

INFORMAL DISPUTE RESOLUTION
IN
THE NORTH EAST AND PUTTALAM

CENTRE FOR POLICY ALTERNATIVES

COMMISSIONED BY UNHCR

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INFORMAL DISPUTE RESOLUTION MECHANISMS IN THE NORTH EAST AND PUTTALAM

CONTENTS

INTRODUCTION	5
EXECUTIVE SUMMARY OF GENERAL OVERVIEW	9
GENERAL OVERVIEW	
1. Informal dispute resolution processes	13
1.1 What are the types of disputes?	
1.2 How are disputes brought to the attention of informal dispute resolution mechanisms?	
1.3 How are disputes dealt with by informal dispute resolution mechanisms?	
1.4 Which redress mechanisms solve which problems?	
1.5 How do people decide whom to go to?	
2. Mechanisms	18
2.1 NGO-established peace committees	
2.2 NGO-established development or other committees	
2.3 Indigenous committees	
2.4 Religious committees and leaders	
2.5 Individuals and officials engaged in informal dispute resolution	
2.6 Informal committees established by the State and the LTTE	
3. Regional and social Differences	23
4. Assessing the success of informal dispute resolution	25
4.1 Benchmarks for informal dispute resolution	
4.2 Leadership	
4.3 The role of politics and force	
4.4 Externally-created informal dispute resolution mechanisms	
CONCLUSION	34
Rethinking Our Assumptions about Informal Dispute Resolution	
Recommendations	

DISTRICT OVERVIEWS:	
Jaffna District Overview	39
Mannar District Overview	51
Puttalam District Overview	65
Trincomalee District Overview	78
Batticaloa District Overview	89
Ampara District Overview	97
Vavuniya District Overview	108
LTTE-controlled Vanni Overview	112
ANNEX 1:	115
Suggestions for Further Research	
ANNEX 2:	118
Selected Readings	
ANNEX 3:	123
List of Interviewees	

INTRODUCTION

Context & Aim

Since the signing of the Cease Fire Agreement (CFA) between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE), on February 22 2002, expectations of long-term peace have led to an increasing return of displaced populations back to their areas of origin. It is estimated that 300,000 internally displaced people (IDPs) out of 800,000 have already returned home, while many others are contemplating return.

Twenty years of protracted conflict have led to the loss of 65,000 lives and devastation in the North and East. Harsh living conditions, extensive damage to housing and infrastructure, loss and lack of economic opportunities and land occupation are all sources of tension for IDPs, returnees and their communities.

Ethnic tensions, which are both a cause and consequence of this protracted war, continue to be a key source of local conflicts. The return of IDPs and refugees to areas in which they are ethnic or religious minorities may further exacerbate existing communal tensions and hostility. As some IDPs have already settled in the districts that they displaced to and many more have indicated their desire to do so, tensions and disputes between these returnees and the host community are probable.

Resolving local conflicts is essential to ensure the sustainable reintegration of displaced communities and the reconciliation of divided communities. However, the law enforcement and judicial authorities lack both the legitimacy and the capacity to deal with the increased level of disputes. Difficult access to the judicial system, high cost of litigation and prolonged proceedings make recourse to the judicial system cumbersome.

Informal dispute resolution seemingly offers many advantages over formal means of redress. In particular, informal dispute resolution is more flexible than the judicial system and can tackle issues which may not be addressed by formal mechanisms. Informal dispute resolution mechanisms can also respond and resolve disputes expeditiously. The non-adversarial nature of informal dispute resolution is a further advantage over formal mechanisms, and may foster reconciliation between disputants and community links.

It is against this background that this study, commissioned under UNHCR's 'Peaceful Coexistence Initiative', was conceived: to identify existing mediation and informal dispute resolution mechanisms at the local level, which may assist in the reintegration and reconciliation of local communities.

In particular, the study aims to:

- Provide a preliminary snapshot and analysis, illustrated by case studies, of existing community-based informal dispute resolution mechanisms from all districts of the North and East, as well as Puttalam.

- Provide recommendations of ‘best practices’ of village level dispute resolution mechanisms that could be used by others as models.

Defining informal dispute resolution mechanisms

For the purpose of this study, informal dispute resolution mechanisms are defined as follows:

- **Informal** is understood as meaning outside State and quasi-State structures, in particular the law enforcement authorities and the judiciary.
- **Disputes** are broadly defined and range from domestic disputes to inter-ethnic violence.
- **Resolution** processes include mediation and arbitration and variants thereof.

Mediation - A process in which a third-party neutral, whether one mediator or more, acts as a facilitator to assist in resolving a dispute between two or more parties. It is a non-adversarial approach to conflict resolution, where the parties generally communicate directly; the role of the mediator is to facilitate communication between the parties, assist them in focusing on the real issues of the dispute, and generate options for settlement.¹

Arbitration - The hearing and determination of a dispute, by an impartial referee selected or agreed upon by the parties concerned.²

Variants include disputes being resolved on a one-to-one basis without the assistance of a third-party.

- **Mechanisms** include externally-created village structures (NGO village peace committees, etc.), indigenous village structures (Rural Development Societies, mosque committees, etc), individuals engaged in informal dispute resolution, either in an *ad hoc* reactive or in a institutionalised / repetitive manner (Grama Sevaka, priest, etc.)

The study does not focus on informal dispute resolution to the exclusion of other formal or quasi-formal mechanisms. The latter are also included in order to provide a more comprehensive understanding of how people deal with their disputes.

Methodology

This report compiles findings gathered from four different sources:

1. Interviews with civil society representatives in Colombo and in the field,
2. Field work in Jaffna, the LTTE-controlled Vanni, Mannar, Vavuniya, Puttalam, Trincomalee, Batticaloa and Ampara,
3. A survey of existing literature related to informal dispute resolution, and
4. A workshop to obtain critical feedback on preliminary findings.

¹ Source: Dispute Resolution Center <http://www.co.harris.tx.us/DRC/MedDefinition.htm>

² Source: The Collins English Dictionary © 2000 HarperCollins Publishers

A team of two researchers spent approximately 5 to 7 days in each district. In the field, the researchers' approach was to interview relevant persons, with the aim of identifying informal dispute resolution processes and illustrative case studies. To this aim, civil society members, international non-governmental organisations (INGOs), national non-governmental organisations (NGOs), consortiums, local NGOs, field officers of NGOs, religious leaders, civil servants, the LTTE political officers, community-based organisations (CBOs), and their constituencies were interviewed. Interviews were conducted using a semi-structured questionnaire and were aimed at obtaining qualitative data. Upon identifying a potential case study, researchers interviewed all stakeholders, including committee members, disputants and other interested parties.

Limitations

As the study was commissioned to be completed within 2½ months, the researchers were limited in their field research. Compounding the matter, pilot studies revealed the difficulties in identifying successful informal dispute resolution mechanisms. The principal problem was the lack of specific information available from academics and civil society leaders on the subject. A second problem encountered was the misinformation given to the researchers by local NGOs at the field level. Time constraints, in turn, made verification of successful case studies mentioned by interviewed persons arduous. Lastly, research in LTTE-controlled Vanni was hampered by lack of free access to villagers when the researchers attempted to interview them. It must be emphasised that as a result, the study focuses on government- controlled areas.

As a result, this study cannot claim to provide a comprehensive mapping of informal dispute resolution mechanisms. Neither does the study provide in-depth case studies of successful mechanisms. Rather the research highlights mechanisms encountered during field work and provides critical analyses of the mixed track record of informal dispute resolution mechanisms in these regions, illustrated by relevant case studies. It is important to note that it is not the aim of this study to evaluate and map NGOs working in the districts in which fieldwork was conducted.

This study seeks to raise critical questions regarding informal dispute resolution and provide some preliminary conclusions, rather than to present comprehensive answers. As such, the subject would benefit from further research, examining in-depth issues and processes highlighted by this first phase (*see Annex 2*).

Structure of the Report

The report is divided into two main parts: first, a general overview which provides a summary of district findings, as well as a general analysis of informal dispute resolution mechanisms in the North and East; second, an overview and analysis of each district. District sections have three parts: a description of informal dispute resolution mechanisms encountered and an evaluation of district specific disputes and of how such mechanisms respond to them.

Each section can be read independently and consequently, the report contains unavoidable repetitions.

Further definitions

Community – is taken to mean not just one religious or ethnic group, but residents of a particular locality.

Community-Based Organisations (CBOs) - These are organisations based in and working in one or more local communities; they are normally non-profit organisations which are run by and for the local community. Typically, they were created in response to some particular local need or situation - often related to the local environment - and they usually support a variety of specific local improvement actions which are generally undertaken by or with the local people.

Indigenous informal dispute resolution mechanisms – are mechanisms which were not established by external actors (NGOs, army, etc.) or mechanisms which, though established by external actors, act independently of these actors and have been integrated into a particular locality (Rural Development Society, mosque committees, etc.)

EXECUTIVE SUMMARY OF THE GENERAL OVERVIEW

Mechanisms encountered

A number of informal dispute resolution mechanisms with varying degrees of structure were encountered during the research. **NGO-established peace committees** engage in various peace activities, one of which is informal dispute resolution. **NGO-established development committees** created to implement development programmes also engage in some informal dispute resolution, often through centralised village committees. **Indigenous community-based organisations**, which function independently of government (for example Rural Development Societies, Fisheries Association or community centres) solve problems and disputes mostly, though not exclusively, within their area of competence. **Religious committees and leaders**, such as mosque committees, the church, parish councils and their subsidiary bodies, are particularly active in solving disputes within their communities. Buddhist and Hindu temple trust committees, by contrast, engage in informal dispute resolution less commonly. Various **individuals**, such as respected community members, Grama Sevakas (GS), government officials, police officers and LTTE members engage in informal dispute resolution. As the LTTE has opened political wing offices in government- controlled areas, people have approached them to settle disputes. Certain leading individuals may form committees as a response to community-based or inter-ethnic violence or to act as an intermediary between communities and local authorities.

Informal dispute resolution processes

Various **types of disputes** are dealt with informally. Among those encountered were intra- family disputes (domestic violence, inheritance, alcoholism, etc.), intra-village disputes either between individuals or village wide (fence disputes, financial transactions, caste or ethnicity- related disputes, etc.), or inter-village disputes (denial of access to resources, ethnic disputes, host-IDP disputes).

Incidents may escalate into mob violence, as a result of the influence of politics and group identity. Politicians, businessmen and militants may play a key role in exploiting individual incidents. In the Eastern Province, incidents have a greater tendency to escalate due to exacerbated long-standing communal distrust. Any incident involving more than one community will be interpreted as being a communal issue, thereby necessitating a communal response.

Informal dispute resolution mechanisms encountered appeared to share similar **procedures** for dealing with disputes. Disputants inform bodies or leaders of their complaint either orally or in written form. In small rural villages, community problems and disputes are common knowledge. Some cases are also referred from one informal dispute resolution mechanism to another.

Mediation or arbitration were the usual informal dispute resolution processes encountered. Typically, a complaint would be investigated, the parties summoned, together or separately and a solution devised, by or for the disputants.

Different informal dispute resolution mechanisms solve different disputes. For instance fence disputes will commonly be tackled by the GS, whereas harassment may be brought to the attention of religious committees, local NGOs with women's programmes, or the LTTE. It must be noted that problems frequently get resolved informally on a one-to-one basis and without the assistance of a third party. There are also wide regional variations in the mechanisms people use. Disputants may in fact access multiple means of redress, sometimes using both formal and informal mechanisms in order to get the result most in their interest.

There are numerous **factors which influence disputants** with regard to which redress mechanism they choose to approach: ethnicity, religion, strength of village committees, caste, type of dispute, strength of the LTTE presence, access to law enforcement and judicial authorities, and the impact of the conflict on local village societies. People's **motivation** to approach a particular mechanism depends on whichever mechanism they believe will solve the dispute and is most likely to favour their side. Furthermore, people may resort to informal dispute resolution mechanisms, simply because more formal mechanisms are not willing or able to assist.

The **Cease Fire Agreement (CFA)** has had wide ranging repercussions on which mechanisms people decide to use, due to the resulting changes in the types of problems and disputes, the rise of the LTTE, and the loss of power of other actors and the changing power dynamics as a result of the conflict.

Assessing the success of informal dispute resolution

A key concern in studying informal dispute resolution is the question of how to assess the success of informal dispute resolution. The dispute may have been frozen rather than solved in the long term. Success in resolving a dispute at a particular time and in a particular locality may not necessarily indicate a successful mechanism per se, as the result may not be replicable in other cases or other areas. Furthermore, while a dispute may have been dealt with effectively, the resolution process and its outcome may violate certain principles of justice, in particular fairness, impartiality, legitimacy, free choice and representativeness. These benchmarks are necessary because informal dispute resolution is a form of dispensing justice and must, as do more formal judicial systems, apply general principles of justice.

Leadership is a critical factor. Informal dispute resolution mechanisms, such as village or NGO-established committees, may be approached due to the presence of local leaders in these mechanisms. Where committees are elected, already-acknowledged leaders may act as representatives of the village and are often elected to executive positions within the committees, such as president, secretary, treasurer, etc. Decision making power appears to be concentrated among them. This has implications for the decision-making process in

informal dispute resolution as it is likely to be these leaders who mediate and arbitrate. Village committees and local informal dispute resolution mechanisms were also observed to be dominated by a few individuals who served in multiple committees.

The question that arises is whether villagers approach informal dispute resolution mechanisms simply because the village elite serves as members of these structures. Hence, for donors and local NGOs, the issue is whether to consolidate and finance hierarchical practices or, alternatively, create representative committees which may not carry the legitimacy or authority of the traditional elite.

In communities which have undergone dislocation and multiple displacement, this pattern of dominance by traditional leaders does not apply with the same intensity. It must be noted that the apathy of villagers regarding community affairs, as well as their lack of spare time, limits the pool of individuals willing to serve on village committees and informal dispute resolution committees.

The fact that local leaders dominate informal dispute resolution mechanisms may endanger principles of fairness or impartiality as decision making is solely at their discretion. While those engaged in creating or supporting informal dispute resolution should not be averse to incorporating local leaders as they are effective, they should do so after careful consideration of the local power relations.

Where powerful political actors such as the LTTE are present, informal dispute resolution mechanisms are often powerless to resolve any disputes, save for uncontroversial ones. Therefore, when evaluating local capacities to engage in informal dispute resolution, it is essential to factor in the **role of politics and force** in the local environment. A number of committees and NGOs were reluctant to work on inter-ethnic issues, in particular disputes. Similarly, potential mediators or resource people such as village elders, are fearful of taking a leading role in dispute resolution. This may be due to fear of repercussions from armed or powerful actors, or from their own community.

Lastly, the field research indicated critical problems with **externally-created mechanisms** and with the assumptions on which they are created. The key problems seem to be longevity and ineffectiveness.

External mechanisms tend to have a poor success rate in performing informal dispute resolution. A number of local NGOs mentioned having created village committees, either for development or peace work. Upon further research, it appeared that these committees were either active in some fields such as identifying community needs but not in dispute resolution - not active at all- or in one instance, not created in the first place. This pattern varied greatly according to the districts in which the research was carried out.

Some NGOs create their committees by using existing local groups such as Rural Development Society (RDS), Women's Rural Development Society (WRDS), etc. Other local NGOs, appropriate existing committees or integrate members of existing committees

to form their own, which may be interpreted as either duplication or, in the case of inter-village committees, as the creation of forums for the discussion of common problems of inter-community bonds.

Committees created by NGOs tend to be more active when confronted with 'small', manageable problems and disputes. In areas where political and ethnic tensions prevail and when issues are politically sensitive, however, external mechanisms tend to be dormant.

Three main factors were identified which account for the deficiencies of externally-created mechanisms, in particular those set up by local NGOs and donors: the inherent difficulties of peace building, the weaknesses of local NGOs, and donor pressure and expectations.

Often these external committees are created with the aim of enhancing community cohesiveness and peace building. In particular, committees set up with a peace or informal dispute resolution focus, are expected to prevent the escalation of incidents, in particular when related to communal divisions. Some of these issues, however, are intractable in nature, often being causes and symptoms of the protracted conflict. Therefore, it is unrealistic to expect local mechanisms to have the capacity to solve these high-stakes issues. Even those mechanisms that incorporate existing traditional local leaders, cannot be expected to resolve disputes that are highly politicised and which reflect national divisions.

Furthermore, problems inherent in NGOs and how they function have an adverse impact on the external mechanisms they create. This is compounded by the fact that local NGOs may also have their own political and social agendas and biases, evidenced by some of the principles which they apply to their 'development' activities. Lastly, local NGOs are reliant on donors, and therefore adapt their projects to what is likely to attract funds, at times to the detriment of more realistic or more urgently required endeavours.

A discrepancy exists between what local NGOs state that they are doing and how they actually perform in the field. Certain local NGOs lack integrity and social responsibility. In Trincomalee, for instance, a case of successful inter-ethnic informal dispute resolution allegedly resolved by the committees set up by a local NGO turned out to be a hoax. In the majority of cases though, where what NGOs state and what they do, does not match, they are simply exaggerating the nature and extent of their activities.

A possible reason as to why external mechanisms tend to have a poor track record in the field of dispute resolution is because the standards and expectations of those engaged in peace building are too high. Whereas it could be concluded that more monitoring of local NGOs on the part of donors is required, further monitoring could lead to even greater discrepancies, as local NGOs adapt their reporting to meet the new donor standards and increased monitoring leads to more stringent standards.

The limitations of externally-created dispute resolution mechanisms do not mean that such endeavours should be abandoned. Rather, those engaged in creating and supporting such mechanisms should factor in the afore-mentioned issues.

GENERAL OVERVIEW

1 INFORMAL DISPUTE RESOLUTION PROCESSES

Informal dispute resolution mechanisms encountered shared a similar process when addressing disputes. The sections below describe the shared procedures, highlighting the differences where applicable.

1.1 What are the types of disputes?

There are three broad and fluid categories of disputes: intra-family, intra-village and inter-village disputes.

Intra-family disputes include domestic violence, marital problems, adultery, alcohol-related abuse, child and household maintenance payments, rape and incest, and inheritance disputes.

Intra-village disputes can involve individuals, families or the entire village and includes neighbour boundary disputes, land disputes, non-repayment of loans, debt problems and withholding pawned items, youth violence and fights, harassment of women, illicit alcohol production and consumption, caste-related disputes, and ethnic problems and tensions.

Inter-village disputes involve sub groups within villages or entire villages and include incidents of violence, land disputes, denial of access to resources, markets, thoroughfare, business areas and fields, encroachment of agricultural land and fishing areas, and caste as well as ethnic and host-IDP tension.

It should be noted that intra-family disputes, including violence against women and children are matters often 'resolved' informally. Many of the people interviewed considered domestic violence as non-criminal issues that could be resolved within the community.

The main concerns of those interviewed centered around not disputes but their everyday problems. The frequent response to the researchers' question regarding local disputes was a list of basic needs and problems such as lack of means, income generation schemes, safety guarantees, schools, housing, health facilities, resettlement assistance, and the occupation of property by the army or individuals. Competition for resources was observed to be a source of tension.

Particularly in the case of land occupation, some property owners empathised with the occupiers, recognising that they too were displaced. Many people interviewed stated that a solution to the dispute was providing alternative land to the occupants, particularly where vacant state land is available.

From the perspective of the villagers interviewed, priority is given to the provision of relief, rehabilitation and development resources. Peace programmes may therefore be more effective and useful if they apply an integrated approach to development and peace building.

How do incidents escalate?

Politics and group identity play a crucial role in the escalation of incidents into mob violence. Interviewees in Puttalam, Muttur, Jaffna and Valachennai referred to the role of politicians, businessmen and militants in exploiting individual incidents. In Puttalam when a small incident occurs between IDPs and local Muslims, the Members of Parliament and their supporters are contacted and/or get involved. Small incidents also escalate as a result of local businessmen attempting to dominate local economies.

In the Eastern Province, incidents have a greater tendency to escalate due to exacerbated long-standing communal distrust. Any incident involving more than one community will be interpreted as being a communal issue, thereby necessitating a communal response. The incidents are spread through word of mouth and printed leaflets, issued by representatives of an aggrieved community or persons with a vested interest. A common response to the incident would be the declaration of a local or district-wide hartal (strike) by the aggrieved community. Other communities are often expected to observe this hartal, which also serves as a warning to the alleged perpetrating community not to access the areas of the aggrieved community or the centres of protest. Given that incidents tend to be interpreted as communal acts, hartals at times spread to and exacerbate existing communal tension in other districts. Incidents involving the LTTE are also interpreted as communal and escalate in similar protests and violence. In other areas, incidents escalate in along group identifying lines. For example in Puttalam an individual incident involving a Sinhalese and Muslim IDP could be interpreted in multiple ways, as Sinhala-Muslim or host-IDP and could escalate along these group identity lines due to the latent hostility between the communities.

1.2 How are problems brought to the attention of informal dispute resolution mechanisms?

Common knowledge - In small village communities, many of the problems and disputes may become common knowledge. Tensions and problems spread through the village by word of mouth. Community news is exchanged at local gathering places, such as places of worship, local shops, community centres, the beach etc. These locations may also serve as places where strategies to address and solve community problems are devised, including to whom to refer the problem. In domestic abuse cases, for example, the neighbours are well aware of the problem and may alert other members of the community.

Oral and written complaints - Villagers may bring their problems to the attention of informal dispute resolution mechanisms through oral and written complaints. Oral complaints can be brought at any time or at specified times depending on the procedure adopted by particular informal dispute resolution mechanisms. Mosque committees, for instance, may accept a complaint brought to one of its members at any time or after Jummah (Friday Prayers), when worshippers are invited to voice their concerns. In rare cases, certain informal dispute resolution mechanisms, such as some religious bodies, request complaints to be provided in a written form.

Referrals - Complaints may be brought to the attention of informal dispute resolution mechanisms through referral from formal and informal bodies. For example, the police

will refer non-criminal cases to local village committees, or village committees may turn to local NGOs to resolve the dispute. Field officers are also active in referring community problems to village committees or to their NGO.

1.3 How are disputes dealt with by informal dispute resolution mechanisms?

The processes used by different dispute resolution mechanisms share commonalities:

Investigation and inquiry - Upon receiving a complaint, members of informal dispute resolution mechanisms inquire into the case. They summon the parties concerned and/or visit the disputants and other community members. Committees in general send fewer members for domestic disputes than for neighbour disputes, to respect privacy.

Summoning parties - informal dispute resolution mechanisms summon the disputants for a discussion either as a means of inquiry or to confront the parties and devise a solution.

Mediation or Arbitration - informal dispute resolution mechanisms attempt to resolve the dispute either by facilitating discussion between the two parties with a view to reaching a compromise or by devising a solution of their own that they submit to the parties.

Post-decision alternatives - if one of the disputants is not agreeable to the decision, the mechanism may refer the dispute to another formal or informal structure or the disputants may, of their own accord, approach other means of redress. For instance, a party to a land dispute may lodge a complaint with the police following a decision brought about by an informal dispute resolution mechanism that s/he believes to be unfavourable.

Those involved in informal dispute resolution do not necessarily have training in mediation or arbitration skills but apply common sense and principles of social justice.

1.4 Which redress mechanisms address which problems?

While this study examines informal dispute resolution mechanisms, it was found that most problems get resolved informally on a one-to-one basis and do not reach the stage of needing assistance from a third party. Informal dispute resolution mechanisms may be informed of the problems but disputants may prefer to resolve disputes among themselves. For instance, many land occupation problems are solved by the owner and the occupier reaching an oral agreement on the time and conditions of releasing the property.

Below are some the disputes encountered in the fieldwork and the types of mechanisms that people turned to, to address these disputes.

Type of Disputes	Main Redress Mechanisms Approached
Rape, incest	field officers, local NGOs, LTTE, police
Inheritance	GS, family elders, village/religious committees, mediation boards
Marital	village/religious committees, women's groups, local NGOs, family elders

Land occupation	GS, LTTE, mosque committee, police, courts
Fence disputes	GS, village/religious committees
Kasippu	all
Maintenance	religious committees, GS, courts
Harassment	religious committees, LTTE
Youth violence	religious committees, LTTE, police
Financial transactions	village/religious committees, GS
Inter-ethnic violence	peace committees, religious committees & leaders, LTTE, police, army, politicians, HRC, SLMM
Disputes involving LTTE	LTTE, peace committees, religious committees & leaders, police, army, politicians, HRC, SLMM
Irrigation	GS, Water Agent, LTTE
Disputes involving armed forces	army, peace committees, religious committees and leaders, local NGOs, politicians, HRC, SLMM
Agricultural	RDS, community centre, NGO created CBOs, local NGOs, GS
Fishing problems	Fisheries Association, Fisheries Co-operative Societies, GS, religious committees, community centres

It must be noted that there are wide regional variations in the mechanisms people most frequently approach. Disputants may in fact approach multiple means of redress, sometimes using both formal and informal mechanisms to order to get the result most in their interest.

1.5 How do people decide whom to go to?

There are key factors that determine which mechanisms aggrieved parties approach for redress in each district. These include: type of disputes, mandate and strength of village committees, ethnicity and religion of disputants/affected parties, strength of LTTE presence, access to law enforcement and judicial authorities, and the impact of conflict on the local socio-political environment.

Below are illustrations of these factors:

Access to law enforcement and judicial authorities: Given the largely urban setting of these institutions, rural communities are less likely to seek redress from them. Lack of transport and adequate roads, in addition to the high cost of litigation, corruption, backlog of cases and lengthy procedures, act as deterrents to seeking this form of redress.

Type of dispute: Family disputes are more likely to be addressed within the community through mechanisms such as religious committees. In the case of land disputes, disputants turn to the GS or other relevant authority.

Strength of village committees: In villages with loose social structures, such as relocated villages of IDPs from different areas of origin village, indigenous committees may lack the authority to be approached by disputants. Similarly, externally-created local committees

that are more representative in nature may have less legitimacy and authority compared to those run by local leaders and may therefore be sidelined in more critical disputes (see Section 4).

Ethnicity and religion: These factors to a large extent determine which mechanisms disputants use. For instance Tamils are more likely to go to the LTTE than to the police, while Muslims would turn to the mosque committee. The Sinhalese may turn to the police or army to address their grievances. Particularly in intra-family disputes, people turn to their own representatives. However, where a party to a dispute is from a different ethnic or religious group than the other, s/he may approach the informal dispute resolution mechanism most representative of their opponent. For instance, a Tamil would appeal to the mosque committee to solve his/her dispute if the other party to the dispute is a Muslim.

Strength of the LTTE presence: In government-controlled areas, where the LTTE's political officers are present, Tamil disputants often turn to them for redress. The key reasons cited were a lack of trust in the police's effectiveness and integrity, compounded by language barriers. Members of other ethnic groups may approach the LTTE in cases where the LTTE is a party to the dispute or has the capacity to influence and solve the dispute. For example, Muslims returning to areas from which they were evicted may go to the LTTE to intervene should their property be occupied and the occupiers are unwilling to move.

The impact of conflict on the local socio-political environment: Depending on the way local communities in each district experienced conflict, they react to incidents and seek redress differently. For instance, in Jaffna before 1995, people approached the LTTE with their disputes. Following the take-over of Jaffna by government forces, people responded by turning to the army or by developing informal mechanisms. Since the CFA and the return of the LTTE, Jaffna residents have increasingly sought redress from the LTTE. Social dislocation and disintegration have led to the unravelling of traditional social structures, making disputants less likely to turn to village elders and local community organisations, such as RDS, than they were prior to the conflict.

Motivation to seek redress from informal dispute resolution mechanisms

People approach whichever mechanism they believe will solve the dispute and is most likely to favour their side. For instance, in Jaffna, when a dispute arises over occupation of property between displaced persons and returnees, it is not unusual for the legal owner to seek formal legal redress while the occupier, who has no legal claim to the property, approaches the LTTE. Therefore, the decision to use an informal dispute resolution mechanism may not be based on its informality as such, but rather because it is a mechanism capable of responding to the disputants' needs.

Furthermore, informal dispute resolution mechanisms may be resorted to simply because more formal mechanisms are not willing or able to assist. Thus, in Thalaimannar, Mannar District, when faced with returnee-occupier land disputes, the villagers turned to a local NGO to assist them in reaching an agreement, as the State authorities had failed to address their case. In addition it is not unusual for a party to a dispute to approach multiple systems of redress to both identify a mechanism that will address the dispute and provide a favourable decision.

2 INFORMAL DISPUTE RESOLUTION MECHANISMS

2.1 NGO-established peace committees

A number of NGOs are engaged in peace-building activities. At times, NGOs form peace committees that may engage in informal dispute resolution. Most of the NGOs which have initiated peace-building programmes are donor funded. None of the NGO-established peace committees that were encountered were focussing solely on informal dispute resolution. Instead, other areas of work included peace awareness and education, and inter-community social and cultural activities. Villagers can approach peace committees to assist them in solving their problems or disputes.

Typically, an NGO sets up one or more village committees in mono-ethnic villages and in villages with mixed communities. Certain organisations may create a committee that brings together villages of different ethnicity. Peace committees usually consist of elected members of the community, some of whom perform executive and administrative functions within the committees. Gender and age representation vary according to the NGO policy and the choice of those selecting the committee members. A field officer from the NGO usually serves as the intermediary between the village-based committee and the NGO. The field officers advise the committee, identify problems, notify the NGO of these problems, and may assist in solving, or even mediating community problems and disputes.

2.2 NGO-established development or other committees

NGOs have set up village committees to implement development or other programmes. These include youth groups, women's groups, savings groups, etc. Often, the NGO brings together members from existing indigenous or NGO-initiated committees into one centralised committee.

Generally, such committees do not engage in informal dispute resolution. However, they may, within their mandate, assist in solving community problems. NGO committees have assisted in solving problems outside the scope of their work, such as liaising with the army in cases of arrest.

Field officers of the NGOs may be approached for assistance and may refer the problems to the NGO. In turn, the NGOs mediate with the authorities (GS, army, etc.) on behalf of the community. For example, in Trincomalee, a local NGO was able to mediate successfully with the Sri Lankan Navy on behalf of local fisherman who were too frightened to go and fetch their boats which had drifted into restricted areas during the night.

2.3 Indigenous committees

Most villages visited by the researchers had multiple CBOs, such as: village committees,

RDS, WRDS, Paddy Cultivation Societies, women's committees, traders' associations, fisheries committees, youth groups, sports clubs, community centres, agricultural committees, etc. While some of these CBOs were established through government initiatives, they have been well integrated, the members are selected by villagers and these CBOs function independently of government and have become internalised by the communities in which they were set up.

Indigenous CBOs primarily engage in informal dispute resolution within their functional areas. For instance, most community disputes over fishing are usually solved by fishery committees. Some CBOs engage in informal dispute resolution even when disputes fall outside their mandate. Thus, in all rural farming areas, except Jaffna and the LTTE-controlled Vanni, the RDS tended to be one of the mechanisms most active and frequently approached to solve disputes. In fishing communities, the Fisheries Co-operative Societies took on the role played by the RDS. RDSs do not exist in urban and semi-urban areas. Furthermore, in Muslim areas, the mosque committee as opposed to the RDS, plays the dominant role, as is detailed below. It is noteworthy that the field researchers did not encounter many traditional committees of village elders, like a panchayat system.

Some indigenous committees are set up by individuals interested in the community's welfare, such as teachers, principals, professionals, religious leaders, business persons, etc. Usually these committees, created for peace building, social and community development, are based in key urban centres of the district they work in and focus on problems throughout that district. These include the People's Forum, Puttalam; peace councils, Jaffna; Citizen's Committee, Mannar; Inter Faith Peace Committee, Muttur and Kalmunai Peace Foundation, Ampara.

Such committees engage in informal dispute resolution in two main ways: as a response to community-based or inter-ethnic violence, and as an intermediary body between communities and local authorities, such as local government, the Sri Lankan Armed Forces, paramilitary groups, the LTTE, etc. Some of these peace committees are no longer active since the CFA.

2.4 Religious committees and leaders

In Muslim and Catholic areas, religious authorities play a crucial role not only in solving disputes within their communities, but also in inter-religious disputes that may be brought to their attention.

Mosque committees

In Muslim areas, the board of trustees of the local mosque (mosque committee) is the main body solving non-criminal disputes, with reference to Islamic Law. While the mosque committees come under the Ministry of Muslim Affairs, their members are elected by the community and they function independently. The number of committee members (6 to 22) and the length of the tenure varies between localities (1 to 3 years). Members are always

elected by Muslim constituents. Women are not eligible to sit on or vote for members of the committees. However, women like men, bring complaints to the committees, orally or in a written form. Complaints are otherwise voiced after Jumma or daily evening prayers. The maulavi or the man who leads prayers in the mosque and provides spiritual and moral guidance does not tend to play the primary role within the committee and does not have a leadership role unlike the priest in Catholic and Christian communities.

Depending on the process used by the committee and the nature of the disputes, the members will investigate the matter, summon or visit the parties to the dispute, issue warnings, mediate or arbitrate. If the disputants are not agreeable to the decision, the matter is referred to the State authorities or quazi courts who decide on matters of Muslim family law. A further referral system is federation of mosques that brings together a number of mosque committees in the area to which disputes unresolved by a mosque committee can be brought to. If the federation cannot resolve that dispute or the matter requires a higher authority the district federation, which combines federations in a dispute in a district will be approached. The police may refer some cases to the mosque committee.

The mosque committees deal principally with disputes regarding family, land and financial transactions. Mosque committees are also approached in disputes involving disputants from different ethnicities. Where the LTTE plays a direct or indirect role in a dispute or in communal violence, some Muslim community leaders, often part of the mosque committee, may negotiate with the LTTE on behalf of their community.

The Catholic church

The Catholic church plays an important role in performing dispute resolution in Catholic areas. Unlike the Anglican church which tends to have a middle class congregation, the Catholic church has a wider social base. In addition to his spiritual role, the priest serves as an influential leader and representative of his community, particularly in rural communities. He may provide guidance to the community during his sermons and may be approached to mediate disputes. In Jaffna a system of referral exists within the church hierarchy when the local priest cannot resolve the dispute. During the conflict, the church, particularly the Bishops, acted as mediator between the community and the warring parties, particularly after disappearances and arrests. The priest continues to act as a representative of the local community when mediating with local government in rural areas.

The Catholic church, particularly in Mannar, has a highly organised institutional structure to deal with community problems and disputes. A parish council consisting of elected members of the community and headed by the priest plays two distinct roles: it is responsible for the maintenance of the church, and it acts as a village council, responding to village problems. The council is usually elected annually and may have women membership. A problem may be brought in writing, the priest or a council member may be notified, or it may become general knowledge and hence be addressed by the council. The council may be assisted by subsidiary bodies such as peace or family committees, that may take on relevant problems and turn them over to the parish council if they cannot mediate the problem.

On occasion, other local organisations on occasion work with these church-based organisations to deal with village problems. For example, a problem regarding the use of illegal nets that was addressed by the Fisheries Co-operative Societies is turned over to the influential parish council so it could be handled with higher authority. Meetings of the council and the additional committees often take place within the church premises.

Buddhist Religious Institutions

The involvement of Buddhist temple committees in mediating community problems varied across districts. The Buddhist priest serves as a moral authority to whom disputants go to for mediation or to mediate on their behalf with actors outside the community, such as the state authorities and law enforcement agencies. In disputes involving two Buddhist villages the dispute is referred to the chief incumbent or head priest of the major Buddhist temple in the area. Village leaders often serve on the temple trustee board and often mediate a community dispute with the assistance of the priest.

Hindu Religious Institutions

Hindu temple trustee committees are not always active in community affairs. The pussari or Hindu priest does not necessarily play a dominant role in community affairs, but individual pussaris may get involved. The temple trustee board may engage in mediation depending on the location. In Jaffna District for instance most of the temple trustee boards were not involved in mediating community disputes other than those that pertaining directly to the temple, such as which families could hold pujas on auspicious days. In Ampara and Batticaloa, by comparison, the temple board would take up other community disputes and resolve them.

2.5 Individuals and officials engaging in informal dispute resolution

Some individuals, particularly respected community members, government officials, and LTTE members, engage in informal dispute resolution. While these individuals may be approached because of their formal position, the methods they use to address disputes may be informal in nature. Furthermore, such individuals may attempt to resolve disputes which fall outside their functions.

Some villagers approach leading individuals in their community to help them solve their problems and disputes informally. For instance, religious leaders, school principals, political party organisers, businessmen and employers, may mediate between disputants.

Grama Sevaka

From the research conducted, it appears that the Grama Sevaka (GS), where active, is very often the first point of call for intra-community non-criminal problems and disputes, such as neighbour disputes, fence and land disputes, and family disputes. The GS usually attempts to mediate disputes; if this fails, the cases are referred to formal mechanisms or other informal dispute resolution mechanisms. In certain areas where the GS administers a number of villages, s/he may not always be familiar with the community that he serves,

therefore, at times villagers are reluctant to approach her/him. This sense of estrangement is compounded in cases where the GS administers recently-returned communities or where s/he is a recent returnee.

Other government officials

Other government officials such as police officers, Water Agents, Samurdhi (development) officers, and Justices of the Peace (JP) are approached in their official capacity to solve problems and disputes. However, such persons at times decide to resort to informal methods to address the problems. In cases of land occupation police officers may mediate between occupiers and owners, or suggest temporary solutions. Instances of the police referring cases to relevant village mechanisms or to the LTTE were also encountered.

LTTE

Since the CFA and the opening of LTTE political offices in government-controlled areas, many Tamil villagers approach local LTTE political officers to solve their problems. The involvement of the LTTE varies according to the district and the type of problem. The LTTE appears to be active in addressing disputes related to domestic violence and substance abuse. Other disputes are often referred to State structures, such as police, courts, GS, etc by the LTTE. Occasionally cases may be referred to the LTTE hierarchy or mediated at the initiative of an LTTE officer.

Sri Lanka Monitoring Mission

Officials of the Sri Lanka Monitoring Mission (SLMM) engage in informal dispute resolution. The main task of the SLMM, which was set up under the CFA, is to monitor the cease-fire, and investigate and report violations. It plays a mediation role depending on the district and the SLMM officials involved, facilitating meetings between the State authorities, the LTTE and local community leaders.

2.6 Informal committees established by the LTTE

LTTE Awareness Groups

The LTTE has also set up awareness groups in villages in Jaffna. At the time of writing these groups did not appear to be active in solving disputes, though they were reportedly engaged in providing directives on social and cultural practices at village level. In addition, LTTE members organised an 'awareness' meeting with villagers; for instance, in Chavakachcheri a meeting was organised to discuss the recent spate of robberies and kasippu production.

In the LTTE-controlled Vanni, the existence of awareness groups was reported but the limited research time did not allow study of their functions. The former village committees are now defunct and most disputes are taken directly to the local LTTE police station.

3 REGIONAL AND SOCIAL DIFFERENCES

The socio-political environment in which informal dispute resolution mechanisms are found heavily influence how they function. The existence, type, process and success of informal dispute resolution mechanisms depends upon a number of regional and social factors, which are highlighted below and detailed in the District Chapters.

3.1 The regional impact of the conflict

The impact of the conflict upon certain areas has substantially altered the nature of disputes as well as the ways in which these disputes are addressed. For instance:

- Local communities in areas which have been subject to large-scale displacement, such as Vavuniya and Jaffna, appear to be more tolerant of the presence of populations of displaced persons. By contrast, in Puttalam tension between the host community and IDPs have been more commonplace and have altered the type and number of disputes.
- In the Eastern Province, host to the three main ethnic communities, the conflict has exacerbated communal tensions to such an extent that most disputes have become ethnicised. Incidents escalate into violence, consolidating the pattern of communal violence witnessed in these three districts during the conflict.
- In villages that have been subject to multiple displacement, indigenous committees and traditional leadership/elders have lost their prominence due to the unravelling of the social fabric. Thus, in Jaffna, compared to other government-controlled areas, the LTTE is often approached to solve disputes. The main reason given is the common distrust of the police and the pre-1995 experience of Jaffna residents of the ‘efficiency’ of LTTE law enforcement. In addition, traditional village committees have become defunct due to the scattering of village leaders and the loss of community cohesiveness.
- In Mannar, the church, as opposed to other traditional structures, has maintained strong leadership throughout the conflict and has therefore been able to play an active role in informal dispute resolution.
- In Trincomalee, where displacement has been less widespread, traditional mechanisms, such as Rural Development Societies and mosque committees, continue to play a central role in solving community problems and disputes.
- In Vavuniya, in most welfare centres residents were not allowed to form any committees, thus forcing them to rely exclusively on the discretion of the Camp Officer.
- In LTTE-controlled areas, the LTTE plays the main role in dispute resolution through its police and judicial structures, while in government-controlled areas it has to rely on its political officers to carry out these functions.

3.2 Ethnicity and religion also determine which informal dispute resolution mechanisms are utilised. Particular ethnic and religious groups tend to approach different mechanisms. For instance, Sinhalese persons tend to appeal to State authorities for redress. Muslims almost always approach their mosque committee. Catholics will often approach their priest as a first point of call. As the Hindu priest performs a ceremonial role and the kovil trustee board is involved mainly in the temple upkeep, Hindu Tamils will often use a variety of mechanisms including the LTTE. In cases where the disputants belong to different ethnic

or religious communities or live in mixed villages, the parties will often approach each others' systems of redress.

3.3 Local demography and politics affect not only the nature of disputes, but also the means of redress available. Access to or involvement of powerful political actors, such as MPs, Ministers or the LTTE often leads to villagers resorting to these actors for redress rather than other mechanisms. Thus, in Puttalam, displaced people originating from the constituency of a Member of Parliament appeal to him to solve community or inter-community disputes. Local minorities may be compelled to seek and accept redress from the informal dispute resolution mechanisms of the local majority (see section 3.6).

There are other notable social differences.

- In Jaffna, for instance, caste is a major source of tension and disputes. Hindu areas have a significantly high number of temple disputes, particularly in the Jaffna and Batticaloa Districts.
- Harassment of women from other ethnic communities by Muslim youth was a problem repeatedly mentioned by mosque committees in Mannar and Puttalam Districts.
- Rampant alcoholism and other social problems were observed as being particularly problematic in displaced communities and recent returnees from welfare centres.

The general pattern with regard to urban communities, was for disputants to approach more formal systems of redress, such as the law enforcement or judicial authorities. Rural communities, having less access to such means of redress due to financial constraints and problems of mobility, tended to rely more on traditional mechanisms.

The impact of the Cease Fire Agreement on which mechanisms are approached

The CFA has had wide-ranging repercussion on which mechanisms people decide to approach, due to three main factors: the change in the types of problems and disputes; the rise of the LTTE; and the loss of power of other actors.

Groups that were involved in mediating between the army and the local communities in cases of arrest and other matters are no longer as active. Some now focus on different issues such as child conscription by the LTTE, while others have become defunct. The increasing presence of the LTTE in government-controlled areas has resulted in a number of complaints being taken to the LTTE at the expense of other informal or formal mechanisms. The result is the loss of prominence of certain actors, such as paramilitary groups, the police and the armed forces, in the field of formal and informal dispute resolution.

4 ASSESSING THE SUCCESS OF INFORMAL DISPUTE RESOLUTION

Some critical problems were identified in assessing successful cases of informal dispute resolution through this study. Methodological problems in the short-term study such as making time specific, one-off assessments and relying on the testimonies of those involved in the mechanisms rather than the community at large were particularly problematic. In addition it was found that while effective cases of informal dispute resolution could be identified they did not necessarily meet with key benchmarks that are essential in the dispensing of justice that informal dispute resolution performs.

This section will examine factors that influence the informal dispute resolution process such as the role of local leadership and the politics impact of politics and force. The tendency of local elites to dominate informal dispute resolution mechanisms and the decision-making process was observed to be a key feature and hence the resulting advantages and problems will be examined. The interference of politics and force at a local level was also observed to constrain informal dispute resolution processes, limiting the opportunity for local mechanisms to function and take on high profile or politicised issues, sometimes for the fear of violence.

In addition this section will look at informal dispute resolution mechanisms created by donors, INGOs and local NGOs. The fieldwork indicated that such mechanisms were susceptible to a lack of longevity and in some instances ineffectiveness. Problems such as the inherent difficulties of peace building, the weaknesses of local NGOs, and donor pressures and expectations were identified.

4.1 Benchmarks for Informal Dispute Resolution

A key concern in studying informal dispute resolution is how to gauge whether a dispute has been 'resolved successfully'. During the field work, a number of cases were found where disputes had been addressed and resolved to the apparent satisfaction of the disputants. While the disputes were effectively dealt with, it does not indicate that these were examples of *successful* informal dispute resolution.

Methodological limitations such as time constraints made it difficult to evaluate the evolution and ripple effects of specific cases that were researched during the fieldwork. Furthermore, reliance on testimonies of select individuals directly involved limits one's understanding of the community's overall perception of informal dispute resolution processes and mechanisms. Focusing on community perceptions would provide an insight into the legitimacy of the resolution process, whether the mechanism will be utilised by the rest of the community and whether the dispute is likely to recur. Success in resolving a dispute at a particular time, in a particular locality, may not necessarily indicate a successful mechanism as such, as the process may not be replicable in other cases or other areas.

In addition, fundamental conceptual issues arise when determining whether a dispute has been ‘resolved successfully.’ Making such a judgement depends on the standards and values applied. One standard is the time factor. A dispute that is identified as having been resolved may have been frozen rather than solved in the long term. While the symptoms of a dispute may have been addressed, the underlying causes, such as the tensions or the competition for resources, may not have been dealt with. Unless the causes are tackled, the dispute may recur or the tension may manifest itself in another dispute.

Despite a dispute being solved effectively, the process through which it is resolved and the outcome may not achieve benchmarks integral to judging whether informal dispute resolution has been successful. These benchmarks are necessary because informal dispute resolution is a form of dispensing justice and must, as do more formal judicial systems, apply general principles of justice. In the case of informal dispute resolution, the essential principles are fairness, impartiality, legitimacy, free choice and representativeness. The examples below illustrate how informal dispute resolution processes and mechanisms may reflect some of these principles, but fall short of reflecting all of them.

- *Fairness*: Both dispute resolution processes and final decisions may be unfair. For instance, decisions made by informal dispute resolution mechanisms may be seen as legitimate by the community but seem unfair to the individual. For example, a village committee in Vavuniya, when faced with a domestic dispute over alcohol abuse, threatened the husband with expulsion from the community unless he stopped drinking. There are some universal aspects of fairness such as the right to be heard. While it is recognised that the perception of fairness with other aspects may be relative depending on who is judging the process and outcome (the disputants, the community or the donor/NGO), the benchmark raises key questions to those interested in supporting such mechanisms and processes.

- *Impartiality*: Those engaged in the decision-making process may have strong biases and social prejudices colouring the decision-making process and its outcome. For instance, some issues related to low-caste Tamils in Jaffna may not be addressed by local leadership until it has reached serious proportions, as a result of prejudice and the assumption that certain behavioural patterns are ‘in their nature.’ Such issues include alcohol-induced violence, adultery, polygamy, marital discord and domestic violence.

- *Legitimacy*: The extent to which disputants are free to choose which mechanisms to approach and whether to accept decisions is questionable in certain cases. This is particularly relevant where disputants approach local powerful leaders or political actors, such as LTTE officers. While in certain cases, the decision may be fair, the procedure to resolve a problem may be heavy-handed and there may be no space for dissent or appeal. Similarly, where a disputant is from a local minority, he or she may have no choice but to approach the informal dispute resolution mechanism which is dominated by the majority and hence have no choice but to accept the decision for fear of backlash. In instances where minority returnees turn to local leaders over issues such as occupation of property, the returnees may have little scope to object to the temporary or permanent measures devised by the local leadership, such as sharing of the property or payment of rent.

- *Free choice*: In some cases informal dispute resolution was reported to have been undertaken by persons whom one or more of the disputants do not recognise as legitimate authorities to address the dispute. For example, if a person approaches the LTTE over a land dispute, the other party to the dispute may not view the LTTE as legitimate mediators or arbitrators, but prefer that the matter be dealt with by the courts. The fact that disputants approach particular mechanisms or leaders or accept their decisions is not necessarily an indication of the mechanism's legitimacy but rather of the disputant's lack of choice or the fear of contesting the process and outcome.

- *Representativeness*: The lack of representation within informal dispute resolution mechanisms may have consequences on the outcome. For instance, the absence of women in mosque committees and their inability to elect representatives may affect whether their disputes are addressed and how they are solved. Marginalised groups within communities, be they ethnic minorities, women or low castes, may not get a fair hearing due to their lack of representation.

4.2 Leadership

Local leaders play a dominant role in informal dispute resolution, either in their individual capacity or as members of community-based committees. It is not unusual to find wealthy, more educated, high caste people, such as landowners, businessmen, civil servants, or teachers dominating these processes of informal dispute resolution. These leaders have power by virtue of tradition, profession and politics. The traditional leadership role played by certain families is perpetuated through their wealth and social class. Others gain social status through the professional positions they hold, such as JPs, GSs, teachers, or as active members or supporters of political groups.

In certain communities which have undergone severe dislocation and multiple displacement, this pattern of elite domination does not apply with the same intensity. In relocated villages in Vavuniya, the 'village elders' were in their thirties and forties. It was generally observed, in communities in districts such as Jaffna and Vavuniya, that traditional leaders and elderly people were not represented and, if they were, did not necessarily carry much authority. In such communities, traditional hierarchies have disintegrated as a result of the conflict. In the words of one field officer of a local NGO in Valigamam West, Jaffna District, the traditional leaders are all "gone and dead". Militancy and empowerment of youth has also had an impact on local leadership, as some traditional leaders are reluctant or afraid to represent their communities.

Leaders are often elected to executive positions within the committees, such as president, secretary, treasurer, etc. In addition, local leaders tend to dominate the decision-making process in such committees. For instance a dispute over money transactions in Trincomalee was solved by the local leaders in the mosque committee. The four persons charged with devising a solution to the dispute were the president and treasurer both of whom had occupational authority, being a lawyer and a teacher respectively, assisted by an accountant and a civil servant. The other eight mosque committee members who were labourers,

were not consulted. Not only are local leaders dominant in committees but they also tend to serve in multiple committees. For example, in a village near Chavakachcheri, four village leaders were holding eleven positions in village committees between them.

Such a concentration of power among a few individuals is the result of a number of interconnected factors. Local leaders have the power to resolve local disputes and problems effectively as a result of the respect, traditional or otherwise, they command. The political and social networks to which leaders have access, enables them to act on behalf of the disputants. Leaders are often among the most educated, which increases the respect villagers have towards them and in addition grants them the knowledge necessary to tackle disputes and community problems effectively. Wealth can also enable individuals to act as leaders, as villagers turn to such individuals for monetary purposes and share their other concerns.

The apathy of villagers to play active roles in community affairs and their lack of spare time limits the pool of individuals willing to serve on village committees and helps to explain why power is concentrated among a few. For instance, in Puttalam, one village leader serving on a number of village committees explained that some village leaders were forced to take on most of the responsibilities in community affairs due to the fact that other members of the community were disinterested.

The dominant role played by leaders in informal dispute resolution mechanisms raises the question of whether villagers approach such mechanisms because of the presence of the village elite in these structures. The dilemma that confronts those engaged in creating and supporting such mechanisms is whether to consolidate and finance such hierarchical practices, even though they appear to be effective. The alternative is to encourage *representative* committees which may, however, not carry the legitimacy or authority of the traditional elite. Even if the elite is incorporated in such representative committees, the fact that they would dominate decision making would make the endeavour futile.

It is not merely the principle of representativeness which is at stake as a result of leaders dominating. There are great variations in the types of leadership: some local leaders may actively and genuinely seek to serve their communities, others may be apathetic, authoritarian, prejudiced or self-serving. While the fact that leaders dominate is not incompatible with the aims of fairness, impartiality, or free choice, respect for these principles is largely at the discretion of a few powerful individuals.

As mentioned earlier, in certain areas such as Jaffna, traditional leaders do not wield much power. While traditional leaders may still sit on village committees, other sections of the community have set up alternative structures to deal with community problems and disputes. In the case of Jaffna, this can be explained by severe social cleavages, both along caste and class lines. It appears that lower caste or class sections of communities do not identify with traditional leadership, as they do not represent this sector's interests. In addition, certain individuals may reach the status of local leaders by virtue of the work they have done in the community or within the village organisations of which they may be members.

This phenomenon raises important questions with regards to the legitimacy of leaders. As illustrated above, individuals may occupy leadership positions within the community but may not be recognised as the legitimate leaders of the entire community. Hence, a representative mechanism is not just an egalitarian concern for donors but may be vital for the legitimacy and effectiveness of local mechanisms that engage in dispute resolution.

Therefore, while those engaged in creating or supporting informal dispute resolution should not be averse to incorporating local leaders as they are effective, they should do so after careful consideration of the local power relations. If donors and NGOs wish to ensure that the informal dispute resolution structures they create remain fair throughout, they should not only assess the local conditions, but also continuously support and monitor such structures. Furthermore, to avoid the marginalisation of certain sections of the community, it is vital to identify and incorporate the recognised, legitimate leaders of *all* sections of the community, who may not always be the traditional leaders.

4.3 The role of politics and force

Where powerful political actors such as the LTTE are present, informal dispute resolution mechanisms are often powerless to resolve any disputes, save for uncontroversial ones. When these political actors also command military power and dominate a local environment through fear, in particular the threat of violence it is a challenge for informal dispute resolution to function effectively and fairly. Therefore, when evaluating the capacity of local communities to engage in informal dispute resolution, it is essential to factor in the role of politics and force in that local environment.

The presence of powerful political actors and fear can diminish the influence of, or even incapacitate, informal dispute resolution mechanisms in two ways: either the community approaches these powerful actors directly, or persons engaged in informal dispute resolution do not get involved in mediating controversial cases. In some communities, both these factors may come into play, with local community leaders unwilling to get involved in contentious issues such as land or water disputes. Instead the community leaders attempt to address the dispute by trying to involve more powerful political actors to arbitrate the disputes or to issue political directives. When these powerful political actors are responsible for or involved in the disputes, community leaders may avoid mediating between the local disputants. For instance, with regard to land disputes involving Muslim returnee owners and Tamil occupiers, it is not always possible for the two parties to negotiate between themselves, particularly if the Tamil occupiers obtained the property from the LTTE. The district commander of the LTTE may have to be contacted and in some instances the local Muslim leadership may have to approach the central LTTE leadership in Killinochchi.

In other instances, political pressures and social tensions may relegate certain disputes off limits. Potential mediators or resource persons, such as village elders, are fearful of taking a leading role in dispute resolution. This may be due to fear of repercussions from armed or powerful actors, or from their own community. For example, in Jaffna and Vavuniya,

elders were not often active in mediation reportedly for this reason, causing members of opposing communities to refuse to come forward to verify land boundaries and ownership claims, thereby limiting the opportunities for an informal dispute resolution process to be more inclusive. These pressures and tensions may affect an entire district, which may further discourage NGOs and the committees they create from addressing inter-ethnic issues. In Trincomalee, this was observed to be the case, with inter-ethnic peace building or development work being a real exception. Finally, disputes involving the LTTE or their supporters cannot be taken up by informal dispute resolution mechanisms.

The ceasefire has significantly altered the local political environment in which informal dispute resolution functions. The LTTE's strength has markedly increased throughout the North and East. By contrast, the influence of paramilitary groups such as the EPDP, TELO and PLOTE who were actively involved in local affairs is on the wane if not negligible. Similarly, the Sri Lankan Armed Forces now have a less prominent role in local affairs. These changes are reflected at the local level, both in terms of leadership and mechanisms. Those individuals previously engaged in mediation work with both State and militant organisations, such as citizens' committees, have in some instances become defunct. In some cases, this is due to the cessation of hostilities and their related problems. Other informal dispute resolution mechanisms find it difficult to address local disputes due to the interference of the LTTE or to negotiate directly with the movement. Thus, in Muttur, for instance, the interfaith peace committee was unable to survive following the CFA, as its leadership could not successfully engage the LTTE in times of crisis.

The role played by politicians both in mediating and in exploiting local disputes and fuelling violence was mentioned by respondents on a number of occasions. Accusations of politicians instigating and fuelling local conflicts were mentioned, but the researchers could not gather enough evidence to verify whether this was a pattern either across or within districts. The most common pattern observed was of politicians getting involved once disputes or incidents had escalated into violence. In such situations, politicians played a key role in trying to reduce the level of violence by directing the local police or the army to take control and by trying to mediate between local communities and local authorities. However, the direct role played by politicians, often over the heads of local mechanisms, has the effect of undermining the latter's authority.

4.4 Externally-created informal dispute resolution mechanisms

The field research indicates critical problems with externally-created mechanisms and with the assumptions on which they are created. The key problems relate to their lack of longevity and ineffectiveness. These derive from three main factors detailed below: inherent difficulties of peace building, the weaknesses of local NGOs, and donor pressures and expectations.

Externally-supported mechanisms of informal dispute resolution include those created by NGOs, State authorities, such as the army, police, and Interior Ministry and groups of

concerned citizens from outside the community. Whereas some local village organisations, such as RDS, women's committees and mosque committees were set up at the initiative of government ministries, they are locally-integrated mechanisms that function independently. They are therefore closer to indigenous committees than to the externally-created mechanisms mentioned above. By contrast, new peace committees established by the Interior Ministry, for instance, are perceived as being an arm of the government and foreign to the community.

Externally-supported mechanisms that engage exclusively in informal dispute resolution and peace building that were encountered in the field work tended to be unsustainable. For example, in Puttalam, multiple peace committees established by local NGOs and groups of concerned citizens from the town bringing together leaders of two hostile villages lapsed within a few months of being established, as interest fell and community members stopped attending the meetings. Apathy was one of the main obstacles cited by those involved in setting up the committees in this case. Other key factors which explain the short life span of external mechanisms are the pressures of the political environment, internal political differences, lack of long-term support from local NGOs and donors, and other factors, detailed below.

It must be noted that the unsustainable nature of such mechanisms is not due to the fact they are created by external actors. Many of these mechanisms have the potential to be internalised. For instance, CBOs were established under government initiatives by relevant ministries, but the members are selected at village level, the CBOs currently function independently of government and are fully internalised by the communities in which they were set up. Hence, externally-created peace committees or village committees set up by NGOs or donors could go through a similar process, becoming an integral part of village society.

The field research did not definitively suggest that NGO-created mechanisms are either rejected or accepted. Most local NGOs create their committees by using existing local groups such as RDS, WRDS, etc. Local NGOs appropriate existing committees or integrate members of existing committees to form their own. There are two ways of interpreting the result of this approach. On the one hand, the positive impact is the creation of a village forum that brings together members from disparate village groups that may not necessarily otherwise meet. The fact that local NGOs may channel funds, support and function through these forums may also create legitimacy for such committees. Harnessing what already exists on the ground strengthens these new institutions. On the other hand, it would seem that in fact such exercises are futile, duplicating already existing mechanisms. It would, however, seem that the village committees created for a community are being utilised and sustained by the villagers. It must be noted, however that in terms of longevity bridging committees between multiple villages and ended to have a comparatively poor survival rate compared to the one committee, one village model.

Even where externally created mechanisms have been put in place they tend to have a poor success rate in performing informal dispute resolution. A number of local NGOs encountered

mentioned having created village committees, either for development or peace work, which they said were active and successful in solving local conflicts and problems. Upon further research, it appeared that these committees were active in some fields, such as identifying and addressing community needs, but not in the field of dispute resolution. This pattern varied greatly according to the areas. For example, in Mannar, a village mechanism meant to engage exclusively in informal dispute resolution failed over the five months of its existence to meet more than once. In Trincomalee, a national organisation with an extensive network of representative committees also proved unable and unwilling to tackle village conflicts, though it provided legal services and other advice. The difficulty researchers had in finding successful informal dispute resolution cases solved by externally-created committees suggests that such committees do not have a good track record in this field.

In particular, committees created by NGOs tend to be more active when confronted with 'small,' manageable problems and disputes rather than more contentious issues. 'Small' problems are usually intra-family or those that have no connection or interest to political or financial actors. Thus, whereas kasippu production is a commonly and at times successfully addressed problem, NGO-created committees rarely successfully mediate land disputes.

Three main factors were identified which account for the deficiencies of externally-created mechanisms, in particular those set up by local NGOs and donors: the inherent difficulties of peace building; the weaknesses of local NGOs; and donor pressures and expectations.

Indeed, a fundamental reason why external mechanisms fail to address politicised or ethnicised disputes successfully is the inherent difficulties in dealing with issues of this nature. As mentioned in the previous section, in areas where political and ethnic tensions dominate, or when issues are politically sensitive, externally-created mechanisms, like other mechanisms, tend to be inactive. Often these external committees are created with the aim of enhancing community cohesiveness and peace building. In particular, committees set up with a peace or informal dispute resolution focus are expected to prevent the widening of large issues such as communal divisions, land disputes, etc. Some of these issues, however, are intractable in nature, often being causes and symptoms of the protracted conflict. Therefore, it is unrealistic to expect local mechanisms to have the capacity to solve these high-stakes issues. Even those mechanisms incorporating existing traditional leaders cannot be expected to successfully resolve disputes that are highly politicised and which reflect national divisions.

Furthermore, problems inherent in NGOs and how they function have an adverse impact on the mechanisms they create. Firstly, many local NGOs lack the capacity to implement and sustain successful informal dispute resolution mechanisms due to the lack of trained personnel, coupled with the multiple activities which organisations are involved. Secondly, local NGOs may also have their own political and social agendas and biases, as is evident from some of the principles which they apply to their 'development' activities. For example, one local NGO claiming to engage in multi-ethnic peace building had just 'successfully empowered' Tamil fishermen to stop relying on Muslim traders. Thirdly, local NGOs are

reliant on donors and therefore adapt their projects to what is likely to attract funds, at times to the detriment of more realistic or needed endeavours.

It appears that many local NGOs attempt to cover up legitimate weaknesses and difficulties they encounter in implementing successful peace programmes, including dispute resolution mechanisms, to adapt to what they perceive to be donor expectations and standards. During interviews, local NGOs used donor jargon such as “participatory approaches”, “beneficiaries”, “multi-ethnic peace building”, “empowerment”, “psycho-social counselling” and “peace animators” to describe what they were doing in the field. As such, they are responding to donor expectations, thus glossing over legitimate weaknesses and difficulties.

There is a discrepancy between what local NGOs state that they are doing and how they actually perform in the field. Certain local NGOs lack integrity and social responsibility. In Trincomalee, for instance, a case of successful inter-ethnic informal dispute resolution allegedly resolved by the committees set up by a local NGO turned out to be a hoax. In many cases, however, NGOs simply exaggerate the nature and extent of their activities.

The high standards and expectations of donors involved in peace building contribute to the poor track record of external mechanisms engaged in dispute resolution. Local NGOs may be reluctant to engage in more realistic endeavours and instead focus on large peace-building projects in a bid to attract donor attention. Similarly, the acceptance by a village of a local NGO’s peace programme is not necessarily an indication that it reflects the community’s needs and wants. Rather, it may reflect the village’s enthusiasm for the concern and attention of an external actor into the community’s needs and wants. As a result, peace-building programmes in such communities tend to be unsustainable.

Whereas it could be concluded that more monitoring of local NGOs on the part of donors is required, further monitoring could lead to greater discrepancies as local NGOs adapt their rhetoric, as opposed to their work, to more stringent standards. In particular, the donor focus on quantifiable results (number of beneficiaries, peace committees created, peace activities conducted, etc.), timeframes for the completion of activities and the often short-term funding for peace projects puts undue pressure on the partner NGO. Results in the field of peace building however can only be gauged by qualitative differences in the relationship of divided communities. Therefore, current monitoring procedures do not reflect the actual results of NGO activities in the field, such as trust-building.

The limitations of externally-created dispute resolution mechanisms do not mean that such endeavours should be abandoned. Rather, those engaged in creating and supporting such mechanisms should factor in the issues discussed above, namely the inherent difficulties of peace building in politicised environments, the weaknesses of local NGOs and the negative impact of donor pressures and expectations. Local communities are best placed to know what can realistically be achieved in their own localities. Peace-building programmes including dispute resolution would therefore greatly benefit from improved communication between donors, partner NGOs and the communities which they serve.

CONCLUSION

Rethinking our assumptions about informal dispute resolution

This study was undertaken to map out existing informal dispute resolution mechanisms at the local level, particularly in the context of refugees and IDPs return to their homes. It was conducted with the understanding that a space was available for those engaged in peace building to strengthen such mechanisms, and that doing so was a requirement. The researchers relied on a set of assumptions, which the field research has put in question. These assumptions appear to be shared by many and are assessed below in view of the findings of this study.

- Informal dispute resolution can be created and sustained, as the formal authorities, both administrative and judicial, do not have the capacity to solve local disputes. This is particularly so as local disputes, especially land and resources related disputes, are likely to increase with the return of displaced persons and refugees to their areas of origin.

There is no doubt that informal dispute resolution as it currently exists does considerably lighten the burden of the State authorities in solving disputes which may otherwise have been referred to law enforcement, judicial or administrative bodies. This is particularly important given the numbers of returnees who cannot wait for legal directives and processes that have yet to take action on the issue of land occupation. Hence, it is playing a vital short-term role. However, the benefits of such a practice should not be over-emphasised, as having recourse to informal dispute resolution may violate principles of justice which more formal means of redress would have respected. Furthermore, informal dispute resolution mechanisms often address symptoms rather than the underlying causes of a dispute. The causes of disputes may lie in areas which State authorities, whether political or administrative, would be best placed to address, such as in the case of land or inter-ethnic disputes. Informal dispute resolution can complement but not replace the governance responsibilities of the State authorities or even of the LTTE. Given that in some disputes the underlying causes may not be purely structural or resource based but relational, informal dispute resolution has a vital role that State or other formal actors may not be in the best position to address.

- Informal dispute resolution is community-based and thereby promotes local democratic practices and empowers local communities to deal with local conflicts. As informal dispute resolution is often performed by, or with the advice of, local leaders or 'elders,' it is more likely to be accepted by communities and is respectful of local traditions.

Informal dispute resolution may provide forums for communication between individuals and villages which would otherwise not exist. However, local power relations within informal mechanisms put into question the belief that informal dispute resolution promotes more democratic practices. The presence of a plurality of individuals in a committee or mechanism is not necessarily an indication of a democratic practice, as leaders tend to dominate such mechanisms both during the process of resolution and in its outcome. While individuals may approach local leaders as their legitimate representatives, this is not

necessarily so; furthermore, the extent to which the decision to approach a mechanism or to accept the outcome of resolution processes is freely chosen is far from clear. The presence and dominance of a few powerful leaders in informal dispute resolution mechanisms further raises questions of impartiality and fairness. Lastly, the legitimate leaders or representatives of a community are not always those with traditional authority. While religious leaders and land owners continue to wield much power at the village level, in many cases leaders derive their authority by virtue of their profession. Furthermore, in certain areas where community links have been severely affected by the conflict, traditional leaders have lost their power to the benefit of the youth. Traditional mechanisms, for instance, exclude women as key players in the resolution process and may also deal with issues related to women, such as domestic violence, in a patriarchal manner. Thus, external support for informal dispute resolution mechanisms may aid in rebuilding and preserving community links but may also consolidate inequality and power relations.

- Informal dispute resolution is desirable as it relies on the processes of arbitration and mediation, as opposed to the adversarial nature of formal judicial processes. As it fosters communication between disputants and aims at attaining a consensus or compromise, informal dispute resolution can promote reconciliation between divided individuals and communities.

As mentioned above, while mediation and arbitration are commonly used processes in informal dispute resolution, the extent to which compromises reached are freely arrived at is questionable, in view of the domination of local leaders in such mechanisms. Also where a decision reached may reflect the consensus of the leadership about the common good rather than the individual merits of the case, the notion of consensus comes into question. While informal dispute resolution may assist in reconciliation between divided parties, it can only do so if the causes and tensions underlying the disputes are also addressed.

- As informal dispute resolution promotes increased communication, reconciliation and community empowerment at the local level, it may not only assist in solving local disputes, but also in preventing conflicts from arising and escalating. Informal dispute resolution can therefore restore and sustain peace at the local level.

It is difficult to evaluate the extent that informal dispute resolution does prevent incidents from escalating, since doing so would require examining the long-term situation and how the scenario would have played out if informal dispute resolution processes had not been present. In cases of inter-ethnic disputes, curbing an incident from escalating, though an achievement does not guarantee that such incidents will not occur anew, in another form. Informal dispute resolution mechanisms encountered in the study were found to be particularly effective at solving non-contentious issues. Politicised or ethnicised issues, for their part, often appeared to be less dealt with and sometimes beyond the reach of such mechanisms, particularly where disputes involved powerful political actors. Furthermore, local conflicts do not occur in a vacuum but may be part of wider conflicts and vulnerable to the influence of more powerful actors. Hence local initiatives may be thwarted by the larger environment in which they function.

- As a result of the above, there is a role for the donor community and for all those engaged in peace building to strengthen informal dispute resolution mechanisms and to create new mechanisms.

It is not clear what type of intervention on the part of donors and others would be desirable and successful. Externally-created mechanisms, such as peace and development committees, proved to be often unsustainable and ineffective. While unsustained donor funding may explain why external mechanisms tend to be short-lived, the research pointed out that the main causes of their ineffectiveness lay at the stage of project design, whether by donors or local partner NGOs. A lack of proper assessment regarding local needs, coupled with unrealistic peace building expectations, appear to be key factors behind the poor track records of external mechanisms. The lack of donor commitment to sustaining such mechanisms and providing adequate training for those engaged in such processes at the local level also have a key impact on the survival rate of such initiatives.

As for indigenous mechanisms encountered in this study (such as Catholic church, mosque committee) few appeared to require financial assistance. The extent of their success in the field of informal dispute resolution was dependent on two key factors. One factor was the power relationships, whether within the local context (the presence or absence of political actors) or within the communities themselves (the nature of the local leadership). The second factor was the nature of the disputes: these mechanisms seem more apt at solving 'small' disputes (family, fence or money transaction disputes) rather than larger conflicts (land, inter-ethnic or politicised).

Recommendations

The research does indicate that a number of steps could be taken to improve projects aimed at peace building and informal dispute resolution:

Realistic expectations

If donors and others wish to foster informal dispute resolution, it appears that they may only do so successfully by rethinking commonly held assumptions, in particular at the stage when peace programmes and projects are designed. Some of the peace programmes encountered seemed to be over-ambitious in their aims in view of the local ground situation. Certain peace committees, for instance, appeared to have been designed externally and imposed on a community without an assessment of what could realistically be achieved in such localities. As a result, such peace committees did not survive.

Reviewing the goals that an informal dispute resolution processes can realistically achieve in a particular locality appears to be central to a successful project. In order to guarantee the sustainability of such mechanisms projects need to be designed to ensure the capacity for the mechanism to internally self-develop and gain access to external relations; and to build the local capacity in the long term of the NGO and those involved in the community.

Local needs assessments

Enthusiasm by communities or local NGOs for external programmes should not be taken at face value. Such programmes may be seen by communities as a means of obtaining the development assistance which they urgently require. Usually informal dispute resolution is not a stated priority for the local community. Relief, rehabilitation and development needs are their main concerns. In many instances communities mentioned socio-economic problems as their main cause of concern rather than local disputes. Furthermore, where informal dispute resolution mechanisms are already in place, creating further mechanisms may simply be a duplication of work. Adapting programmatic priorities to local conditions would benefit local communities. Using an integrated approach of coupling peace building and development, in such a situation may be more useful from a community perspective.

More thorough local assessments

Assessing local power relations, socio-economic conditions, and the nature of disputes would allow those engaged in peace building or other activities to design and implement projects which are feasible within the local context. Where the local environment is highly politicised or ethnicised, efforts by donors may be better spent on advocacy rather than on informal dispute resolution. Community-based peace projects within such localities could also be scaled down so as to achieve realistic aims.

Adequate attention must be given to the impact of the intervention. For instance, if vulnerable groups are to be represented and empowered through such interventions those involved must assess how a consistent dialogue can be maintained with local leadership structures that may feel threatened, what type of training needs to be provided for local leaders and for NGO field workers and how such interventions that have long-term goals can be sustained.

In addition it is important for the donor to identify the nature of the relationship between the community and the potential local partner in that particular environment rather than relying on the NGO for their assessment of that relationship or on the donor's experience with a particular NGO in another district or locality.

Improve communication between donors and local NGOs, and communities

Local NGOs and communities are best placed to assess local conditions. However, local NGOs in their attempt to respond to what they perceive to be donor priorities and expectations, tend to cover up their legitimate weaknesses and difficulties in implementing peace-building projects. Such projects, including informal dispute resolution, would benefit from improved communication between donors and INGOs on the one hand, and local NGOs and their communities on the other. This would allow project designs to suit the needs and priorities of the communities. An improved dialogue would also allow local NGOs and CBOs to openly and constructively discuss their difficulties.

Donors could also play a key role in increasing communication between local NGOs to facilitate experience sharing, particularly with regards to post-conflict situations where disputes and violence can take new forms.

Strengthen local capacities

While greater communication would also allow donors and local NGOs to design and implement locally appropriate mechanisms, the sustainability of the local actors must be ensured. Training at the community and NGO level in areas such as mediation, impartiality and leadership needs to be carried out on a long-term basis. Local NGOs should be assisted to develop and to gain access to external resources, particularly if the initiative is intended to be sustainable and the donor cannot commit to long-term assistance.

Improving peace building initiatives

There needs to be a conceptual shift in the donor community itself in terms of how they assess non-material developments such as positive interactions between communities and reduction of conflict potentials. The very monitoring and evaluation mechanisms need to be re-thought (not just having stricter mechanisms). From the designing stage itself projects need to be envisioned differently. Peace-building initiatives needs to look at, and work towards increased political participation at local governance, and promoting economic empowerment; not just cultural programmes and exchange visits and dispute resolution. Therefore the donor community needs to also rethink what they see as peace building work.

Lobby for and support innovative new political systems in the North and East

Given the inefficiency and incapacity of existing structures, new innovative arrangements are required to deal with the situation on the ground. At the most basic level, systems of communication need to be established at the regional level between the political and administrative structures of the Sri Lankan state and the LTTE. that are not purely reactive. Such arrangements could ensure that issues of contention and local disputes can be discussed between the key actors. It could also formalise local dispute resolution processes.

JAFFNA DISTRICT OVERVIEW

Jaffna has seen multiple displacements involving the shifting of whole populations within and outside the peninsula. As control of the peninsula has swung between the government, LTTE and paramilitary groups the people of Jaffna have had to deal with a number of local structures. In post-CFA environment the authority of the army, police and the EPDP has ebbed in favour of the LTTE which has taken on an increasing role in addressing local disputes and problems, particularly related to kassippu and women. At the local level the authority of the old elites has waned and power has become fragmented with younger members from marginalised groups such as the lower castes taking on a more active role. High Security Zones or the exclusive occupation of a considerable portion of Jaffna land by the security forces has meant a large number of IDPs cannot even access their homes while other returnees' properties are presently occupied by these displaced people. In addition to land occupation disputes, inter-and intra-caste disputes are common in Jaffna.

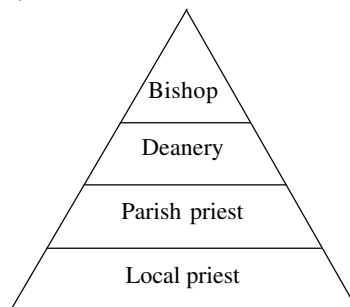
1 Informal dispute resolution mechanisms encountered

- IDR performed by individuals – LTTE, GS, etc.
- The Catholic church
- Groups of concerned citizens acting individually or through committees
- Village committees: Rural Development Societies/ community centres, etc
- NGO created development committees

Informal dispute resolution performed by individuals: Most disputes in the Jaffna District are presently taken to the GS, the LTTE or the law enforcement authorities. The GS is often the first person approached for various types of disputes. The LTTE, however, is increasingly approached as the first point of contact, or as an immediate second choice if the GS is unable to resolve the matter. Some disputants approach the police, and the LTTE also sometimes refers cases to the police. The police have tried to solve problems informally. Some village leaders also perform informal dispute resolution. In Hindu villages, the religious figures tend not to get directly involved in community affairs, whereas the JP or teachers may play a role in resolving disputes. Chetty (boat owners) or other employers of casual labour are also approached to solve problems and disputes.

The Catholic church: In Catholic areas, the clergy plays an important, if not always successful, role in resolving community disputes. When a dispute arises in a Catholic village, it is usually brought to the priest. In addition, grievances are voiced to the priest after Sunday Mass. He will typically bring together the disputants, mediate between them, and suggest solutions. Catholic priests command authority mostly within their own communities. Where mediation fails, the matter may be referred to the church hierarchy or directly to the Bishop, who enjoys substantial authority in the peninsula.

The Catholic church hierarchy:



If a priest appeals to the Bishop for assistance, the Bishop will usually summon the priest for discussion, following which the parties will be called in for mediation. The Bishop will only deal with matters concerning the Catholic community or the church. He does not entertain disputes regarding land or any legal matters. At times, Hindus approach Catholic priests if the dispute involves the Catholic community.

Groups of concerned citizens acting individually or through committees: Following the capture of Jaffna by the security forces in 1995, a number of committees emerged mostly to mediate with the authorities. Due to the lack of representatives two groups created by concerned citizens became active in mediating between people and the armed forces. One group was created by the Catholic church, called the Justice and Peace Commission, and the other brought together religious leaders from the major faiths in Jaffna forming the Citizen's Council for Peace and Goodwill. The leaders of the two groups work closely together, and some sit on both committees. These groups are less active nowadays and the most recent mediation attempts have been to liaise with the authorities on the issue of the implementation of the CFA, especially on High Security Zones and the occupation of land and property by the armed forces and to negotiate arrangements, when hartals are called by students bringing the centre of Jaffna to standstill, to prevent a security force crackdown.

Village committees, Rural Development Societies, community centres, etc.: Some indigenous village committees also assist in varying degrees in resolving disputes. These include Rural Development Societies, Fisheries Co-operative Societies, Agricultural committees, women's committees, youth groups and community centres. While most of these organisations resolve problems and disputes that fall within their mandate, they do not tend to get involved in larger community affairs. Community centres were observed to be the most active of these organisations, taking a very involved role in informal dispute resolution in some communities. These organisations organise pre-schools, cultural festivals, infrastructure, etc., and are very active in informal dispute resolution. Community centre members are elected, include women, and may include different castes. One village may have 4 to 5 community centres.

NGO created development committees: Some disputes and problems are referred to local NGOs or to committees set up by local NGOs. This appears to be the exception rather than the rule. For instance, the Centre for Women and Development did mention

that some family or domestic problems are referred first to their village committees and field officers, and then through those to the local NGO. Another NGO engaged in peace-building activities had conducted only one mediation, a marital dispute caused by a woman sneaking out to attend the NGO's monthly meetings without informing her husband.

2 Changes in the role of traditional leadership

The position of traditional elders within local communities seems to have undergone significant changes. Thereby their role and prominence in informal dispute resolution within village society have been significantly altered. This transformation has also had an impact on village organisations. The changes in leadership have led to the weakening or loss of prominence of organisations dominated by the old leadership (such as the RDS), and the emergence of new organisations (such as community centres) representing the younger generation and those sectors of village society who were marginalised. While the primacy of traditional, high-caste elites has steadily weakened, a younger or low-caste leadership has taken over. In many ways, village societies have experienced a fragmentation of power between local organisations and leaders, rather than a complete disintegration of traditional structures.

While elders sometimes assist in mediation, it was noted on numerous occasions that elders had lost their traditional authority and that communities were less likely to listen to or respect their elders. The loss of values caused by the conflict, the lack of education and consequent restlessness, and unruliness of the youth were some of the key factors cited by older interviewees. The proactive role played by youth is a direct result and response to the conflict; however, this has not led to a complete obliteration of the role played by elders. Interviewees expressed the view that while the youth were indeed more active in community affairs, they often continued to seek the guidance of traditional leaders, such as priests in Christian and Catholic communities. Nevertheless, the culture of high caste elders or leading families dominating village society has been drastically altered.

The apparent prominence of community centres when compared to the relative neglect of Rural Development Societies is indicative of the social and class tensions which have led to the decline of traditional leaderships in Jaffna. Rural Development Societies, usually run by traditional leaders, were judged negatively by those interviewed across much of the peninsula. In the majority of cases, they were characterised as redundant, weak, and in some cases, corrupt. By contrast, young field officers in Valigamam West mentioned that their village leaders, who were represented in the community centres, were no longer the wealthy or high caste members of their communities. The main explanation given was that the traditional leaders were "dead and gone." Notably, the role of traditional leaders did not appear to be missed by those interviewed, who proudly stated that now people solve their own problems and the youth have a prominent say in community decisions. Community centres have been established apparently because the RDS used to exclude the poor, which within the Jaffna context may also mean lower castes. Thus, there has been a shift in power at the local level away from the traditional, high caste elite.

Community centres in Jaffna take an active role in informal dispute resolution that was not encountered in other districts. However, even in Jaffna, the importance of community centres is locality specific. Thus, in some villages, villagers do not know who serves in the community centre, or they only know the person who opens the community centre building in the morning and closes it in the evening. It is noteworthy that in areas where community centres are not active, their informal dispute resolution function is not necessarily replaced by more traditional leaders or committees. Hence, village committees were encountered where traditional leadership still dominated local organisations, but such committees themselves were not necessarily referred to by the community. In Kaithadi village, Thenmarachchi, four leaders, including a GS and three RDS members held eleven positions in village committees between themselves, including the RDS, Farm Society, temple committee and Rural Resettlement Society. Those committees, however, did not appear to be active. As mentioned earlier, the GS, the LTTE, and the police appear to be the preferred means of redress for disputants in the peninsula. Another impact of displacement and the conflict has been the loss of key sectors of society. For instance only 373 of the 435 GS divisions have a GS officer. When faced with a crisis, villagers do take the initiative, summoning a village meeting and drawing up a plan of action. For instance, when faced with a spate of temple robberies in a village in Chavakachcheri, the villagers created a vigilante group of youth to keep watch.

3 Parties to the conflict and the resulting structures

The loss of local power of the traditional leadership may also be explained by the fact that Jaffna residents have been under the rule of various military or paramilitary authorities. As a result, they are used to approaching whoever is in power for redress. When the peninsula was under the control of the LTTE, particularly between 1990 and 1995, the LTTE served as the main means of redress. In addition to their political officers and cadres, the LTTE set up its own police and court structures where people would submit their grievances. The LTTE also set up village committees that were usually created at a village meeting where the LTTE local officer would nominate leading individuals (not necessarily political appointees) whom the community would second. These committees were designed to deal with village problems and disputes. They are now mostly defunct.

After the 1995 capture of Jaffna by government forces, the army, the police and courts were the main mechanisms approached for redress. In addition, citizens' committees under the AGA were set up at the village level upon the initiative of the armed forces to mediate in cases of arrest. Due to the lack of representatives, a number of committees emerged mostly to mediate with the authorities. As mentioned earlier the Justice and Peace Commission and the Citizens' Council for Peace and Goodwill are less active since the ceasefire but their leaders still take an active role on an individual basis. For instance, they may mediate on behalf of student protestors when the armed forces or police move in to break-up the protest.

Indeed the CFA has considerably altered the balance of power in the peninsula with a visible effect on informal dispute resolution mechanisms, particularly the role of former

paramilitary organisations. The change has been a result of both the public's expectations of the LTTE as an effective means of redress, and the public's fear of repercussions for approaching paramilitary groups. For instance, prior to the CFA, the residents of Kayts Island, the EPDP stronghold, used to rely solely on this paramilitary group to solve local disputes and problems. Both parties to a dispute would approach their offices with their problems, seeking mediation. When the residents of the island faced a dispute with the authorities they would often approach the EPDP to mediate on their behalf. The LTTE has set up local offices to make itself more accessible to the public, and the public in turn increasingly refers their disputes to it. With the decline of the EPDP's power and the parallel rise of the LTTE, residents are afraid to come to the EPDP, whose members now advise the public to refrain from approaching them.

4 The ambiguous role of the LTTE in informal dispute resolution

The LTTE has increasingly become one of the most common mediators of disputes in Jaffna. Problems such as alcohol production and women's issues have been tackled effectively. Its reputation of effectiveness coupled with the lack of alternative effective systems of redress, has ensured that the LTTE is frequently referred to by disputants. Its track record, however suggests that it does not have the same success rate in resolving disputes given its inability to enforce decisions and the scale of disputes that are referred to it, especially in the light of high expectations of the LTTE by the general public.

4.1 Public perception of LTTE effectiveness in informal dispute resolution

A high number of cases are brought to the LTTE. This is due to two related factors. First, the lack of alternate effective referral systems, due to the weakness of traditional authorities and the negative reputation of the police, has increased the potential for a LTTE role. Second, the memory of the 'efficiency' of law enforcement by the LTTE when the peninsula was under their control before 1995 has had a significant impact.

In their attempts to solve problems formally or informally, the police are generally judged to be ineffective and untrustworthy for a number of reasons. Police officers, being mostly Sinhalese, do not speak the language of the disputants. They are also not familiar with the communities where the disputes take place. As a result, it is perceived that the police cannot make fair decisions. The police are further accused of taking 'no action' and of demanding bribes. Lastly, cases taken to the police are usually referred to courts, and this is too costly and lengthy a procedure for many complainants. There are also occasions where the police are cautious of intervening.

The LTTE, by contrast, is viewed as a more viable alternative due to its past record and accessibility. The LTTE is thought to be easier to approach as they are present at the local level. In the words of one interviewee, "they are everywhere." The LTTE also has a reputation of being efficient, largely due to the way in which it administered Jaffna between 1990 and 1995.

The people's respect for the LTTE seems to be tempered with fear. One LTTE officer explained that the LTTE's popularity for law enforcement was due to the fact that, "People believe us, they trust us. They keep silent when we speak." Other mechanisms respond to this effectiveness; hence in certain instances the police and GSs advise some of the people to approach the LTTE.

4.2 Reality of LTTE effectiveness in informal dispute resolution

In reality the LTTE appears plays a 'reduced role' both a result of its inability to enforce decisions, as well as high public expectations. The LTTE appears to be cautious about getting involved in disputes. LTTE political wing officers interviewed stated that while they receive a very high number of complaints, the restrictions of the CFA and the presence of the government administration limit the number they can tackle. Thus they stated that criminal cases, such as robberies as well as land and money disputes, were not within their scope of action and that they were powerless to solve such cases. It appears that many people are disappointed about the reduced role of the LTTE in solving disputes, particularly those of a criminal nature; people "expected more."

When the LTTE does not wish to get involved or when its informal attempts at dispute resolution fail, it tells disputants to go to the police or to relevant committees, such as agricultural committees, the GS, or the Human Rights Commission. In certain cases, the LTTE asks complainants to first go to the police; only if the police cannot help, may disputants forward a written complaint to the LTTE, which it will refer to its district headquarters.

The LTTE's referral of disputes to other redress systems and its lack of enforcement belies its high level of involvement in disputes that it does take on. In reality, it appears that the LTTE does attempt to solve different types of disputes informally. Thus, they readily mention that they engage in mediation or provide 'advice.' The LTTE did admit that in cases of violence, it will talk to those involved. The LTTE also calls persons to its own areas to solve disputes or make inquiries.

Two areas in which the LTTE is particularly active are the abuse of women and social issues. The LTTE does intervene in domestic problems, often through their female cadres. It is interesting to note that the LTTE takes strong action in cases of violence against women or rape, even though these are criminal issues. Though no examples were provided of this, the LTTE did give an example of how it intervenes in women's issues. One example given to the researcher by the LTTE was of pregnant unmarried young girls abandoned by their boyfriends. In these cases, the LTTE conducts an inquiry to assess the financial situation of the girl's family, and they then summon the girl and the boy separately to find a solution, which they claimed to do in the majority of cases. It was mentioned that the freedom of movement and the safety of women has increased with the presence of the LTTE. 'Eve teasing' or the harassment of women in public is an issue the LTTE has acted on; 'arresting' the perpetrator and keeping him overnight are among the tactics the LTTE has used to discipline such individuals.

The LTTE also intervenes under the guise of raising social awareness in various community matters, such as kasippu, prostitution or robberies. Frequent references were made to the decline of ‘social discipline, exemplified by the extent of alcohol consumption, blue films and prostitution. In such an environment, interviewees stated the LTTE has the potential to making significant improvements. Such LTTE interventions take a number of forms: organising village-wide meetings to address disputes, issuing directives, setting up village committees, or summoning the ‘trouble makers.’ The LTTE may simply issue instructions, such as banning kasippu in a particular community. In another instance in Navakulli, the LTTE organised a village meeting in October 2002 following complaints of a series of temple robberies. The LTTE warned residents during the meeting, and according to interviewees, the robberies stopped the following month. At this village meeting, the LTTE also referred to illicit alcohol production and that it should stop. The villagers when interviewed, while stating that their illegal brew was the best in the area, claimed that they had had to stop brewing as a result of the police crackdown that took place before the meeting, not in response to the LTTE instructions. In another case, the LTTE has simply issued a directive that passed round the village to stop producing kasippu.

All male village ‘Cultural Awareness Groups’ set up by the LTTE were either not very active or not taken very seriously. Awareness groups, according to LTTE interviewees, only functioned in certain areas and did not engage in informal dispute resolution. Among the rulings of an awareness group in Valigamam West was a code for street behaviour. These included:

- No drunkenness to be exhibited on the streets
- No children to roam the streets in the evening
- No women to remove head lice on the streets

The extent to which a decision reached by the LTTE’s informal dispute resolution process is honoured by the disputants and the community is not clear. On the one hand, some interviewees mentioned that people listened to the LTTE because “they have to.” Fear does seem to be a major factor. One interviewee explained that upon the LTTE receiving a complaint, they send two cadres to conduct an inquiry. They mediate between the parties and try to reach an amicable solution. If this fails, they warn them that they will return the next day to see how they have solved the problems by themselves.

Other interviewees stressed, by contrast, that the LTTE had no power to enforce their decisions and that parties not satisfied with LTTE decisions approached the courts. The dual administration on the peninsula was often cited as the reason for the relative lack of authority of the LTTE. Dual administration, however, was rarely observed to produce a duplication of final decisions. Should the same problem be taken both to the LTTE and the police, the consensus was that the police would not take action.

It is interesting to note that, according to the LTTE, wealthy and educated persons tend to approach the courts while poorer persons approach the movement to solve their disputes. This social justice aspect of the LTTE’s interventions seems to be confirmed when they get involved in problems such as high interest rates on loans charged by rich people in a village.

5 Types of disputes and informal dispute resolution

Disputes at the village level mostly concern family matters, alcohol, money transactions and land. There are reportedly few reported inter-village disputes. Depending on the nature of the dispute, people will approach the mechanism that is perceived to be the most effective, and may in some cases approach multiple parties.

Family problems are usually solved within the extended family structure, failing which other informal dispute resolution mechanisms are approached. One interviewee mentioned that it was not unusual for the aggrieved wife of a fisherman to approach the Chetty, who rents out the boat to her husband to obtain redress. This pattern of approaching wealthy individuals for dispute resolution and problems was observed in Jaffna as in other districts. Specifically, individuals who are in a position to provide financial help with regards to monetary problems are also approached for help with other problems and disputes. Rape and domestic abuse issues if addressed are almost automatically taken to the LTTE.

Money transaction disputes are usually related to the repayment of loans or pawned jewellery, or non payment of wages. These could be taken to a variety of mechanisms from the community centre, to the GS or LTTE. Fishing restrictions and related problems, and land occupation by the armed forces or by IDPs from HSZ feature high among the concerns of those interviewed. These are taken to the GS, and other redress systems that have access to those with more power such as the armed forces. Other disputes or rather problems may be addressed to various actors, yet remain unsolved. This is the case in particular with land occupation, which requires action by the government.

As one LTTE political officer half-jokingly stated “Fence and kovil disputes are Jaffna’s biggest problems.” Land problems often relate to boundaries, or as they are more popularly known, ‘fence problems.’ Thus, three or four persons sharing a plot of land with no visible boundaries may accuse each other of encroaching on one another’s areas. Another instance of a boundary dispute was regarding the ownership of a tree planted many years ago between two lands. The issue was solved by the GS, who had one party sell a strip of land to the other.

Kovil disputes between temple trustees and the priest or the leading families are also common. In one such case involving a leading family in the village of Kopai, this family was prevented by the temple trustees from directly giving the puja offering to the priest on the first moon after Tamil New Year. This family had done the puja for over 30 years, but since 1999, the trustees wanted the family to hand the offering to the trustees rather than directly to the pussari. The family approached the GS but he was powerless to intervene. They also approached the LTTE, but finally it was the courts that intervened.

In some cases, the opposing parties in a dispute will approach different mechanisms for redress. For instance, parties to a land dispute will approach different mechanisms according to their legal position. Thus, occupiers without legal standing will tend to approach the LTTE, while the legal owner will go directly to court. Such differences in approach among parties to a dispute was mentioned on a number of occasions. One interviewee mentioned that in one instance, a person had approached the LTTE following an unfavourable court decision.

Tensions between local IDPs, returnees from other districts, and those never displaced were also a common problem. There appears to be strong prejudices between Jaffna residents and returnees from the Vanni. Returnees from the Vanni are at times judged to be “ruffians” (*see Case Study 1*). Caste also plays a role in exacerbating tensions between local and IDP communities. For instance, in one incident, IDPs were invited by the host community to join their community centre, but the displaced community refused because they were from a higher caste. Instead, they formed their own community centre.

Indeed, caste was common source of disputes and tensions across the peninsula. Caste divisions continue to segregate communities. While in some areas the cleavages were less evident, inter-caste marriages or relationships are not readily accepted and low caste Hindus continue to be refused access to village kovils. Access to lands and water sources by persons of lower caste is also hampered by some high caste persons refusing to grant passage through their land to such resources. Other tensions arise from the difficulty faced by persons of lower caste in trying to obtain education or become financially successful. Hence, in some villages, lower castes have bought property in traditionally high caste areas, causing antagonism within villages. Caste disputes are mostly between high and low castes, and they prevail in rural areas, although as the case study exemplifies, this is not always so. While the LTTE did attempt to tackle caste discrimination with regard to access to resources and amenities, the discrimination still remains. The LTTE, for its part, does not accept that these are caste problems but rather re-labels them as social issues.

Caste divisions extend to Catholic communities. The Bishop of Jaffna explained that caste was a major source of division among Catholic communities and lamented that “blood is thicker than water.” In some Catholic areas visited, caste tensions were high, with groups from different castes refusing to attend the same church. In one village in Point Pedro, the two churches serving congregations of different caste were within 200 metres of each other. As a result of such segregation, the local priest has to divide his time between the two churches so as not to offend either of the communities. Sunday Mass is held in both churches. Christmas and New Year Services are held in rotation, one year in one church, the next in the other. For these yearly occasions, both castes attend the service, but the community from the non-host church is not allowed to participate in the service, such as reading from the Bible, etc.

Caste has a significant impact on how disputes are perceived and the way in which they are handled. For instance, a GS from a village just north of Jaffna explained that the village did not have any major disputes apart from the frequent “low caste disputes” that he did not get involved in. Such “low caste disputes” included adultery and the resulting problems between the parties, and alcohol-induced fights particularly after religious festivals or May Day. The GS said the disputes were not serious, and that they would talk and laugh the next day as it was in “their nature”. If the dispute became particularly violent, then the police or LTTE would get involved.

Some interviewees mentioned that tension and conflicts were a result of INGO and UN Agencies’ interventions. Their use of different criteria for the selection of persons entitled to assistance, and the variation among INGOs of the criteria they use has in certain instances exacerbated tensions, as some receive more than others.

Case Study 1

Football violence: St Mary's vs. St Nicholas'

Navanthurai, a Catholic semi-urban area adjacent to Jaffna town, has been the scene of renewed violent clashes between residents since January 2003, including bodily harm and damage to shops. Navanthurai is a coastal area where most of the inhabitants are engaged in fishing and related activities. This community is deeply divided on sub-caste lines, namely between Mukua and Thimilaru of the Karayar, fishermen caste.

The two sub-castes attend different churches, St Mary's and St Nicholas', and identify each other according to the church to which they belong. There is one priest for both churches who is under intense pressure not to offend either community, as each demands the same attention. As a result, the priest holds Sunday Mass on a weekly rotational basis between the two churches. Similarly, Christmas service is held in St Mary's one year and in St Nicholas' the following year. When mass is held in one church, the congregation from the other church may attend but not participate in the rites.

Caste competition and segregation does not only apply to religious functions, but to all other aspects of communal life. Thus, each side has its own community centre, and while they share the same school, school sports events are held in the sports grounds of each church: St Mary's one year and St Nicholas' the following year.

Football is a key trigger of violence. Each side has its own football club, both members of the Jaffna Football League. The violence restarted in 2001 following a match between the two sides, which ended in violence between the two football teams. The St. Nicholas' football club has asked the Jaffna Football League to avoid organising matches between the two clubs. The League rejected the plea, and the St. Mary's football club accused St Nicholas' of cowardice. The LTTE has agreed to hold discussions with the Jaffna Football League. In the latest violence, football trophies from St Nicholas' football club were trashed.

The origins of the caste tensions in the village date back more than 60 years. Residents were reluctant to recount the origin of the violence, though it appears that football was again the source. The incident reported involved a group of persons from a particular caste being chased out of their homes following a match. Tensions had stopped during the late 1990s but resumed with increasing violence after a number of St Mary's residents returned, following six years of displacement in Vanni.

Prejudices are high among both sides, who have been separated by displacement and have lost all community links. St Nicholas' residents who were not displaced look down upon St Mary's residents because they have lived in the Vanni. Among the common prejudices are allegations of alcoholism and lack of education. One interviewee explained that St Mary's people had been controlled by the LTTE in the Vanni, but now that they

have returned, they have discovered freedom and turned to alcohol. St Mary's returnees, for their part, are bitter at their own living conditions. Many still live as IDPs in the community centre building. They allege that St Nicholas' residents have stolen their boats and their boat with the complicity of the Navy. They claim that before displacement, St Nicholas' residents were mostly coolies; now they are fishermen. St Mary's returnees also blame the Navy for exacerbating tension by occupying a stretch of the beach, thereby forcing both sides to share a common beach area for keeping their boats.

Violence is usually triggered by small incidents that escalate as youths get involved. Residents of the opposing community that lives in the other's area are particularly targeted. Violence escalates to such a degree that all community members get involved, including women who supply stones and bottles for street fighting.

The priest has tried to discuss these issues with both congregations and has cancelled Mass as a sign of protest, but these efforts have been ineffective. Following serious violence in January, a meeting was organised between residents from each side, the Bishop, the police and the LTTE. It was decided that the actors should hold regular meetings, and peace committees were created on both sides. Unfortunately, meetings usually end in each side blaming the other, and peace committees members take sides when incidents occur. Part of the problem is that the community leaders are also involved in the violence and the youth do not attend the meetings.

On April 29, St Nicholas' organised a feast with music and dancing without inviting St Mary's. Street violence erupted and lasted three days. The priest tried to intervene to quell the violence, but "no one paid any attention." The police were similarly unsuccessful and were in fact during the last incident attacked by the mob, who threw stones at their vehicles. Only the LTTE's arrival, with the threat of arrest and their overnight patrolling, stopped the violence. A peace committee has been set up bringing together ten members from each side as well as the priest, the fisheries committee, the Bishop and the LTTE. The police are not a party to this group.

The LTTE appears to be the only mechanism capable of stopping the violence. The LTTE has a history in the area as in 1994 LTTE cadres had arrested forty villagers following street fights and kept them in custody for one year. The LTTE recently took into their custody two youth, one of whom had been beaten up when crossing the other side. They were both made to sign a MOU. The LTTE threatens to arrest rioters to quell the violence.

There is no police station in Navanthurai, but the residents all said that a police station would create more problems. One interviewee explained that the creation of a police station in this poor village would result in prostitution.

Problems and disputes of returnees : Moor Street, Jaffna Town

Moor Street was a predominantly Muslim area in Jaffna Town until the LTTE eviction of 1990. Currently members from 50 families have returned, settling mainly on Jaffna Street. Most of the buildings in Moor Street area have been partially destroyed, more a result of plundering than actual damage from shelling or gunfire. Of the houses still standing 100 are currently occupied by displaced Tamils. Only eight of the houses are occupied by the original Muslim inhabitants. Most of the returnees who are mainly male live in the two mosques as they try to rebuild their livelihoods. In addition, the returnees complain that the 10% LTTE tax which makes restarting their business difficult. Given that the eviction was carried out by the LTTE, the returnees feel they should be exempt from the tax.

Muslim returnees have attempted to directly negotiate with the occupiers of their homes. Some of them have reached informal agreements that they would be able to return to their houses in 3 months. In other cases this has been more difficult and the returnees have turned to multiple systems of redress such as Muslim M.Ps, the GS and the LTTE. According to the returnees the GS has advised them to give a time period for the displaced to move out and then inform the police, and the LTTE has proved unwilling to get involved. The LTTE on the other hand claims it has monthly meetings with the Muslims of Moor Street to discuss their concerns. While the Muslim owners want their homes back, they recognise the difficulties faced by the present occupants of their houses as either their own houses lie within high security zones or that the homes they would return to are so dire their present housing situation is better.

Relations between the two communities however, are not free of tension, particularly following the violence in April 2003. Some of the displaced Tamils have been brewing kassipu. The Muslim residents attempted to talk to the brewers who are sited by the main mosque. They had informed the LTTE, and the LTTE political leader for Jaffna, Ilamparidi has issued a warning in a Jaffna daily newspaper against brewing. The brewing continued so the Mosque sent a delegation, including the maulavi, to try and negotiate an end to it. The negotiations turned ugly and 3 members of the Muslim delegation were injured including the maulavi. The Muslim returnee were quick to assess that the violence was not “communal,” but during moments of tension they did admit that one or two of the occupiers would say “don’t forget what happened in 1990.”

MANNAR DISTRICT OVERVIEW

The district consists of Mannar island which is under government control, and the mainland, part of which, especially north of the Mannar-Vavuniya road, is under LTTE control. It is a predominantly Tamil district, with a large Catholic community. The Catholic church is one of the most active in Sri Lanka and is involved in community affairs, including mediation both within the community and on its behalf, be the disputes over communal fishing rights or inter-ethnic violence. Following the CFA large numbers of displaced Tamils are returning to LTTE-held areas and areas close to the forward defence lines. Before the 1990 eviction by the LTTE, Mannar was home to a large Muslim population. A small number have returned and are laying claim to their properties that in the interim have been occupied by other displaced people either from other districts or from within Mannar district. While the field work suggests that the main concerns of returnees are resource shortages and the lack of support structures, the violence in Veppankulum village a week after the fieldwork was completed suggests that underlying ethnic tensions with the capacity for violence are not just a potential but real danger.

1 Informal dispute resolution mechanisms encountered

- Village based organizations
- Church committees
- Mosque committees
- NGO-created peace committees
- NGO-created development based or other committees
- Citizens' committees
- Individuals performing informal dispute resolution – GA, LTTE

Village based organizations: Local village organisations perform limited informal dispute resolution, addressing disputes which fall within their mandate. Such organisations include Fisheries Associations and Rural Development Societies. While the organisations may have been created under government schemes, they have become a part of the social structure of villages. Often the local organisations seem to work within larger community structures that command more authority, such as the church or centralised village committees set up by NGOs.

Church committees: Church committees play a central role in resolving disputes in Catholic communities on Mannar Island and the mainland. In addition to his spiritual role, the local priest serves as a community leader to whom the villagers turn with their problems. The parish priest usually serves a four-year term in each parish. In addition to the priest, the church engages in mediation, performing a particularly important role during the war, interceding on behalf of the people, with the Sri Lankan Armed Forces or the LTTE. The church hierarchy may also intervene in local issues that have escalated and require a higher authority, like the Bishop of Mannar's attention.

Local Catholic communities have a parish council, which serves as the village committee with the capacity for informal dispute resolution. The council usually has more than six members who are elected every year. It elects a head, the Mopan, who serves as the president of the Council and as the village chief for his term. The parish council is assisted by sub-committees which are created to tackle particular community issues and to engage in informal dispute resolution. Such subcommittees include peace, financial and family councils, whose members are also elected annually. The peace council deals largely with intra-village problems, such as fence disputes, while the family council responds to disputes ranging from extra-marital problems to alcoholism within the family.

Disputes are brought to the notice of the parish priest or parish council, either in written or oral form. Disputes may also become common knowledge and come to the notice of committee members and the parish priest, who will take up the matter himself. Disputes are usually taken up by the relevant committee or, if it is a delicate issue involving family matters, the priest may act as mediator. Depending on the nature of the dispute, selected members of the committee may undertake a fact-finding inquiry, following which a meeting is held with disputants and interested parties, with the committee acting as mediator.

Mosque committees: Mosque committees are the primary community organization for dispute resolution for the Muslim community. The committee has a dual responsibility as the trustee board of the mosque, to ensure the building is maintained and the maulavi is looked after; and to serve as an advisory body to the community. In communities where the majority of inhabitants have not returned, committees may be composed of all available adult males who have returned or, in the case of larger resettled communities, of elected members of the committee.

NGO-established peace committees: NGO-established peace committees that engage exclusively in peace-building activities with a focus on informal dispute resolution exist in Mannar. The NGO Cordaid establishes peace committees within a given village or between two villages of different ethnicities. The members of the committee are mostly elected representatives of existing local organizations and religious committees. Peace committees also include representatives of the original inhabitants who currently live in other districts as IDPs. These peace committees are meant to have the capacity to engage in informal dispute resolution, based on the assumptions that the disputes people are likely to bring to them are resolvable and that the process can serve as a means of building trust. The committee members are provided training by the NGO.

NGO-established development and other committees: Other NGOs working with all communities do attempt to address local disputes, but do so as a part of their normal development activities rather than through creating separate informal dispute resolution mechanisms. The fieldworkers and the NGO-established development or social committees of organisations such as RDF and ZOA may engage in dispute resolution when disputes are brought to their notice by inhabitants of the village.

Citizens' committees: Individuals in authority and groups of concerned citizens are involved in informal dispute resolution. Mannar's Citizen's Committee emerged 7 years ago as a direct response to the war, to address human rights violations. Its primary tasks were to help trace disappearances, to mediate with the armed forces and the LTTE, and to provide legal assistance to those in detention. It continues to function as a public watchdog, following up issues such as child conscription. Where complaints are brought to the committee, the relevant authorities such as the Sri Lanka Monitoring Mission, police and the LTTE are notified.

Individuals: The GA does some mediation; for instance, working with the army regarding the occupation of public and private property. The GS also plays a key role in resolving disputes at the very local level. Increasingly, people also refer disputes to the LTTE, especially following the opening up of LTTE local offices. Disputes ranging from fence disputes and land occupation to child conscription are brought to the LTTE.

2 The effect of the conflict on traditional and religious structures

The overall relevance of different informal dispute resolution mechanisms are most frequently consulted largely depends on how mechanisms have survived or been strengthened by the conflict. Institutions such as the church continue to serve as informal dispute resolution mechanisms at the village and even at the macro level. The mosque committee plays a key role in Muslim communities who are gradually returning, both in resolving disputes within the village and mediating on behalf of the communities. However, a direct result of the conflict has been the erosion of other more traditional systems, where village elders play the dominant role. The position of elders in the village structure has waned due to a number of factors, such as the militarisation of the youth and displacement of communities. Coupled with this decline in elders' prominence, the State has found it difficult to respond to local problems that have worsened as a result of the conflict. Furthermore, local administrative and judicial structures are over-burdened and under-resourced, exacerbating the lack of problem-solving capacity. It is against this background that the LTTE has stepped up its activities as a body to hear local disputes, but not necessarily to solve them.

2.1 Catholic church

In Mannar District, the church is one of the most significant actors in informal dispute resolution. The priest, the parish council and the Catholic church at large perform informal dispute resolution at multiple levels. These actors seem to continue playing their traditional role in addressing local disputes. While the church-community bonds seemed to be strong, in the majority of communities visited, in other communities the priest and the church seemed to command little authority, particularly in some large communities or those that had undergone displacement.

2.1.1 The priest

The traditional leadership role of the priest and the respect paid to him seem to have remained intact through the war. Hence, in an environment where other social and State institutions to which people would have turned have been eroded or have been drawn into the conflict, the priest in many Catholic communities continues to serve as a source for redress. This is especially so in border areas where neither the government nor the LTTE controlled the area during the war. In other communities that were subject to displacement, with the priest having accompanied the community into displacement, the church-community bonds have continued, if not been strengthened. While the general pattern was strong bonds, in some of the communities the absence of a strong church presence was noted.

Traditionally, the priest had a central role, particularly in rural and fishing societies. He serves a dual function or, as one priest characterized it, he acted both as “a sacramental technician and community leader”. While some of the disputes may be brought through the parish councils and supporting committees, the priest in his individual capacity may be called on to personally mediate issues such as marital disharmony. However, the priest’s role as an informal dispute resolution mechanism has limits, as some issues are off-limits, such as out-of-marriage pregnancies.

The church has consolidated its position in the community at both the macro and micro level during the war. For instance, when members of the community were abducted by the armed forces, the community would immediately turn to the priest to secure the release of the abducted. In turn, the respect paid to the priest by the armed forces and the militants ensured his effectiveness as a mediator. At a macro level, the Bishop of Mannar, Rayappu Joseph, was able to mediate on behalf of the people in cases of disappearances and community problems that had been created or accentuated by the war.

The church is often the physical location where problems are brought to, so the priest has little choice but to mediate. For instance, when a dispute between two neighbouring fishing villages crops up over one group fishing in the other’s customarily-held waters and a fight occurs at sea, with fish nets and tackle being seized, it is usually brought to the church grounds. Thus, the priest gets involved, and begins mediating with the parish priest of the neighbouring community, often through letters; they attempt to reach some settlement. The church grounds are also used as the meeting place for mediation, particularly when it involves the community at large. Meetings are announced after Sunday Mass, and those involved in a dispute and interested parties meet usually at dusk in an open space like the church grounds.

2.1.2 The parish council

Secondly, the parish council provides a representative body for the village that has the capacity to mediate disputes faced by the community. The village is divided for administrative purposes into a number of padus or units (the number of units and the number of families in each unit depends on the size of the community), each unit electing

a representative to the Council. As the parish council includes local leaders and respected individuals within the community, such as the JP, GS, the post master, or school principal, it carries substantial local authority. The incorporation of traditional leaders, with the priest serving as a final recourse, has been a key reason for the effective functioning of this mechanism. This raises an interesting question with regards to authority in the community and as to whether it lies with the local leaders who are included in the parish councils or the parish council confers prestige on these individuals to upgrade their social position within the community.

While the church as a whole may have been able to play a key role in informal dispute resolution, the form of justice it provides may not necessarily be fair. The threat of social and moral pressure it wields makes any dissension with its decisions difficult, particularly in cases such as extra-marital affairs. Also, in terms of process, the domination of the Council by the wealthy and educated, despite them being elected, raises questions of representativeness.

The Council is assisted by subsidiary bodies that also perform informal dispute resolution. These bodies were created in an attempt to reduce the reliance on the priest and to increase the social participation of parish members in community matters. Formed under the national Catholic church's 'Revitalisation Programme' in 1996, these committees were designed to reduce the role of the parish council and the reliance on the priest. A number of subsidiary elected bodies were created, such as peace, financial and family committees, each to deal with a particular community issues. If an issue cannot be dealt with by one of these specific committees, the parish council takes up the issue. However, the concentration of power still continues in rural communities, as the parish council members tend to be distributed among the committees occupying some of the key positions. The parish priest also sits on some of these committees, such as the peace and financial councils. Hence while these councils with their elected representatives have assisted in making the decision-making process more representative, it perpetuates the concentration of power among the educated and more influential members of society.

Case Study 3

Arrippu

Arrippu village is a remote Catholic community south of Mannar whose inhabitants' main livelihood is fishing. The parish consists of 9 padus made up of 25-30 families, and each padu sends one representative to its parish council. The parish council is assisted by a number of subcommittees that consist of members elected by the parish and parish council members nominated to the subcommittee by the priest.

When a meeting is called by the priest or parish council to deal with a community issue, it is usually the Sangeesthan or church bell ringer who announces the meeting. Historically he would walk round the village ringing a bell announcing the meeting; now he announces it after Sunday Mass. The meetings themselves tend to be, according to the brother or trainee priest, very boisterous with a lot of shouting.

The last meeting the village was involved in was an intra-village problem over the use of surukuvallai or tightly woven fish nets, which catch all fish, regardless of size. While this practice is lucrative, it is not sustainable as both young and mature fish get caught. The dispute occurred as some of the fisherman in the village had continued using these nets, despite attempts by the village's Fisheries Co-operative Society to prevent the continued use of these nets. The society had even written to the Ministry of Fisheries complaining about this practice, by fisherman within the village and neighbouring ones. The Ministry, in a bid to avoid over fishing and the depletion of resources, issued a directive banning the nets. The local Fisheries Society wanted to use the meeting to ensure full compliance so that the last three or four fisherman would turn over their nets to the church.

During the war, it would be the priest to whom the community would turn, especially when members of community were arrested or disappeared. The Arrippu or priest says in those circumstances he had no choice, but to act, because no other mediator had any guarantee of their safety. He feels that his robes did protect him as both the armed forces and LTTE respect it. Commenting on his present role of mediating intra-village and inter-village problems he says "it's less about justice, it's more about give and take, you don't want to hurt people with the judgments you give."

While people approach the priest or the parish council members with the disputes they want mediated, problems and disputes are often passed through the community's grape vine. The beach is often the location where critical community news is passed on. When the fishermen of the neighbouring village of Vangalla, for instance, strayed into Arrippu's fishing waters and the fishing boat propeller cut some nets, it is at the beach that community members gathered early morning to hear about the incident and responses.

In one such recent incident, the priest mediated a dispute with the fisherman of Vangalla, which also led to a fight at sea and a stabbing, along with the seizure of nets by the Arrippu fishermen. The nets were brought to the church ground. The priest wrote to the neighbouring parish priest and the two exchanged correspondence on the reasons for the incident and arranged some means of ending the dispute. The results of the exchange included the return of the seized nets to their owners, an apology and agreement not to repeat the incident and compensation for the damaged nets and the injuries to individuals.

While the period of resolution may take a few weeks it is done with little difficulty commented a leading member of the Council, with the time gap providing the opportunity for the disputants to "cool down". He also said the commonalities between the disputants such as "same ethnicity, same religion, same language, same caste" help make the dispute resolvable.

2.2 Mosque committee

The mosque committee plays a central role in the Muslim community of Mannar, which is slowly returning to the district. After the LTTE evicted the Muslim population from Mannar in 1990, a small number began to return in the early 1990s. Following the CFA returnee numbers have increased. These returnees tended to coalesce around the mosque. It often serves as the centre of the community. Interviewed recent returnees pointed out the reconstruction of the mosque as one of the most urgent needs. It is not unusual for one village to have two mosque committees and have one mosque: one on location and the other in exile where the members of that community live in a welfare camp. Particularly in recent returnee communities, where there are few individuals, the few adult men will act as the *de facto* committee and will represent the community to mediate with the authorities and the LTTE.

Mosque committees can address both intra- and inter-community disputes faced by the Muslim community. Disputes are brought to the committee or its individual members orally or in a written form. Procedures may vary between mosques, for instance in Tharapuram minor disputes are tackled on any evening, after the last prayer for the day. Major disputes are dealt with after Jummah. In other communities problems are heard on a weekly basis after Jummah. The committee may also be approached by other ethnic communities when the dispute involves a Muslim from the village (*see Case Study 4*).

2.3 Village elder systems

Village elder systems in communities seem to have been eroded. The war has had a direct and determinative impact on such committees: the empowerment of the youth through militarisation and the fear of elders to speak out are key reasons for the erosion of the traditional systems. Hence members of informal dispute resolution mechanisms who attempt to engage older members of the community in land dispute resolution said they had little help from elders who often have detailed memories of property boundaries. This lack of authority has also had an impact on the role of local village leaders. For instance, the leadership of local village organisations such as the Fisheries Society of Thalaimannar Pier Village finds it difficult to control local youth when they get intoxicated and harass local women, and claim that no one in the village can control them. This erosion of traditional elder systems does not necessarily mean there is a complete power vacuum at the village level; rather, power is more devolved among the old leaders and a new generation of leaders all of whom command less authority than the leadership structures that preceded them.

2.4 The LTTE's increasing role in informal dispute resolution

While the LTTE is frequently referred to during the field work as one of the key mechanisms people turn to for informal dispute resolution, it is not clear that the LTTE resolves all the cases or that disputants turn to it as the sole means of dispute resolution.

The level of activity of the LTTE as an informal dispute resolution mechanism depends on the strength of its presence in an area and on whether it is willing to take on the problem. A frequent comment made by interviewees was that more people are turning to the LTTE, but the disputes are not necessarily resolved. People are turning to the LTTE as it has increased its presence in government-held areas, and as people feel the LTTE would resolve disputes in a faster and more effective manner than the State law enforcement and judicial authorities. In the cases where the LTTE does get involved it either summons the parties or sends a representative to deal with the issue. Disputes taken to the LTTE that are not directly resolved by it are often referred to the police or judicial system.

The strength of the LTTE's presence in relation to the effectiveness of traditional mechanisms also plays a key role in whether people turn to it. For example, fishing villages in the island of Mannar do not automatically turn to the LTTE and, on occasion, react to the involvement of the "new boys" as interference.

In contrast, inter-community problems are often brought to the LTTE's attention. Land disputes are a key example of this trend, as seen in the section below. Similarly, incidents of violence such as fights between Muslim youth of Kataspathiri and Tamil youth of Pessali are turned over to the LTTE by the respective mosque trustee board and church community leaders. With regards to issues of land occupation on Mannar mainland in particular, the LTTE is referred to as it took over Muslim land after the eviction.

3 Land as a source of dispute

While the causes for land disputes may vary depending on location, the process of land hand-over, be it all of or a portion of the property, has been generally free from violence. In addition to trying to negotiate between themselves, disputants have resorted to both formal and informal mechanisms to secure their land. There are three broad categories of land occupation in Mannar: occupation by the security forces, by private individuals or land that is leased out by the LTTE to private individuals.

In certain parts of Mannar people have been prevented from resettling due to the security policies of the armed forces and the LTTE. For instance, in villages that fall on the Forward Defence Line between the government forces and the LTTE, along the Mannar Vavuniya road, there are restrictions on which properties are available for resettlement and cultivation. Some of these restrictions have been gradually reduced over the past few months, and with the assistance of de-mining units, some areas have been opened up for civilian use. However, the presence of HSZs in Mannar Island has prevented resettlement in areas of the town and Thalaimannar in particular. With regard to land disputes, the HSZ has compounded problems. For example, in Thalaimannar Pier, 60 families cannot move into their property as it lies in a High Security Zone, so they live in the houses of Muslims who fled in 1990 and who are only now slowly returning. While some families have informally reached agreements to share the properties temporarily, at least one of the disputes in this village has been taken to the courts by the Muslim owners.

In general, it was observed that the approach to land disputes taken by occupants and owners has been free from violence. The process used by the disputants is informal in the strict sense of the word, i.e individuals reaching oral agreements between themselves without the intervention of a third party. The arrangements may take the form of either consenting to a time frame for the occupier to leave and/or for a settlement by which the occupier and owner temporarily share the property.

Case Study 4

Sharing house and home : Tharapuram

All of Tharapuram village's original inhabitants of 750 families fled in 1990 following the LTTE's eviction notice to the Muslim community in the North. From 1992 on, the villagers started slowly trickling back to the Muslim village. Following the Security Forces' Jaffna Campaign in 1995, around 65 Tamil families fled to Mannar Island from Vanni and Jaffna, looking for habitable land and a nearby source of water, both which Tharapuram offered.

Orally the individuals agreed that the displaced Tamils could settle in the vacant houses but would have to move once Muslim families started returning. In the following years, as a few Muslim families returned and found their houses occupied, alternate housing was found for Tamils or the Muslims owners would rent out part of their property to the displaced Tamils.

About 30 of the displaced Tamil families have gone back to their homes in Jaffna and Killinochchi. One tragic incident that attests to the strength between the communities is that of a Muslim girl refusing to let the Tamil girl who shared their house to be taken away for questioning at night, leading to both them being killed.

Nevertheless, incidents did occur over issues such as "cultural differences" where Muslim youths would harass the displaced Tamil girls. Such problems would be brought to the community's mosque, often by the family of the harassed girl, and be addressed by the mosque committee who would speak to the individuals involved.

Presently, there are only 100 Muslim families in Tharapuram. Members of the community currently living there feel that less than half of those displaced will return to live permanently in the village, because conditions in the village have deteriorated as a result of the conflict and because they have gotten used to a different way and standard of life. The uncertainty with which the Muslim community live is epitomised by the numerous large cracks across the wall of the mosque trustee board's president's house. He says that each year he tells himself that he will do up the house the following year, when the situation improves.

Interviewees cited land as a potential source of disputes. In rural areas, interviewees described it as a problem likely to have an impact on them in the immediate future, if the rate of return continues to increase. Given the vacant houses and available space for occupants and owners to live in at present, at least in rural areas, disputes are more likely to be resolved through the provision of alternate space; true to this, many temporary settlements have been reached. An increasing rate of return could be problematic for two reasons: the lack of available space and the natural growth of the communities that are left. The land space may quickly prove inadequate if all family members choose to return. In Musali village, for instance, the Muslim community of 6,000 individuals has now grown to 10,000 since they fled. Hence, farmers asked why state land cannot be provided for the landless and large families.

Land also has not been a high source of tension between returnee Muslims and local communities in rural areas, because the LTTE has played a positive role in land occupation. This has been aided by the lack of enmity between the communities and the role of local leaders such as the church and the GA to support the return of those displaced. If mediation between disputants fail it is usually the community leaders or a group of representatives (all male) from the few families who have returned who go to mediate with the LTTE. For instance, with regards to Muslim farming land, returnees may turn to the LTTE. Following the eviction of the Muslims, the LTTE took over their agricultural land and leased it to Tamil farmers. Hence, in these cases, it is the LTTE rather than the occupiers that Muslim returnees that would seem the more appropriate party that land owners should mediate with. The LTTE has in a number of instances taken positive steps to facilitate the return by asking Tamil families to move from the occupied houses. For instance in Rasoolputhuveli, the LTTE agreed to the decision of Muslim families, asking twenty five Tamil displaced families from Nanaduwa in LTTE-held areas in Mannar mainland to move out of Muslim property. Muslim return was also assisted by the Tamil Rehabilitation Organisation. Local relations that existed between the communities before the 1990 eviction meant that there was little public support for the LTTE eviction, and community leaders interviewed were keen to see the Muslims return.

It would seem that if the peace talks moved further and the ground situation in the North and East stabilized, some of the causes for local disputes would be addressed. Displaced people currently occupying properties in Mannar could return home, thereby ending the disputes. The issue is more complicated; the displaced from Jaffna's and Mannar's High Security Zones will be unable to return to their homes as the security forces are unlikely to release their property in the immediate future, and other families who have settled in find the prospects of returning to their place of origin unattractive. This means the causes for disputes are set to continue.

When face-to-face negotiations fail, disputants approach the formal mechanisms of law enforcement, judicial and local government to address their disputes over land. However, with regards to the police and courts, difficulties of accessibility act as deterrents to disputants. People view the court as a final resort given the high cost of litigation; they feel that unless they knew someone within the system, they are unlikely to get a smooth

carriage of justice. Urban actors are more likely to utilize these systems, and land cases are not uncommon, where returnee owners seek the eviction of the occupants.

4 Priorities for returnees

Rather than land occupation and disputes being the key source of concern, returnees mainly voiced concerns over lack of resources and rehabilitation support.

With regard to Muslim returnees, three main concerns act as deterrents to resettlement: the lack of any assistance by the government and NGOs to provide basic facilities, the lack of an explicit guarantee by the LTTE or the government for their safety and right to return, and uncertainty over their future. While interviewees in Mannar frequently voiced this opinion, it was repeated among Muslim communities in other districts such as Jaffna and Puttalam. The common pattern of Muslim return following the cease-fire, found in Mannar district and replicated in other districts, is for most of the returnees to be adult males who have returned to cultivate, trade and rebuild their houses and livelihoods. Very few entire families seem to have returned permanently, and many women and children continue to live in the welfare centres. This pattern of return among Muslims is problematic with regards to both the state assistance system and NGOs; the returnees have not filled out official papers saying they have returned, and so they can divert their ration and apply for assistance under the UAS scheme. While an increasing number of people are visiting their old homes to survey their property, the fear and difficulties associated with returning have meant a slow rate of return.

The Musali area provides a case in point. This year saw a number of Muslim villagers engaging in cultivation but not all of them have stayed on following the harvest. The key factor that has contributed to this is lack of support for rehabilitation. The lack of government support stems from their pattern of return, preventing them from being granted any assistance under the UAS scheme. Hence, they are finding it difficult to rebuild their homes and livelihoods. The burning of three Muslim huts in Veppankulum Village (*see Case Study 5*) has added another deterrent factor in dissuading Muslims from settling. Nonetheless, they do hope to return for the next harvest.

Similarly for Tamil returnees, the lack of rehabilitation support has made the process of return and reintegration into original livelihoods difficult. While communities have engaged in reconstruction, the provision of basic infrastructure such as roads and schools is lagging behind. Also, the scars of war here are not only physical, but also psychological. In Adampan, in LTTE-controlled Mannar, the local priest, who also serves as the school principal of a community that returned in April 2002, commented that in addition to the provision of education there is an urgent need for counseling among the children he teaches.

Interviewees thus did not see the immediate importance of creating informal dispute resolution mechanisms. Instead they were more intent on having state actors, local NGOs or any other external party take notice of their situation and problems. This determination to get any external actor's attention seems to have led to some misunderstandings between

NGOs and local people. NGOs believe they have created representative bodies that were desired by the people and elected by them, while local people understand the mechanism as created in response to NGO initiatives and interests rather than their own, and whose members are nominated by the NGO itself.

For example, relations between the residents of Pessali village and the welfare center are strained, with the former claiming that the latter's loose social mores (prostitution and tendency towards violence) is having a negative impact on the village and the latter claiming the villagers are hostile to their presence. After a stabbing incident in February 2003 the welfare centre was to be closed in a month. It is still open. Thus informal dispute resolution mechanisms for land issues will continue to have a role as neither the courts, state structure or the LTTE are willing to tackle the issue of land occupation in a comprehensive manner. Given the politicized nature of the issue, it would seem, however, that any resolution of such issues by informal mechanisms will be an incremental and/or a temporary settlement as the disputants await a legal or political directive.

5 Disputes and the Dangers of Communal Violence

It was difficult to gauge the level of communal tensions, especially as interviewees pointed to the relatively smooth hand-over of land, the lack of incidents of violence between the communities and the amicable relations that existed between the communities prior to the conflict. It is an important concern for NGOs working in the district and is a theme that runs throughout their programmes. While the focus of the programmes may be to create informal dispute resolution mechanisms to settle disputes over land or to engage in peace awareness activities, the underlying long-term objective is to re-build community links and prevent the increase in communal tensions or violence.

Cordaid's focus is on multi-ethnic peace building with a focus on informal dispute resolution. Through creating committees for a group of multi-ethnic villages, with representatives from existing religious committees and local organizations, Cordaid is seeking to encourage local communities to engage in mediation of disputes that may emerge between these communities or within them. Rather than leaving people with no alternative but to approach the authorities, these new bodies are intended to provide local people with a forum to discuss their problems, based on the assumption that these problems are resolvable and that their resolution will serve as a means of building trust.

The key reasons cited by Cordaid for them to take on the task of creating committees to engage in dispute resolution are the belief that people do not realise the scale of their disputes, are afraid of addressing these disputes for fear of repercussions, and that the disputes may emerge at a latter date through another dispute or incident. In addition to coordinating the creation of the peace committees and arranging the meetings with those currently displaced seeking to return, Cordaid also provides training in mediation.

The members of two peace committees in Thalaimannar and Musali who were interviewed saw a purpose for such mechanisms, but felt that the daily concerns of people

were more pressing. Therefore, peace committees were of low priority as they did not respond to the primary needs and problems of the community. In Thalaimannar Pier Village, the dispute that served as an entry point for Cordaid was the request by people for its mediation of a property case between a returnee Muslim and a Tamil family. In one case the owners have returned to the courts. In Musali, Muslim lands have been gradually made available to returnees, so it is the daily struggles of rebuilding the community, lives and livelihoods that are their chief concerns. Furthermore, the two peace committees claimed that all the members had met only once since they were established at the time this fieldwork was conducted. Cordaid is also involved in other peace-building activities in these communities, such as peace awareness and children's awareness programmes, including a collective writing of local village history.

While a number of NGOs have peace programmes of some form, in some of these NGOs this fear of communal disharmony and tensions impacts how these programmes function. The Rural Development Fund uses its centralized village CBO to engage the community in awareness work. ZOA organises shramadanas or social work programmes for villages of different communities and peace awareness meetings. In June 2002, ZOA organized a shramadana between the mainly Hindu village of Madurakulli it works in and the neighbouring Muslim village of Rasoolputhuvelli. While cleaning up the mosque of the Muslim village, ZOA conducted an informal discussion on whether the communal violence that had taken place in Valaichennai a few days before could take place in their villages. All the participants said it was not a possibility.

The difficulties NGOs face in engaging local people and ensuring they all have a voice to prevent disputes is illustrated in the relocation village of Madurakulli where ZOA works. The inhabitants include relocated people from Vavuniya and estate Tamils. Attempts to create a centralised body with subsidiary bodies have faced hurdles; an example of this is the hesitancy of villagers of estate Tamil origin to get involved in the development activities. This reluctance has prevented them from not taking the opportunity to build brick houses and joining projects to build common wells.

The recent incident in the Musali area in April 2003 serves as a warning of the simmering tensions in the area and the potential for violence. While it may be a one-off incident, it substantiates fears voiced by NGOs and strengthens their calls for more peace-building work, and in particular local mediation.

Case Study 5

Veppankulam and Kokupadayanth

Veppankulam and Kokupadayanth are neighbouring farming villages in the Musali area. The former was a Muslim Village whose inhabitants fled in 1990 and started returning only after the cease-fire; less than 20 families had returned at the time of a tragic incident in 2003. The latter Tamil village of 120 families had fled the area as the war moved to the Musali area, but most of the community returned three years ago.

In mid-April 2003 a Tamil youth from Kokupadayanth was driving his tractor accompanied by his Muslim friend from the neighbouring Muslim village of Veppankulam, who was sitting in the trailer. While traveling along the road full of bumps, the Muslim youth's homemade gun went off, killing the Tamil driver. By nightfall, the story that had spread in the Tamil village was that the Tamil youth had been killed by his Muslim friend. In response, three Muslim huts in Veppankulam were burned by their Tamil neighbours. On hearing the news of this violence Muslims started fleeing their homes and seeking refuge. By the week's end, the three families whose houses had been burnt fled back to Puttalam.

In the aftermath of the incident a number of concerned organizations visited the area to prevent the violence spiraling out of control and more recent returnee Muslims fleeing. The police, the church (including local priests and envoys from the Bishop), the Sri Lanka Monitoring Mission and Mannar's Citizen Committee all got involved to try bring the situation under control. The Member of Parliament from Mannar invited religious and community leaders for a general meeting to bring together all these actors and the local communities to air their grievances, which seems to have stalled Muslim flight from the area.

PUTTALAM DISTRICT OVERVIEW

Despite its distance from the battle lines, Puttalam District provides insight into the potential disputes and problems resulting from large IDP populations choosing to relocate. The arrival in Puttalam of the vast bulk of Muslims evicted by the LTTE from the North in 1990 exacerbated existing resource shortages. The result was discrimination of IDPs in their access to these resources and to opportunities to rebuild their lives; scarcity and loss of opportunities for the host populations; and an environment of tension, hostility and sometimes violence between the IDP and host populations. Traditional methods of dispute resolution are prevalent throughout Puttalam and have played a key role in resolving disputes within their respective communities. NGOs and local citizens have tried to play a more prominent role in trying to respond to inter-community disputes and violence by trying to create peace committees, forums for discussions and multi-ethnic development projects but have found it difficult to control the violence and to sustain these structures.

1 Informal dispute resolution mechanisms encountered

- Traditional religious based committees
- Elders in clan village
- Individuals engaged in informal dispute resolution
- NGO-created peace committees
- NGO-created multi-ethnic awareness and development groups
- Citizens' committees

Traditional religious based committees: The mosque trust committees, in particular, play a very active role in communities, be they local, relocated or displaced communities. Even within welfare camps, mosque committees are active. In some cases they are a 'committee-in-exile', that is the committee of a mosque in the former village of the community in the North. Often the mosque serves as the centre of community life, providing a forum for the discussion of problems with the active participation of community members. The committee provides both leadership to tackle administrative problems and a body to mediate disputes. The size of the committees may vary depending largely on the population of the community. The office holders are elected and depending on the community, the period of office can vary from one year to five years.

A dispute can be brought to the attention of the committee in either written or oral form. The committee members can respond to the problem in one of three ways: discussing the issue during the sermon before Jummah (if it is a general issue like the misbehaviour of youth); the individuals mentioned can be called to the mosque; or the committee members visit the house of the individuals concerned. The number of committee members who get involved in solving a dispute varies according to the nature of the dispute. The committee can either arbitrate or mediate. Meeting after Jummah (Friday prayers), the committee may first come to a decision and then advise the party at fault to amend itself or it may mediate a settlement between the individuals. The authority of the mosque is acknowledged

both by the police, which may refer complex cases to the committee, and by neighbouring non-Muslim villagers, who will bring inter-village disputes to the attention of the committee to have them resolved.

Elders in clan village: In many villages the family serves as the first point of call, particularly with intra-family disputes and where the village members are related. In old Sinhalese villages that have strong family bonds, such as those in the Anamaduwa division, disputes are settled within the larger family structure. Following this, disputes may be referred to the elders of the leading families, a largely inherited position. Other disputes are handled by village-based functional societies, such as the Capruka society for those involved in the cultivation of coconut. Traditionally powerful individuals are those with wealth. As a consequence, there is significant overlap between the elders and the leaders of such functional societies. Some of the key societies include Rural Development Societies, Women's Rural Development Societies, Fisheries Association and the Paddy Cultivation Societies.

Individuals engaged in informal dispute resolution: Individuals with religious or occupational authority play a key role in solving village disputes, particularly in areas with little social hierarchy or organised structure, such as relocated Sinhala villages. In such communities, the village priest can use moral persuasion to assert his leadership in disputes. Similarly, school principals play a central role as they hold positions of prestige within the village. The JP also plays a critical role in resolving disputes, wherever such an individual exists. Such individuals not only engage in mediation but may take a more direct arbitration role. For example, they may investigate and provide a judgement on cases, such as disputes between two families or robberies where the thief is a known member of the community.

NGO-created peace committees: NGOs in Puttalam have set up peace committees, some of which are designed to have the capacity to resolve disputes. The principal activities these committees engage in are peace, social awareness and joint cultural and social activities. Committees are created in areas where the NGO is already involved in providing relief, rehabilitation or development in at least one of the villages. Two contrasting models of peace committees are provided by the Community Trust Fund (CTF) and Rural Development Fund (RDF). CTF works in a cluster of villages, each cluster consisting of villages of different ethnicities. A peace committee is created for each village to deal with that village's problems. RDF's peace committees, by comparison, bring together individuals from 2 villages of different ethnicities or groups that will address common issues and disputes. In both cases field officers and project coordinators of the NGO provide advice and support to the committee.

NGO-created multi-ethnic awareness and development groups: Other NGOs are involved in creating multi-ethnic bodies with a development focus. While these bodies do not directly engage in informal dispute resolution, they focus on awareness and technical training, providing a forum for creating bonds and for discussing common problems. NGOs carrying out development projects in a village tend to create a central village committee, bringing together representatives from existing CBOs and other village leaders. WODEPT

is a women's development organisation funded by FORUT and World Vision. Its key focus has been to provide income generation and credit schemes for women. Through these schemes WODEPT organises local village women into CBOs, using existing women's committees where possible. It attempts to provide employment for women and create a forum for discussion. Each village sends two representatives to a district-level, multi-ethnic forum where common problems and issues are discussed, and awareness workshops on alcoholism, leadership skills and market training are provided.

Citizens' committees: In the face of apathy and inaction by the authorities, groups of concerned citizens from Puttalam town coalesced into bodies involved in mediation activities. The town has two such committees: the Citizens' Committee that deals mainly with issues related to IDPs, and the People's Forum, which focuses on concerns of the local community members of this largely Muslim town. The citizen's committee monitors human rights violations and attempts to identify methods of addressing them. The committee attempted to get the relevant authorities involved. For example, it may arrange meetings between the local GS and leaders of the relocated village that is facing difficulties and attempt to mediate between the parties. The People's Forum has no functional headquarters and was created with the purpose of mediating between local politicians following a particularly acrimonious local election. It continues to serve in this mediation role and has evolved to take on other activities, responding to social problems it encounters or that are brought to its attention. For instance it establishes a peace committee following incidents of violence between two communities aiming to prevent a recurrence of such violence. It also mediates disputes between local politicians and with local authorities.

2 Communal and Host/IDP tensions and conflicts

2.1 Problems

Despite being far from the war lines, the conflict has had a heavy impact on Puttalam, and on the nature and scale of disputes. Within one month in October 1990, the population at Puttalam increased by 80,000 following the eviction of Muslims from the North by the LTTE. Muslims fleeing from Mannar, Jaffna, Mullaitivu and Killinochchi districts settled temporarily in Puttalam. As the war dragged on their presence became more permanent, concretely manifested by the relocation villages. The initial goodwill and welcome of the host community gave way, with some instances of tension and, at times, hostility. The resource shortages and economic problems Puttalam had faced prior to 1990 were exacerbated.

The failure of the authorities to provide additional resources to cater for the increased population acted as a stimulant to the tension, creating a sense of discrimination in both the IDPs and local communities. In health care, for instance, both in terms of infrastructure and resources, an expansion process took place only in the late 1990s. Kalpitiya hospital, despite having an out-care output more than a base hospital has not been expanded to the capacity of a district hospital. The increase in the Tamil-speaking population was not met by a concerted attempt by the state or local society to respond to the need for Tamil

speakers in hospitals or local government agencies. In education, the shortage of buildings, furniture and teachers were extensive; some schools had double sessions: morning 'prime time' for the local children and the less sought-after afternoon session for IDPs. The locals felt they had to suffer the resulting hardships of the increase in population, while the IDPs found themselves treated as second-class citizens. Some sectors of the economy were demarcated as off limit to IDPs. For instance, operating three wheelers, running bakeries, and producing ice cream have only recently been opened up to IDPs. Government employment still remains an area that is largely closed off to IDPs. IDPs have thus been forced to work as day labourers for long hours at low rates. The net result for the local community has been increased unemployment as the IDPs provide a ready source of cheap labour. In their eagerness to gain employment they undercut local labour rates, thereby creating tensions at the local level. A number of local communities cited this as one of the first sources of tensions when the IDPs moved into their areas.

Another source of tension is the manner in which relief and assistance are provided to IDPs both by politicians and NGOs/INGOs created further tensions. Government schemes provided financial assistance in the post-1995 period for IDPs to purchase land and build houses, and created infrastructure including toilets, water tanks and roads. Of the 81,707 IDPs registered in 2001, 49,135 of them lived in relocation villages. Instances were reported of IDPs living in brick houses with adjoining toilets in relocated villages while local villagers were living in Cajun huts; this has only contributed to a growing sense of unfair practice. This type of IDP-focused development work contributed to local hostilities as the locals saw no corresponding developments. In reality, many IDPs lack economic opportunities, and those still stuck in welfare camps live in abject conditions without basic facilities.

Local NGOs attempted to respond to what they perceived was the detrimental effect this policy of ignoring the needs of the local communities. The Community Trust Fund tried to provide corresponding resources to IDPs and neighbouring local communities but faced difficulties in getting any or full funding from donors for projects focusing on both the IDPs and locals. Other activist groups, like the People's Forum, a mainly local Muslim forum, and the Research and Action Forum for Social Development, a Kalpittiya based-IDP organisation, engaged in meetings to identify potential sources of conflict.

In some instances, the hostility between local and relocated neighbouring villages over the allocation of resources escalates to violence. In most cases the violence does not result in fatalities but involves damage to property and bodily harm. For instance, the tension may manifest itself from the early stages of construction of houses in a relocation village. The naming of the relocation village may provide the spark which escalates the tension into violence. A classic example was the case of 'Hijrathpuram', as it is called by its residents, a relocation village of 150 families mainly from Mullaitivu and Jaffna who moved from the welfare centres in the Salterns. The relocated residents claim they had to provide the village with a name for the administrative purposes of the Rehabilitation Ministry that was providing the funds for the purchase of the land and the local NGO that was assisting the villagers. Renaming the area led to tensions as the locals wanted the old area name of

Perriyakulam to remain. They destroyed Hijrathpuram's name board twice. The hostility of the local residents was such that, over a period of three months from February 2003, local youth rode motorcycles with the silencers removed around the relocation village at night in a deliberate ploy to create fear. Hijrathpuram's village leader described their predicament: "We close our mouths and observe in silence". They are considering changing the village name.

Puttalam is highly politicised and a number of the field officers interviewed commented that existing local tensions were exacerbated during election time. This pattern of local political competition is not uncommon in the Wayamba area, but in Puttalam it seems to have a particularly detrimental impact. The tendency of incidents to escalate was said to be much greater. Political patronage is also a key problem. For instance, the large number of IDPs means that Members of Parliament who rely on their vote provide the resources they require at election time, but at other times IDPs find little help from local authorities in Puttalam.

While perceptions of difference in access to resources serve as the key source for communal tensions, the perceptions of demographic changes also play a role. A source of apprehension among the majority Sinhalese comes from the fact that the IDP population almost doubled the Muslim population, thus altering the power balance in the district. Muslims now account for 23% of the overall district population. As a result latent tensions between local Muslims and Sinhalese have become more overt.

While neighbouring villages of different ethnicities may not have an overtly hostile relationship, external forces play a significant role in creating a hostile environment in local villages. For instance, neighbouring host and relocated villagers interviewed through this field research demonstrated little enmity and in fact indicated points of contact, but both sides spoke of the violence of youth from urban areas who would target such villages in times of local crisis. In the relocated village of Sivapura (*see Case Study 6*) IDPs were targeted despite the fact that the initial incident occurred between local Muslims and Sinhalese in the nearby town. The fear is palpable in this community, composed predominately of women and children (their husbands and sons are working in Jaffna and Mannar districts). The residents believe the attackers to be from a nearby town, and not their immediate Sinhalese neighbours. In Hijrathpuram too the residents believe that despite their neighbouring village's hostility the main perpetrators are from the neighbouring semi-urban areas. Hence it would seem a more direct engagement and peace work in semi-urban areas like Pallavi and Madurankulli is urgently required.

2.2 Conclusion and analysis

Puttalam's distinct socio-history has created a series of fault lines that provide the basis for tensions between the communities in the district: be they local Muslims, displaced Muslims from the North, Sinhalese or Tamils. While many of the sources of tension do not manifest themselves on a day-to-day basis, an incident, be it a murder or something as slight as an IDP school teacher chiding a local student becomes an issue of identity and

prompts group responses. On rare occasions, it may even escalate into mob violence. The sources of tension are a result of the drastic changes in ethnic demography, the historical shortage of resources in the district, the manner in which the limited resources are allocated and the politicised environment in the district. All of these have contributed to perceptions of discrimination and latent ethnic tensions.

It must be noted that these tensions do not necessarily have a direct causal effect, but rather underlie outbreaks of violence. At the local level, people do identify the problems existing between communities as IDP-local or Sinhala-Muslim problems, yet at crisis points it seems these sources of tension do come into play.

Puttalam provides insight into the potential problems other districts could face with large populations of 'non-locals' choosing to settle down in districts they fled to as well as potential problems between returnees and hosts over access to resources. Since the CFA, up to 5,000 IDP Muslim families have returned to their old homes in the North. While the vast proportion of IDPs demonstrate a determination to return, the political uncertainty, insecurity, adverse conditions in their original homes and the natural increase of population has meant that a significant proportion of the population of IDPs will remain, particularly the young and those who did not have lands in the North and who have made a new life in Puttalam. Hence, the problems between IDPs and returnees and the resulting tensions are set to continue.

3 Disputes and informal dispute resolution

3.1 Types of Disputes

The effectiveness of informal dispute resolution mechanisms depends on the type of problem, which in turn influences whom people approach to resolve their disputes. The three broad categories are family, intra-community and inter-community.

Family Disputes: Individual problems such as alcoholism, domestic abuse, adultery and other personal problems, if brought up at all, are usually dealt with by traditional authorities within the community. In clan villages made up of inter-related families this is dealt with within the larger family structure. In Muslim communities, the mosque committee usually takes up these issues. Traditional structures are often the first point of call and have obvious advantages, such as proximity and approachability when compared with the law enforcement authorities. They also have a greater ability to monitor the problem and have greater access to the background of the cases. The strength of their dispute resolution capacity often rests, however, on the village's social cohesiveness.

Intra-community disputes: Intra-community disputes are also typically taken up by these same traditional authorities. For instance, land disputes between neighbours or non-payment of loans are dealt with by traditional committees and may be brought to their attention orally or in written form. In instances where the complaint goes to the police, law enforcement agencies may cooperate with the committee both to garner the facts and to

restore calm, and even to reach to a settlement. Where NGOs have created central village committees, these may function as bodies for discussing the community's needs. Rarely, however, are they the chosen body to address other problems. Existing local functional CBOs tend to deal with problems within their mandates, such as water wastage that may be brought to the Paddy Cultivation Society by its members.

Inter-community disputes: For inter-community disputes, individuals may approach a number of authorities, depending both on the nature of the problem and who is in the best position to provide a settlement. Given that the leading individuals at the local level are members of multiple organisations, the dispute may be addressed simultaneously from a number of angles, with the mosque committee, local peace committee and Puttalam's Federation of Mosque present. In incidents where violence is involved, a number of such actors will attempt to bring the situation under control.

3.2 When people use the different mechanisms

When disputes emerge people appear to have a clear sense of whom they should refer to. In urban or semi-urban areas, where the traditional authorities are weaker or hold little power, individuals are more likely to go to the authorities to seek redress. In addition to the law enforcement authorities and the GA, individuals also petition politicians to use their influence. Mediation boards also deal with a host of complaints. In Puttalam town, for instance, the three-man board meets fortnightly and deals with 25-30 disputes in a 3 ½ hour sitting. People know the leaders of the neighbouring community and will go to them for redress. A problem cited by both the mosque committee and non-Muslim neighbouring villages is the issue of harassment of local women by Muslim youth. The issue is brought to the attention of the committee by an individual or leader of the neighbouring community and is addressed either through the sermon after Jumma or through the individuals in question being summoned by the mosque committee for an inquiry. Similarly in the case of a Muslim seeking redress from a non-Muslim community, they would approach the leading individual, such as the local principal, the local organiser of a political party or the president of a local CBO.

In other instances, while people know whom to approach, they do not necessarily do so, either believing that their problem is not big enough to be addressed or that it will die down. In other instances of "sulu sulu" or small disputes, individuals will not approach traditional authorities and deal with it immediately on a one-on-one basis. People jumping the queue at shared wells or the washing of jute sacks at the local lake where people collect their water is handled without much ado.

3.3 Analysis of dispute mechanisms: solving problems within the community

Despite the seeming strength of traditional informal dispute resolution in arriving at an effective resolution of disputes, the decision-making structure may not be representative, or the decisions reached may be fair to the community, but not necessarily to the individual. From an external and impartial perspective, this form of 'mediation' may seem both

authoritarian and elitist as certain families and individuals are the decision makers. While a number of individuals may be represented in various committees, decisions are essentially made by a coterie. The office holders tend to be the more affluent and educated members of the community and hence, it is with them that the real power rests.

A key source of strength these traditional mechanisms possess is their power to exclude individuals from the community. This threat wields considerable power over individuals in tight-knit communities, and may result in individuals not bringing up a problem because of the threat of social exclusion they may face. For instance, a Muslim woman faced with an abusive alcoholic husband is unlikely to bring up the matter, as the result could be not only the exclusion of the husband from the community, but also a refusal to bury him in the community's burial grounds. Hence, where individuals, and women in particular, fear social censure, NGO field workers are often approached. Organisations such as WODEPT, through their women's forums and awareness activities, thus provide a useful role for discussing such issues. NGOs can perform a critical intra-community mediation role when they work with women, in Muslim communities in particular. This is particularly relevant when the NGO is involved in micro-finance projects focussed on women, impacting on the position of women within the family and their community with regards to their financial and social independence. NGOs may in rare instances become involved in mediating with the patriarchal systems such as the mosque committee, trying to explain how the project does not challenge the social mores of that particular community.

4 High mortality rates of externally-created peace committees

The three key actors usually involved in creating peace committees, namely donors, local NGOs and communities, contribute in some measure to the short life of such mechanisms. In particular, short-term interest from donors makes long-term support and sustainability of peace committees difficult. Local NGOs' reliance on donor/INGO resources and the apathy of local communities and IDP communities are also key problems with regard to externally-created peace committees.

The manner in which new peace committees are created is one reason that they collapse so fast. There are two patterns in which peace committees are established: one is the largely donor-driven programmes, created to establish a number of peace committees either as an independent project or within a larger development based programme; the other is as a response to 'an incident' between two communities by local NGOs or interested civil society groups. In both cases the result is similar. The formal structures recede usually with the end of the specific project under which it is established in the first case or a few weeks after the excitement and interest generated by the incident dies down.

The first issue raises questions as to the strategies and designs adopted by donors and INGOs. Donor focus on capacity building, in a sense, rests on the premise that a structure and training/advice from a local NGO in the short term will jump start a self-sustaining process of formalised or semi-formalised inter-community connections. The poor survival rate of externally-created mechanisms, however, seems to indicate that long-term support

is required, which may be at odds with the donor's strategy of giving short-term assistance. As a result, the onus to sustain such mechanisms falls on under-trained, under-staffed local NGOs who struggle for scant resources.

At the level of local NGOs, there is some discrepancy between the NGO headquarters and the field with regards to the level of activity of peace. While peace committees seem to be an active part of NGO projects within the framework of peace building and capacity building, CPA researchers did not find any active examples of such projects. Some NGOs did warn the researchers that the committees were no longer active. At the NGO level, the key reasons cited were the lack of funding and personnel to keep the peace committees active while other development activities took precedence. It was observed that peace committees had been created and had, for the short-time they existed, functioned as informal dispute resolution mechanisms and solved some disputes.

The creation of such committees raises the question of whether the whole process actually creates channels of communication or merely involves duplicates already acknowledged leadership positions. While the research did not provide a definitive answer it seems NGO-established peace committees can serve a vital purpose, providing a point of contact for the leaders of neighbouring villages to meet and for community problems to be broached. In certain instances while the committees themselves have not endured, it seems that the spirit of cooperation and the connections between the communities has continued for instance the peace committee set up by the Rural Development Fund to mediate a dispute between neighbouring villages provided a space for villagers of neighbouring communities to meet. It must be acknowledged that the spirit of cooperation continues but does not necessarily lend itself to proactive action (*see Case Study 6*).

It must be noted, however that individuals formerly in peace committees continue to meet and in some cases to mediate disputes does not necessarily indicate that the structure has survived, but may rather indicate that existing traditional structures had been harnessed by the NGO when forming the peace committee. This is particularly so in cases where peace committees operated on the basis of one per village and where the individuals on the committees were the traditional leaders of a village. Often the same individuals are in positions of authority in a number of CBOs and leadership is therefore concentrated in a few hands. Hence, creating a peace committee consisting of leaders whom disputants, be they from within the village or neighbouring villages, would traditionally consult seems unnecessary. On the other hand, there is little pre-emptive action taken by communities before disputes spiral out of control. Peace committees set up by local NGOs could therefore serve two key purposes: creating bridges between communities and providing or strengthening the legitimacy of the leading individuals involved in the peace committees to enhance their mediation capacity.

Given that those engaged in creating inter-village peace committees use existing village structures, it would seem that the new mechanisms would be incorporated into village society and sustained. This does not seem to be the case and the lack of interest and apathy does seem to play a determining role in why these structures do not survive. As the

case of Sirimapura illustrates (*see Case Study 6*), peace committees can survive only as long as the members of the community involved keep meeting each other. Similarly, the Pulluthivayal-Ullukapallam (*see Case Study 7*) demonstrates how such mechanisms fall into disuse after the immediate problem abates, often because of apathy. Both NGOs and groups such as People's Forum informed the researchers that sustaining the villagers' interest in the peace committees was a serious difficulty. Hence, when designing the peace committees and their relationship with the NGO, it is crucial to decide how the committees can be sustained on a long-term basis.

Case Study 6

Sirimapura

On 18 November 2002, an altercation over a Sinhalese three-wheel driver being given parking rights by local Muslims at their stand in Maddurankulli led to violence. On the night of the incident, 25 to 40 men attacked a nearby relocation village as the occupants prayed at the Mosque following the breaking of fast. The mob burnt ten houses trashed electrical items in a further seven. They rampaged through the seventeenth house before the police entered the village, forcing them to flee.

The relocation village of displaced persons suffered the brunt of the violence between local Muslims and Sinhalese. In addition to the destruction of property and personal items, one old woman IDP was hit on her arm. As a result of this incident, a number of villagers fled and the village of 65 families lost a significant proportion of its population. The ten families whose houses were burnt fled either to the welfare camp in Thiladi or to private homes in Puttalam. Nineteen young girls were sent out of the village to safer areas within Puttalam town as the villagers feared for their safety in case of a renewed attack. As most of the men are temporarily based in their homes in Jaffna and Mannar districts, cultivating their lands or trading, there is a palpable feeling of fear in this mainly female village.

According to Sirimapura residents, the perpetrators of the attack, were not neighbouring villagers but men from the semi-urban area of Pallavi. Members from a former peace committee, both Muslim and Sinhalese, felt themselves to be powerless against these external forces. A proposal by the president of the Kannamullai Mosque Committee for a vigilante committee consisting of 5 members from each community to vouch for the safety of their neighbours has been suggested but only the Muslim side was aware of this proposal.

The IDPs cannot understand why they have been targeted, other than because of jealousy over how they have re-built their lives. They are too afraid to go back to their homes in the North as there are no assurances of their safety. They are also frightened to continue living in Sirimapuram as when dusk falls and they fear a renewed attack.

A peace committee created by the Rural Development Fund to bring together the Muslim IDPs of Sirimapura and the 122 Sinhalese families of the adjoining village of Pubudugama was established in May 1998 but lapsed within 2 years. It consisted of 9 members from each community. Despite its initial successes at undertaking joint initiatives and at acting as a forum for the two villages, the committee did not survive, with both sides losing interest. There were some allegations that one of the Sinhalese members of the committee was involved in the attack. However, most of the Muslim villagers interviewed were of the opinion that the person in question was more likely to have been drawn by the smoke and got caught in the confusion.

Despite not functioning in a dispute resolving capacity, the peace committee provided a basis for interaction. The committee from the Muslim village included 7 women, members of the village's women's committee. The committee held cultural activities with members of both villages actively participating in the events. The level of interaction was such that they would invite each other to their respective religious festivals.

The peace committee also served a key functional purpose of securing joint projects, initiated either by RDF or Sinhalese committee members. For instance, the president of the women's committee from the Sinhala village was able to organise a malaria awareness programme by the Ministry of Health. Through their joint efforts the committee also secured a CARE project to construct 7 toilets for IDPs and 36 for the locals, 5 water tanks for the IDPS and 4 for locals.

Despite the initial external support and incentives in maintaining the committee, it lapsed. RDF's involvement in the peace committee ended with the conclusion of the donor funding for the one-year project, yet its work in the relocation village still continues. The committee seems to have fallen into disuse due to a lack of interest, particularly from the IDP side as they saw its sole purpose as providing material resources.

At present the relations between the two villages are not strained and both sides were keen to assert that the peace committee may have lapsed but individually they still talk to each other. Both sides expressed willingness to renew the committee but neither side seemed willing to take the initiative. From the Pubudugama side a request was made for an organisation to get involved to provide loans for the residents to start small businesses as the traditional jobs of rope binding, day labour on prawn farms and the salterns are not enough to sustain a family.

One Sinhalese member of the old peace committee, who serves in multiple roles in the women's committee, Samurdhi Society, Paddy Cultivation Society and the temple trustee board, asked us to inquire from the Muslim side why the water bowser that fills the water tanks for both villages had not come for the past month. This provides some indication of how even common problems do not necessarily serve as an incentive for dialogue for villages just across the road from each other even where lines of communication and cooperation have been formerly established.

Villages in Karambai Area

Karambai	-	local Muslims and Sinhalese
Ulukapallam	-	relocated Muslim IDPs
Puluthiyaval	-	local Muslims
Nayakathennai	-	Tamils
Community Trust Fund Peace Committees – in Karambai and Ulukapallam		

In the village of Puluthiyaval, the mosque committee serves a key role in resolving the village's internal disputes. Consisting of 9 members, nominated through meetings of all the village men once every 5 years, the committee investigates a dispute brought to its attention and can suggest ways of resolving it. A dispute such as the lack of public access ways due to a land sales is brought to the attention of the committee by an individual. The committee summons the neighbours and mediates an agreement where the individual losing property to the path is compensated in kind or cash by the households by the proposed path. For serious problems such as theft, the problem may go first to the police, but the mosque committee has been consulted both in the investigation and follow-up process.

Mosque committees can also serve as mechanisms for resolving disputes arising between neighbouring villages. In 2001 a dispute that began over attempts by local Muslims to warn a drug dealer from the neighbouring IDP village of Ulukapallam not to sell to the local Muslims spiralled into violence, the burning of two huts, and led to a 24-hour police presence for a month.

A local sent a letter anonymously threatening a villager with death unless he stopped drug dealing. Two days later, the dealer's hut was burned. The Ulukapallam villagers, believing they knew who was responsible for the letter, set off to deal with the man but were met by a mob from Puluthiyaval who had gathered on hearing of the approaching mob. During the stand-off, individuals from both sides interceded and it was agreed that the mosque committees would be called up to deal with the issue. The IDPs wrote to their local MP who sent police from Chilaw to patrol the area, which in turn led an increase in pressure as the locals' freedom of movement was impeded. A second hut was burnt in Ulukapallam and the police said that it was unlikely to have been someone from the neighbouring village.

The Puluthiyaval Committee summoned the individual thought to be responsible for sending the letter and he agreed to apologise to the neighbouring village for the letter but said he was not responsible for the fire. The Ulukapallam community in turn discovered that the dealer was responsible for incinerating his own hut and the second hut. The two committees reached a verbal agreement that if any problem was to emerge between the two communities they would be committed to talk about their disputes through the president of one committee notifying the other in writing.

A separate incident, in December 2001, between Puluthiyaval and the neighbouring village of Nayakathennai illustrates some of the limitations of mosque committees and how peace committees can interact with traditional structures to resolve disputes. During election time, a confrontation took place between a Muslim youth who was assaulted by neighbouring Tamil villagers over a game of cards. He claimed the Tamil villagers were going to attack the village. In the resulting violence, older members of the communities were attacked, leading to an increase in tension and preventing interaction between the 2 villages. The timing of the incident was a critical factor in why the incident escalated, as during election time the two villages divide on UNP-SLFP lines.

A peace committee from the neighbouring villages of Ulukapallam and Karambai intervened, sending two of its members to talk to the recognised leaders of each village. For Puluthiyaval they met the president of the mosque committee and Nayakathennai they met the Principal of the Tamil school. The two individuals who were trying to mediate were presidents of the peace committees established by the Community Trust Fund in the respective villages. The two individuals wrote to each other and organised to meet. Following the meeting both acknowledged that it was a problem created by the youth and should not affect the relations between the two villagers. According to all the peace committees involved the strained relations between the two communities were patched-up thereafter and they claim they have not had a dispute of this scale since then.

TRINCOMALEE DISTRICT OVERVIEW

Trincomalee is characterised by the near equal proportions of and the mutual dependency for economic activity of all three ethnic groups. Each group is perceived by the others as benefiting from patronage from the army and government, politicians and the Ministry of Eastern Rehabilitation and Muslim Affairs, and the LTTE. The potential for incidents to escalate into full scale ethnic violence is high. Land and water matters are particularly controversial issues. Government-sponsored colonisation schemes of Sinhalese farmers in the district, along with the blocking of water up-stream (usually in Sinhalese areas) to the detriment of down-stream Tamil farmers, has exacerbated the grievances of Tamil villagers. Muslim villagers complain about occupation of or lack of access to their lands in 'grey' and LTTE-controlled areas. Sinhalese villagers have suffered threats and attacks at the hands of the LTTE. Ethnic tension manifests itself in the form of hartals organised by the aggrieved ethnic group and may lead to street violence. At the time of the research, two incidents prompted hartals: the abduction of Sinhalese persons from Trincomalee town and of Muslim persons from Muttur, both allegedly carried out by the LTTE.

1 Informal dispute resolution mechanisms encountered

- NGO-created peace committees
- NGO-created development committees
- Village committees: Rural Development Societies/ Awareness Groups
- Mosque committees
- Peace committees established by the authorities
- Informal dispute resolution performed by individuals – LTTE, police, GS, Water Agent, etc.

NGO-created peace committees: Some dispute resolution is carried out by committees established by local NGOs. Such committees may have been set up with the express purpose of peace building. Thus, AHAM, Kinniya Vision, SARVODAYA, and SHAKTI are implementing peace-building programmes by setting up village committees (see Annex). These projects are often funded by OXFAM or CARE. Typically, the NGO selects villages from different ethnic groups and forms village committees. Committee members are selected by the villagers themselves and tend to be representative of the community. Field workers of the NGOs provide advice to these committees, which may eventually be registered as CBOs.

NGO-created development committees: The majority of the groups set up by local NGOs, however, are set up for implementing their development or cultural programmes, and may resolve problems or disputes when they arise. Such groups include youth groups or women's groups, or may be set up according to trade, such as farmers' groups. For instance, TDDA has set up village savings groups which have occasionally played a role in solving problems, such as mediating with the armed forces. Local NGOs may incorporate the leaders of the groups they have set up for development purposes to form the peace committees described above.

Village committees: Already existing village CBOs are approached by villagers to solve their problems or disputes. In particular, Rural Development Societies (RDS) initiated by the government appear to be active in dispute resolution. RDS members are also often part of local NGO committees or other groups.

Mosque committees: Disputes in Muslim areas of Trincomalee most commonly tend to be referred to the board of trustees of the local mosque, also referred to as mosque committees. Mosque committees encountered are elected every 3 years by the local community, following which the appointment is formalised by the Ministry of Muslim Affairs. The committees consist of an average of 15 members. The imam of the mosque also sits on the committee. Traditionally, following the Friday prayers, the imam will ask the public to inform the committee of any problems or disputes. Disputes may also be brought to their attention at other times. Having received a complaint, the committee appoints a number of people to investigate and monitor the matter. Following this, the committee summons the disputants and devises a solution agreeable to both parties. While no women may sit on the committee, mosque committees accept complaints brought to them by women. The police also refer some of their cases to the mosque committees to be solved informally. Difficult cases may be referred to the Federation of Trincomalee Mosques.

Peace committees established by the authorities: Some peace committees have been set up by the authorities with the aim of bringing together leaders of the different ethnic groups to prevent the outbreak of ethnic violence. In Muttur there are reportedly three peace committees initiated by the police, the armed forces and the Interior Ministry respectively. These committees consist of law enforcement representatives as well as local leaders. New peace committees set up by the Interior Ministry are common throughout the District and encompass three GS Divisions. As they had been newly formed at the time of writing, they were not observed to be particularly active.

Informal dispute resolution performed by individuals: Lastly, some individuals with traditional or occupational authority are approached to solve disputes. These include the GSs, some police officers, the LTTE, Water Agents and religious leaders. While these individuals are not informal dispute resolution mechanisms as such, the methods they use to solve disputes may be informal.

(How) Do villagers decide which redress mechanism to approach?

Parties to a dispute in a village approach different mechanisms for redress according to the nature of the problem and their personal and local politics. Very broadly, such mechanisms can be classified as: (1) informal mediation or arbitration, (2) the use of patronage and influence, and (3) the law enforcement or judicial authorities. As is explained later, these categories are fluid. Some key factors were highlighted through the field research as to what may motivate a disputant to approach an informal mechanism, as opposed to the other two redress mechanisms. It must be noted that these observations are not unique to Trincomalee district.

Firstly, disputants will approach whichever mechanism they believe is most likely to make them achieve their desired outcome. For instance, land disputes, while common, appear to be solved, if at all, mostly through the police or courts. Two separate interviewees explained that land matters could not be solved informally as the party to the dispute with legal standing was always bound to disagree with the agreement and to seek redress in courts. The implication of the chance of winning one's case through the legal system meant the disputant would not accept compromise.

Secondly, and conversely, disputants will approach an informal mechanism, instead of formal means of redress, if they have no choice but to achieve a compromise. Thus, in the case study of the mosque committee, near Peraru, (*see Case Study 8*) the disputant approached the mosque committee not only as the informal body with the strongest power in the village, but also because resorting to the police would have made him more vulnerable to retaliation from the other villagers. The disputant had no safe alternative but to achieve a compromise through the mosque committee. Disputes over water rights provide another example; these occur in Trincomalee District, and include the blocking of water channels by a community up-stream. As the use of water is often only regulated by informal agreements, aggrieved villagers may not be able to go to courts but will approach informal mechanisms or individuals, such as the Water Agent or the GS.

Thirdly, a disputant will approach an informal mechanism if its members include persons with local political, religious or occupational authority. While this fact could not be corroborated through the interviews, it appears to be the case insofar as those mechanisms which are approached all contain local leaders. Individuals with local authority and/or education, such as land or property owners, persons of high caste, religious leaders, teachers and civil servants, are usually selected to the highest position on indigenous or NGO committees. Some villages may have more than one committee and some individuals with social status may sit on more than one committee. Even where the committees include a plurality of social groups, ultimately the decisions appear to be made by a select number of leaders. Thus, in the dispute in Perararu (*see Case Study 8*) the four persons in the mosque committee charged with devising a solution to the dispute were the president and treasurer, both of whom had occupational authority, being a lawyer and a teacher respectively, assisted by an accountant and a civil servant. It is noteworthy that all other members of the committee were labourers and were not mentioned by the other members as having played a key role in the decision-making process.

Case Study 8

Mosque committee, Peraru, Kantale Division

In March 2003, a group of Tamil and Muslim villagers from a border village near Perararu left for Polonnaruwa to work as wage labourers harvesting paddy. The group of fifteen was composed of four Tamil and eleven Muslim labourers, reflecting the ethnic breakdown of the village, which counts seventy five Tamil families and five hundred Muslim families. The group was led by a Tamil man, Jayakody, who was

responsible for liaising with the landowner and handling money transactions on behalf of the villagers.

The labourers were tasked with the harvest of fifteen acres of land and received an advance for their work. Upon having finished harvesting nine acres of land, an argument broke out between the leader of the group, who was intoxicated at the time, and a Muslim labourer. The leader allegedly assaulted the Muslim man in question, following which five Muslim labourers responded by returning to the village in protest. At the completion of the harvest of thirteen acres of land, one man was taken ill and went back to the village.

As a result of their departure, the Polonnaruwa landowner had to hire another six labourers to finish the harvest. At the completion of the harvest, the landowner allegedly refused to pay the remaining nine labourers the full amount promised to them claiming that the quality of the paddy harvest was inferior due to the late harvesting caused by the departure of the six labourers.

When the remaining nine labourers returned to their village, the leader Jayakody refused to pay the six villagers who had come back early for the nine acres of land which they had contributed in harvesting. He claimed that they had breached their contract and that he had already given them enough money as an advance, in addition to providing for their food while in Polonnaruwa. The six Muslim villagers became angry and threatened Jayakody.

On April 1, Jayakody sent a letter of complaint to the board of trustees of the mosque asking them to resolve the dispute. The board is composed of twelve members elected by the male community members every three years. The board is charged with solving disputes, applying Islamic Law where applicable. At the time, the president of the board was a lawyer, the treasurer was a teacher, and the remaining members included a civil servant from the Trincomalee Port's authority, an accountant for Sarvodaya and eight labourers. In this case, the board solved an inter-ethnic dispute where the complainant was a man not falling within their jurisdiction.

The board asked the concerned labourers to come for a meeting the following day, during which the views of all the villagers were sought. It transpired that Jayakody had already spent part of the money for his own purposes and was unable to pay the six labourers the full amount owed. The board summed up the dispute and discussed ways of solving it with the villagers. It was agreed to entrust the treasurer of the board, with the assistance of the accountant, with the task of checking the accounts of this case and devising a fair way of sharing the money. Jayakody agreed to abide by the decision of the board, but was informed that he could have recourse to the judiciary if he was not satisfied with their decision. Three days later, the board gave their breakdown of how the remaining money should be shared. The labourers who left early were paid less than was owed to them because they had breached their contract. Jayakody gave

the board a letter of agreement stating he would hand over the money owed within one month.

All those concerned, save one, were satisfied with the decision of the board. The man who had left at the completion of thirteen acres of land because of illness was not satisfied as the board had decided to pay him on the same basis as the others for the nine acres of land harvested. He did not complain to the board and would not explain why.

According to the board, had the dispute not been solved, it could have escalated into violence between the aggrieved Muslim villagers and the Tamil leader. It is unclear, however, whether this dispute could have developed further into inter-ethnic violence.

While in most of the cases encountered, the local leaders wielded the most power in village committees, there were exceptions. An example is the case of the Rural Development Society of Aalankeni (*see Case Study 9*), where the village leadership plays a minimal role. Notwithstanding the exceptions, the dominance of leaders in informal dispute resolution begs the question whether it is the mechanism or its leadership which villagers approach to solve disputes informally. If, as the majority of cases suggest, it is the leadership, this poses two questions. Is there a purpose in creating and sustaining 'representative' committees, considering that the presence of the leadership is the key reason why committees are approached? What are the ethical dilemmas for those wishing to strengthen existing mechanisms where the local leadership is dominant? These are two questions especially relevant to donors, local NGOs and other actors involved in setting up informal dispute resolution mechanisms. The latter issue is discussed further below.

Case Study 9

Rural Development Society (RDS), Aalankeni village, Kinniya Division

In this Tamil village, in a predominantly Muslim area, the RDS is the main committee approached to solve village problems and disputes. In addition, the village has a women's group and a youth club.

The RDS was set up in 1999. It consists of fifteen members, five of whom are administrative/executive staff. The remaining ten members were elected from the youth club and consist of labourers and school students. The RDS Secretary explained that since village leaders are busy, they are not active members of the RDS, though the GS advises the group. No women were included in the RDS, as a separate Women's RDS already exists.

The RDS solves cases relating to illicit liquor, family problems and land inheritance disputes. The secretary claims there have not been any cases involving members of

the neighbouring Muslim village. It is noteworthy, however, that the Secretary was interviewed in the presence of members of the Muslim village in question.

RDS members receive complaints from villagers and subsequently discuss the procedure to follow for resolution of such problems or disputes at their next meeting. They do not investigate complaints as “their village is a small one where everyone knows of everyone else’s problems.” They usually call the two parties and find a solution to the dispute. In some cases, in particular with domestic problems, they monitor how the situation evolves.

According to the secretary, all cases brought to RDS so far have been solved. He attributes the success rate to the neutrality, integrity and fairness of the president who, he adds, does not accept bribes.

Nature of Problems and IDR

As mentioned earlier, the nature of the problem or dispute is a key factor in deciding which mechanism to approach.

The most common types of disputes solved informally are domestic, intra- or inter-family disputes. In particular, inheritance disputes, domestic violence and alcohol-related offences are among the most common problems informally resolved within Trincomalee villages. Some intra-village land disputes and financial matters are also solved by village groups and mosque committees.

When a dispute involves the State or the LTTE, villagers may approach a local NGO or its representative to assist in liaising with the authorities. For instance before the CFA, a number of boats had drifted to sea at night and the affected fishermen were too frightened to go and fetch them due to the presence of the Navy. The fisheries committee contacted the organisation AHAM, who was able to contact and obtain authorisation from the Navy for the fishermen to recover the boats.

There appears to be little inter-ethnic informal dispute resolution in the District. Unfortunately, persons interviewed were very reluctant to explain how inter-ethnic disputes were solved. On a number of occasions, interviewees unconvincingly denied the existence of ethnic tension in their villages or, in the case of NGOs, in the villages where they are active. The mosque committee of Kuchaveli did recognise that ethnic tension was high, but clarified that their role was to solve cases related to the Muslim community only, and not inter-ethnic problems. As is mentioned below, local NGOs, while at times working with different ethnic groups, do not engage in inter-ethnic dispute resolution.

It appears that inter-ethnic disputes cannot be solved where political influence is high, as there may be no political will from the main local power to address them. Thus, as in the case

of the Muslim village of Kuchaveli, land disputes are not solved at all where the LTTE is active. The village of Kuchaveli is a recently resettled village where the majority of the Muslim population was displaced in the mid-1990s. The community has been deeply affected by the conflict and displacement. Alcoholism is rampant, even among women and the members of mosque committee. Most disputes which currently arise in Kuchaveli are taken to the police or to the mosque committee. At times, the police refer non-criminal cases to the mosque committee. The disputes resolved usually relate to family problems, land or money issues. There is, however, ethnic tension in the area, particularly over access to land as certain Muslim lands are located in Tamil areas. There also appears to be LTTE interference over Muslim's access to vacant lands and unlawful occupation of Muslim lands by Tamil farmers. Such issues are not resolved at all. The mosque committee does not trust the peace committee established under the Interior Ministry to be able to resolve such issues as it is a government initiative, and only meets intermittently. Tensions over land have not as yet escalated into disputes or violence; neither have they been resolved.

In Muttur, the Interfaith Peace Committee was similarly unable to quell ethnic violence due to the power of the LTTE and to some extent, the lack of power of its own members. The Interfaith Peace Committee of the majority Muslim town of Muttur was set up before the CFA. The peace committee had representation from all ethnic groups and was formed by concerned religious leaders in 2000. Such leaders found it difficult to appeal to politicians on a one-to-one basis when problems occurred, as the politicians often had interests in fuelling ethnic tension. They therefore decided to set up a committee to mediate between local politicians.

The peace committee consisted of religious leaders – Muslim, Buddhist, Christian and Hindu as well as some business and NGO representatives. Since the CFA, however, the committee has ceased to exist, with only the president of the mosque committee still active. The other religious leaders had resigned or desisted from attending committee meetings, partly due to the committees inability to stop the continuing extortion and abductions committed by the LTTE. The committee had failed to mediate successfully with the LTTE and some of the members interviewed expressed powerlessness. At the time of writing, the mosque committee president had gone to Kilinochchi in a bid to obtain the release of two missing Muslims, unaccompanied by any other religious leader.

In addition to the Interfaith Peace Committee, there are reportedly three other peace committees in Muttur initiated by the police, the armed forces and the Interior Ministry respectively. At the time of writing, none of these committees were reportedly active.

It is not only in the case of the LTTE that political influence can render informal mechanisms powerless. In the Sinhalese village of Abeyapura, Nilaveli, two types of tensions seem to be present. One was inter-ethnic tension with neighbouring Tamil villagers. A villager who wished to sell her land to a Tamil person gave up the idea following strong intimidation from fellow Sinhalese villagers. But tensions also stem from political divisions, as the village is split along JVP-UNP lines. This political division had escalated to violence and

made it impossible for the Sarvadoya Siramathana Society to function. All complaints are currently directed to the police.

It is interesting to note at this stage that, whereas informal mechanisms were relied upon during wartime, two interviewees mentioned that they were less relevant since the CFA. Thus, as explained above, in Muttur, the interfaith peace committee became powerless after the CFA. The leader of the Palatadichenai Awareness Group described below also mentioned that whereas their group was active during the war, as villagers could approach neither the LTTE nor the army for fear of repercussions, the group had received fewer complaints since the CFA. He attributed this to the presence of a functioning administration, by which he meant the LTTE. The diminution in complaints referred to informal dispute resolution mechanisms may also be explained by the fact that there are less army-related complaints and disputes.

Fairness, impartiality and successful resolution of disputes

Due to the short timeframe of this study, the researchers had to rely on insufficient information to assess whether the informal resolution of conflict in the Trincomalee District was actually successful. However, among the benchmarks for assessing the 'success' of dispute resolution would be fairness, impartiality and sustainability. The research points out that informal dispute resolution falls short of such standards in many instances.

Typically, in the processes of informal dispute resolution, disputes are 'investigated,' the disputants are summoned and heard, and a solution agreeable to both parties is reached. All three of these stages leave space for the use of local authority and biases.

As mentioned above, if the leadership of the village is given the primary role in solving village disputes, whether individually or through committees, one may question whether the use of local power leverage interferes with the aim of providing fair and impartial decisions. Similarly, one may question the extent to which there is space at the village level for dissension with the decisions arrived at by local leaders. Even where the group is 'representative,' women and lower class villagers appear to have little say in the decision-making process.

Moreover, the research indicates that NGOs, groups, village leaders and committees have their own social prejudices and agendas, which may also interfere with the aim of fairness and sustainability. Thus, one NGO working with the indigenous Veddah community was attempting to promote behavioural changes, such as wearing clothes and making them ask for infrastructure facilities, such as roads and electricity. The rationale given was that the Veddhas are ignorant and thereby denied their rights by the government authorities. It is of course questionable whether wearing clothes is part of these 'rights' denied to the Veddhas or rather one of the prejudices entertained by the NGO staff regarding public decency and 'community development.' The same NGO had "empowered" Tamil fishermen to stop working for neighbouring Sinhalese boat owners.

While the instances above relate more to community problem-solving rather than informal dispute resolution *per se*, they give an indication of the problems one may encounter in strengthening existing mechanisms. The example below illustrates this point in the case of an informal body not set up by NGOs. In the Tamil village of Palatadichenai, in Muttur Division, an Awareness Group was set up in 1996 at the prompting of the then new GS, to combat kasippu production. At the time, of 215 families, 65 relied on kasippu production as their main source of income generation. As the villagers could not complain to the army or to the LTTE for fear of reprisal, they initiated this group and no villagers currently produce kasippu. The group was composed of members of the RDS and of the women's group. Their strategy was simply to empty the kasippu bottles on the ground and trash the stalls and kasippu production equipment. No alternative income generation activities were devised and even today, many of the targeted villagers live in poverty.

Critical problems with local NGOs

A gulf exists between what local NGOs interviewed in the Trincomalee District claim to be achieving in the sphere of peace building and development and what was verified on the ground. The case study 'A Hoax' (*see Case Study 10*) provides an extreme example of deceit encountered by the researchers. It should by no means be interpreted as a reflection of all NGO work in the area and for the sake of fairness, no NGO will be mentioned by name.

A number of local NGOs interviewed appeared to be either unaware of the success or failure of their own community-based programmes or exaggerated such success and their role in bringing it about. For instance, one NGO claimed to have set up a village committee which had recently resolved a land dispute successfully. When the researchers visited the village, the committee had stopped being active for the past two months and the land dispute had been referred to the courts. Another NGO claimed during an interview to be sitting on and providing advice to the Muttur Inter Religious Peace Committee. The committee collapsed a few months after the CFA and many months prior to the interview.

Local NGOs not only exaggerate the success of their activities but also the substance of their work. Well versed in INGO and donor jargon, NGOs took great pains during interviews to explain the structure of their peace-building work and emphasised its multi-ethnic nature, the importance of gender balance, empowerment, reconciliation and participatory approaches. However, it's unclear what substance lies behind these claims. For example, one NGO described a highly intricate peace-building programme and its process in the present tense, only to state at a later stage that the programme had just been initiated. Some NGOs also took the credit for setting up committees which already existed prior to their presence in the area, albeit in a slightly different form. In conclusion, none of the NGOs interviewed were able to provide a completely truthful instance in which their committees had solved or attempted to solve an inter-ethnic dispute.

Exaggeration and deception may be due to a lack of adequate evaluation and monitoring, but may also be symptomatic of the NGO environment and the constant need to obtain

further funds. The findings highlight the gap in understanding and communication between local NGOs and the donor community. It also provides a warning for the latter. In their drive for funding, local NGOs have adapted their rhetoric and project designs to what they perceive to be donor expectations and evaluation standards. However, the success of peace building in the highly divided and politicised Trincomalee District, cannot be assessed merely through numbers of beneficiaries and multi-ethnic committees. Rather, it should be evaluated by the qualitative difference in the relationship between divided communities, an evaluation which local NGOs are best placed to undertake.

Local NGOs in Trincomalee, however, were formed within a divided and politicised environment. Some have their own socio-political agendas; others may be reluctant to get involved in difficult and dangerous peace-related activities. Most NGOs are divided along ethnic lines and work with only one community. When they work with more than one community, this rarely includes inter-ethnic activities. The imposition of external standards and models of peace building by the donor community without adaptation, in particular with regard to inter-ethnic reconciliation, only serves to deny the environment within which local NGOs exist. Local NGOs are best placed to judge what can realistically be achieved in the sphere of peace building within their own locality. Improved communication between donors and NGOs, as well as space for failure and constructive self-evaluation should be encouraged by the donor community so as to avoid the loss of integrity described above.

Case Study 10

A hoax

CPA researchers visited the office of a local NGO which claimed to have set up inter-ethnic committees in various villages in Trincomalee District. The organisation further stated that their committees solved local disputes. When prompted to provide an example of dispute resolution by one of their committees, the organisation informed the field researchers of a case in villages X and Y where communal tension had been quelled due to the collaborative action of their Tamil and Muslim youth groups.

The story was given to the researchers is as follows: a cow belonging to a Tamil man in village X had been stolen during Ramadan and the aggrieved man believed a Muslim person from the neighbouring village Y had taken the cow to be slaughtered. The dispute had escalated and ethnic tensions were high when the Tamil and Muslim youth groups set up by this NGO in the neighbouring villages decided to collaboratively investigate the case. They found the cow had been stolen and sold by a Tamil man.

CPA researchers informed this organisation that they would go to the villages to interview their youth committees and all those concerned. When the researchers arrived at the Muslim village the next day, none of the villagers seemed aware of this case or of a Muslim youth group set up by the organisation. The field officer of the organisation

agreed to accompany the researchers to meet the Tamil youth group. The officer gathered some members of the Tamil youth group and gave the researchers the same version of the events. Upon being questioned about the role of the Tamil youth group, it became clear that none of the group members present had any knowledge of the case.

The field officer attempted to save face by claiming that it was mostly the Muslim youth group, which they had helped set up, that had been active in locating the cow. Upon asking to meet the leader of the Muslim youth group, the officer finally revealed that the Muslim youth group in question had not been set up by their organisation, but was really a group of friends. The officer finally explained the case was a hoax. The organisation had heard of a similar case happening in a village more than 20 miles away and had appropriated the story as their own.

The organisation had lied about:

- ◆ The nature of their youth groups claiming that those groups were involved in dispute resolution
- ◆ Having formed a youth group, which was really a group of friends
- ◆ Having solved an inter-ethnic dispute, which had really taken place in another village

CPA researchers asked the field officer what benefits the organisation hoped to gain from lying. The response was that they hoped to get publicity and funding for the work of their organisation.

This hoax case provides an interesting example of the extent to which local NGOs are willing to be deceptive in order to fit in with what they perceive to be donor expectations.

BATTICALOA DISTRICT OVERVIEW

Batticaloa District consists of both densely populated Tamil and Muslim ethnic majority areas and the coastal regions which tend to be more evenly populated. Abductions, land occupations, personal vendettas and trade issues have created tensions, disputes and local conflicts between the Tamil and Muslim communities. The two main ethnic groups in the area have their own systems of redress, with the mosque committee and hierarchy playing a key role in Muslim communities, and village committees and the LTTE being the most significant actors in the Tamil community. Local village leaderships have responded to the conflict environment by creating village committees responsive to the environment; for instance incorporating LTTE members.

1 Informal dispute resolution mechanisms encountered

- Village committees
- NGO-created development and peace committees
- Peace committees set up by religious leaders, academics and professionals
- Mosque committees, Federation of Mosques & District Federation of Mosques
- IDR performed by religious institutions (parish priests, temple trustees)
- IDR performed by individuals, LTTE, police, GS, Water Agent

Village committees: During the conflict, people in Batticaloa were often forced to rely on village groups to solve community disputes instead of seeking assistance from the LTTE, the Sri Lankan Army or the police villagers. This was largely due to a fear of the repercussions of approaching one of these actors. In communities where village committees had collapsed, village male elders and temple trustees would join to form a group or committee. Such committees usually had a minimal representation of women involved in dispute resolution and economic development activities.

NGO-created development and peace committees: NGO-initiated village committees have been set up to channel specific development activities. These committees incorporate village level leaders and are involved in informal dispute resolution. In addition, a number of NGOs are currently undertaking peace-building activities which include informal dispute resolution. Thadakam (Rural People's Organisation), Al Inzaniya (Social Development Organisation) and Sarvodaya are examples of such organisations.

Peace Committees set up by religious leaders, academics and professionals: The Batticaloa Peace Committee was been set up by religious leaders, academics, and professionals. Its 12 members include 5 Hindus, 4 Christians, 2 Muslims and 1 Sinhalese. It is active mostly in urban areas, and concentrates on communicating complaints to the SLMM and the police on issues related to arrests and disappearances. The committee was reactivated in response to the June 2002 Valaichchenai incident, but does not play a very prominent role in resolving local disputes. It tries to organise meetings between the army, LTTE and civil society leaders to increase co-operation between the parties.

Informal Dispute Resolution performed by religious institutions: Disputes in the Muslim areas of Batticaloa are solved mainly by the mosque committees and the Federation of

Mosques. Each village has a mosque committee, which is approached to solve the majority of problems and disputes within the community. Mosque committees are elected every 3 years by the Ministry of Muslim Affairs. Complaints are accepted at meetings held after the Friday Jumma Prayers. Federations of Mosques are established by linking a number of mosque committees in an area (the number depends on the area). Each mosque committee is represented by the moulavi and two others. GSs, representatives of rural organisations, school principals, teachers and trade unionists also sit on such federations. These federations link up to form the District Federation. In cases of disputes between different ethnic communities, the District Federation intervenes in the dispute with the assistance of the relevant Federation of mosque committees.

Other religious groups are also active in solving disputes arising in their communities. Christian communities resolve disputes through the intervention of the parish priest, while in some villages, Hindus seek advice and intervention from the temple trustees board which may mediate disputes between members of rural communities.

Informal Dispute Resolution performed by individuals: Dispute resolution by individuals holding traditional or occupational authority is also common, with GSs, Water Agents, etc., intervening in disputes. Vatta Vidanayaars (Water Agents) are elected by paddy land owners, have authority over water distribution and are active at solving disputes related to water distribution. After 1995, under the direction of the Agricultural Department, agricultural groups were set up to oversee paddy cultivation in each DS Division. These groups consist of Water Agents from each village from a particular DS Division. Water Agents in certain instances are accused of favouritism in water distribution.

Villagers also approach the political wing offices of the LTTE to solve their disputes. Cases which require legal intervention are referred to the Sri Lankan police by the LTTE. People living in the LTTE-controlled areas generally lodge their complaints with the LTTE police and cases are taken up to the LTTE courts.

In 1996, the LTTE ordered all government servants to leave Batticaloa. While all GSs did not leave, the few who left during that period have not as yet returned. As a result of the conflict, formalised village structures such RDSs were weakened. In response to the inactivity or non-existence of such societies, communities initiated village committees. Where NGOs have set up village committees, existing RDSs have become dysfunctional.

2 Dispute resolution mechanisms in the Batticaloa Muslim community

The Batticaloa Muslim community relies heavily on mosque committees to find solutions to disputes arising between individuals, families or villages. In rare cases disputes among family members or individuals are brought to the attention of the GS or the school principal, who may endeavour to mediate but often refer the dispute to the mosque committee. In the majority of cases, complaints are taken directly to the moulavi or to the mosque committee.

In every village, there is invariably a mosque committee comprised of male members. Every Friday after Jumma prayers, a meeting is held, chaired by the moulavi of the

mosque, where complaints are accepted and discussed in detail. The mosque committee appoints two officers to conduct a detailed inquiry, following which the officers back to the mosque committee, which arrives at a final decision. If the dispute is of a legal nature, it is referred to the police station.

Disputes of the Batticaloa Muslim community are also resolved through the district's three Federations of Mosques, which at times collaborate with the Batticaloa Peace Committee, the LTTE and the police. In Batticaloa, the three Mosque Federations are located in Kathankudi, Eravur and Valaichchenai. Each Mosque Federation takes turn annually to lead the District Federation. The District Federation will usually be responsible for resolving disputes between ethnic communities, especially those arising from the actions of the LTTE or the army (arrests, disappearances, murders, communal violence). Whenever disputes arise between a Muslim village and a village of a different ethnicity, the relevant Federation of mosque committees conducts preliminary investigations to identify the groups (abductions, business disputes, inter-ethnic violence) involved prior to referring the case to the District Federation. If the groups in question are from within their geographical jurisdiction, the Federation of Mosque Committees will take responsibility for the matter without referring it to the District Federation. After the June 2002 Valaichchenai incident, the Federation of Mosques represented the interests of the Muslims in the Batticaloa Peace Committee.

Federations of Mosques may also assist in solving criminal cases. An incident involving the abduction and murder of a Muslim youth had been reported. At the time of the research, the Valaichchenai Federation of Mosque Committees was dealing with this complaint in collaboration with the police, the LTTE, and a local NGO.

There were some allegations that there was political interference and manipulation by the Sri Lanka Muslim Congress and the National United Alliance within the Mosque Federations, and that certain disputes had arisen as a result of such political interference. However, this could not be substantiated by the field researchers.

NGOs that implement programmes for the Muslim community of Batticaloa are rarely directly involved in informal dispute resolution. Though they often have a particular insight into community problems and disputes by virtue of their development activities, they usually refer disputes to the mosque committees. As these committees and quazi courts wield the most power within the community, NGOs cannot interfere in dispute resolution.

Case Study 11

Al Inzania Social Development Organisation

This organisation is involved in implementing saving schemes, self employment projects, development and peace programmes among Muslim people below the poverty line. It is active in 15 villages including Valaichchenai and Ottamavadi and is funded mainly by Christian Aid. The executive arm of the organisation comprises of a chairman, a vice chairman, a secretary, a treasurer and an assistant secretary.

The Al Inzania SDO used to work in collaboration with Thadakam in Muslim villages. Since December 2000, it has functioned independently. As a part of its peace programme, Al Inzania organised a two day camp in 2001 in collaboration with Thadakam, bringing together mainly female Tamil and Muslim youth to build friendships between the two communities.

Their programmes are targeted at women from poor families. These women raise their problems regarding saving and self employment schemes in village meetings. These problems are discussed and solutions are devised. These meetings also serve as a forum for addressing problems between husband and wife, and other family problems.

3 Dispute resolution mechanisms in the Batticaloa Tamil Community

The Tamil community in Batticaloa resorts to various mechanisms to resolve their disputes, such as the GS, the police, the LTTE political wing officers, the church, village committees, JP, temple trust committees, political party officers and Water Agents. In urban areas, people lodge their complaints with the police directly. Following the CFA and the establishment of political wing offices in most areas, the LTTE has received numerous complaints, in particular with regard to general social disputes, domestic disputes, inter-family disputes, money transactions and land disputes. The latter includes contested land boundaries, the leasing of paddy fields, and occupation of land, usually between Muslims and Tamils. Most cases relating to physical assaults or cases requiring legal redress are not dealt with by the LTTE, who instead advise the complainants to go to the police. Some problems, however, are solved through the intervention of the relevant LTTE political wing officer. Tamil residents are often reluctant to approach the police because of their lack of trust and also because doing so could lead to court proceedings. They therefore seek the LTTE's assistance. There are some instances in which the police have requested complainants to seek redress from their local LTTE political wing office.

When disputes such as physical assaults, land disputes between families, and domestic issues between spouses arise in villages close to LTTE-controlled areas, those affected may refer the disputes to the LTTE. The disputants lodge their complaints to the LTTE police in the LTTE-controlled areas. Disputes which require legal arbitration are referred to the LTTE courts and people in government-controlled areas are compelled to respond to the summons issued by the LTTE police or the LTTE courts through the area leader. There have been instances where a defendant has complained to the Sri Lankan police about a charge lodged against him with the LTTE.

In the border villages of Batticaloa, lands abandoned by the Muslims during the war have been leased to Tamil farmers by the LTTE. These Tamils have been farming such lands for a long time, and they have also been paying the LTTE monthly payments. After the CFA, the Muslims have returned and demanded the return of their lands from the farmers. In some cases arguments have lead to fights. Most of these farmers have asked the Muslims to approach the LTTE directly with their demands. Subsequently, the owners

have lodged complaints with the police, either individually or through the mosque committee. During the present peace talks, certain lands belonging to Muslims have been regained from the Tamils. Alternative solutions have not been found for those who are who are likely to face secondary displacement. A considerable number of Muslims have still not been given their land back.

The disputant's relationship with the LTTE has a significant impact on how disputes are resolved. Following the CFA, many LTTE cadres have returned or visited their families and hometowns in government-controlled areas. They have often become involved in their families' disputes, in particular those relating to financial transactions and unlawful occupation of land. They interfere in such disputes on behalf of their relatives, at times using threats. In such disputes the other party lodges their complaints with the LTTE area political wing offices, especially since an LTTE member is involved. These complaints are generally accepted by the LTTE office and the disputants are sent back with a promise that the case will be investigated. This is followed by a long delay during which no information is given as to how the case has progressed. Such disputants are not in a position to make a complaint to the Sri Lankan police or any other group, as they fear for the safety of their family. Some people involved in such cases seek the assistance of local NGOs, who advise them to lodge complaints with the SLMM or the police.

Christians refer their disputes, be they intra-family or intra-community, to the parish priest, who usually attempts to bring about an amicable settlement. If a settlement is not reached, such complaints are sent to the police station. Depending on the disputants' denomination (Pentecostal, Assembly of God, etc.) they seek the help of their relevant priest. Typically, following Sunday Mass, the parish priest hears the complaints and gives the disputants a date to come back to address the issue if it requires further discussion. The complaints are investigated and advice is given to reach an amicable settlement.

4 Local NGOs in Batticaloa

Local NGOs in the Batticaloa district have programmes, which include informal dispute resolution. Most NGOs undertake dispute resolution in collaboration with the Batticaloa Peace Committee. Since most village level committees already perform dispute resolution, some NGOs have focused their activities on capacity building of such committees. For instance, NGOs working on women's issues concentrate on attempt to addressing disputes related to divorce and other domestic matters; and in rare instances sexual abuse.

Following the CFA, local NGOs working on women's issues have increasingly come under the control of the LTTE, who have issued directives asking the NGOs to work with the movement and not independently. This has become a critical problem for some NGOs, who feel that such control hinders the implementation of their activities and creates unnecessary tensions and political hurdles.

Some villages, especially the more remote ones, lack access to local administrative structures and do not possess any organisation within the village that can play an administrative role.

One local NGO is implementing peace-building activities in villages of Batticaloa through savings and credit schemes. One village committee organised by this NGO has received several complaints and requests for assistance in solving disputes. The leader of this committee has instructed the community to seek the advice of GSs or JPs, who function as advisors to the committee on an individual basis. Most of the villages where this NGO is active do not have police stations or active RDSs; therefore, people seek assistance of the committees set up by this organisation. When such assistance is not provided to them by the NGO committee, disputants turn towards the LTTE for help. Not all disputes are resolved by the LTTE, and the movement at times refer the problems to the Sri Lankan police.

Case Study 12

Thadakam – Rural People’s Organisation

The NGO Thadakam was established in 1993. It is currently active in five DS Divisions and thirty-six villages. The organisation implements projects dealing with savings, self employment and credit in villages as well as agricultural development and women’s peace awareness programmes on a larger scale. Before starting its activities in a village, Thadakam field officers collect information and assess basic community needs. Subsequently, Thadakam organises a village meeting to encourage the participation of the community, explains the aims of their project, discusses the problems faced by the villagers, their needs and how those could be met. The villagers are then divided into small groups (executive positions such as president, secretary, treasurer are elected in addition to the members chosen by the community to sit on the group). Three members are then designated to form the village committee, also called the Thadakam sub-committee. Each Thadakam sub-committee elects a president, secretary, treasurer and sub-committee members. From this village committee, one person is elected to serve as a member of the main committee of Thadakam. The equal contribution of men, women, the elderly and the youth is encouraged by the organisation. By including most of the villagers into various committees, Thadakam tries to make the committee more inclusive.

Under the advice of Thadakam, village development groups have also been formed. They consist of the GS, Samurdhi officers, temple trustees, school principals, etc., and act as advisories towards the development of the village. The organisation further establishes an agricultural group consisting of temple trustees and Water Agents. These structures help find solutions to community problems and resolve community disputes, including between villages.

For instance, at the time of the research, a dispute in relation to the relocation of a school between Pirampaditheevu and Murungantheevu villages was being resolved through the joint intervention of the village development groups of the two villages. In order to reach Pirampaditheevu, one must set out from the Kirankulam town, pass through Murungantheevu village, the river and three kilometers of forest. Before the CFA, the school which taught up to Year 7 was shifted to Murungantheevu, situated seven kilometers away (Pirampaditheevu villagers have reason to believe that the school

was shifted due to the complaints lodged by the principal and teachers). The Murungantheevu villagers and school children are in favour of the relocation of the school, but the Pirampaditheevu people claim that most students are from their village as well as the villages situated beyond their village. To resolve this dispute the village development groups of both villages are currently involved in discussions. After the establishment of such groups, complaints related to domestic and economic disputes received by the LTTE are sometimes forwarded to such village development groups and agricultural groups.

Solutions to individual disputes, intra- and inter-family disputes tend to be resolved within the family. The presence of a family member in one of Thadakam's groups or committees enables family-related issues to be discussed at committee meetings and solutions to be arrived at subsequently. For example, one night in a village within the Koralaipattu Pradeshiya Sabha, a dispute between two individuals resulted in the torching of a tractor that belonged to one of them. The following morning, the owner of the tractor, upon discovering the burnt remnants of his tractor, decided that the other party to the dispute was responsible for the deed. He knew the other man was responsible but lacked any proof to accuse the other man of arson. His wife attempted to resolve the problem in an amicable manner without going to the police or to the LTTE. Both wives of the disputants belonged to Thadakam's Village Group and were able to discuss and find a solution to the problem, whereby the guilty individual ended up paying a sum of money to replace the burnt tractor.

Case Study 13

Nachichivantheevu, Valaichchenai

The village of Nachichivantheevu, consisting of 262 families, is situated on an island north of Valaichchenai. The villagers have traditionally been engaged in fishing. During the rainy season, boats are the only means of transport since the road connecting the island to the main land gets submerged. This is a remote village with little transport, and no electricity or health facilities. During the war, the villagers were displaced and lived in scattered places. They have now all returned.

The organisation Thadakam is involved in implementing rural development projects. Due to the remoteness of the village, its residents were apprehensive of interacting with outsiders. The mobilisation activities initiated by Thadakam have helped the villagers become more confident in discussing their difficulties and needs. It should be noted that though the Samurdhi poverty alleviation programme is implemented in this village, poverty continues to dominate.

Villagers have vested all authority to the chief temple trustee, who is the team leader of the Samurdhi Action Committee, the president of the sub-working committee of Thadakam and the village chief. He was unanimously elected by the villagers as their representative, given his qualities as a knowledgeable, youthful and proactive leader.

He attends to all the needs of the villagers, including solving problems and disputes. Villagers who have immense faith in traditional medicine, witchcraft and sorcery also try to find solutions to their disputes (such as family disputes) through such methods. When these methods fail, they seek the help of the village chief to find solutions to their problems. The people air their grievances at the village committee meetings. These grievances are mainly related to individual problems or temple matters. Women, although represented by the midwife and pre-school teacher serving on the committee, do not play a leading role in the committee. Recently, women of the sub-working committee have begun participating in the village committee meetings.

The village committee was established by Thadakam prior to the CFA with the understanding that people should find solutions to their own problems. The outset, membership of this committee was confined only to males, who were also instrumental in establishing the committee. The village elders were elected as committee members.

After Thadakam started working in the village in 2000, would have taken a more active role, becoming members in the committee. The rural development committee, the women's committee and the education committee all established by Thadakam, also function in this village. The rural development committee and the women's committee are the main groups undertaking informal dispute resolution. This committee has solved disputes among family members and individuals as well as land and boundary disputes. They inquire into the disputes, summon both parties and tries to mediate amicable solutions. Most of the complaints concern money transactions between spouses. The organisation has a fair rate of success with regard to domestic disputes. In cases of disputes over financial transactions, these are generally solved with the understanding that sums of money which are owed must be paid up in several instalments. In cases where no amicable solution is achieved, the parties may seek separation. However, no separations have occurred to the date of writing, due to the pressure exerted by the committee to keep couples together. It is generally felt that the husband's misdoings have to be pardoned because he is a male. The women are expected to forgive and remain with their husbands. This has been a key cause of friction between the village chief and committee on the one hand, and aggrieved women on the other.

The fishermen's society devises solutions for disputes arising among fishermen. Disputes that involve locals who work as daily wage earners (labourers, masons, etc.) in other villages are addressed by the village committee. These disputes are generally related to debt and love affairs. A separate GS for the village has still not been appointed. Currently, the GS from Valaichchenai oversees the village as the acting GS. As the GS generally visits the village only once a week, villagers have to seek the help of the village committee to solve most of their disputes.

After the CFA, the village committee came to an agreement with the Valaichenai Mediation Board to refer unsolvable dispute to the mediation board. Cases had not as yet been referred to the meditation board at the time of the research.

AMPARA DISTRICT OVERVIEW

In Ampara District, Muslim and Tamil villages are located side by side. Similarly, in the inland border villages of Ampara, the Sinhalese communities live in the proximity of the other ethnic communities. The three communities' frequent points of contacts revolve around farming, fishing and trade. There are a substantial number of disputes related to land, in particular the encroachment of lands belonging to Muslims by the LTTE and by Tamils. The present CFA has motivated the Muslims to reclaim their lands and re-settle. Rumours and the speed with which ethnic tensions travel contribute significantly to local conflicts between communities.

1 Informal dispute resolution mechanisms encountered

- Village committees set up by villagers
- NGO-created development, women or village committees
- NGO-created peace committees
- Peace councils set up by political leaders
- Mosque committees and Federations of Mosque committees
- Informal dispute resolution performed by individuals: LTTE, police, GS, Water Agents

Village committees set up by villagers: In some Tamil and Sinhalese villages in the Ampara District, village groups have been formed to address local problems and resolve disputes between individuals, families and other villages. Villagers typically select males to be members of these groups. In Sinhalese villages, such groups are created under the initiative of the Buddhist temples. The main function of such village groups is to resolve or mediate disputes between individuals and families, such as land boundaries disputes.

Tamils and Muslims in the Ampara district are mainly engaged in fishing and related economic activity. Disputes arising between fishermen of the two ethnic communities are generally resolved and mediated through fishermen's societies. There are two main types of societies, namely the Fishermen's Societies, comprised of only fishermen, and the Fisheries Co-operative Societies (FCS), comprised of owners of boats and trawlers as well as traders and wholesalers of both ethnic communities. The majority of decisions related to credit or money transactions are taken by the FCS, which generally consist of 10-12 members. Disputes among fishermen, particularly regarding domestic life, fishing boundaries, and theft of fishing equipment are also resolved by the FCS. The FCS resolves a considerable number of disputes and forwards the unresolved ones to temple trustees or to the police for advice and intervention.

NGO-created development, women or village committees: Some villagers approach groups set up by NGOs through projects such as savings and credit schemes, self-employment, agricultural development, peace programmes and women's awareness in order to resolve disputes within their villages. Certain disputes are also solved with the assistance of the field officers of local NGOs.

NGO-created peace committees: Peace committees have been formed with the assistance of NGO representatives, academics, professionals and religious leaders in order to resolve inter-ethnic disputes and to maintain good relations between Sinhalese, Tamil and Muslim communities. The Akkaraipattu Peace Foundation (APF) and the Pothuvil Peace Foundation (PPF) were set up during the conflict to bring together religious leaders, the police, political parties and the army to discuss issues of concern. The above mentioned foundations are now registered as NGOs.

Peace Councils set up by political leaders: In the aftermath of the Valaichchenai incident (that took place in Valaichchenai Town, Batticaloa District in June 2002) the Akkaraipattu Goodwill & Peace Council was established under the leadership of the SLMC Member of Parliament, Mr. A.L.M. Athaulla and the mosque committee. It was created in order to resolve conflicts between Tamils and Muslims in the areas of Akkaraipattu, Kalmunai and Nindhavur. Subsequently, under the auspices of TNA Member of Parliament Mr Chandra Nehru, a Goodwill and Peace Council was formed in Alaiyadivembu. Both Councils consist of 12 elected members. The representatives of both of these councils held many meetings with the LTTE and the police, and engaged in efforts to find amicable settlements between ethnic communities. These councils are not active at present, due to internal political conflicts and a mutual lack of interest.

Mosque committees and Federations of Mosque committees: In Muslim areas, villagers approach the mosque committees to resolve and mediate disputes related to the Muslim community. After Jummah prayers, the committee receives complaints, discusses the complaints under the leadership of the moulavi and appoints two members to conduct inquiries. Once an inquiry has been concluded, the mosque committee resolves the dispute through arbitration or mediation. Federations of Mosques, which consist of a number of mosques in a particular area, are approached in order to resolve disputes between two Muslim villages.

Informal dispute resolution performed by individuals: Some disputes are taken to the LTTE political wing area offices and to the police. In some cases, the GS attempts to solve disputes typically related to individuals, land and domestic matters; if this fails, the dispute is usually referred to the police. In Tamil villages, complaints lodged with the police are generally in relation to theft. Investigations into these complaints are rare unless the complainant repeatedly visits the police station.

Disputes related to irrigation and paddy lands are generally taken to the Vatta Vidanayaar or Water Agents. Historically, the Vatta Vidanayaars have authority over distribution of water and also play a role resolving many disputes related to land boundaries. If the Vatta Vidanayaar is unable to resolve such disputes, he usually directs the parties involved to the police. The system of Vatta Vidanayaar was altered in 1995 to streamline it with local administrative structures. Previously, the Water Agent was responsible for a group of 90 codiyaar or paddy land owners, each of whom must own more than three acres. Water Agents were selected once every five years, and had to fulfil the requirements of being a paddy-land owner and knowledgeable in paddy cultivation matters. After 1995, the Agricultural Department created agricultural groups in every divisional secretariat, each

group including the position of Water Agent. Unsolved cases are now referred to the agricultural group. The title of the Water Agent was changed from Vatta Vidanayaar to Neer Muhavar as a part of the streamlining but people still continue to use the former title.

Mediation boards established under the Ministry of Justice

Disputants also approach mediation boards, established by the Ministry of Justice, either directly or through the GS. The complaints taken to such mediation boards are generally related to land, family and money transactions and are accepted only on two days of the week. A meeting is held every Sunday at a public place. Summons to the disputants are sent through the Divisional Secretary who forwards it to the GS in charge of the village of the disputants. Both parties to the dispute select one representative from a 12 member panel. Membership of the panel is decided by the Ministry of Justice through a gazette notification. The two chosen representatives in turn select one person from the panel to act as the main mediator for the hearing. These three persons conduct the proceedings of the mediation. In the event that a disputant does not respond to the initial summon, it is rescheduled up to three times before being forwarded to the district courts.

2 Inter-ethnic disputes

Rumours play a significant role in exacerbating disputes and sometimes in creating disputes. Many conflicts in Ampara start as a reaction to conflicts that have taken place in other districts and are often fuelled by political groups and rumours. For example, the Valaichchenai incident in June 2002 had repercussions in Kalmunai and Akkaraipattu in Ampara, where Tamil and Muslim communities are close-knit. It was reported that these incidents were encouraged by political groups and parties representing the ethnic factions. Other disputes arise from local issues such as the robbery of livestock; this causes tensions between Tamils and Muslims and are exacerbated by misunderstandings.

During the conflict, all ethnic communities in the region lived in fear of retaliation from the various armed actors involved in the conflict. While the CFA brought about a termination of the war, the fear continues, affecting the community's response to incidents and disputes. For instance, following the CFA and the increased movement of the LTTE into government-controlled areas, the Muslim community has become increasingly fearful and prone to hasty reactions to rumours of incidents.

Tension created by rumours and the incidents of violence outside the district contribute towards the increase of fear and uncertainty. Similarly, incidents in other parts of the district have a ripple effect in local areas, making normal points of contact (such as the thoroughfare to paddy lands, urban areas and local amenities that cross through the other communities' villages) inaccessible. Incidents of chicken and cattle theft from Muslim and Tamil villages have increased the animosity between these two ethnic communities. Villagers interviewed commented that the number of disputes have increased following the CFA

Case Study 14

The role of rumours: incidents in Akkaraipattu & Alaiyativembu

On observing a three wheeler stationed alongside a road for a considerable amount of time, a rumour that the Muslim driver had been abducted by the LTTE was sparked off and spread through the town of Akkaraipattu in November 2002. The situation escalated to the extent that Tamils were unable to use the main road that went through the Muslim areas and vice versa. The situation calmed down when the driver returned home the following day stating that he had gone to a friend's house and had parked his vehicle alongside a shop belonged to another friend.

The following day, a rumour started that a female Tamil student of Alaiyativembu Tamil School had not returned from evening classes, which were held in a Muslim area in Akkaraipattu. By nightfall the story running through the grapevine was that the Tamil student had been abducted and raped by Muslim youth. The resulting tension made free movement between the two towns difficult. It was later made public that the rumour had been entirely invented. No action was taken by NGOs or the mosque committees to calm the tension or raise awareness on the role of rumours.

A number of inter-ethnic disputes arise as a result of the LTTE's taxation and abductions. Some LTTE supporters have been extracting money from Muslim traders in the Muslim towns in Ampara, stating that these payments were direct tax payments to the LTTE. A few Muslim traders have acquiesced to this practice. Disputes have arisen, however, between the LTTE and traders who refuse to make such payments, or those delaying payments. The affected traders have made complaints to the police and to the SLMM.

Rumours about LTTE taxation also create an environment of fear and tension that is common to Ampara and the East in general is over the issue of LTTE taxation. The tensions presently centre around the large area of paddy land belonging to Muslims, located within the divisional secretariat of Alaiyativembu. Stories spread amidst the village stating that the LTTE was demanding unbelievable amounts of tax payments and that they were abducting those who refused to make these payments. A representative of district-based NGOs met with the Secretaries of the Akkaraipattu Peace Committee to explain the situation. Subsequently, when they contacted the LTTE area office, the LTTE stated that taxes are being asked from the Tamil communities as well, and that they were not resorting to threats for those who had refused to make the relevant tax contribution.

3 The role of local NGOs in informal dispute resolution

3.1 Peace initiatives and informal dispute resolution

Peace committees established by NGOs are approached in order to resolve disputes between different ethnic communities (*see Case Study 15 and 16*). Such initiatives are intended to encourage mediation on the causes of disputes and to increase understanding between the communities.

Local people have taken the initiative to mediate and assist the resolution of disputes between Tamil, Muslim and Sinhalese communities. Two such initiatives are the Kalmunai Peace Foundation, with a specific focus on activities in the Kalmunai and adjacent areas, and the Akkaraipattu Peace Foundation.

Case Study 15

Kalmunai Peace Foundation (KPF)

With the desire to resolve the conflict that arose between ethnic communities in 1990, academics, professionals, social workers and religious dignitaries belonging to the Tamil, Muslim and Sinhalese communities in Kalmunai established a 50 member group in 1994.

Field officers and animators are trained in communication, dispute resolution and peace awareness. They are currently working in 18 villages within 6 DS Divisions in Ampara. KPF trained animators, representing all ethnic communities, were dispatched to the border areas of each village to undertake extensive discussions with the families. Generally, at the outset of ethnic tensions and violence, the communities that live in the bordering areas are those who suffer most directly. Interactions with these families proved difficult in the early stages. Subsequently, sports and cultural events were held and pre-schools were established in every village where KPF works.

In an attempt to increase understanding between ethnic groups, people from different communities were brought in to establish a Village Group Advisory Committee (VGAC). This initiative was undertaken in all villages where the KPF works, creating a committee between two villages of up to 20 members. Currently 9 VGACs exist, each with a KPF animator who serves as the committee's secretary. Each village selects ten individuals for the VGAC. The members of the VGAC, generally all male, select members into the executive position of co-presidents. There are two president positions to ensure both sides are represented. Apart from this, women's groups, youth groups etc., were also formed in the villages.

KPF's structure includes a general committee that brings together individuals from its headquarters and village representatives. This committee resolves dispute not solved at the village level, in addition to designing and organising peace programmes. The General Committee will consist of a total of 22 members including the office bearers. One member from each of VGAC will serve as a member of the general committee of the

KPF. The committee includes the positions of general secretary, treasure and president, selected by the committee members. Additional positions of deputy presidents have been created to provide equal representation for all three ethnic communities.

The VGAC resolves or mediates disputes between different ethnic communities within their villages or those arising between both villages. If it is unable to resolve or mediate a dispute, it will be forwarded to the general committee through the field officer, to be taken up at the general committee or resolved by a member of the general committee.

Field officers will participate in meetings related to the sub-groups, namely the women's and youth groups. The field officers of the Kalmunai Peace Foundation functioned on a voluntary basis up to 2001, when monthly salaries were paid as a result of funding availability.

Case Study 16

Akkaraipattu Peace Foundation (APF)

The APF was established with the aim of resolving and mediating the disputes between the Tamil and Muslim communities of the Akkaraipattu and Alayadivembu areas. The foundation consists of 11 members. The Foundation is formed by a president, co-secretaries representing both ethnic communities and committee members. The Foundation is now registered as an NGO. The APF, established in 2000 by NGO representatives and academics, is currently not active.

The Foundation has conducted discussions with religious leaders, NGO representatives, political party area leaders, Members of Parliament, police and the LTTE to resolve disputes between ethnic communities, while also identifying and explaining the reasons behind the disputes. They have also been instrumental in organising awareness meetings to clarify tense situations arising from false rumours, with local community representatives.

3.2 Other NGO initiatives

Village groups which have been formed to implement development or other activities, such as savings and credit schemes, self-employment, agricultural development and women's awareness projects, are also active in resolving or mediating disputes related to individuals, families and those between different ethnic communities.

For instance, Al Quraish Social Development Organisation, which brings together female members of poverty stricken families in Muslim villages, has established village groups to implement savings and credit schemes for self-employment. These village groups also

work towards the resolution and mediation of disputes arising at the village level by conducting discussions with the disputants. If their efforts fail, they advise the complainant to refer their problem to either the mosque committee or to the police.

They have also undertaken peace programmes with and youth, in an attempt to resolve disputes between Tamil, Muslim and Sinhalese groups. The youth are targeted as they are the main actors during ethnic clashes. The organisation has established a group, the Al Quraish Peace Youth Force, which consists of youth who live on the boundaries between villages. These youth are given training in leadership, communication, peace awareness, dispute resolution, etc. The activities of the youth force are conducted through the village groups. The youth further undertake to change the attitude of their family members. They receive advice and support from the NGO.

Case Study 17

Chicken Robbery: Natpaddimunai & Senaikudiyiruppu, Kalmunai Tamil Division

CPA researchers attended the general committee meeting of the Kalmunai Peace Foundation, where the following case was discussed. Subsequently, the researchers visited the two villages concerned and interviewed the relevant parties.

The two villages are mixed. Natpaddimunai consists of a majority of Muslims (1400 families) and a minority of Tamils (100 families) while Senaikudiyiruppu consists of a majority of Tamils (500 families) and a minority of Muslims (25 families). Due to the layout of the village, Muslims going to the town or to the paddy fields to work have to pass the Tamil localities. Similarly Tamils have to pass Muslim majority areas. As a result, during times of conflict villagers are confined to their homes and often cannot access the areas in which they work or local amenities. An incident that illustrates both the abilities and the problems faced by KPF took place in November 2002 at the house of the co-chairman (X) of the VGAC, set up by the organisation in Natpaddimunai. X is also the president of the mosque committee of the area.

At midnight 3 boys, one Tamil (Y) and two Muslims, attempted to rob a chicken from X's house. X hearing a dog bark had gone outside to investigate and found Y in the yard, while the latter's 2 Muslim accomplices hid. X feared to seize the boy because of stories circulating in the village of armed gangs carrying out robberies. X's wife, trying to see what was going on, switched the lights on. Y began to threaten X, stating that he was a member of the LTTE and put his hands inside his pocket, as if to suggest that he had a gun in his pocket. Y stated that he and his group were going to have a party for LTTE local leader Karikalan's birthday so needed some chickens.

X politely asked why Y had not simply requested a chicken instead of resorting to theft and said that he would obtain a chicken for Y from his cousin's house. Subsequently, X

seized Y, with the help of his cousin, and tied him to a tree. X states that he wanted to solve this problem through the VGAC and had informed the Co-Chairman, in the village of Senaikudiyiruppu. The issue was discussed by both the mosque committee and the VGAC. The mosque committee suggested handing over Y to the police. The VGAC instead decided to hand Y over to the LTTE because:

- Y had claimed he was a member of the LTTE and had wanted the chicken for Karikalan, so this is an issue that could be disciplined by the movement itself.
- Y is a Tamil and if handed over to the police, it would create more problems.

Y was handed over to the LTTE, who questioned him and arrested the other two Muslim boys. The parents of the Muslim boys complained to the police that the mosque president had given over their sons to the LTTE. The police subsequently arrested the mosque committee secretary and the vice president. At this point, KPF intervened in the case. They discussed the matter with the police and the LTTE, explaining the situation to both parties and the serious tensions that had been created among the two communities. Finally the police and the LTTE agreed to release all those concerned.

The field officers of KPF worked closely with the public in quelling the tension between the two communities. The public stated that many robberies similar to this one had been taking place for a long time. They believe LTTE cadres are involved in the robberies. Misunderstandings between villages as to who is really responsible for such robberies were cleared following this incident, which also helped to reduce ethnic tension.

4 Informal dispute resolution mechanisms and communal identity

The most common disputes are those between siblings, spouses and other domestic dispute. Land boundary disputes are less numerous, whereas disputes related to debt, money transactions between family members and disputes between families are on the increase. In addition to disappearances or attacks on individuals, both real and made up, common interethnic disputes arose in relation to livestock thefts. In responding to these disputes, communities utilize different redress mechanisms depending on their ethnic or communal identity.

4.1 The Muslim community of Ampara

Disputes in Muslim areas of Ampara are handled by mosque committees, which are present in every Muslim village. Any dispute that arises, be it in relation to individuals, families, villages, ethnic communities, the LTTE or the Sri Lankan army, is taken for resolution to these mosque committees. The mosque committees receive numerous complaints related to land, land leases and inheritance issues regarding the distribution of land among family members.

In some rare instances, complaints are taken to mediation boards by the complainants, the mosque committee or the police. For instance, specific issues relating to land boundaries which cannot be resolved by the mosque committees are referred to such boards. In some

villages, disputants who do not respect the decisions of the mediation boards are ostracised by the mosque committees for a period of time. The punishment would generally consist of restricting the disputant from visiting the mosques for prayers.

Some heads of mosque committees have political affiliations. In disputes between families of different political affiliations, it is not unusual for the person who belongs to the political party favoured by the mosque committee leadership to obtain a favourable judgement.

4.2 The Ampara Tamil Community

In Tamil areas, disputants usually first approach village groups, some of which have been set up by NGOs or temple trustee committees. Disputes in relation to the distribution of land among family members and disputes arising from the construction of fences demarcating land boundaries are taken to temple trustee committees or mediation boards. Disputes revolving around domestic matters and women's issues are generally taken to village groups which have been formed by organisations dealing with women's issues, or are referred to the organisation itself through their field officers. Minor disputes, such as those between spouses, are generally taken up for discussion, mediation, resolution or advice, at village group meetings, such as group savings schemes set up by NGOs.

In a number of villages, GS positions are temporarily filled by acting GSs. As a result of the lack of adequate administration, some Tamil villages have, on their own initiative, created village groups to address community needs and problems. They usually consist of young male villagers and a prominent member of the community who acts as the village chief and advisor to the committee. In most instances, it appears that the village chief's opinion is respected. Some of the members in these groups have left the LTTE after the CFA and come back to their families to help support them. These committees generally consist of a president, secretary, treasurer and 10 other members. The acting GS and the LTTE Area Leader may help co-ordinate the committees. Such groups have succeeded in resolving certain disputes within their communities (*See Case Study 18*).

Some of these committees assign the leading or advisory role to an individual belonging to the family of a current LTTE member or a LTTE war hero, or in some cases the village representative of a political party. This is done to ensure that the village problems are addressed effectively, given the access these individuals have to significant political actors.

In some villages, the temple trustees are the group leaders as well. The temple trustees are often land owners and are elected by the people. Women who seek the temple trustees' help to resolve disputes with their spouses are usually advised to get back together to their husbands. Some women not wanting to do so return to their parents. In some instances, the temple trustees advise the husbands. Only women who approach organisations for assistance can undertake legal procedures to obtain divorces.

Following the opening of LTTE political wing offices in government-controlled areas, LTTE officers are increasingly approached to solve disputes. In particular, family disputes over misappropriation of land or those resulting in physical assault are brought to the

LTTE offices. The LTTE inquires and takes action usually when the complaints involve families of LTTE members or LTTE war heroes (Ma Veerar). Complainants from the general public are frequently requested to approach the police. There have been instances where individuals who have approached the police to lodge a complaint have been asked to approach the LTTE offices in their area.

For disputes involving LTTE supporters (love disputes, sexual harassment, etc.), the LTTE area offices accept complaints with the assurance of a speedy inquiry, though they rarely take action. The complainants have also approached the police with regard to such matters and are faced with the same inaction. Such complaints have also been lodged with the Tamil representatives of the SLMM, who have requested the complainants re-direct their complaints to the LTTE and state authorities.

4.3 The Ampara Sinhala Community

Sinhalese disputants mainly approach the chief incumbent (head priest) of Buddhist temples as well as GSs and the police to solve their intra-community conflicts.

Some NGOs have initiated projects such as savings and credit schemes, self-employment and agricultural development in villages and organised village groups to help implement the projects. Few disputes are taken up at such village forums. Where they are brought up and where resolution fails, disputes are then brought to the attention of the chief incumbent of the temple, who advises and mediates the dispute. Domestic disputes and land distribution issues between members of a family are taken to the GS. If the GS cannot solve the dispute, the latter is either referred to the Buddhist temple or to the police station. The police may, in turn, redirect them to the Buddhist temple. Individuals who approach home guards in certain Sinhala villages with their domestic disputes are redirected to the police.

RDSs that have been established by GS are active at resolving certain disputes. RDS members encountered included principals, teachers and even traditional witchdoctors. In most villages, the village priest acts as the advisor to the RDS. As a result, the chief incumbent plays a vital role in the resolution of most disputes and lends moral legitimacy to the RDS.

In resolving disputes between two Sinhala villages, the priest of the Buddhist temples of each village, accompanied by some villagers, usually approach the chief incumbent of the Ampara Maha Vihara (main Buddhist temple) for mediation. He in turn, organises a meeting to resolve and mediate the dispute between the two villages.

Mahasakthy village in Alayadivembu

An organisation called Mahasakthy relocated 48 families from welfare centres, who were displaced in 1998 from within the Amparai District due to the armed conflict. The relocation village was named after the name of the organisation. Mahasakthy has formed a women's society to implement savings and credit schemes. The society does not attempt to resolve or mediate problems within the village.

When the researchers conducted interviews with the Mahasakthy staff, they stated that there were no disputes within the village. The organisation however mentioned, that certain disputes revolving around the ostracising of gypsy communities, such as preventing them from using the common well, arise in a sporadic manner. Out of the 48 families, 8 families are gypsies. Two female gypsies are members of the Women's Society organised by Mahasakthy and one male member of a gypsy family is in the village group. For their part villagers interviewed stated that there were no problems with regard to the gypsies as claimed by the organisation. Upon further field interviews, however, several disputes among the villagers came to light, including the one detailed below, solved by an indigenous village group.

A land dispute erupted between 2 women (X and Y). Y is X's sister-in-law. X was abroad for 6 years, working as a housemaid in the Middle East, and had left her son with Y. X had sent money to Y to purchase some land on her behalf. Y had bought the land, though all the receipts and documents are in Y's own name.

X, upon returning to Sri Lanka, requested X to hand over the documents related to the purchased land. Y refused to return the land, stating the following reasons:

- Y claims that her son had given a gold chain to X to pawn and obtain money, which X has not returned so far
- Y now claims expenses for looking after X's son

When the dispute arose, both parties took the case to the village committee. The village group was formed in March 2003 in response to this dispute, and consists of 13 male members, including a president, vice-president and a secretary. The village group also addresses other community issues, such as kassipu, children not attending school, family problems, etc.

Following an inquiry, the village committee following an inquiry found out that it is Y who owes money to X, X having proved that she had sent money from abroad to look after her son. The committee decided that when X gives back the gold chain, Y must hand over the land documents to X. Both X and Y were satisfied about the committee's decision. The village elders who tend to play a proactive role in the community's affairs appear to have been instrumental in resolving the dispute. Y, who did not get the best outcome out of the decision, stated that she is happy that the village deals with such issues instead of the police or the LTTE.

VAVUNIYA DISTRICT OVERVIEW

Informal Dispute Resolution Encountered

- NGO-created village committees
- Mosque committees
- Dispute Resolution carried out by individuals-Camp Officers, LTTE, GS

In Vavuniya, informal dispute resolution was observed only infrequently. Local government officials, leaders of local NGOs, and journalists all indicated that disputes are not taken to a third party but tend to get resolved at a more informal level, i.e. between disputants. The interviewees attributed the lack of community-level dispute resolution mechanisms to the collapse of elder systems in villages, the militarisation of youth, and the greater level of tolerance as a result of displacement and hardship due to the war.

The traditional social structures, such as the elder systems, seem to have eroded as a result of the conflict. Multiple displacement, the militarisation of the youth, and the fear caused by the conflict has all contributed to the elders taking a less prominent role within communities. Local disputes, if they do get resolved, are therefore more likely to be addressed by the disputants themselves or taken to a more powerful local actor such as paramilitary groups, the LTTE or the armed forces. While the elder systems in some villages have been replaced by a younger generation, in other societies there is a complete absence of such structures.

The welfare camps are a key example of this. Vavuniya is home to nine major welfare centres. Camp officers run the campus and are approached by camp inmates with their disputes and problems. Structures such as camp committees did not exist in the welfare camps to provide some representation of the residents needs. The Human Rights Commission has taken a leading role in one of the main camps to form a committee for people to voice their concerns. While the camp officer is the main contact point within the camp, disputes may be handled by a number of actors. Domestic disputes, for instance, may be taken up by neighbours as a result of the close proximity of the huts they live in. Violence between the camp residents and nearby villagers may be taken up by the police, army, GS or the LTTE. For instance, youth from Poonthotam Welfare Centre were involved in a fight with youth from a nearby village over their right to walk in groups on the main road by the village. The LTTE got involved warning the Poonthotam youth not to attack the village youth, but the youth persisted in settling scores.

The prominence of politico-military actors, including paramilitary groups such as TELO and PLOTE, as well as the LTTE, has meant disputants are referred to these actors for resolution. The control exerted by these paramilitary groups, therefore played a role in village disputes, particularly in relocation villages the paramilitaries were instrumental in setting up. Those villages on the border between government-controlled and LTTE-held areas have greater access to the LTTE, to whom the villagers interviewed said they would refer if the dispute could not be addressed.

NGOs have played an increasingly prominent role in trying to empower communities by forming village committees. These committees are intended to serve as village leadership, to identify community needs and manage the projects funded by the NGO. These committees are also meant to have the capacity to respond to village disputes and problems. As in Sivapura, two relocated villages had committees created by the Rural Development Fund that addressed both intra-community and inter-community disputes. In other instances, the NGO or its field officers may get involved. For instance, in one relocated village, there were not enough wells, so the NGO working in the neighbouring village organised a temporary system of sharing. Within a few days, disputes arose as the well owners complained of the amount of water wasted and how the well was being used. The NGO mediated a settlement whereby the residents of the relocated village would use the well after 6 p.m., and would not wash their clothes just by the well.

Many of the NGOs complained of the dependency mentality that they have to face as a result of communities living in displacement. They report villages depending on rations for their subsistence, and often having no freedom of movement as a result of the tight military restrictions, including the pass system that operated in Vavuniya during the conflict contributed to this mentality.

Case Study 19

A village's response to Kassippu problems : Sivapuram 2 Village

Sivapuram 2 is a relocated village near Vavuniya town, on the road to Mannar. It is a village of 65 Tamil families from the Vanni, Mullaitivu and Jaffna. The paramilitary group TELO constructed the village in 1995, and gave a ¼ acre of land to each family. While some of the families engage in cultivation, most of the inhabitants rely on their wages as day labourers.

This community works with the NGO, Rural Development Fund. As the village lacked many basic facilities, RDF wanted to provide some basic facilities. However, the relocation village's lack of legal status proved to be a real obstacle for RDF to provide substantial assistance; hence, they addressed only the most urgent needs, including providing toilets for the community. The toilets were urgently required, but RDF ran into security problems as toilet visits past dusk involved breaking army curfews and facing army patrols. The RDF expanded its activities over the years, providing tin roofing and income generation schemes. It also encouraged the creation of a village committee to help coordinate and administer RDF projects. The committee has four executive members (president, vice-president, secretary and treasurer), in addition to seven other members. Two of the executive members are women.

The village committee seems to play a proactive role in addressing community issues. Two issues that the president of the committee identified were prostitution and alcohol. While unwilling to discuss the former issue, he said the committee plays a decisive role

in dealing with both. If community members continue engaging in either, despite warnings by the committee, they could be expelled from the community. Before doing so, the committee tries to deal with the problem and reintegrate the individual into the village.

The last incident of severe alcoholism in the village required a two-pronged approach: the committee tried to induce the individual to give up alcohol, and they also tried to limit the availability of kasippu. A female committee member broached the matter during the monthly village committee meeting. A neighbour, who heard the nightly arguments between the alcoholic and his wife, had told her of the problem. In response, female members of the committee were sent to talk to the wife and to ascertain the problem, male members were sent to discuss the matter with the husband, and the committee also tried to address the kasippu seller who was selling his brew near the village.

The female members found out that the man was a daily labourer, and spent his daily wages on buying kasippu, rather than on food and bare necessities for his wife and children. This had led to nightly fights between the couple, and the woman was on the verge of leaving her husband to go live with her family. The female members entreated her to stay until the committee tried to solve the problem. The head of the committee confronted the man, questioned him about his addiction and tried to convince him to stop drinking. The consumption and fights continued, so a select number of committee members were dispatched and the threat of expulsion was brought up. Eventually, the threats of his wife leaving him and of the expulsion convinced him to give up his addiction.

Meanwhile, the committee also dealt with the supplier, an illicit brewer who had set up his stall near the village; the ready access and cheap prices had contributed to the problem, and needed to be addressed. The committee informed the GS, police and nearby army camp about the brewer, but no action was taken. The committee took direct action by asking the brewer to move shop; when that failed, they emptied his produce onto the ground. They did manage to convince him not to sell to any of the villagers.

Case Study 20

Land enough for two villages? : Sivapuram 2 and Hijrathpuram

Sivapuram 2 Village is located on contested land. Before 1990, Muslim families, lived in the area and fled in 1990 following the LTTE eviction notice to Muslims. While the properties of the thirty-six families of the Muslim village of Hijrathpuram are located outside the area presently occupied by Sivapuram, eight properties are presently occupied. The Muslim villagers do not have any deeds, as the village is on state land that

was cleared by the villagers from 1980 onwards. While the Tamil villagers do recognise that some of the Muslims may have ownership rights on the lands they are presently occupying, they feel that they have rights, given the development of the land they have undertaken, including building wells, creating pipelines, growing a variety of crops such as bananas. In short, they feel they have a stake in the land that cannot be uprooted.

The Muslim villagers have appealed to a variety of sources to reclaim their property. The village's mosque committee has taken up the issue, as has the mosque committee of the neighbouring Muslim village Pullthiaritha where the villagers of Hijrathpuram go for Jummah prayers. The latter took the issue up with TELO, who talked to the villagers and promised to address the problem; however, up to this date, no action has been taken. TELO had also played an important role in mediating a dispute in 2001 between Pullthiaritha and Hijrathpuram over paddy land boundaries, which they helped resolve by interviewing all the disputants and settling on boundary lines.

The GA and a Muslim MP from the North were both approached to address the Sivapuram-Hijrathpuram dispute, but no solutions were provided. In the interviews conducted with the villagers from the two communities, both seemed to empathise with the other's predicament and claim they have no problems talking to each other. The Muslim community is willing to verify who was occupying which plots of land, but recognise that they cannot evict the Tamil villagers. Instead, the Muslim villagers are willing to take uncleared state land directly opposite Sivapuram, but are awaiting a political or legal directive.

LTTE-CONTROLLED VANNI OVERVIEW

Time constraints and the lack of free access made field research in LTTE-controlled Vanni difficult, and hence the data collected on the existence and types of informal dispute resolution mechanisms is limited.

The self-censorship of government servants and the restriction of access to local communities stifled the field researchers' attempts to gather information. GSs in Killinochchi and Pooneryn all inquired as to whether the field workers had obtained permission from the LTTE to speak to them. For instance, to obtain the official numbers of recent returnees from a divisional secretariat, permission was required. Attempts to interview local communities were hampered either by workers from local NGOs or by members of the community who would inform the researchers that authorisation was required from the local NGOs and that outsiders could not speak to the community without the presence of the said NGO. The strict monitoring of outsiders' interaction with these communities and tight control exercised over them limit the possibilities of external NGOs attempting to create informal mechanisms and of any community taking the initiative and creating its own committee.

The LTTE argues that the standards they apply are a part of their attempt to encourage local capacity building and to prevent a dependency on outsiders. The net effect is that actors from outside who have been given permission to work in the Vanni face the problems of operating exclusively through LTTE-fostered NGOs, and often lack the freedom to approach the local community directly. Even individuals who have attempted to approach the community directly and distribute relief items have been told to do so through the local NGO.

Furthermore, the villagers who did speak to the field workers were at most willing to speak about general issues such as when they returned or the season's harvest. They were apprehensive about talking about how the local NGO functioned, what they felt about it or the problems and disputes they faced. Any criticism of the local NGO was made out of ear shot of other villagers. The villagers who did speak to the researchers told them that when they left the village, the members of the local NGO and local LTTE leaders would be informed and would visit the village to make an inquiry.

From the fieldwork, it would appear there are no mechanisms for dispute resolution outside structures created by the LTTE. Village committees had been set up by the LTTE with committee members who were selected the local LTTE leader. In none of the villages where fieldwork was carried out none of the village committee were observed to be active. In a village outside Mullaitivu town, the last dispute the village committee had dealt with was a dispute in 2001 regarding village cattle straying onto cultivated land. The committee, which included female members of the village, reached a settlement between the villagers who owned the land and those who owned the cattle to take preventive measures such as strengthening fences.

In the Vanni, the LTTE's local administrative, and law and order structures provide a formalized system for recourse. The Poruppalar or LTTE official in charge of the village serves a *de facto* village head, to whom people bring their problems. Where present, the Kavathurai or LTTE police stations are approached in more serious cases.

In one village visited, the ongoing dispute was over the merging of a primary and senior school. The primary school that serviced one part of the village was run out of a converted house, and was closed down in the beginning of 2003; the students were asked to go to the bigger school. The villagers from that area were angry, as the small children had to walk through the jungle to get to the bigger school, which was full of monkeys that chased them. They felt they had no say in the matter because the local Poruppalar and the LTTE supported the move.

With regard to land disputes, villagers approach the appropriate or most accessible LTTE structures for assistance. In addition, the government administrative structures of the GA, AGA and GS continue to function in LTTE-controlled Vanni. They did complain about the lack of resources allocated by the government that makes carrying out their work difficult. They claimed the resource shortage included supplies meant for the people (such as rations) and supplies meant for the government (such as motorcycles for transport). The LTTE, on occasion consults these government structures when dealing with disputes in order to verify facts.

Problems that are distinct to LTTE-held areas are land issues with regards to two groups, the Ma Veera and the Muslims. The LTTE has taken an active role in creating settlements for the families of LTTE cadres who died in battle. In one instance, the land given by the LTTE to a vulnerable Ma Veera widow and her young children is the land owned by an old couple; on the face of it, creating a dispute between two vulnerable sets of people.

The manner the LTTE has used to deal with disputes has been less than fair; as the matter stands now, the owner were thrown into jail on apparent charges of verbally abusing a neighbour, but the charge were not brought up in court, and the case is still outstanding. The old man himself has been subject to assaults, especially when outsiders visit him. The old couple has no children and is determined to get their property back, with the trees they grew and the site where they built their house.

The manner of resolution of Muslim land issues in LTTE-controlled Vanni often seems to depend on the land's location. Muslim property within Mullaitivu Town, which serves as the Sea Tigers' high security zone, is completely out of bounds to them. In certain instances, Muslims who own property have decided not to return, on a permanent basis for the time being but still try to claim their property. For instance, in Killinochchi Town, Muslims have directly negotiated with the LTTE which presently occupies most of the buildings. A rent

arrangement has been worked. In the case of rural areas where Muslims are seeking to return and settle, the situation is more complex. In a village on the Mannar-Pooneryn road, Muslim returnees approached the GS first. He informed them that unless they cut their rations in the welfare centres (as in some instances, part of the family continues to live in the welfare centres) their land could not be returned. Other difficulties include payments demanded for trees that were grown by Tamil farmers who occupied the lands after 1990. Potential disputes over customarily-held rights to inland fishing and cattle grazing were key concerns raised by the Muslim returnees. The returnees are particularly worried about these rights; their concerns are multiplied in light of the LTTE economic restrictions on Muslims in certain areas, which include a ban on operating teashops and butcher shops.

ANNEX 1

SUGGESTIONS FOR FURTHER RESEARCH

As the study was completed in 2.5 months, a number of areas could benefit from more extensive and in-depth research, using a different methodological approach. In particular a longer research period is necessary to monitor the success of any given informal dispute resolution mechanism. This would allow researchers to return to areas studied and verify the success of these mechanisms over time, rather than rely on time-specific assessments and one-off interviews. Areas for further study are detailed below:

- **Historical and comparative study of informal dispute resolution mechanisms.**

Such a study could examine:

- The type of dispute resolution mechanisms, both formal and informal, which were in use prior to the conflict,
- The impact of the conflict on such mechanisms and on local social networks, and
- Existing informal dispute resolution mechanisms and processes in the South of Sri Lanka. Such a study could provide insight into traditional community links and structures as they existed in times of peace or in less affected areas, which could inform those involved in local peace building efforts as to whether and how they could harness such mechanisms.

- **Research on the underlying causes of disputes.**

Such research could assess the extent to which disputes can be offset by addressing their root causes. An understanding of the root causes of disputes to determine the structural or relational nature of the underlying problems could better inform those interested in the most appropriate type of support. For instance, disputes related to resource shortages, such as land or fishing, the study could examine alternative sustainable income generation. Similarly, fence and boundary disputes, which are numerous, would be substantially reduced through the existence of an updated land registry. The study could examine whether donor programmes could be more effective in reducing disputes if they focussed on development, advocacy or capacity-building of government rather than on strengthening informal dispute resolution mechanisms.

- **Women and informal dispute resolution**

The patriarchal nature of most informal dispute resolution mechanisms encountered as part of this study raises questions as to how women address their disputes. Where women are represented on committees and through mechanisms, to what extent can they influence which issues are addressed and how decisions are made? The potential role of village-based women's organisations in resolving community disputes is a further area that remains to be explored.

- **A comparative study of different models of peace committees.**

A number of different models of peace committees were encountered during field visits: peace awareness committees (exchange programmes, cultural activities, multi-ethnic meetings, etc.); peace committees engaged in informal dispute resolution; committees involved in both development and peace building. Such committees may be externally- funded and designed, or may be a local initiative. A comparative study would highlight the advantages and weaknesses of the various models. This study should be carried out over an extended period in order to assess the longevity of these mechanisms and their impact on transforming relationships between divided communities.

- **The impact of local politics on informal dispute resolution**

This study highlighted the impact of local politicians and politics on how disputes occur and escalate, and how they affect community attempts to resolve disputes. Further research might shed light on the following: to what extent can impartial dispute resolution function in political environments, where powerful politicians, systems of patronage and political affiliations dominate.

- **Informal dispute resolution mechanisms and the potential for preventing local communal violent conflicts or mitigating their escalation.**

The current study has highlighted the role rumours and politicians play in escalating violence, and how communities respond to incidents along communal and caste lines. Peace committees, citizens' committees, local leaders and NGOs were observed to be active in attempting to mitigate violence by creating local forums for discussion, mediating with the parties involved, and resolving disputes. A further study is required to identify factors behind successful cases of preventing communal violence from escalating. It would also be useful to look at why certain conflict-affected areas are susceptible to erupt into violence while in others local conflicts do not escalate. Such a study could also identify.

- **A study on people's motivation in choosing mechanisms.**

This study focused on identifying which mechanisms disputants tend to approach. The factors that motivate disputants to approach particular mechanisms are an area that requires further study. It could shed light on those mechanisms most likely to be utilised successfully. Factors motivating disputants include the involvement of local leadership, their identification with the membership and nature of the mechanisms, fear, and absence of alternate mechanisms.

- **A study of the relationship between communities, local NGOs and donors.**

There is a discrepancy between what donors and local NGOs state they have achieved in the field of peace building and what actually exists at the community level. For instance, where an NGO claims it initiated a project at the community's request, the community claimed it responded to the NGO's enthusiasm for a project by agreeing to it. Some local NGOs are well-versed in donor language and expectations and embark on projects which they may not have the capacity to carry out. Some of the key reasons identified for this disparity include community apathy, local NGO responses to perceived donor expectations, and short term project design and evaluation.

Peace-building programmes would greatly benefit from a study on the relationship between donors, local NGOs and the communities aimed at bridging the communication gaps between these three actors. Such a study could focus on:

- Donor expectations of local NGOs' capacity for peace-building activities, as well as their own capacity for peace building
- Donors' perception of community needs
- Local NGOs' perceptions of donor expectations
- Local NGOs' perception of community needs
- Community perceptions of local NGOs and donors
- Community perceptions of their needs and priorities
- Different methods and models used by donors, INGOs, local NGOs and others to determine needs, priorities and capacities for peace building

- **An analysis of local leadership structures.**

The present study highlighted the key role played by local leaders in informal dispute resolution and the impact they had on the efficiency and fairness of dispute resolution mechanisms and processes. Further research could be undertaken to identify:

- How local leaders derive their power within their particular locality (personality, occupation, tradition, link to external power sources)
- The relationship of local leaders to the community (coercive, respectful, consultative)
- The local leaders' sense of justice and other values (community interests, individual rights, patriarchy, religious, personal integrity).

This could inform donors and NGOs struggling to design effective and fair local mechanisms.

- **Economic networks involved in informal dispute resolution.**

This study examined the role of community-based economic networks (Rural Development Societies and Fisheries Associations) in resolving community disputes. A further study researching the role of macro-economic networks like chambers of commerce, trade unions, etc., would be useful. Particular areas that should be studied include how these economic networks resolve conflicts related to economic activities, whether or to what extent they engage in solving other disputes, and what can be learnt from the processes they utilise to resolve disputes, such as alternative dispute resolution.

ANNEX 2

Selected Readings¹

Between War and Suffering; Dilemmas of assistance in war – torn Sri Lanka

Pre Final Version by Bart Klem,

Publisher-Centre for International Development Issues Nijmegen

Date of Publication - September, 2001

This paper explores the impact, both positive and negative, of aid agencies on parties to the conflict and on the conflict itself. The paper is based on Do No Harm issues that aid agencies are confronted with in the war torn areas of Sri Lanka.

The paper refers to the division among the people in the Nilaveli Welfare Centre (NWC), which is illustrated by their inability to establish a representative body. At the time of the research, there was no coherent leadership at the welfare centre and people from one group did not accept a leader from the other group and vice versa. The paper also makes reference to people from the NWC involving the forces in interpersonal fights, which has led to arrests and violence. Reference is also made to a situation involving a drunk, in whose affairs the society leader does not want to get involved in.

Capacity – Building in Conflict Zones; A Feminist Analysis of Humanitarian Assistance in Sri Lanka

Malathi de Alwis and Jennifer Hyndman

International Centre for Ethnic Studies (January 2002)

The report seeks to advance the delivery of humanitarian assistance in Sri Lanka while at the same time analysing the links between gender, conflict and displacement. It explores the potential and existing resources for institutional capacity building in the areas of women's health, violence against women and the promotion of income security options.

The report mentions the role played by the Kalmunai Peace Foundation (KPF) in reducing inter-ethnic conflicts by acting as intermediaries and peace advocates. The report in another instance recommends training for field officers to address the problem of alcoholism.

Capacity Building of Civil Society in the Most Conflict Affected Areas of Sri Lanka

Commissioned by the Norwegian Embassy, Colombo, prepared by FORUT–Sri Lanka 2001.

The report presents the research findings of FORUT in relation to the current strength of war-affected civil society organisations. The purpose of the research findings is to inform future programmes in the areas most directly or indirectly affected by war. The report identifies the need for external agencies to identify, encourage and revive traditional village-based or community-based structures, whilst identifying the potential weaknesses of such an approach. The report suggests that a peace-building dimension can be brought into an organisation to facilitate local-level interactions between communities.

The report also gives a general overview of civil society organisations at the grass root level, prior to the war. The recent formation of citizens' committees and particularly the success of the

citizens' committee in Cheddikulam, Vavuniyais a positive example of multi-ethnic/religious collaboration for civil society is also highlighted in this report. The report also gives a detailed description of the activities undertaken by the Puttalam Citizens Committee.

Reference is made to a village level organisation had been set up in a village in the LTTE controlled area, to combat alcohol abuse. Though the organisation is made out to be independent, it is the author's view that it is controlled by the LTTE and that it may be a front for LTTE recruitment, though there is insufficient evidence for the claim. The author also expresses the belief that the organisation is a means of controlling the village.

Caught between borders : Response strategies of Internally Displaced

Edited by Marc Vincent and Birgitte Refslund Sorensen

Chapter 7: *Sri Lanka; developing new livelihoods in the shadow of War. Displaced, Relocated and Resettled Muslims*

Norwegian refugee Council (2001)

This study narrated through case studies, in one such instance the experiences undergone in finding employment, establishing a new community by the displaced Muslims in a new village settlement is narrated. Eg; negotiating labour contracts, working in groups and dividing the money, in response to problems community re-established a traditional fund voluntarily contributed to by all the capable members of the community, to assist the needy. Mosque trustee board (MTB) (explains the constitution of a MTB), Voluntary Organisations supporting children's education, MTB activities, cultivation of lands abandoned until the return of the landlords, renegotiating work conditions, fishing times etc.

Choosing rice over risk: rights, resettlement and displaced women

Centre for the Study of Human Rights (CSHR) (2003)

Following the Cease-fire, key among the priorities for women who are considering relocation/resettlement are the physical risks, economic risks and the lack of infrastructure. These factors are compounded for women from female-headed households. The report points to the importance of gender-sensitive programming from inception to completion of projects that seek to meet the needs of displaced women, and for this to be a priority for the many agencies providing services to displaced populations, particularly as moves are made from relief to development.

The report makes reference to how nuns from the Madhu Church are called to mediate disputes, without great success. Further reference as to how a camp committee in a welfare centre in Puttalam has been established to officially mediate disputes between and among families and camp members is made. As women feel excluded from this process specific "women's committees" have also been established in this welfare centre. Women in some instances have often bypassed these processes and gone directly to the police, mosque committee or to the Muslim personal law court for redress.

The role played by the LTTE in mediating disputes is also discussed in this study and mention is made of the LTTE having a representative in each village, who keeps them informed of community based problems. The methods of retribution adopted by the LTTE with regard to offenders and the impact of these methods on the community is also discussed in the report. Mention is also made of Sinhalese IDPs accessing the LTTE courts.

Forced Migration and Changing Local Political Economies; A study from North Western Sri Lanka

N. Shanmugaratnam

Social Scientists' Association, Sri Lanka in collaboration with the Centre for International Environment and Development Studies, Noragric, Agricultural University of Norway (2001)

The study is based on the forced migration of the Muslims from the North of Sri Lanka. Most of the migrants moved to the Puttalam District which is predominantly Muslim. The study examines the impact of long term displacement on the political economy of the host areas in Puttalam. The study explores the major changes in the local socio-economic context and the transformation of IDPs as more permanent stakeholders as a result of their long term residence in a no war zone.

In the Alankuda Welfare Centres, the camp leader was held to be the official spokesperson of the camp. On the other hand, the mosque was the central institution for the community of residents in the centre. The religious leaders maintained social harmony through face-to-face contacts with the community. The mosque committee was the mediator in resolving internal disputes.

An instance of a dispute regarding an IDPs right to ownership of *Swarna boomi* land that was resolved by local mediators informally is also mentioned in the study.

Grievances Over Land–Menkamam–Dehiwaththa Thematic Area Study on Land Use

Kanagaratnam Devarajah, Benedikt Korf, Christine Schenk in collaboration with E.M. Samantha Ekanayake, Rohini M. Singarayer, M.M. Sugath Bandara Wijathilaka, R.Sivasuthan

Integrated Food Security Programme (IFSP), Trincomalee (October 2001. Reprint December 2001, working paper 44 Draft)

The study explores the socio–economic coping strategies and changes in land use patterns of conflict-affected communities in the Trincomalee District. The study analyses the impact of an ethnicised land dispute between border villages of Menkamam (Muthur DS) and Dehiwaththa (Seruvila DS). The study mentions that the villagers of Dehiwaththa recognise an elder of their village as their leader and refer disputes to him as well as to the police (at the time of research) for problem solving. It also mentions how women directly deal with the LTTE over kidnapped persons and paying ransoms. In addition, the study makes reference to villagers referring the problem of the tank bed encroachment of the Menkamam Tank to various actors such as the DS Muthur OIC Dehiwaththa Army Camp etc., for mediation.

Livelihoods at risk; Land Use and Coping Strategies of War - Affected Communities in the Trincomalee District

Benedikt Korf,

Integrated Food Security Programme (IFSP), Trincomalee (November 2001, working paper 45 Draft)

The study is based on the livelihood systems and the coping strategies adopted by conflict affected areas in the Eastern Province. The study makes reference to the role played by Muslim and Buddhist religious leaders in acting as intermediaries between the community and external support organisations as well as in dispute settlement in the community.

Participation, patrons and the village: the case of coastal zone management in the Puttalam District, Sri Lanka

Field work findings of the DFID “ Participatory mechanisms for sustainable development of coastal ecosystems”

By Jens Foell, Elizabeth Harrison, Roderick L. Stirrat, School of African and Asian Studies, University of Sussex.

Many arguments and fights between villagers are resolved by Catholic church priests, including land disputes, business differences, fights between drunken youth to mention a few. Priests and other institutions of the church often replace the Police in these matters.

Squeezed Between the Lines ; Vaddam Village Profile

Thangavel Sakthivel and Julia Ziegler in collaboratin with Kanagaratnam Devarajah, K. Gowriwasam, K. Kadadshani, Benedikt Korf and T. Nesharashaa.- IFSP

Integrated Food Security Programme (IFSP), Trincomalee (October 2001, working paper 43 Draft)

The report is based on a village profile conducted by IFSP on Vaddam, a fishing village located in the Muthur division. The report explores the infrastructure, coping strategies and the social implications of the conflict on Vaddam, a village caught up in the fighting between the LTTE and the Navy. The report gives a detailed account of informal dispute resolution mechanisms that exists in the village. It states that villagers refer problems to the village and family elders for problem solving. Villagers also use masuro [a discussion intending to reach a consensus] as a tool for decision making. The report also makes reference to the role played by the Mosque Society in resolving conflicts such as minor social problems in the village. It is said to be the first institution to resolve conflicts before they are taken to courts.

Stepping Out; Women Surviving Amidst Displacement And Deprivation

By F. Zackariya and N. Shanmugaratnam

Muslim Women’s Action Forum (February 2002)

The paper sets out the impact of displacement on Muslim IDP women in Kalpittiya, Puttalam in terms of changes in gender roles and traditions in post displacement situations. It documents the endeavours of Muslim IDP women to renegotiate relations with traditional hierarchies, form groups to discuss their problems while at the same time drawing attention to the patriarchal values and attitudes that exist in the household and community.

The camp is said to be a hierarchical organisation in which both the camp committee and the mosque committee play an important part. The camp committee was originally set up on an ad hoc basis and has subsequently become a permanent structure, consisting of traditional leaders of the village of origin. The role of the body has extended to intervention in intra- camp, inter-family and intra-family disputes as mediators.

Disputes were generally referred to the camp committee and to the mosque committee for dispute resolution. The mosque committee continues to perform the same functions as those prior to displacement. When these committees fail to resolve disputes, the case is referred to either the police or the Quazi Court.

If the camp leaders fail to resolve a dispute, the women would refer their problem to the mosque committee. The women expressed the feeling that they were not given a fair hearing at the mosque committee, and that the decision given is often biased in favour of the party known to the mosque committee. The women, as a result, formed a women's group, as they felt that the men in the committees could not relate to their needs.

¹All publications from the libraries of Berghof Foundation for Conflict Studies, Centre for Policy Alternatives, Consortium for Humanitarian Agencies and International Centre for Ethnic Studies

ANNEX 3

LIST OF INTERVIEWEES

NGOs, INGOs, Civil Society and UN agencies

- ◆ Affected Woman's Forum: Akkaraipattu, Ampara
- ◆ AHAM: Trincomalee
- ◆ Al-Inzaniya Social Development Organisation: Valaichenai, Batticaloa
- ◆ Al-Quarais People's Development Organisation: Ampara
- ◆ Batticaloa Peace Committee: Batticaloa
- ◆ Centre for Women and Development: Jaffna
- ◆ Citizen's Committees: Mannar; Puttalam
- ◆ Citizen's Council for Peace and Goodwill: Jaffna
- ◆ Community Development Foundation: Vanthaarumoolai, Batticaloa
- ◆ Community Trust Fund: Puttalam
- ◆ Council of NGOs: Jaffna
- ◆ Displaced North Muslims Association: Jaffna
- ◆ EHED: Batticaloa
- ◆ ESCO: Batticaloa
- ◆ Family Counseling Centre: Mannar
- ◆ FORUT: Jaffna, Killinochchi
- ◆ HUDEC: Jaffna
- ◆ Human Rights Commission: Jaffna; Mannar; Puttalam; Vavuniya
- ◆ INAIYAM: Batticaloa
- ◆ Institute of Nursery Studies and Gender Development: Jaffna
- ◆ Interfaith Peace Committee: Muttur
- ◆ Jaffna Woman Development Centre: Jaffna
- ◆ Jaffna Consortium of Humanitarian Agencies: Jaffna
- ◆ Jaffna Social Action Centre: Jaffna
- ◆ Kalmunai Peace Foundation: Kalmunai, Ampara
- ◆ Kinniya Vision: Trincomalee
- ◆ Mahashakthi Organisation: Ampara
- ◆ NGO Consortiums: Ampara; Batticaloa; Mannar; Puttalam; Vavuniya
- ◆ OOTRU: Jaffna
- ◆ Oxfam: Vavuniya
- ◆ Peace and Community Action: Ampara
- ◆ People's Forum: Puttalam
- ◆ RAAF: Puttalam
- ◆ Rural Development Fund: Mannar; Puttalam; Vavuniya
- ◆ Sarvodaya: Batticaloa; Mannar; Trincomalee; Vavuniya
- ◆ SEED: Vavuniya
- ◆ SEWA Lanka: Ampara; Jaffna; Puttalam; Vavuniya
- ◆ Shanthiham: Jaffna
- ◆ Shakthi: Trincomalee
- ◆ Suriya Women Development Centre: Batticaloa
- ◆ Social Welfare Organisation of Rural Development: Ampara
- ◆ Trincomalee District Development Association: Trincomalee
- ◆ Tamil Rehabilitation Organisation: Mannar
- ◆ Tamil Refugee Rehabilitation Organisation: Jaffna
- ◆ Theatre Action Group: Jaffna
- ◆ Thadakam: Batticaloa
- ◆ Trincomalee Islamic Development Association: Trincomalee

- ◆ United Nations High Commissioner for Refugees: Jaffna, Vavuniya
- ◆ WODEPT: Puttalam
- ◆ ZOA: Mannar

Religious Institutions

- ◆ Buddhist temples: Pubudugama, Puttalam; Seruwila, Trincomalee
- ◆ Churches: Batticaloa; Manippay, Navanthurai, Jaffna; Addappam, Arrippu, Pessalai, Talaimannar Village, Mannar
- ◆ Mosque committees: Natpittimunai, Ampara; Moor Street, Jaffna; Kataspathurai, Mussali, Thavapuram, Mannar; Erykulampitti, Puttalam; Kuchchaveli, Muttur, Trincomalee
- ◆ Kovil trustee boards: Senaikkudiyiruppu, Ampara; Pirambadithivu, Batticaloa; Muttur, Trincomalee

Government

- ◆ GA: Jaffna, Killinochchi, Vavuniya
- ◆ GS: Point Pedro, Kopai, Jaffna; Palathadichenai, Muttur, Trincomalee
- ◆ Vatta Vidanayar, Aalaiyadivembu, Ampara
- ◆ Mediation boards, Aalaiyadivembu, Ampara; Kurunegala
- ◆ LTTE: Jaffna, Vanni
- ◆ EPDP, Kayts, Jaffna
- ◆ SLMM: Mannar, Jaffna

Villages, welfare centres

- ◆ Aalankeni, Trincomalee
- ◆ Aalaiyadivembu, Ampara
- ◆ Arripu, Mannar
- ◆ Errykulampitti, Puttalam
- ◆ Hijrapuram, Puttalam
- ◆ Hijrapuram, Vavuniya
- ◆ Kaithadi, Jaffna
- ◆ Kannakipuri, Batticaloa
- ◆ Korakallimadu, Batticaloa
- ◆ Karambai, Puttalam
- ◆ Kavadapitti, Ampara
- ◆ Kopai, Jaffna
- ◆ Kuchaveli, Trincomalee
- ◆ Madurakulli, Mannar
- ◆ Mussali, Mannar
- ◆ Nasivanthivu, Batticaloa
- ◆ Natpittimunai, Ampara
- ◆ Palatadichenai, Trincomalee
- ◆ Poonthotam Welfare Centre, Vavuniya
- ◆ Prambadithivu, Batticaloa
- ◆ Pubudugama, Puttalam
- ◆ Sandilippay, Jaffna
- ◆ Senaikkudiyiruppu, Ampara
- ◆ Sirimapuram, Puttalam
- ◆ Sivapuram 2, Vavuniya
- ◆ Tharapuram, Mannar
- ◆ Thihalivatta, Batticaloa
- ◆ Valaichchenai, Batticaloa

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