

MUSLIM TSUNAMI VICTIMS DISCRIMINATED IN THE EASTERN PROVINCE

It is widely criticized that the government has not treated the Muslim Tsunami victims fairly. According to statistics maintained by the Task Force to Rebuild the Nation (TAFREN) not a single house has been constructed during the last one year to resettle those Muslim 'Tsunami' victims within the 200 meter area from the sea in the Ampara, Batticaloa and Trincomalee Districts in the Eastern Province.

The situation in the South is different. In Hambantota, the need is only 1057 houses. But the donors have been allocated, 4852 houses. A recent internal memo said that the number of houses donors have been assigned was 11 times more than what was required within Hambantota.

Thousands of Muslim Tsunami victims in the Eastern Province have been languishing in several temporary camps without sufficient food, medicines and other basic facilities. Muslims who are trying to resettle in their own land are still confronting threats from the government bureaucracy. In fact they are deprived of their fundamental human rights.

In the three districts of Ampara, Batticaloa and Trincomalee alone there are 22,644 houses to be reconstructed. In Batticaloa the assessment is to construct 4,426 houses while Ampara, the worst affected district, the need is for 12,481. While construction has commenced on 1,200 houses in Ampara, in Batticaloa only 511 units are under construction according to figures maintained by TAFREN and Housing Ministry.

Ampara, the country's worst affected district is a glaring example of how ineffective institutions, political rivalries and misinformation can make a mockery of disaster management. Not a single house had been built within the 200 meters from the sea in the coastal Muslim areas of Maruthamunai, Kalmunai, Sainthamaruthu, Ninthavur, Oluvil, Addalachchenai, Akkaraipattu and Pottuvil.

In the LTTE controlled areas of Batticaloa District, the TRO (Tamil Rehabilitation Organisation) a LTTE-backed organization has been channeling funds to resettle the affected Tamil people. But Kattankudy's coastal villages such as New Kattankudy, Palamunai and other Muslim areas still remain untouched.

Mutur, Kinniya, Kuchchaveli Pulmoddai and Trincomalee town are the Divisional Secretariats Divisions in the Trincomalee District where thousands of Muslims have been affected by the Tsunami. Political confusion has greatly contributed to the mismanagement of relief. LTTE held areas in the district have come under LTTE-backed relief and resettlement works. But Muslim areas are still suffering from having not enough infrastructure development such as roads and hospitals.

Destruction Assessment Survey by Muslim Reconstruction and Resettlement Organisation - MRRO

The Muslim Reconstruction and Resettlement Organisation - MRRO conducted a survey by visiting each and every family in the Tsunami effected Muslim areas in the Eastern Province to assess the damages to residences.

RESIDENTIAL DESTRUCTIONS IN MUSLIM AREAS WITHIN 200 METERS FROM THE SEA IN THE EASTERN PROVINCE

Villages	Fully Damaged Houses					Partially Damaged Houses					Damage Not Given					Total Houses Destroyed				Total
	100 m	200 m	Over 200 m	Distance Not Given	Total	100 m	200 m	Over 200 m	Distance Not Given	Total	100 m	200 m	Over 200 m	Distance Not Given	Total	100 m	200 m	Over 200 m	Distance Not Given	
AMPARA DISTRICT																				
Maruthamunai	192	146	366	2	706	10	16	649	11	686	50	69	215	13	347	252	231	1230	26	173
Kalmunai	365	221	149	11	746	80	201	272	4	557	37	43	29	2	111	482	465	450	17	141
Sainthamaruthu	28	7		368	403	25	6	8	405	444	11	9	3	21	44	64	22	11	794	89
Malikaikadu		1			1				3	3					0	0	1	0	3	4
Ninthavur	225	140	79	16	460	77	247	574	46	944	101	94	166	17	378	403	481	819	79	171
Oluvil	17	6	5	3	31	20	25	8	4	57	3	10	26	3	42	40	41	39	10	13
Addalachchenai	42	3	5		50	111	25	29	2	167	14	9	8		31	167	37	42	2	241
Akkaraipattu	51	29	11	111	202	53	104	98	47	302	17	27	15	30	89	121	160	124	188	58
Pottuvil	583	149			732	230	141			371	4	3			7	817	293	0	0	111
Total	1503	702	615	511	3331	606	765	1638	522	3531	237	264	462	86	1049	2346	1731	2715	1119	79
BATTICALOA DISTRICT																				
Kattankudy	291	481	680	14	1466	22	158	1037	15	1232	11	14	21	1	47	324	653	1738	30	274
Palamunai	45	85	155	4	289	5	28	262	2	297	2		3		5	52	113	420	6	58
Manchanthoduvai	1	2	8		11			17		17					0	1	2	25	0	21
Poonochchimunai	26	42	51	3	122		18	18		36	2		5		7	28	60	74	3	16
Total	363	610	894	21	1888	27	204	1334	17	1582	15	14	29	1	59	405	828	2257	39	36
TRINCOMALEE DISTRICT																				
Mutur	185	43	14	102	344	128	69	17	45	259	104	15	16	88	223	417	127	47	235	82
Kinniya	451	176	173	76	876	524	266	472	97	1359	262	117	235	65	679	1237	559	880	238	29
Kuchchaveli	115	58	33	23	229	18	54	107	30	209	40	64	71	28	203	173	176	211	81	64
Trincomalee Town					34	57	2	1	4	64	66	16	3	6	91	123	18	4	10	10
Total	751	277	220	201	1449	727	391	597	176	1891	472	212	325	187	1196	1950	880	1142	564	43
Grand Total	2617	1589	1729	733	6668	1360	1360	3569	715	7004	724	490	816	274	2304	4701	3439	6114	1722	111

Over 8,000 tsunami survivors have complained to the Disaster Relief Monitoring Unit (DRMU) of the Human Rights Commission of Sri Lanka about the delay and the violation of their rights.

UN Guiding Principles on Internally Displaced Persons (IDPs) – Tsunami Victims

The Guiding Principles on Internal Displacement were adopted by the UN Commission on Human Rights and Economic and Social Council in 1998.

Rights of IDPs

Persons who have been forced to flee or to leave their homes or place of habitual residence, as a result of armed conflict, violence, natural or man-made disaster and who have not crossed an internationally recognized State border, are known as Internally Displaced Persons. Those who have been displaced due to Tsunami fall into the category of IDPs. They are entitled to all human rights enjoyed by the other citizens. In addition, they have special needs which should be addressed by the state authorities.

Choice of Residence

Principle 15: The IDPs have the right to remain in the area they used to reside before the displacement or have the right to move to any other part of the country or another country on their free will. This right is crucial for those who have lost their families, homes and belonging and have completely been uprooted.

Property Rights

The IDPs have abandoned their property in haste and are not able to secure them. Especially, the boundaries of the lands may not be visible due to natural disasters such as the Tsunami. The property remaining in the possession of the IDPs is also prone to theft. The responsible authorities have to take steps to protect the property of the IDPs against such occurrences.

Right to Return or Resettle

IDPs have the right to return voluntarily, in safety and with dignity, to their previous homes or resettle voluntarily in another area of the country. Right to return or resettle is vital especially when the cause of the displacement is ceased. As for an example, Tsunami victims are entitled to return or resettle when the danger of another Tsunami is not in existence.

After resettlement, the IDPs should not face discrimination as a result of having been displaced. They, like all other citizens, have the equal right to participate in public affairs and to have access to public services.

Land available to resettle the Muslim Tsunami victims

The government has relaxed the hotly-debated 200 metre buffer zone in the coastal areas due to the difficulties in finding alternate land to resettle the Tsunami affected people.

The buffer zone in Mutur, Kinniya, Kuchchaveli in the Trincomalee District has been relaxed to 60 metres, Kattankudy in Batticaloa District to 80 metres, Pottuvil and Arugambay to 50 metres, and Kalmunai to 65 metres in the Ampara District from the earlier 200 metres.

Urban Development Ministry Secretary confirming the relaxation of the buffer zone regulations said that the revisions came after representations from various quarters seeking permission for construction purposes.

More than 2,000 Acres owned by Muslim Tsunami Victims are available within the 200 meters from the sea in the Eastern Province.

Ampara District - 1,000 Acres - Maruthamunai 120 Acres, Kalmunai 220 Acres, Sainthamaruthu 20 Acres, Ninthavur 220 Acres, Oluvil 20 Acres, Addalachchenai 50 Acres, Akkaraipattu 70 Acres and Pottuvil 280 Acres

Batticaloa District - 300 Acres - Kattankudy 240 Acres, Palamunai 40 Acres and Poonochchimunai 20 Acres

Trincomalee District - 700 Acres - Mutur 140 Acres, Kinniya 435 Acres, Kuchchaveli 90 Acres and Trincomalee Town 35 Acres

Planned Reconstruction and Resettlement in the Coastal Areas

Tsunami has affected only the coastal belt. For almost all those who were affected, the only belonging they are left with now is the plot of land they lived in. It is not right or just to adopt a policy of frightening people on a very rare natural disaster, projecting it as one that could occur often.

The victims of Tsunami should be consulted and treated with dignity. This consultation should not only be with those in refugee camps, but also with those who have been displaced, made destitute and live with friends and relations.

Involving the victims in re-building the coastal areas has to be given the highest priority. Village level welfare committees should be established including all stake holders.

This disaster should be turned into an opportunity for planned reconstruction and resettlement in the coastal areas.

When we talk about planned resettlement of Tsunami victims within the 200 meter areas, we are talking about an extremely diverse population. In addition to their socio-economic differences, there are also other characteristics that need to be taken in to account. These include ethnicity, religion, culture, age, health condition, and gender. All these factors need careful attention in the process of resettlement. If not, it can lead to serious problems.

The biggest challenge the Government is facing to-day is the immediate restoration of the lifestyle of the "Tsunami" affected people to normalcy. This requires reconstruction of their damaged houses and providing them livelihood assets.

For planning the rebuilding and resettlement programme in the 200 metre buffer zone area, it is essential to have reliable and accurate informations about the impact on the lives and properties destroyed by the "Tsunami". It is a complex process that should be handled with care with the full participation of all stakeholders at the grass roots level. If this is not done properly, it can have adverse effects on the quality of life of the victims.

The extent and the value of land and other assets owned by the affected families cannot be ignored in finding solutions to their resettlement problems. No arbitrarily designed resettlement should be imposed on helpless victims of Tsunami as such solutions are likely to aggravate the problems of the people who are already traumatized. Makeshift housing should be replaced by solidly built structures at a reasonable distance from the beach.

The Muslim areas and the families affected by the Tsunami in the Eastern Province are within the administrative and security control of Sri Lanka Government (GOSL). All those who are engaged in resettlement related activities should work within the framework of the local bodies. At present all the local bodies in the predominant Muslim Area in the Eastern Province do not have the capacity to manage a massive planed resettlement and reconstruction programme of this magnitude.

The people affected expect individual attention and specific solutions to suit different families. The agencies that deal with issues of livelihood restoration will be required to visit each family and or household to find out how best they can be assisted. This is a painstaking exercise but we have no choice in the matter if the objective is to ensure that people who lost their livelihoods regain their economic strength within a reasonable period of time.

M.I.M. Mohideen,
Chairman/ Managing Director

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