

CYCLONE DITWAH AND THE MACHINERY OF DISASTER GOVERNANCE: INSTITUTIONAL PROCESSES AND POLICY LESSONS

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“As important as it is, the true measure of Sri Lanka’s response to Cyclone Ditwah will not be found in the immediate humanitarian assistance that has been provided and definitely not in politicising the issue. It will be found in whether the disaster becomes the catalyst for fundamental institutional reform or another moment soon forgotten when the emergency passes and governance reverts to normalcy. History demonstrates that without sustained pressure from informed citizens and judicial oversight, institutional reform rarely occurs voluntarily.”

In the final week of November, 2025, Sri Lanka experienced one of the most severe environmental disasters in its modern history when Cyclone Ditwah made landfall along the eastern coast. While the cyclone’s maximum sustained winds were relatively modest at 65 km/h, the unprecedented volume of rainfall it brought triggered catastrophic flooding and landslides, affecting nearly every part of the country. According to official estimates, over two million people were impacted, with at least 618 fatalities and more than 200 individuals reported missing. Certain sources suggest the death toll may have exceeded 630, making this event the deadliest natural disaster in Sri Lanka since the 2004 tsunami.

The hydrological consequences of the cyclone were

remarkable. Several districts recorded rainfall exceeding 300 millimeters within 24 hours, prompting major rivers, including the Kelani, Mahaweli, Attanagalu Oya, and Deduru Oya, to overflow. Floodwaters inundated over 1.1 million hectares, damaged or destroyed tens of thousands of homes, submerged critical transportation infrastructure, and disrupted electricity and communication networks. In parallel, approximately 1,200 landslides occurred across the central highlands, including economically vital tea-growing regions, contributing to the concentration of casualties in Kandy, Badulla, and Nuwara Eliya.

The scale of human displacement further underscores the gravity of the disaster. Government figures indicate that over 2 million individuals were affected, with more

Courtesy: *The Hindu*

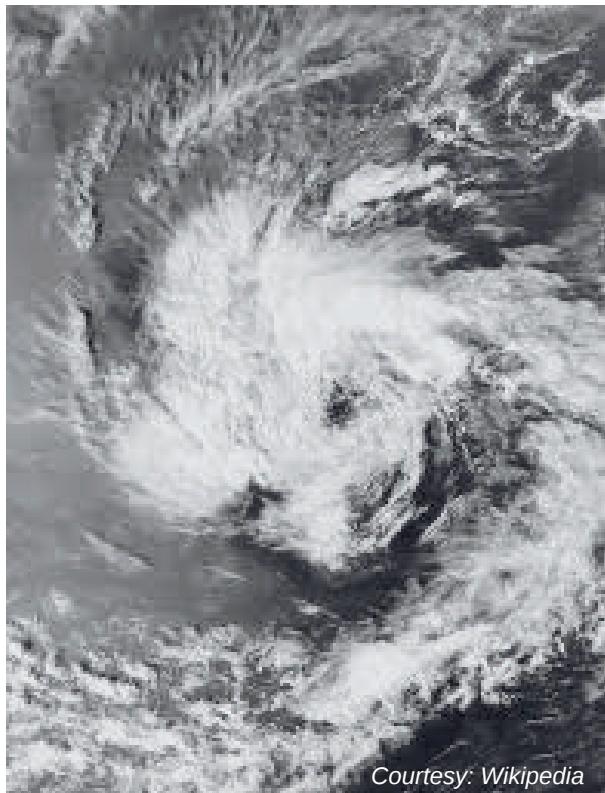
than 230,000 displaced to government-operated shelters. Access to basic necessities, including clean water, electricity, and medical care, were severely constrained, particularly in flood- and landslide-affected districts. The health system faced immense strain, with hospitals and primary care facilities inundated, maternal and neonatal care disrupted, and heightened risks of waterborne and vector-borne diseases.

Beyond the immediate human and economic toll, the cyclone has prompted critical reflection on Sri Lanka's disaster preparedness and governance structures. Questions arise regarding the government's awareness and measures prior to the cyclone's landfall, the adequacy of legal and regulatory frameworks, and the operational readiness of agencies tasked with early warning, evacuation, and relief coordination.

This article seeks to examine the government's response to Cyclone Ditwah, critically analyze its effectiveness, explore the awareness and measures in place prior to November 27, 2025, and evaluate what additional actions could have mitigated the disaster's impact. Further, it assesses Sri Lanka's broader disaster management policies and considers what citizens can do to strengthen preparedness and resilience in the face of future environmental hazards.

The Unfolding of Cyclone Ditwah

Cyclone Ditwah's progression through Sri Lanka was swift yet devastating, illustrating the profound consequences of extreme rainfall even in the context of a relatively weak cyclonic system. On the 28th of



Courtesy: Wikipedia

November 2025, the cyclone made landfall on the eastern coast, with maximum sustained winds recorded at 75 km/h. Meteorologically, the storm was classified as moderate, however, its rapid inland movement and sustained precipitation transformed it into a hydrological and humanitarian catastrophe. By the end of the day, the cyclone had traversed the country's interior, maintaining its intensity and precipitating unprecedented flooding and landslides.

The meteorological warnings preceding the cyclone foreshadowed its potential impact. Initially, the Department of Meteorology issued red alerts for extremely heavy rainfall exceeding 200 millimeters in Northern, North-Central, Central, North-Western, Sabaragamuwa, and Western Provinces. Districts including Trincomalee, Badulla, Galle, and Matara experienced intense downpours surpassing 150 millimeters (Daily Mirror, 2025). However, it was later identified that certain mountainous areas had received close to 500mm of rain (Tiwari, 2025). These extraordinary precipitation levels overwhelmed rivers such as the Kelani, Mahaweli, Attanagalu Oya, Deduru Oya, Yan Oya, Madu Ganga, and Meni Ganga, causing them to breach their banks and inundate surrounding low-lying areas. The resulting floods affected approximately 1.1 million hectares of land, including nearly 720,000 buildings and over 16,000 kilometers of roads, while 278 kilometers of railway tracks and 480 bridges were submerged or damaged (EconomyNext, 2025).

In addition to flooding, landslides compounded the disaster, particularly in the central highlands where approximately 1,200 slope failures were recorded. On the 27th of November, the National Building Research Organization (NBRO) had issued red evacuation warnings in districts such as Badulla, Kandy, Kurunegala, Matara, and Ratnapura, emphasizing the ongoing risk even after rainfall subsided (Daily Mirror, 2025). These landslides disproportionately affected Sri Lanka's economically vital tea cultivation regions, underscoring the vulnerability of both human settlements and key economic sectors to hydrometeorological hazards. The concentration of casualties in Kandy, Badulla, Nuwara Eliya, Kurunegala, and Matale, totaling at least 471 deaths, reflects the intersection of environmental hazard and regional susceptibility (The Morning, 2025).

The humanitarian consequences were extensive. Government data as of December 7, 2025, indicated that 576,626 families, comprising over 2 million individuals, were affected, with approximately 233,000 people displaced to government-operated shelters (Disaster Management Centre of Sri Lanka, 2025). Satellite analysis by UNDP suggested displacement could have reached 2.3 million residents (United Nations Development Programme, 2025). Housing destruction was severe, with more than 4,500 homes completely destroyed and over 41,000 partially

damaged, some reports indicated nearly 75,000 homes suffered structural damage nationwide (AdaDerana, 2025). Essential infrastructure was similarly impacted, with more than 200 roads rendered impassable, at least ten major bridges damaged, and significant disruptions to rail networks and electricity supply. The Ceylon Electricity Board reported intermittent outages affecting 40 percent of the national grid, compounded by temporary shutdowns at hydropower stations such as Kotmale and Rantambe (The Sunday Morning News Desk, 2025).

Institutional Response and Relief Measures After Cyclone Ditwah

The Sri Lankan government's formal response commenced with the declaration of a nationwide state of emergency on November 29, 2025, one day after Cyclone Ditwah made landfall and caused extensive flooding and landslides (Bopage, 2025). The proclamation aimed to mobilize resources, coordinate evacuations, and manage relief operations under extraordinary circumstances. This declaration activated statutory provisions, including the Essential Public Services Act No. 61 of 1979, which designated critical sectors, such as water, electricity, transport, and disaster response, as essential services, mandating uninterrupted operations and prohibiting work stoppages.

Following the emergency declaration, the government mobilized security personnel from the army, navy, air force, and police, alongside civilian volunteers and emergency service units, to conduct search and rescue operations. The Disaster Management Centre coordinated the evacuation of 61,612 families, totaling 218,526 individuals, to 1,564 designated safety centers. Rescue efforts included airlifting and boat evacuations for individuals trapped in flooded homes or stranded on rooftops and trees (International Federation of Red Cross and Red Crescent Societies, 2025).

Urgent repair operations were initiated for damaged infrastructure. By the 3rd of December, key roadways, including the strategic Colombo-Kandy route at Kadugannawa, had been cleared (The Morning Staff Writer, 2025). Government agencies coordinated with international humanitarian organizations, while the Sri Lanka Red Cross Society deployed over 3,500 volunteers to provide first aid, distribute relief supplies, and assess community needs (IFRC, 2025). Sanitation and water security interventions were prioritized, with sandbags, water tanks, diesel generators, and submersible pumps deployed to maintain basic services.

Recognizing the scale of displacement and property damage, the government announced a comprehensive relief package totaling 72.2 billion rupees over 25 days (Farzan, 2025). This package encompassed multiple interventions, including,

- Rs. 50,000 one-off grant per household to purchase essential kitchen equipment

- Rs. 25,000 per affected family for home cleaning
- Rs. 25,000 monthly payment for families who lost houses (extendable for six months)
- Rs. 50,000 monthly payment for families who lost houses from December through March
- Up to Rs. 10 million (USD 33,000) for affected individuals to purchase land in safer locations and build new homes
- Rs. 25,000 monthly aid for families that lost homes and jobs
- Rs. 5 million for landless families or those in unsafe areas
- Rs. 5 million to rebuild fully destroyed houses
- Up to Rs. 2.5 million for repairs to partially damaged houses
- Rs. 1,000,000 compensation for each person killed or left permanently disabled
- Rs. 150,000 per hectare grant for affected paddy fields
- Rs. 200,000 per hectare grant for affected vegetable fields
- Rs. 200,000 grant for affected livestock farms registered with veterinary offices
- Rs. 400,000 grant for affected registered fishing boats
- Rs. 25,000 per affected school child to purchase educational materials
- Rs. 5,000,000 compensation for damaged business premises

Additionally, the central bank issued directives to reschedule loans for affected individuals and prevent penalties on defaulting borrowers.

The Governance Framework and its Vulnerabilities

The government actively sought international support to supplement domestic relief efforts. Sri Lanka requested USD 200 million under the IMF's Rapid Financing Instrument (Rajan & Liffey, 2025).

India responded immediately through Operation Sagar Bandhu, providing over 53 tons of emergency relief supplies, specialized search and rescue units, modular field hospitals, and medical teams within the first days of the disaster. The Indian Navy delivered emergency rations, medical supplies, and water purification units, while NDRF teams conducted rescue operations in severely affected districts including Badulla, Puttalam, Colombo, and Gampaha (Trivedi, 2025).

Other international contributions included USD 2 million from the United States, USD 1 million from China, and deployment of emergency teams by Japan and the United Kingdom. UN agencies coordinated multi-sector interventions covering shelter, food, health, water and sanitation, protection, and early recovery. WHO, UNICEF, and WFP provided emergency funding, portable water, trauma care, and food distribution to affected communities.

Rapid Assessments and Challenges

The government, in collaboration with the United Nations and other international partners, conducted rapid needs assessments to evaluate damage to schools, hospitals, roads, railways, electricity, and water systems (Disaster Management Centre, 2025). Despite these efforts, response operations faced significant challenges. Extensive flooding, landslides, and damaged infrastructure limited access to isolated communities, particularly in the central highlands. Communication breakdowns further hindered coordination, complicating timely delivery of aid and real-time situational reporting.

Understanding Critical Government Failures following Cyclone Ditwah making landfall

The Delayed State of Emergency Declaration

One of the most significant governance failures in the response to Cyclone Ditwah lies in the timing and legal basis of the declaration of a state of emergency. While the cyclone made landfall between November 27 and 28, 2025, the formal proclamation of a nationwide state of emergency was issued only late on November 28 and widely circulated on November 29 (Research and Advocacy, CPA, 2025), by which time catastrophic flooding and landslides had already resulted in

extensive loss of life and widespread destruction of property. Notably, the declaration followed repeated public urgings by opposition parliamentarians, raising serious concerns regarding institutional preparedness and executive decisiveness at a critical juncture (AdaDerana, 2025).

This delay is not merely procedural, since it has direct legal and operational consequences, particularly in relation to the lawful deployment of the armed forces for civilian rescue operations.

Armed Forces Deployment Constraints under Sri Lankan Military Law

The legal nexus between an emergency declaration and the deployment of the armed forces is grounded in Sri Lanka's constitutional and military law framework. Section 19(1) of the Army Act empowers the President to call out the armed forces on active service by proclamation or order for specified purposes, including the prevention or suppression of rebellion, insurrection, or other civil disturbances. However, this authority is not self-executing in the event of a natural disaster. It requires express presidential authorization through a legally recognized mechanism, and generally section 12 of the Public Security Ordinance is relied on under such circumstances.

The rationale for this requirement is rooted in the nature of military discipline. Armed forces personnel operate within a strict hierarchical command structure. Any



Courtesy: Chamila Karunaratne/EPA

departure from camp or engagement in activities outside lawful orders constitutes absence without leave, and potentially desertion. Section 103 of the Army Act prescribes severe penalties for desertion while on active service, including rigorous imprisonment. Consequently, in the absence of a formal legal authorization, whether by proclamation, emergency regulation, or a declaration under disaster-specific legislation, armed forces personnel cannot lawfully engage in civilian rescue operations.

This distinction is administratively and legally critical. Members of the armed forces are not civilian volunteers. A soldier engaging in unauthorized rescue operations, however well-intentioned, would technically be acting in breach of military law and exposed to court-martial proceedings. This is not a theoretical concern but a structural feature of military governance, underscoring the necessity of timely legal authorization in disaster scenarios.

Why a 'State of Emergency' when it is a 'State of Disaster'?

The Disaster Management Act No. 13 of 2005 provides a clear and legally tailored alternative for disaster response. Sections 11 and 12 of the Act empower the President to declare a "state of disaster," upon which all ministries, departments, and public corporations, which includes the armed forces of Sri Lanka, are legally mandated to implement disaster counter-measures under the National Emergency Operation Plan. Unlike the Public Security Ordinance, this framework is designed specifically to address natural and even man-made disasters, as per section 25 of the Act, without resorting to extraordinary emergency powers. But the National Council for Disaster Management (NCDM), the apex coordinating body under the Disaster Management Act, had not convened for seven years until August 2025 (PMD Staff Writer, 2025).

In justifying the declaration of a State of Emergency under the Public Security Ordinance (PSO), the President argued that the Disaster Management Act (DMA) was "weak," inadequately implemented, and incapable of responding to a disaster of such magnitude. He maintained that ordinary law was insufficient, necessitating recourse to a legal framework that "stands above ordinary law" to enable decisive executive action, including the appointment of a Commissioner General of Essential Services and the rapid redeployment of state resources across districts (Black Box Column, 2025). However, this reasoning conflates legislative inadequacy with institutional non-compliance. The DMA, enacted under Act No. 13 of 2005 in the aftermath of the 2004 tsunami, establishes a comprehensive, disaster-specific statutory framework precisely to address large-scale emergencies. The President's own admission, that no ministry or state institution had prepared disaster management plans as required by Section 10, reveals that the perceived "weakness" of the DMA stemmed not from statutory design, but from prolonged institutional dormancy. Had

the NCDM met regularly following its August 2024 sitting, even rudimentary levels of readiness would likely have existed. Furthermore, the warnings which had occurred since November 11th would have translated into some preventive measures.

Unlike the DMA, The PSO confers sweeping executive authority to override existing laws, which can be used by the government, for example, to curb freedom of speech. This was demonstrated when the Minister of Public Security directed the police to use emergency powers against individuals criticising the country's president (IFJ, 2025). In contrast, the DMA facilitates coordinated action within an established statutory framework. As noted by the Centre for Policy Alternatives, the decision to rely on the PSO, particularly when a disaster-specific legal regime existed, raises questions about the appropriateness and proportionality of the government's legal response (Research and Advocacy, CPA, 2025).

The failure to declare a state of disaster is particularly problematic given the advance meteorological warnings issued between November 12 and 25, which will be extensively dealt with in a later section of this article. Nevertheless, had a declaration been made during this period, section 12 of the Disaster Management Act would have automatically required the implementation of the National Disaster Management Plan, enabling lawful and immediate deployment of the armed forces for rescue and evacuation operations without delay.

A Failure in Systemic Coordination

The delayed emergency declaration also reflects deeper institutional weaknesses within Sri Lanka's disaster governance architecture. As highlighted above, the NCDM had not convened for seven years until August 2025. While information on whether the council met after August 2025 could not be found, it is worth noting that prolonged dormancy means that critical coordination mechanisms are not effectively non-functional.

In the absence of regular council meetings, how were meteorological warnings escalated through the disaster management hierarchy? How were district and divisional disaster management committees activated? Available evidence suggests that they were not during the period leading up to Cyclone Ditwah. Government assessments themselves indicate that fragmented and routine warnings were issued by individual departments, largely disregarded by the public but more shockingly uninformed by the broader governance machinery, culminating in what was described as a "perfect storm" of administrative failure.

Financial Barriers to Relief Disbursement by Divisional Secretariats

Another aspect which slowed the immediate relief

phase of Cyclone Ditwah was the existence of entrenched administrative barriers that prevented Divisional Secretariats from disbursing emergency assistance with the urgency the situation demanded. The nature of these barriers is revealed less through formal admissions and more through the corrective measures that followed.

On November 27–28, 2025, President Anura Kumara Dissanayake convened an emergency meeting with District Secretaries, District Development Committee Chairpersons, and parliamentary leaders to address the rapidly deteriorating humanitarian situation. During this meeting, the President issued a directive of particular institutional significance, stating that no circular will hinder the expenditure of these funds; if any such barrier arises, District Secretaries are authorized to spend the money with the consensus of the District Coordinating Committee (PMD, 2025).

The Nature of Administrative Restrictions

The issuance of such a directive necessarily presupposes the existence of prior circular-based restrictions that were obstructing the release of funds. In January 2025, the Disaster Relief Services Circular 01/2020 was replaced with a comprehensive four-



document framework. This framework included the Disaster Relief Services Circular No. 01/2025 (foundational policy), Disaster Relief Implementation Guidelines No. 01/2025, Circular Amendment No. 01/2025 (I) and Guideline Amendment No. 01/2025. This new framework substantially increased financial relief, streamlined administrative processes and expanded eligibility criteria whilst including targeted welfare for vulnerable populations such as school children and the disabled (Uduwaragedara, 2025). Despite these improvements, when Cyclone Ditwah struck, significant operational barriers slowed down emergency relief. The circular maintained multiple approval levels and financial thresholds that while designed to ensure accountability created delays where rapid decision-making was pertinent. The formal damage assessment committees, documentation requirements, and hierarchical approval chains became problematic when thousands of people were in need of immediate shelter, food and/or medical assistance. Therefore, District Secretaries and Divisional Secretaries faced restrictions on how quickly they could deploy funds. Thus, in order to curb the 'administrative delays caused by existing circular restrictions', the President instructed the Secretary to the Ministry of Public Administration to issue a new circular with immediate effect to remove regulatory barriers caused by existing circular restrictions (Newswire Staff Writer, 2025).

The Aftermath aided by Budget Circulars

However, a new circular as such was not issued by the Ministry of Public Administration. Instead, the government released a series of Budget Circulars that supersedes the need for traditional administrative circulars. By Budget Circular No. 05/2025 dated 28th November 2025, the Secretary of Treasury instructed the District Secretaries and Divisional Secretaries on emergency relief methodology and respective financial thresholds. Additionally, by Budget Circular No. 06/2025 dated 01st December 2025, further instructions were given on procurement for disaster relief. It can be observed that this operational framework was established on the primary legal instrument of a state of emergency.

The Rebuilding Sri Lanka Fund

Establishment of the Fund and Legal Context

On the 1st of December 2025, Cabinet approved the establishment of the Rebuilding Sri Lanka Fund, together with an 11-member Management Committee mandated to oversee post-Cyclone Ditwah reconstruction financing and coordination. The government has described the Fund as a "statutory fund" that will, at some future point, be provided a legislative basis through Parliament. However, as of early December, no such legislation had been enacted.

This sequencing is constitutionally significant. The Fund

was established and operationalised prior to parliamentary authorization, notwithstanding the existence of two established public finance mechanisms already designed to address disaster-related expenditure: the Disaster Management Fund under section 17 of the Disaster Management Act, and the Consolidated Fund under the Constitution. The decision to create a parallel financing structure outside the aforementioned frameworks has prompted concern over the legality, accountability, and institutional coherence.

Constitutional Constraints on Public Finance and a Supreme Court Judgement

Public finance in Sri Lanka is governed by Chapter XVII of the Constitution. Article 148 vests full control over public finance in Parliament, embodying the principle that the raising, management, and expenditure of public money must remain subject to democratic oversight. Article 149 establishes the Consolidated Fund as the repository of all revenues and receipts of the Republic not otherwise allocated by law, while Article 150 requires parliamentary authorization, followed by a ministerial warrant, for any withdrawal from that Fund.

These provisions are not technical formalities. They constitute the constitutional architecture through which financial power is rendered accountable to the electorate. Any mechanism that enables the collection, allocation, or release of funds outside this framework risks undermining parliamentary sovereignty and the rule of law. In *Weerawansa and Others v Attorney-General and Others* [2006] 1 Sri LR 377, relating to the Post-Tsunami Operational Management Structure (PTOMS), at page 391, the Supreme Court held that "... these funds when received by the country should in terms of Article 149(1) of the Constitution be paid into the Consolidated Fund and be disbursed in terms of the Constitution and the applicable law. Expenditure from this fund would be subject to audit by the Auditor General, as provided for in Article 154 of the Constitution. These are salutary safeguards included in respect of public finance to ensure transparency in the matter of disbursement of funds and proper accountability."

Additionally, MP Patali Champika Ranawaka, in a statement published on his official social media platforms, referred to a further line of authority arising from another litigation pertaining to the PTOMS in SC/FR Applications Nos. 209/2005 and connected cases. While the relevant judgments were not available for the authors' independent perusal, MP Ranawaka emphasised that the Supreme Court had underscored a core constitutional principle, namely that "public finance of the Republic cannot be placed under the control of a body that is not created by or under the Constitution, nor made answerable to Parliament", and that any such delegation of financial authority would be repugnant to Articles 148 and 150 of the Constitution. Accordingly, the principle enumerated is uncomplicated, democratic accountability over public funds cannot be outsourced. Financial authority

exercised without parliamentary oversight, regardless of intent or context, vitiates constitutional safeguards. The concern is substantive, not procedural since it addresses who decides how public resources are prioritised and deployed.

Merely a Fund?

As a matter of distinguishing from the above, attempts have been made to draw a distinction between the Fund as a vehicle for collecting donations and the rebuilding activities funded thereafter. Under this framing, the Fund is presented as a conduit for private and international contributions, with reconstruction spending supposedly occurring through normal parliamentary channels. The Management Committee, it is argued, merely coordinates and mobilises resources rather than exercising financial authority. However, this distinction collapses under further scrutiny.

First, the government's own descriptions of the Committee's mandate contradict the fundraising-only narrative. According to official statements, the Committee is empowered to assess national recovery needs, set priorities, allocate funds, and release money for approved recovery activities. The authority to allocate and disburse funds is the essence of financial control, precisely the power Article 148 reserves to Parliament.

Second, the argument misunderstands the constitutional character of donations. Once funds, whether domestic or international, are received by or on behalf of the State, they become public funds. Article 149 expressly contemplates such receipts. The source of the money does not dilute Parliament's constitutional control over its use.

Third, the promise of future legislation does not cure present illegality. The Fund was established and operationalised prior to parliamentary enactment. Subsequent legislation cannot retroactively validate an unconstitutional exercise of financial authority already undertaken.

Finally, the power to set priorities is itself determinative of resource allocation. Deciding which regions, sectors, and communities receive reconstruction funding is a political function, not a technocratic one. It is a function that the Constitution entrusts to elected representatives, not to an unelected committee dominated by corporate actors.

Lessons from Post-Tsunami Precedents Ignored

These concerns are reinforced by historical experience. Following the 2004 tsunami, ad hoc disaster funds such as the Helping Hambantota Fund and Itukama became embroiled in allegations of opacity and misappropriation. Based on such historical precedents, Parliament proceeded to enact the Public Financial Management Act, No. 44 of 2024, which restricts the

establishment of statutory funds to those created by law and emphasises transparency and accountability in public fund management.

Against this backdrop, the government's decision to establish the Rebuilding Sri Lanka Fund first and seek legislative cover later represents a reversal of hard-learned institutional lessons. It creates a legally vulnerable interim period during which significant sums may be managed outside constitutional safeguards.

Composition of the Management Committee

The 11-member Management Committee comprises six government officials and five private sector appointees drawn from Sri Lanka's largest corporate conglomerates, and embodies a meritocratic step towards the rebuilding efforts.

However, the committee has been criticised for being entirely male prompting various organisations to reconsider the composition of the committee (Newswire Staff Writer, 2025). This exclusion prompted immediate criticism from civil society organisations, particularly given the established evidence that women's participation in disaster recovery governance leads to more equitable outcomes (Ravi, 2025). The absence of even a single woman contradicts the government's stated commitments to inclusive and people-centred governance.

The committee has also been criticised for its corporate dominance and Colombo-centrism. The committee's private-sector members represent Colombo-based corporate elites rather than disaster management professionals, environmental experts, or representatives of affected communities. It has been questioned whether the committee members could even reflect the experiences of those affected (Ravi, 2025). This concentration of power risks reproducing longstanding patterns of urban-centric development that marginalise rural and plantation regions, which also happen to be the worst affected areas from Cyclone Ditwah.

Yet the most serious governance flaw is the inherent conflict of interest embedded in the committee's design. The Law and Society Trust notes that the same individuals empowered to set reconstruction priorities and allocate funds also control corporations that will inevitably bid for reconstruction contracts (Newswire Staff Writer, 2025), and it is inevitable that their primary responsibility would be towards their shareholders and business partners rather than the victims of the disaster. This conflict is structural, not hypothetical. Committee members can influence which sectors receive funding, how tenders are structured, and which projects are approved. Accordingly, given the scale of public expenditure committed to reconstruction the potential for self-dealing and preferential access to state resources is substantial. In this context it is important to consider that the companies controlled by these business leaders, who are now committee members, lead conglomerates such as Hayleys Group,

John Keells, Aitken Spence, Brandix, and L O C Holdings which are among Sri Lanka's largest corporations, with diverse business interests spanning commerce, hospitality, manufacturing, and financial services. Therefore, their participation in the reconstruction efforts would be inevitable. However, no meaningful safeguards against these conflicts have been articulated.

Finally, the process by which committee members were appointed lacked transparency and were purely based on the discretion of the President. While the President does have certain discretionary powers over appointments, the exercise of those powers in a context involving the management of disaster relief funds that are contributed by international donors and affected by public expectation should be subject to greater procedural transparency. To whom the committee reports, what oversight Parliament exercises, and how conflicts of interest are managed remain unanswered questions.

Assessing Foreseeability: Government Awareness Before the 27th of November

Hydrological Evidence and the Predictability of Impact

The scale of Cyclone Ditwah's hydrological impact was neither unforeseen nor scientifically ambiguous. Quantitative analysis presented by Professor Lakshman Galagedara, which widely circulated on social media, provides a reliable framework for assessing both the severity of the event and therefore, the expectation that any reasonably competent government machination should have had some extent of awareness prior to landfall.

Galagedara's core assumption is an average daily rainfall of approximately 200 mm across Sri Lanka's landmass of 65,000 km², which produces a total precipitation volume of roughly 13 billion cubic metres within a 24-hour period. This equates to a national discharge rate of approximately 150,463 m³ per second (Kuruwita, 2025). Far from being exaggerated, this estimate is conservative when examined against recorded meteorological data. The Department of Meteorology documented rainfall on 28 November ranging from 75 mm to over 540 mm across different region. Therefore, an island-wide average of 200 mm represents a lower-bound estimate rather than a speculative projection.

The comparative hydrological analysis further underscores the extraordinary nature of the event. Galagedara's juxtaposition of Sri Lanka's discharge intensity with that of the Amazon River is analytically instructive rather than rhetorical.

Placed in an annual rainfall context, the magnitude of the event becomes even clearer. Sri Lanka's average

annual rainfall is approximately 2,000 mm. In several locations, rainfall on 28 November alone exceeded 500 mm, thereby approaching a quarter of the annual average within a single day and far exceeding typical monthly totals. This is evidence that the rainfall of Cyclone Ditwah was not merely a heavy rainfall, it was a statistically exceptional event with predictable consequences.

Crucially, Galagedara's analysis accounts for antecedent conditions. Rainfall from 23 November onwards had already saturated soils across large parts of the island. Once soil saturation thresholds were exceeded, additional precipitation could no longer infiltrate the ground and was instead converted almost entirely into surface runoff (The Morning Telegraph Editor, 2025).

Nevertheless, in consideration of government accountability, the significance of this analysis lies not in hindsight but in foresight. The hydrological mechanisms that transformed Cyclone Ditwah into a national catastrophe should have been well understood within Sri Lanka's scientific and disaster management institutions, prior to the cyclone making landfall. The



The distinction between proactive disaster management and reactive disaster response becomes determinative at precisely this juncture. If meteorological forecasts in the days preceding landfall indicated the likelihood of extreme or prolonged rainfall, the absence of escalated preparedness measures would point toward systemic failure rather than unavoidable misfortune.

It is therefore necessary to turn next to the meteorological record itself, thereby to examine the weather advisories, rainfall projections, and warning communications issued in the days leading up to Cyclone Ditwah, and to assess whether the scale of rainfall ultimately experienced was already visible within the forecasting systems available to the government at the time.

The Warning Cascade

The evidentiary record demonstrates that governmental ignorance of Cyclone Ditwah's approach was not merely implausible but, in light of the warning environment that unfolded from mid-November onwards, institutionally impossible. What emerges is not a single missed alert, but a cumulative, escalating cascade of meteorological warnings transmitted through domestic and international channels over a significant time period.

Indian Meteorological Department Early Signals: 13–20 November

The first formal indicators emerged from the Indian Meteorological Department (IMD), which operates the Regional Specialised Meteorological Centre (RSMC) for the North Indian Ocean and functions as the designated regional warning authority for Sri Lanka. On 13 November 2025, the IMD issued its first inference indicating the formation of a depression in the Bay of Bengal. The IMD finds that "another upper air cyclonic circulation is likely to emerge over the South Andaman Sea around 19th November. Under its influence, a low-pressure area is likely to form over the southeast Bay of Bengal around 21st November and there is also low probability of its further intensification into a depression over the same region around 23rd November" (India Meteorological Department, 2025, 5). By 20 November, the IMD escalated its assessment, issuing an alert highlighting the possibility of cyclogenesis, which is the development of the depression into a cyclonic system. The forecast states that "...a Low Pressure area is likely to form over Southeast Bay of Bengal around 22nd November 2025. Thereafter, it is very likely to move west-northwestwards and intensify into depression over central parts of south Bay of Bengal around 24th November 2025. Thereafter, it will very likely to continue to move west-northwestwards and intensify further over southwest Bay of Bengal during subsequent 48 hours" (India Meteorological Department, 2025, 1), which was directionally correct in terms of where Sri Lanka is situated. Subsequently, the RSMC issued the first advisory on the likely formation of a low pressure area

Southwest of Sri Lanka on the 23rd of November 2025 (EconomyNext Editor, 2025).

These were not speculative media forecasts. Under the RSMC framework, IMD bulletins are transmitted directly to national meteorological authorities in the region (EconomyNext Editor, 2025). Accordingly, it is reasonable to assume that alerts were officially communicated to the Sri Lankan Department of Meteorology and the Disaster Management Centre through established international warning channels. In fact, the Indian Express reported that "The IMD had first predicted the formation of a depression as early as November 13, and issued an alert over the possibility of cyclogenesis on November 20. From November 23 onwards, IMD issued three-hourly and six-hourly weather updates of the system, indicating its development around November 26. All the information was shared with Sri Lanka in a routine manner" (Marar, 2025). While the Sri Lankan Cabinet Spokesperson was quick to discredit the source of this information during the televised Derana 360 programme, a careful assessment of the relevant forecasts aforementioned, when read alongside the statements reported by The Indian Express, reveals substantial grounds to treat the latter as credible.

Domestic Identification and Public Warning Activation: 23 November

By 23 November, Sri Lanka's own Department of Meteorology had independently identified atmospheric disturbances that would subsequently develop into Cyclone Ditwah. The Sri Lanka Association of Meteorologists (SLAM), in its official press release, confirmed that, "Meteorologists first identified early signs of atmospheric instability related to Ditwah on November 23", and that this information was "immediately communicated to fishing and naval communities, along with a public notice indicating the potential formation of a low-pressure area near Sri Lanka around November 25 (Newswire Staff Writer, 2025). While the Association did reject that the IMD could have predicted the cyclone as early as the 13th of November, the IMD's Tropical Cyclone Formation Programme Report from 13 November 2025, as emphasised predicted the precursor system to Cyclone Ditwah.

Nevertheless, significantly on the 23rd of November also marked the issuance of the Department of Meteorology's first Red Alert for heavy rainfall. This was not an isolated advisory. From 23 November onwards, Red Alerts were issued continuously for twenty-five consecutive days, extending through 30 November.

Forecast Escalation and Inter-Agency Alerts: 24–25 November

By 24 November, forecasting uncertainty had narrowed substantially. Director Meryl Mendis of the Department of Meteorology's Forecasting Division publicly stated that the developing system "could develop into a low

pressure area on November 25," with "heavy rains of more than 100 mm" expected in the Northern and Eastern Provinces and "around 75 mm" elsewhere (BBC Sinhala, 2025). These forecasts were widely reported, including by BBC Sinhala. Additionally BBC's international reporting on 25 November predicted exceptionally heavy rains over the coming days, perhaps some 300, 400 or maybe even 500 millimetres of rain falling around Sri Lanka, where we can well see a tropical cyclone taking shape (Fact Crescendo Team, 2025).

Crucially, on the 25th of December, the Department of Irrigation issued an independent high-risk flood alert. It warned that rainfall exceeding 200 mm could occur in several provinces during the next few days due to the developing low pressure area near the South Andaman Sea, and emphasized the risk of sudden flooding compounded by already elevated river levels (The Morning Staff Writer, 2025). Engineer L. S. Suriyabandara explicitly referenced historical hydrological patterns and real-time river data, indicating that advanced modelling and risk assessment were already being undertaken prior to landfall (BBC Sinhala, 2025).

The Director General's Public Forecast: 11–12 November

The warning record extends even further back. On 12 November 2025, the Director General of the Department of Meteorology, Athula Karunanayake, appeared on Ada Derana's Big Focus programme and articulated a remarkably detailed public forecast of cyclone development. As reported by the Sunday Times, "I cannot say with certainty, but the possibility is certainly there. The buildup will begin from the 14th onwards. There could be rain in the morning as well as a gloomy sky. When it starts to spin and collect moisture, the centre will gain speed. It could become a low depression, then a deep depression, and turn into a possible cyclone" (Don Manu: Sunday Punch, 2025).

While the Sunday Times observed, "These words were, indeed, prophetic." (Don Manu: Sunday Punch, 2025), subsequently, Meril Mendis, Director of the Department of Meteorology stipulated that the Director General was not referring to cyclone Ditwah. While it is only the Director General of the Department of Meteorology, who is reportedly constrained from speaking to the media without prior clearance from the Ministry of Defence, who can clarify the precise content of his warnings (Weerasinghe & Wijesinghe, 2025), the Deputy Minister Mahinda Jayasinghe nevertheless asserted that "the Meteorological Department has not issued a warning that such a cyclone is coming from November 12th to 27th" (BBC Sinhala, 2025) This assertion sits in stark contradiction to the documented public forecasts, official red alerts, institutional briefings, and inter-agency awareness programmes conducted during that very period, rendering the statement less an explanation of events and more an attempt to deny a meteorological record that is now firmly established in both domestic and international sources.

Further Institutional Confirmation

Additionally, in response to subsequent political attempts to attribute the scale of the disaster to forecasting failures, in the press release by SLAM it is explicitly mentioned that, "Officers representing the Disaster Management Centre (DMC), Irrigation Department, National Building Research Organisation (NBRO), Water Resources Management Board, Fisheries Department, Department of Examinations, Ministry of Health, and the Sri Lanka Ports Authority were all alerted about the developing cyclone" (Weather.lk, 2025)

Even more significantly, SLAM disclosed that, "An awareness programme for representatives of these institutions was conducted from November 23 to 27, 2025, to ensure preparedness and coordinated response. (Weather.lk, 2025)" This confirmation is dispositive. It establishes not only that meteorological warnings were issued, but that structured inter-agency engagement occurred during the five-day window immediately preceding Cyclone Ditwah's landfall. The warning cascade was therefore neither fragmented nor informal. It was sustained, escalating, and institutionally embedded, but not adequately as later reports revealed.

Taken as a whole, this warning cascade renders untenable any claim that the Government could not have known of the approaching hazard. The Department of Meteorology, as the principal technical

authority issuing these forecasts, functions under the Ministry of Defence and therefore within the direct administrative purview of the Executive President. In institutional terms, this places the knowledge of escalating meteorological risk firmly within the central executive apparatus of the State. What the record instead discloses is not an absence of information, but a failure of governmental operation (Krishnan, 2025). This disjunction between knowledge and response signals the onset of a deeper institutional breakdown, one that extends beyond meteorology into coordination, accountability, and decision-making. It is this breakdown, and the consequent erosion of public trust that follows when the State appears forewarned yet unprepared, that the subsequent sections of this article now turn to examine.

Institutional Failure and the Breakdown Between Warning and Action

Even if one were to accept the Government's narrow contention that no formal cyclone warning was issued prior to 27 November, the evidentiary focus necessarily shifts to the institutional machinery responsible for converting meteorological information into public protection. On this point, the available record points not to an isolated lapse during Cyclone Ditwah, but to a prolonged and well documented deterioration within the Disaster Management Centre itself. A recent



investigative report by the Sunday Times provides an unusually candid account of the extent to which the DMC's operational capacity had been compromised by December 2025.

The report identifies a chronic staffing crisis that had persisted for more than a decade. Vacancies remained unfilled between 2011 and 2023, including a particularly consequential shortfall of 101 development officers (Wijedasa & Priyankara, 2025). These officers constitute the backbone of the DMC's information dissemination structure, with their contact details forming the basis of the Centre's call centre database used to relay warnings to grama niladharis and relief service officers. The absence of these personnel necessarily weakened, and in some instances rendered inoperative, the institutional channels through which warnings were expected to travel from the national level to districts and divisions. In such a context, even where warnings existed, their effective transmission could not be assumed.

The Sunday Times further documents a serious communication deficit arising from language capacity. Audit reports from 2022 and 2023 repeatedly flagged the need for Tamil speaking staff within the 24 hour emergency operation room and the 117 call centre. Despite the requirement that DMC operations function in Sinhala, Tamil, and English, only a limited number of employees were capable of handling Tamil language communications (Wijedasa & Priyankara, 2025). The report notes that this limitation raised significant concern both before and after Cyclone Ditwah. The implication is unavoidable. Large segments of the Northern, Eastern and Central Provinces, including communities already vulnerable to flooding and displacement, may not have been institutionally reachable even if warnings were generated.

Equally troubling is the absence of preparedness and simulation exercises. According to the report, the DMC lacked the financial provisions required to conduct disaster simulation exercises at the district level. Such exercises are not ancillary activities. They are the primary means by which early warning systems, escalation protocols, and inter agency coordination are tested under simulated stress. Their absence suggests that the DMC's systems were never meaningfully evaluated for functionality under conditions approximating a real disaster scenario. Where systems are untested, institutional response becomes speculative rather than assured.

These deficiencies were neither unknown nor newly discovered. An examination of thirteen Audit Performance Reports issued between 2011 and 2023 reveals a pattern of repetition without reform. Recommendations recur across years with little evidence of implementation. By 2023, less than a year before Cyclone Ditwah, the auditors observed that the DMC continued to operate with minimal human and physical resources at both national and district levels, creating persistent obstacles to planning, implementation, and monitoring. Most critically, the

reports acknowledged that the existing communication system could not reach all persons likely to be affected by a disaster (Wijedasa & Priyankara, 2025).

Taken together, this record does not permit definitive attribution of failure in any single moment during Cyclone Ditwah. What it does reveal is an institution that had long been allowed to function in a state of diminished capacity. In such circumstances, the gap between meteorological warning and protective action cannot be explained solely by timing, terminology, or forecasting uncertainty. Rather, it raises the deeper question of whether the Disaster Management Centre, as constituted at the time, was structurally capable of performing the role assigned to it by law. It is this question of institutional fitness, and its implications for governance accountability and public trust, that now demands closer scrutiny.

Reservoir Management and the Limits of Executive Prudence During Cyclone Ditwah

The question of reservoir management during Cyclone Ditwah remains one of the most contested aspects of the post-disaster discourse. It is necessary, at the outset, to proceed with analytical caution. At present, there is no publicly available, verified technical record conclusively establishing reservoir water levels, the precise timing of gate operations, or the decision-making rationale adopted by engineers at each major dam in the days preceding landfall. Accordingly, what follows is not a finding of fact, but an examination of responsibility on the assumption that the reservoirs were maintained at high capacity until emergency releases became unavoidable.

If that assumption is incorrect, the analysis must necessarily be revisited. If, however, it is correct, the implications for governance and public trust are profound.

Opposition Allegations and Parliamentary Contestation

In the immediate aftermath of the cyclone, the controversy relating to reservoir operations was already making rounds, and entered formal political discourse on the 01st of December 2025, when Samagi Jana Balawegaya MP Kabir Hashim raised concerns in Parliament (Marasinghe, 2025). He asserted that advance meteorological and hydrological warnings had been available, that established practice required gradual pre-emptive release of water when extreme rainfall was anticipated, and that a failure to do so resulted in abrupt spillway operations which intensified downstream flooding.

These claims were subsequently amplified in public discourse, including assertions that around 75% of deaths (Marasinghe, 2025) could have been prevented had reservoirs been managed differently. While such statements served an important political function by drawing attention to reservoir operations, their

quantitative conclusions cannot be accepted without technical corroboration. What they do establish, however, is that reservoir management became a legitimate subject of public and parliamentary concern precisely because it sits at the intersection of engineering discretion and executive responsibility.

Former Minister Udaya Gammanpila offered a different explanatory hypothesis, suggesting that officials may have been reluctant to authorise pre-releases due to fear of corruption allegations or disciplinary consequences (The Morning Telegraph Editor, 2025). This account, while anecdotal, highlights a systemic issue rather than an individual failure. If true, it suggests not incompetence but institutional risk aversion so severe that it inhibits the exercise of lawful discretion. Similar concerns were raised in a video of a meeting heavily circulated on social media where MP Dilith Jayaweera and MP Shanakiya Rasamanickam were present in the immediate aftermath of Cyclone Ditwah making landfall.

Technical Framework and Discretionary Authority

Sri Lanka's major reservoirs, particularly those within the Mahaweli system, operate within a tightly regulated yet inherently discretionary framework. Engineers are required to balance competing objectives of flood control, irrigation security, drinking water supply, and hydropower generation. Crucially, the regulatory framework does not impose rigid, automatic rules. It vests professional discretion in engineers precisely because reservoir management in extreme weather conditions cannot be reduced to mechanical compliance.

The Uncertainty Problem and International Practice

International hydrological practice recognises that pre-releasing water based on forecasts carries risk. Rainfall may not materialise as predicted, and premature releases can produce downstream water scarcity, agricultural loss, and reduced energy generation. For this reason, best practice does not demand reckless early drawdown. It demands proportionate, adaptive decision-making as forecast confidence increases (Becker et al, 2023).

By the final week of November, forecasts had escalated in both intensity and certainty. If, at that stage, no meaningful drawdown occurred, the issue would not be one of technical miscalculation but of excessive caution. Precaution, in such circumstances, does not require certainty. It requires reasonable anticipation of risk.

Assessing Responsibility Without Overreach

It must be emphasised that even if reservoirs had been partially drawn down in advance, the unprecedented rainfall associated with Cyclone Ditwah would almost certainly still have necessitated spillway operations. In fact, it has been further suggested that "reducing the

water levels of reservoirs before a severe flood event has no significant advantage" (Dissanayake, 2025). Therefore, claims that pre-releases would have eliminated flooding or prevented the majority of deaths cannot be sustained.

However, technical reasoning supports a more modest conclusion. If reservoirs were indeed full, and if no gradual pre-release occurred despite escalating warnings, then peak discharge rates downstream would likely have been higher than necessary, causing 'inland tsunamis' as some claimed. Reducing those peaks, even marginally, can translate into measurable differences in flood extent, flow velocity, and evacuation time. In practical terms, this could mean the difference between survival and death for communities in vulnerable riverine areas.

A cautious and defensible assessment is therefore this: had precautionary discretion been exercised optimally, the disaster would not have been averted, but its human cost may have been reduced. The margin is not hypothetical. It is measured in lives.

Governance Implications

Ultimately, the significance of this issue lies not in whether individual engineers made the correct call under pressure, but in whether the governance system empowered them to act without fear. If public officials believe that inaction is safer than reasoned action, the State has failed in its duty to design institutions that function under stress.

If it is established that reservoirs were kept full in the face of credible warnings, the failure is not one of engineering, but of governance. It reflects a system in which discretion exists in theory but is paralysed in practice. That paralysis, when it intersects with known risk, raises questions not only of administrative competence but of public trust.

The Doctrine of Fundamental Rights Violation Through Executive Inaction

The Supreme Court of Sri Lanka's 2023 judgment in the Easter Sunday cases (SCFR 163/2019 and connected applications) establishes a principle of direct relevance to any assessment of the State's response to Cyclone Ditwah. The Court affirmed, in unambiguous terms, that governmental inaction in the face of known and serious hazards, where such inaction is reckless or negligent, constitutes a violation of fundamental rights and gives rise to state liability under Article 126.

The Easter Sunday determination arose from twelve fundamental rights applications filed by victims, their families, and civil society actors, all of whom alleged that senior state officials had received advance intelligence of an imminent terrorist attack yet failed to take reasonable preventive measures. The evidentiary record before the Court demonstrated that Indian intelligence agencies had provided distinct and actionable warnings, including the identities of the perpetrators and the nature of the planned attacks, weeks before the bombings.

Despite this, Sri Lankan authorities failed to activate security mechanisms, coordinate responses, or take precautionary steps. The Court held that this omission amounted to negligence of the highest order.

The judgment was delivered by a seven judge bench and resulted in findings of fundamental rights violations against former President Maithripala Sirisena, former Defence Secretary Hemasiri Fernando, former Inspector General of Police Pujith Jayasundara, and former Director of the State Intelligence Service Nilantha Jayawardena. The Court concluded that their collective failure to act violated Article 12(1) of the Constitution, guaranteeing equal protection of the law, and Article 14(1)(e), protecting freedom of religion, on the basis that the State had failed in its positive duty to protect citizens from foreseeable harm.

The central holding of the Court is particularly instructive. It observed that the magnitude of the risk and the severity of the potential harm were such that any reasonable authority, placed in the position of the respondents, would have acted. The respondents did not. On that basis, the Court held that even when assessed through delictual principles infused into

Article 126 adjudication, the omissions of the respondents attracted liability for the infringement of fundamental rights. This reasoning is significant because it confirms that constitutional responsibility does not arise only from overt state action, but equally from culpable omissions where the State had knowledge, capacity, and a duty to act. The Supreme Court emphasised that "It is quite clear that the enormity of the risk was so great and the potential injury was so serious that a reasonable man placed in the position of the respondents whose omissions we have referred to above would have acted but the respondents did not. So even on the basis of delictual principles infusing Article 126 adjudication, the respondents we have alluded to become liable for infringement of the fundamental rights of the Petitioners."

In doing so, the Court articulated what may properly be understood as a doctrine of betrayal of public trust. The judgement stated that, "By putting the lives and liberty of common citizens at risk, the Respondents caused the possible collapse of public order and of the rule of law and it cannot be denied that it entailed the potential to destroy the faith of citizens in its state and erode its legitimacy."

This jurisprudence provides the doctrinal lens through which the State's response to Cyclone Ditwah must be examined. Where warnings exist, where risks are foreseeable, and where institutional mechanisms are available but not activated, the question ceases to be one of administrative efficiency. It becomes a question of constitutional accountability and the preservation of public trust in governance itself.

State Responsibility in the Face of Foreseeable Disaster

A Statutory Framework Without Operational Effect

Sri Lanka's disaster governance regime is anchored in the Disaster Management Act, previously discussed. On paper, the statute establishes a comprehensive and internally coherent framework intended to ensure preparedness, coordination, and accountability in the face of natural hazards. The Act provides for the creation of a multi-tiered institutional structure, assigns defined responsibilities across the state apparatus, and embeds mechanisms for compensation and remedial action.

At the apex of this structure sits the National Council for Disaster Management (NCDM), conceived as the principal inter-ministerial coordinating body. The Act mandates that the Council convene at least once every three months and entrusts it with responsibility for approving national policies, plans, and strategic responses to disasters.



Beneath this apex structure, the Act requires every ministry, government department, and public corporation to prepare sector-specific disaster management plans setting out their respective roles and responsibilities. The Disaster Management Centre (DMC) is designated as the national technical agency charged with implementing national plans, disseminating early warnings, and coordinating emergency response across institutions.

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The Normalisation of Statutory Inaction

As noted earlier in this analysis, the failure of the NCDM to function as a living institution has been a recurring feature of Sri Lanka's disaster governance landscape. A 2019 Verité Research case study identified two core failures in the operation of the NCDM. Those failures not only persisted but remained uncorrected at the time Cyclone Ditwah made landfall.

First, the Council failed to meet as required by law. The statutory obligation to convene quarterly was routinely ignored. Meetings, when they occurred, were often attended not by Cabinet Ministers with decision-making authority but by deputies and senior officials without the political mandate necessary for binding inter-ministerial coordination (Economics Research Team at Verité Research, 2019). This pattern continued uninterrupted for years.

Second, the Council systematically neglected its core responsibilities. The approval of national disaster

management policies and plans occurred years behind schedule. The Overall National Disaster Management Policy was finalised only in 2010, five years after the Act came into force. The National Disaster Management Plan followed in 2012 (Economics Research Team at Verité Research, 2019). Additionally, the National Emergency Operations Plan was adopted in 2017. However, more critically, by the time Cyclone Ditwah struck, the National Disaster Management Plan was said to have not been activated, despite its centrality to coordinated disaster response and despite the Act's clear expectation that such plans be activated (Samaraweera, 2025).

Institutional Paralysis and Its Human Consequences

The cumulative effect of these failures was institutional paralysis, which has been analysed in-depth in this article. Without approved national plans, sectoral disaster management plans remained largely declaratory documents rather than operational tools. Inter-agency coordination mechanisms existed in theory but were never activated in practice. Decision-making authority remained fragmented, reactive, and dependent on ad hoc executive intervention rather than structured institutional processes.

As the Verité Research study concluded, back in 2019, the failure of the NCDM offers a partial but compelling explanation for why disasters in Sri Lanka continue to be managed poorly, even when risks are known and recurring (Economics Research Team at Verité Research, 2019). Cyclone Ditwah did not expose a novel weakness in the disaster governance framework, carried forward by successive governments. It revealed the predictable consequences of a system in which the apex coordinating body had long ceased to function as the law intended.

Estuary Bottlenecks and the Amplification of Flood Risk

Estuaries are the points where rivers finally discharge into the sea. When these outlets are narrow or blocked, river water cannot drain efficiently. During periods of intense rainfall, this creates a bottleneck effect, forcing water to back up inland and significantly worsening floods (UNDRR & ISC, 2025).

Over time, many of Sri Lanka's estuaries have become narrower due to sediment buildup, unplanned urban development, and lack of regular maintenance. When extreme rainfall occurs, as it did during Cyclone Ditwah, these narrowed estuaries are unable to cope with the sudden surge of water, causing rivers to overflow far upstream from the coast.

This is not a speculative claim. A recent study on the Kalu Ganga estuary, one of the river systems severely affected during Cyclone Ditwah, shows how dramatically river mouths can change over time. In 2017, the river mouth had narrowed to less than 75 metres due to sediment accumulation. After major

monsoon flows in 2018, it widened temporarily to over 300 metres, only to narrow again in subsequent years. By 2024, the data showed continued narrowing, driven largely by sediment buildup and urban construction interfering with natural water and sand movement (Gamage & Kumara, 2025, 33).

The study's conclusion is straightforward. When sediments accumulate at the river mouth and natural coastal processes are disrupted by development, the river's ability to drain is reduced. This increases flood risk upstream and worsens damage during extreme weather events.

As far back as 2009, a comprehensive disaster management study conducted with Japanese assistance identified estuary maintenance as a priority flood-prevention measure. That study specifically recommended dredging river mouths to prevent closure and maintain drainage capacity. Yet, by 2025, most of these recommendations remain unimplemented (JICA, 2009). There is no consistent national programme for estuary maintenance. River mouths continue to narrow during dry seasons, only to become critical choke points when heavy rains arrive.

Institutional Delay in the Face of Known Landslide Risk

The concern raised regarding the absence of effective landslide prevention infrastructure, including stabilisation fencing and slope protection measures, is not speculative. It is firmly supported by the State's own planning documents and implementation records. Since 2019, the National Building Research Organisation (NBRO) has been implementing a major internationally funded initiative titled the Reduction of Landslide Vulnerability by Mitigation Measures Project (RLVMMMP). The project was designed as a comprehensive response to Sri Lanka's recurring landslide risk and includes the construction of retaining walls, slope anchoring systems, bioengineering measures such as coir mesh and stabilising vegetation, improved surface and sub-surface drainage to reduce water pressure in hillslopes, and physical stabilisation measures such as rock nailing and protective fencing.

Despite the scale and importance of this intervention, the project has suffered from severe and prolonged implementation delays. An Asian Infrastructure Investment Bank monitoring report published in January 2024 paints a troubling picture. By that point, less than half of the planned construction packages had even been awarded, and only a small fraction had been fully completed. Financial progress was equally slow. Of a total project allocation exceeding one hundred million US dollars, barely one-fifth had been disbursed after nearly five years of implementation. The report further notes that procurement processes moved at an exceptionally slow pace, with nearly half of the project components either unawarded or stuck in preliminary procurement stages. These delays were attributed to a combination of factors, including the aftermath of the Easter Sunday attacks, disruptions

caused by the COVID-19 pandemic, and the broader economic and political instability that gripped the country between 2022 and 2023 (Asian Infrastructure Investment Bank, 2024).

The practical consequence of this institutional inertia became tragically clear during Cyclone Ditwah. The RLVMMMP had originally identified 147 high-risk landslide sites for mitigation by 2025, many of them located in the central highlands. Yet, as of 2024, only a limited number of sites had active mitigation works underway, while dozens remained in various stages of administrative limbo. As a result, by the time Cyclone Ditwah made landfall and delivered prolonged, intense rainfall, a significant number of known high-risk slopes remained entirely untreated.

Cyclone Ditwah triggered approximately 1,200 landslides across the country. The resulting fatalities, numbering between 458 and 471, were concentrated in districts such as Kandy, Badulla, Ratnapura, and Kurunegala, precisely the regions that NBRO had long identified as highly vulnerable.

The problem was compounded by serious deficiencies in NBRO's early warning systems. A National Audit Office review revealed that more than half of priority landslide zones had not yet been mapped at the detailed scale required for precise risk assessment. Without such mapping, warnings could not be issued with sufficient geographic accuracy. At the same time, a large portion of the automated rain gauge network in landslide-prone areas was either inactive or unrepaired, significantly reducing the organisation's ability to monitor rainfall thresholds in real time (Mudugamuwa, 2025).

Taken together, these failures reveal a systemic breakdown rather than an isolated lapse. Landslide risk was known. Sites were identified. Funding was secured. Yet implementation lagged behind the pace of the hazard. What was required was not further policy formulation but decisive execution.

The Missed Window Between Warning and Impact

Once the heightened red alerts were in place by 23 November, the relevant question is not whether Cyclone Ditwah could have been prevented, but whether the State used the four-to-five-day window before landfall to reduce foreseeable harm. Even allowing for uncertainty in forecasts, a number of preparatory measures were available within existing legal, institutional, and operational capacities.

At the level of physical and engineering interventions, limited but meaningful steps could have been taken. Temporary estuary clearing and dredging operations could have been mobilised within 24 to 48 hours in key river mouths such as the Kelani and Maha Oya, where sediment accumulation is a known constraint on flood outflow. Similarly, a cautious and coordinated pre-

cyclone drawdown of major reservoirs in the Mahaweli system could have been initiated between 23 and 27 November. Even if such drawdown would not have obviated the need for spillway operation, it would likely have moderated peak discharge rates and reduced downstream flood intensity. Emergency reinforcement of critical flood bunds in especially vulnerable urban areas could also have provided limited, localised protection.

More significant gains could have been achieved through timely evacuation and preparedness measures. With NBRO hazard zoning already in place, mandatory evacuation orders could have been issued for households in identified landslide-prone slopes in the central highlands and for residents of chronically flood-prone low-lying areas in the Western Province and along major riverbanks. Parallel to evacuation, rescue and relief resources could have been pre-positioned in vulnerable districts, with armed forces personnel, boats, and air assets deployed before the onset of peak rainfall, rather than after casualties had already started to occur.

At the institutional level, the most consequential omission was the failure to activate the disaster governance framework in time. Mandatory sectoral responsibilities should have been triggered and strengthened legal authority for pre-emptive action, and further clarified lines of command. District and divisional disaster management units could then have

been formally activated, with Divisional Secretaries instructed to identify at-risk populations using existing hazard data and to coordinate evacuations and relief planning. In this regard, the claim that 'Sri Lanka does not have an elaborate evacuation mechanism that can shift hundreds of thousands of people at short notice' (Marar, 2025), is quite inaccurate. There is strong evidence that with prior knowledge, Sri Lanka has done evacuations on such a scale which is exemplified by the evacuation programme when Cyclone Burevi was making landfall (Al Jazeera, 2020).

None of these measures would have prevented Cyclone Ditwah or eliminated loss entirely. However, taken together, they represent a set of precautionary actions that were legally permissible, operationally feasible, and proportionate to the warnings received.

Citizen Compliance with Disaster Directives

Any serious assessment of Cyclone Ditwah must also confront the role of community response and citizen compliance with disaster directives. Disaster risk reduction does not operate solely through state action. It depends equally on how individuals and communities respond to warnings, evacuation orders, and preparedness guidance (Weerasinghe, 2025). Where evacuation directives are ignored or delayed, even the most robust institutional response will have limited effect.



That said, compliance cannot be assessed in the abstract. The willingness and ability of citizens to act on evacuation orders are shaped by trust, economic realities, and the accessibility of information.

A central factor is public confidence in disaster warnings. In Sri Lanka, repeated experiences of warnings that did not culminate in disaster, uneven relief delivery, and weak follow-through by local authorities have understandably fostered skepticism. This context does not absolve citizens of responsibility, but it explains why compliance is often hesitant rather than defiant.

Economic vulnerability also plays a decisive role. For many households, evacuation carries immediate and tangible costs. Leaving one's home exposes property to theft, interrupts livelihoods, and creates uncertainty about compensation or support. In the absence of clear assurances, evacuation may be perceived not as a temporary safety measure but as an uncompensated economic loss.

Information gaps further complicate compliance. Effective evacuation depends on timely, clear, and intelligible communication reaching every affected community. During Cyclone Ditwah, warning dissemination did not consistently penetrate to all levels. As previously highlighted, communications in Tamil language were also limited contributing to this factor (Weerasinghe & Rubatheesan, 2025).

None of this diminishes the responsibility of citizens. In future disasters, communities themselves must play a more active role in preparedness and response. Disaster readiness cannot remain a purely top-down function. Equally, citizens must recognise that evacuation orders are not issued lightly. When such directives are based on converging indicators, the rational response is compliance, even at economic inconvenience. In those circumstances, the cost of evacuation is outweighed by the risk to life, and delayed action transforms a manageable emergency into a fatal one.

Judicial Accountability for Systemic Governance Failure

Institutional Reform Through Litigation

In recent years, the Supreme Court of Sri Lanka has demonstrated a clear willingness to move beyond declaratory relief and monetary compensation, and to exercise its just and equitable jurisdiction under Article 126(4) to order structural and institutional reforms aimed at preventing recurrence of large-scale harm. This emerging jurisprudence is directly relevant to the governance failures exposed by Cyclone Ditwah. Two recent decisions are particularly instructive.

The first is the X-Press Pearl maritime disaster litigation. In its judgment of 24 July 2025, in SC/FR 168/21, 176/21, 184/21 and 277/21, the Court recognised that the failure

of public authorities to take timely preventive action in the face of an escalating maritime emergency constituted a violation of the fundamental rights of the people of Sri Lanka. The Court went beyond compensation and ordered the establishment of institutional mechanisms, including an independent compensation commission, namely MV X-Press Pearl Compensation Commission, and accountability processes to examine official negligence under a committee named 'MV X-Press Pearl Marine and Coastal Environment Restoration and Protection Committee'. The judgment explicitly linked environmental catastrophe, executive inaction, and constitutional responsibility.

The second is the Easter Sunday fundamental rights judgment in SC/FR 163/19 and other connected matters delivered on 12th December 2023. There, the Court held that governmental inaction in the face of known and credible intelligence warnings amounted to reckless disregard of citizen safety and violated Articles 12(1) and 14(1)(e). Crucially, the Court imposed personal liability on senior state officials, ordered the creation of a Victims Fund at the Office for Reparations, and retained continuing jurisdiction by requiring periodic progress reports.

From Retrospective Blame to Prospective Reform

Accordingly, any public interest litigation arising from Cyclone Ditwah would not require the Supreme Court to determine individual fault in the abstract. Rather, consistent with its recent jurisprudence, the Court may find it necessary to consider whether the existing disaster governance framework was constitutionally capable of responding to a known and escalating risk. One matter that may warrant examination is whether the State's decision-making structures functioned as intended during the critical pre-landfall period. This includes whether meteorological and hydrological warnings were meaningfully escalated to forums with authority to act, whether such forums were convened, and whether available statutory powers were consciously exercised or left dormant.

A further issue that may arise is whether discretionary powers vested in technical and administrative officers were effectively constrained by institutional fear, excessive centralisation, or post hoc accountability anxieties, thereby discouraging timely preventive action. Such conditions, if established, would speak not to individual negligence but to systemic governance failure.

Post-disaster reconstruction mechanisms may likewise fall within the Court's purview, particularly the establishment and operation of the Rebuilding Sri Lanka Fund, given the concern of financial experts and the opposition (Mudugamuwa, 2025). The Court may consider whether such a fund is governed by adequate standards of transparency, parliamentary oversight, and equality, and whether it operates consistently with,

or in substitution of, statutory compensation frameworks under the Disaster Management Act. Experience from prior disasters demonstrates that the constitutional risks associated with emergency funds arise not from their existence, but from the absence of structured accountability.

Finally, the Court may consider whether limited continuing jurisdiction is necessary to ensure that commitments made in the aftermath of Cyclone Ditwah translate into institutional reform rather than episodic response. As in earlier cases, such oversight would not displace executive authority, but would serve to clarify constitutional expectations in the face of foreseeable natural hazards.

Viewed in this light, recourse to public interest litigation need not be understood as adversarial to the executive or legislature. Properly framed, it may assist all branches of government by providing authoritative guidance on the minimum constitutional standards governing disaster preparedness, response, and recovery.

Conclusion

Cyclone Ditwah's toll of 618 deaths and nearly two million people being affected constitutes a human catastrophe produced by two intersecting failures. The first was the extraordinary hydrological magnitude of the event. That lay beyond human control. The second was the failure of the State to act on clear and escalating warning, and as observed in this article, it did not lay beyond human control.

The restoration of public trust in governance, a trust fundamentally shaken by Cyclone Ditwah, turns on whether the State recognises this distinction. It requires an acknowledgment that timely governmental action would have reduced foreseeable harm. It requires a commitment to institutional reform so that future warnings trigger protective action rather than administrative inertia. And it requires a willingness to submit those commitments to judicial scrutiny, so that reform is not rhetorical but structural.

The role of the responsible citizen is to insist upon that accountability. This is not a question of opposition politics, partisan rivalry, or retrospective blame. It is a matter of constitutional principle. The State exists to protect its people from foreseeable hazards and mitigate the effects of unforeseeable hazards. That protective obligation must be discharged through functioning and accountable institutions. Where it is not, the Courts exist to enforce those constitutional duties. Cyclone Ditwah was not inevitable. Nor were many of the deaths it caused. They were the product of a sequence of governance choices: to allow coordination mechanisms to lie dormant, to permit technical agencies to erode in capacity, to fail to activate

available legal frameworks, and to preserve administrative rigidities even as danger became imminent.

As important as it is, the true measure of Sri Lanka's response to Cyclone Ditwah will not be found in the immediate humanitarian assistance that has been provided and definitely not in politicising the issue. It will be found in whether the disaster becomes the catalyst for fundamental institutional reform or another moment soon forgotten when the emergency passes and governance reverts to normalcy. History demonstrates that without sustained pressure from informed citizens and judicial oversight, institutional reform rarely occurs voluntarily. But what is no longer open to dispute is that failure to make these reforms would amount to a repeated betrayal of the most basic duty owed by successive governments to those they govern, which is the duty to protect life from known and foreseeable harm.

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