrepancy between IMF data and the Sri Lanka Central Bank data that states government investment is 6.9% as of 2013]³. A more damaging indicator is the level of public debt compared to tax revenues, which currently stands at about 600%⁴. Moreover, tax revenues in Sri Lanka amounted to about 11.5% of GDP, which is one of the lowest figures in all of Asia. All these figures demonstrate a weak position both relatively (in comparison to Sri Lanka's regional peers and those in the same income bracket) and absolutely. Yet, these pernicious fiscal weaknesses do not register with the public because the costs of such poor policies take decades to materialise and even when they do, the costs will be dispersed across different income groups (where the poor and middle class bear the brunt of it) while rewards remain firmly fixed in the hands of a few. For this reason, political pressure will be disproportionate to the problems the economy is facing. Moreover, the current situation is already exasperating the current structural problems.

Despite borrowing vast sums of money for development, it is clear that the human element is not a government spending priority. As such, current development related borrowing and spending is not really aligned with ESCR or for that matter, developing a thriving knowledge based economy. Even as the government borrows more money to spend on new infrastructure, investment in health, education and social security continues to decline. The latest Global Competitiveness Index (2014-2015), where Sri Lanka slipped from 63 to 75, reflects these concerns. The weakest indicators highlight poor institutions, technological readiness, labour market efficiency, and innovation.

Already, Sri Lanka has one of the lowest expenditures in all these areas of human development. For instance, public spending on health in 2012 was a mere 1.25% of GDP, just below the South Asian average and much lower than that of China (3.03%), Vietnam (3%), and Malaysia (2.17%) and similar developing countries.⁵

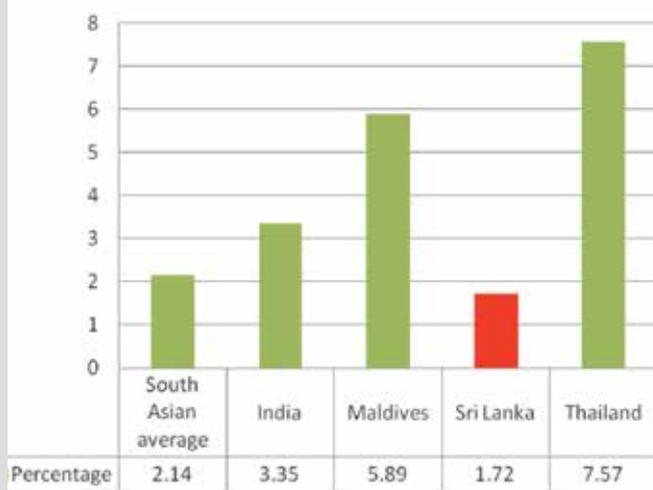
- 1 IMF – Transcript of press conference on the IMF Article IV Report (May 2nd, 2013)
- 2 IMF Press Release No. 14/371
- 3 Central Bank of Sri Lanka – Key indicators (2013)
- 4 IMF – Transcript of press conference on the IMF Article IV Report (May 2nd, 2013)
- 5 World Bank - World Development Indicators

Public Spending on Health as % of GDP - 2012



Meanwhile, spending on education amounted to 1.72% of GDP in 2012, which is the lowest in South Asia (the region's average was 2.14%) and well below regional peers including Thailand (7.57%), Maldives (5.89%), Malaysia (5.94% in 2011), Korea (5.25% in 2011), and India (3.35%)⁶.

Public Spending on Education as % of GDP (2012)



In terms of social protections, Sri Lanka's score on the Asian Development Bank's Social Protection Index was relatively better than most of its South Asian neighbours but still mediocre compare to peers from the same income group. As of 2010, spending as a percentage of GDP stood at 2.8%, declining from 3.2% in 2009⁷. This trend of decline also applies to similar indicators.

With an ageing population and demanding international economy, the failures to maintain high quality health, education and social protections, could pose severe risks to Sri Lanka. Thus, public policies must face intense public scrutiny. Importantly, as the IMF notes, Sri Lanka needs "high and sustained levels of public spending on infrastructure and human capital" to ensure growth and diversification of the economy. Poor investment in human capital development

(education, health, living standards, etc.) and infrastructure, leads to lower revenues in the future as growth declines.

In sum, the failure to spend on Sri Lanka's most important resource - its people - is not just a failure of government policy but also indicates a poor understanding of what development means for the country. Although awe-inspiring, no amount of roads or highways can compensate for a population that has weak social safety nets, a miserable education and poor health. Such conditions contribute to human vulnerability, which in turn limits Sri Lanka's ability to innovate itself into a high-income economy.

Without the appropriate investment in human capital, Sri Lanka is merely building better roads to keep shipping tea or t-shirts. Instead, Sri Lanka needs a knowledge economy built on the foundations of economic, social and cultural rights. This will require more investment on the mundane but the rewards will be anything but.

Navam Niles⁸

⁸ Research Associate for SLYCAN, lecturer on global environmental problems and politics for the University of London Programme

⁶ World Bank - World Development Indicators

⁷ Asian Development Bank – SPI Index, Indicators

LAND GRABBING IN THE NAME OF TOURISM: THE KALPITIYA ISLAND COMMUNITIES

The people of Kalpitiya are trying to protect their livelihoods, their families, their basic human rights, and to safeguard the future of their children. The chief obstacle to achieving this is the relentless pursuit of a tourism boom in the Kalpitiya islands, that is inconsiderate of the locals. A vast majority of the people are afraid of the bleak fate that awaits them.

“We have been living here for the last 70 - 80 years. Now our people are frightened by the news that our lands are being acquired for tourism purposes. If that happens we will be deprived of everything including our livelihoods. We are frightened of that. The government might not help us. The officials want us to produce ‘deeds’ for lands if we need any assistance from them. But so far no one has come to pressure us.”

Asanka Cruz - Sinnamunnakkarei isle

Asanka, a fisherman, is one of many passionate individuals from the Kalpitiya peninsula, who hopes his basic rights would be respected, during the mega tourism development project. His dedication can be easily related to, as these lands are not only their heritage but also their livelihood.

The Kalpitiya peninsula in Puttlam district is comprised of 14 main islands. It separates the Puttlam lagoon from the Indian Ocean and is a marine sanctuary with diverse habitats ranging from bar reefs to flat coastal plains, salt pans, mangroves swamps, salt marshes and vast sandy beaches. Dolphins, sea turtles and coral reefs are plentiful in this marine sanctuary. The 14 islands have a total landmass of 1672.67 hectares (4133.19 acres).

Kalpitiya is also home to 64,908 people (2009 Census) of which 12,967 are small-scale fishers, and 25% of women in the area are engaged in fishing-related activities, according to a FAO survey.¹ Kalpitiya is one of the 15 sites designated for Sri Lanka’s Tourism Development Strategy. The acquisition of some 4000 acres of land for tourism projects actually commenced in 2004 pursuant to a Cabinet decision.² In the process of acquiring vast expanses of land for the various tourism related projects, at least 2,500 owners have been deprived of their lands.

These 2500 landless persons were deprived of their property through the following questionable methods:

1. Seizing the opportunity to take land when area was abandoned, destroyed or available for sale at low prices, such as after the 2004 tsunami disaster.

2. Removing persons from government registries such as the Voters’ registry
3. Blockage of Beach Seine points, anchorage points, etc³.
4. Through various legal ownership “rules” which do not allow residents to produce title to their lands

The beneficiaries of the land grabs were the military, the private investors from the tourism industry, and the government institutions themselves such as the Board of Investment, Sri Lanka Tourist Board, and the Urban Development Authority. How the investors were able to obtain title to the land remains a mystery.

However, the Kalpitiya island communities’ hopes for reclaiming their land or receiving compensation, are contradicted by Ajith Nivaad Cabraal, present head of the Central Bank of Sri Lanka, who stated recently:

“It is Negombo fishermen who are opposed to tourism industry in the country. But, the Kalpitiya fishermen and the communities around there willingly give up the fishing and join the tourism industry happily and ready to earn more from tourism.”



Photo: James Gordon

Mr. Cabraal made these remarks in early September at a meeting with field insurance agents in Colombo. How he arrived at this conclusion that the Kalpitiya fishers voluntarily gave up their only source of livelihood is questionable. Has he actually engaged with the Kalpitiya island communities and consulted with them to gauge their concerns and needs? Based on our knowledge no such survey was carried out.

Reportedly, there has been a lack of transparency regarding project evaluations in addition to the limited community involvement in decision-making. They were not actually informed, in the first place, that Kalpitiya was to become a prime target for a gigantic tourism development plan.

1 Fact Sheet Sri Lanka, Women in Agriculture, Environment and Rural Production, FAO, available at <http://www.fao.org/Gender/Ffiles/Srl.pdf> accessed on 19 September 2014.

2 Ibid. page 10.

3 “Between the Fence and the Deep Sea - Report of an International Fact-Finding Mission on Tourist Development in Kalpitiya, Sri Lanka”, 16 March 2011, South Asia Citizens Web, http://www.sacw.net/IMG/pdf/Sri_Lanka_IFFM_final_report-16-03-11.pdf

“Don’t give our lands to tourism projects. We are not aware of this vesting of our lands. Nobody informed us on this matter.”

Mary Fernando - Sinnamunnakkarei isle

Various construction and physical alterations to the land have occurred - including the construction of 16 resorts/hotels and roads to access them. The fishermen and women have been displaced. Although Kalpitiya peninsula is one of the richest fishing waters of the country, due to the environmental impact of the construction activities alone, these waters would have increasingly less yield.

Reduction in local production corresponds to a decrease in fishery income. At the community level, this amounts to a dwindling budget for basic necessities. At the country level, this is reflected in decreased budgets and poor services. It also contradicts the inclusive development strategy that is promoted by the government. Moreover, Kalpitiya dry fish is a well known sea food product nationwide. The total dry fish production in islets per year is around 250-400 metric tons. This is not only an income for the island communities but is also a contributor to the national economy. The dry fish production in these islands helps reduce the millions of annual foreign exchange needed just to import fish products from foreign countries.

The loss of control by the Kalpitiya people over their resources implies two things - the loss of livelihood security and food sovereignty, and, the consequent threat of impoverishment and food and nutrition insecurity.

All is not lost, however. The people still have their voice.

“We have no other alternative life. We cannot give up our livelihood. We are attached to our fishery and fishing needs this isle. Our lives are bound to this isle.”

Niroshan Kurera - Uchchimune

“We are not prepared to leave our village for any reason. Where can we go? We cannot continue fishing if we are settled in interior lands. We are not prepared to accept their so called offer.

The only trade we know is fishing and we need to live here in order to have access to our livelihood. Some people might be influenced for money or materials offered by them. But we are not prepared to accept alternative places. If authorities try to remove us by force from Uchchimune we will take action to stop them at Keerimundal, long before they come to Uchchimune. We cannot forgo our future and the future of our children by being tempted of their offers.”

Mrs. Evegina Fernando -Uchchimune

“We as Sanga Society come forward to assist people, when the people do not have a voice to fight against these evils. Land grabbing is also one aspect of the evil of tourism industry hence we need to take strong action as Buddhist monks and civil society today” says Rev. Bandiwewe Diyasena thero, the Chief of Sri Samudrasanna Viharaya, Kandakuliya, Kalpitiya.

In fact, Rev. Diyasena and many other Buddhist monks have come forward and voiced strong protests in Kalpitiya.

Although, public protests are being held with the fear of the authorities – increasing opposing voices to land grabs including the ones of religious leaders speak volumes about the oppressive way that tourism projects are being implemented.

Herman Kumara¹

¹ National Convener, NAFSO



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