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STP Report >>>

The Vanni – Civilian Land under Military Occupation

DISPLACEMENT, RESETTLEMENT, PROTESTS

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INDEX OF ABBREVIATIONS

| | |
|----------|---|
| ACPR | Adayaalam Centre for Policy Research |
| CAT | Committee against Torture |
| CPA | Centre for Policy Alternatives |
| CSD | Civil Security Department |
| CTF | Consultation Task Force on Reconciliation Mechanisms |
| ENC | Eastern Naval Command (Sri Lanka Navy) |
| EUR | Euro |
| GoSL | Government of Sri Lanka |
| HRCSL | Human Rights Commission of Sri Lanka |
| ICRC | International Committee of the Red Cross |
| IDMC | Internal Displacement Monitoring Centre |
| IDP | Internally Displaced People |
| LAA | Land Acquisition Act |
| LKR | Sri Lankan Rupee |
| LTTE | Liberation Tigers of Tamil Eelam |
| MoD | Ministry of Defence |
| NAFSO | National Fisheries Solidarity Movement |
| NGO | Non-Governmental Organization |
| NCNC | North Central Naval Command (Sri Lanka Navy) |
| NNC | Northern Naval Command (Sri Lanka Navy) |
| NWNC | North Western Naval Command (Sri Lanka Navy) |
| NZC | Northern Zonal Command (Sri Lanka Air Force) |
| OHCHR | Office of the United Nations High Commissioner for Human Rights |
| OISL | Report of the OHCHR Investigation on Sri Lanka |
| PEARL | People for Equality and Relief in Lanka |
| RTI | Right to Information |
| SFHQ | Security Force Headquarters |
| SFHQ-KLN | Security Force Headquarters Kilinochchi |
| SFHQ-MLT | Security Force Headquarters Mullaittivu |
| SFHQ-W | Security Force Headquarters Wannai |
| SLA | Sri Lankan Army |
| SLAF | Sri Lankan Air Force |
| SLN | Sri Lankan Navy |
| STP | Society for Threatened Peoples |
| UN | United Nations |
| UNHRC | United Nations Human Rights Council |
| UNHCHR | United Nations High Commissioner for Human Rights |

EXECUTIVE SUMMARY

Sri Lanka has experienced a bitter 26-year-long civil war. The struggle for a separate Tamil state in the north and east of the island was brutally defeated in 2009 by Sri Lankan government forces. Tens of thousands of people died, while hundreds of thousands were displaced as a result of the war. Both sides are alleged to have committed crimes against humanity and war crimes. In January 2015, the incumbent President, Mahinda Rajapaksa, who led the country in an authoritarian direction with an alarming human rights situation, lost the election to Maithripala Sirisena. The new presidency broke with the previous government's authoritarian and repressive practices. However, it has not significantly ameliorated the human rights situation. The torture and ill-treatment of detainees, arbitrary arrest and detention, and the surveillance and harassment of civil society and journalists are still common in Sri Lanka. Furthermore, ethnic and religious minorities in Sri Lanka continue to experience discrimination.

After the end of the war, the Government of Sri Lanka (GoSL) started to resettle displaced people. The resettlement process, even though the war has ended nine years ago, is still not finished. A significant number of people remains unable to access their traditional land because the military continues to occupy vast stretches of land under the pretext of national security. The limited changes brought in by the new government has prompted an increase in protests over military-occupied land. During 2017, several communities organized continuous roadside protests, firmly demanding their land back. While a few were at least partially successful, others were placated with promises from various government officials, which were subsequently not kept. In this report, the Society for Threatened Peoples (STP) and the National Fisheries Solidarity Movement (NAFSO) review the situation in the Vanni, which includes the Northern Province of Sri Lanka without the Jaffna Peninsula. The report focuses on six communities (Iranaitivu, Mullivaikkal, Iranapalai, Keppapulavu, Mullikulam and Pallimunai) whose land is still occupied, and two communities (Pilakudiyiruppu and Puthukkudiyiruppu) whose land was recently released. The aim is to offer a local perspective on the social costs of long-term displacement and the largely unabated military presence.

Since the end of the war, the security forces have been acquiring land without following any official procedures. As a consequence, the military is not only repressing fundamental freedoms, such as the freedom of movement, as people are not allowed to enter the occupied areas, but also arbitrarily depriving or restricting people of their traditional livelihood. Before being displaced, it was their access to land and water that provided local communities with diversified and sustainable sources of income and in turn economic security. The military

occupation of their traditional land has denied them access to both for several years, making them dependent on the support of relatives and work with irregular wages. As a result, many, especially female-headed, households are currently struggling to meet their basic needs. In the occupied land, meanwhile, the military not only maintains its camps, it also runs businesses, such as resorts, restaurants and farms. These economic activities deviate far from the military's actual ambit and pressure the local communities even further by taking away market shares and, therefore, work and livelihood opportunities.

To three of the visited displaced communities, the government provided a housing scheme in an alternative area as part of the resettlement process. However, this does not entail that the given houses and associated lands are adequate compensation for the lost properties. The quality of those houses is often poor. In most resettlement areas, there is not enough water to engage in agriculture, while fishers have trouble reaching the fishing grounds. Moreover, the loss of a plot of land, cultivated for generations, not only threatens the perspectives for a self-determined life without hunger, but also deprives people of their cultural roots and social networks. Hence, the displacement goes far beyond economic hardships, leading to emotional and social effects that place a heavy toll on the lives of the displaced.

The return of the people to their traditional land is generally viewed as a possible means to escape from poverty, as it offers the opportunity to re-establish their traditional livelihood. Yet, the visited resettled communities that saw the return of their traditional land encounter difficulties in resettling in their place of origin due to poor and inadequate basic facilities. As many houses and most of the infrastructure were either damaged or destroyed by bomb attacks during the war, or later on by the military, going back entails settling in makeshift shelters or damaged houses in overgrown villages with hardly any support or acknowledgement from the government.

Three years into Sirisena's presidency, there is a significant gap between the government's rhetoric on transnational justice and the current realities on the ground. The research findings of this report indicate that the rights of a significant part of the population continue to be violated due to occupations of civilian land by the military. The STP and NAFSO recommend that the GoSL ensures land rights for all displaced people by releasing all military-occupied areas to the public and resettling all displaced families on their traditional land. Families have to be consulted in the resettlement process and provided with sufficient basic facilities, such as drinking water, electricity and sanitary facilities, and access to essential health services and education. Furthermore, the STP and NAFSO urge the GoSL to immediately demilitarize the Vanni by reducing the military presence, as well as ordering the military to cease all of its commercial activities.

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GENERAL HUMAN RIGHTS SITUATION IN SRI LANKA

Sri Lanka has always been a multi-ethnic and multi-religious island. The Buddhist Sinhalese represent the largest population group, while the largest ethnic minority comprises Hindu Tamils, followed by Muslims. There are also numerous, well-organized Christian communities.¹ Despite Sri Lanka's long history of ethnic and religious diversity, the post-independence political leadership failed to agree on a political system that would grant citizens of all ethnicities equal access to resources and protection by the state.² Discriminatory policies and state-sanctioned violence against minority groups eventually fuelled aspirations for an independent Tamil state.³ After a series of violent anti-Tamil riots, the liberation movement, which came to be headed by the Liberation Tigers of Tamil Eelam (LTTE), escalated into a 26-year-long, full-scale secessionist war in 1983. During the civil war, the LTTE was able to gain control of some territories in the north and east of Sri Lanka.⁴ In May 2009, after nearly three decades of hostilities, the Sri Lankan civil war was finally declared over, with the Sri Lankan military recapturing all LTTE-controlled territories in a brutal military campaign.⁵

1 According to the latest official census of 2012, the population comprised more than 20 million people, of which 74.9% were Sinhalese, 11.2% were Sri Lanka Tamils, 4.3% were Indian Tamils and 9.2% were Moors or Muslims. In 2012, religious affiliation was as follows: 70.2% Buddhist, 12.6% Hindu, 9.7% Muslim and 7.4% Christian; cf. <http://www.statistics.gov.lk/PopHouSat/CPH2011/index.php?file-Name=pop42&gp=Activities&tpl=3> (accessed on 07.12.2017) and <http://www.statistics.gov.lk/PopHouSat/CPH2011/index.php?file-Name=pop43&gp=Activities&tpl=3ties&tpl=3> (07.12.2017).

2 Cf. Keenan, Alan 2010: *Building the Conflict Back Better*. In: Dennis B. McGilvray and Michele R. Gamburd (eds.): *Tsunami Recovery in Sri Lanka. Ethnic and Regional Dimensions*. New York: Routledge.

3 Cf. Thurnheer, Katharina 2014: *Life Beyond Survival: Social Forms of Coping After the Tsunami in War*. Bielefeld: Transcript.

4 Cf. Oakland Institute (OI) 2015: *The Long Shadow of War. The Struggle for Justice in Postwar Sri Lanka*.

5 Cf. <http://www.nytimes.com/2009/05/18/world/asia/18lanka.html> (10.01.2018).

1.1. DEVASTATING LEGACY OF WAR

The human suffering caused by the conflict has been enormous. Although the violence ostensibly played out between government troops and the LTTE, the majority of those killed or injured were civilians caught between the front-lines. As a United Nations (UN) estimate indicates, there were around 40,000 civilian casualties during the last stages of hostilities alone.⁶ According to the report by the Office of the UN High Commissioner for Human Rights (OHCHR) from 2015, both sides committed acts on a systemic basis, which could, if established by a court of law, constitute war crimes and crimes against humanity.⁷

The government of then President Mahinda Rajapaksa portrayed the end of the war as victory over terrorism, denying that its forces had killed any civilians.⁸ The international community was subsequently banned from entering Sri Lanka in order to investigate the final days of the war.⁹ Violence remained deeply embedded in the everyday practices of the state with torture and brutality as basic activities of the security forces and political authorities in the years subsequent to the end of the war. Following her visit in August 2013, then High Commissioner for Human Rights, Navi Pillay, described the country as showing “signs of heading in an increasingly authoritarian direction” with an alarming human rights situation.¹⁰ Several reports of non-governmental organizations (NGOs) documented cases of enforced disappearances, harassment, intimidation, police brutality, extrajudicial executions, sexual violence and torture in detention.¹¹

6 Cf. United Nations (UN) 2014: Report of the Secretary-General’s Internal Review Panel on United Nations Action in Sri Lanka.

7 Cf. Human Rights Council (HRC) 2015: Report of the OHCHR Investigation on Sri Lanka (OISL).

8 Cf. *ibid.*

9 Cf. International Crisis Group (ICG) 2017: Sri Lanka’s Conflict-Affected Women: Dealing with the Legacy of War.

10 Cf. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13673> (11.12.2017).

11 Cf. ICG 2012: Sri Lanka’s Authoritarian Turn: The Need for International Action/Human Rights Watch (HRW) 2013: “We Will Teach You a Lesson”. Sexual Violence Against Tamils by Sri Lankan Security Forces/Amnesty International (AI) 2012: Locked Away. Sri Lanka’s Security Detainees/AI 2014: Sri Lanka. Submission to the United Nations Human Rights Committee.

1.2. NEW GOVERNMENT – A CRITICAL HUMAN RIGHTS SITUATION REMAINS

After nine years of rule, in January 2015, the incumbent President, Mahinda Rajapaksa, was unexpectedly defeated in the presidential election by his former ally, Maithripala Sirisena.¹² Hopes for positive change were running high, as the new governing coalition promised to abolish the executive presidency, respect human rights and tackle corruption.¹³ The government started to engage with UN bodies and even co-sponsored, in September 2015, Resolution 30/1 at the UN Human Rights Council (UNHRC). The resolution for promoting reconciliation, accountability and human rights in Sri Lanka calls, among other outcomes, for the country's demilitarization, the return of land to internally displaced persons (IDPs) and a credible accountability process.¹⁴ However, progress on all aspects of the resolution has been painfully slow.¹⁵

Reports released by the UN and NGOs in 2017 point to persistent grave violations and human rights abuses.¹⁶ The documents include cases of torture and the ill-treatment of detainees, arbitrary arrests and detention, the failure to investigate and prosecute atrocities by the security forces, and the surveillance and harassment of civil society, journalists, regime critics and suspected LTTE sympathizers. Furthermore, minority groups also continue to experience discrimination, while religious minorities are subjected to violations of religious freedom.¹⁷ Muslims and Christians in particular are repeatedly harassed by the police, politicians and individuals.¹⁸ Nonetheless, in most cases the local authorities fail to take action.¹⁹ Similarly, the LGBTIQ+²⁰-community also continues to face abuses, including arbitrary detention, mistreatment, and discrimination in accessing employment, housing and healthcare.²¹

12 Cf. <http://www.atimes.com/article/silenced-stones-mark-hard-path-sri-lankan-reconciliation/> (11.12.2017).

13 Cf. Seibert, Thomas 2017: Neubeginn zurück auf Start: Sri Lankas gewaltfreier Revolution droht der Abbruch. In: iz3w 361(4)/<http://www.atimes.com/article/silenced-stones-mark-hard-path-sri-lankan-reconciliation/> (11.12.2017).

14 HRC 2015: Resolution Adopted by the Human Rights Council on 1 October 2015. 30/1. Promoting Reconciliation, Accountability and Human Rights in Sri Lanka.

15 Cf. HRC 2017: Report of the Office of the United Nations High Commissioner for Human Rights on Sri Lanka.

16 Cf. *ibid.*/HRC 2017: Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on His Mission to Sri Lanka/HRC 2017: Report of the Special Rapporteur on the Independence of Judges and Lawyers, on Her Mission to Sri Lanka/HRC 2017: Report of the Special Rapporteur on Minority Issues, on Her Mission to Sri Lanka/Committee Against Torture (CAT) 2017: Concluding Observations on the Fifth Periodic Report of Sri Lanka/The International Truth & Justice Project Sri Lanka (ITJPSL) 2017: Unstopped: 2016/17 Torture in Sri Lanka/ICG 2017: Sri Lanka's Conflict-Affected Women: Dealing with the Legacy of War.

17 Cf. HRC 2017: Report of the Special Rapporteur on Minority Issues, on Her Mission to Sri Lanka/<http://minorityrights.org/2017/06/22/intimidation-lakshan-dias-serious-threat-freedom-expression-sri-lanka-raises-severe-concerns-treatment-countrys-religious-minorities-mrg/> (12.12.2017).

18 Cf. <https://thediomat.com/2017/06/mounting-religious-violence-in-sri-lanka/> (12.12.2017).

19 Cf. <http://groundviews.org/2017/05/22/escalating-violence-renewed-assaults-on-the-muslim-community/> (12.12.2017).

20 LGBTIQ stands for lesbian, gay, bisexual, transgender, intersex, queer or questioning. The "plus sign" has an expansive meaning, which is used as an inclusive way to represent different identities and experiences.

21 Cf. <https://www.hrw.org/news/2017/06/23/human-rights-watch-country-profiles-sexual-orientation-and-gender-identity> (12.12.2017).

Tamils are subjected to systematic discrimination in university education and government employment.²² Furthermore, in Tamil-dominated areas, most police officers are Sinhalese who struggle to communicate in Tamil, which makes it difficult for Tamil-speaking people to file a complaint.²³ There is also evidence that the government continues to help Sinhalese families to migrate to traditionally Tamil areas.²⁴ The so-called “Sinhalization” of the north and east of the island has the apparent objective of bringing about a demographic change in favour of the Sinhalese majority.²⁵ Furthermore, even though the war ended nine years ago, many Tamils still cannot return to their traditional land.²⁶ Throughout 2017, several communities organized continuous road-side protests, demanding their lands back. While some of them were at least partially successful, others are still waiting for action. The aim of this report is to analyse the current situation concerning the military occupation of land in the Vanni and its impact on local communities.

22 Cf. United States Department of State 2016: Sri Lanka 2015 Human Rights Record.

23 Cf. <https://www.economist.com/news/asia/21717987-monoglot-officials-are-impeding-post-war-reconciliation-linguistic-stights-spur-ethnic-division> (04.01.2018).

24 Cf. United States Department of State 2016: Sri Lanka 2015 Human Rights Record.

25 Cf. ICG 2012: Sri Lanka's North I: The Denial of Minority Rights.

26 Cf. Adayaalam Centre for Policy Research (ACPR) and People for Equality and Relief in Lanka (PEARL) 2017: Normalising the Abnormal: The Militarisation of Mullaitivu District/OI 2017: Justice Denied: A Reality Check on Resettlement, Demilitarization, and Reconciliation in Sri Lanka.

OBJECTIVES AND METHODS OF THE REPORT


2.1. REVIEWING THE VANNI

In October 2016, the STP published the report “Under the Military’s Shadow”.²⁷ The report and its findings provide strong evidence of the ongoing militarization of Sri Lanka’s Jaffna Peninsula, despite the change in government in January 2015. Investigations of this inflated military presence within the Sri Lankan post-war context revealed human rights violations. While the study of 2016 addresses the negative social, economic and political impacts of military-occupied land in the Jaffna District, other regions in the north and east have been affected by land occupations. In turn, various communities have lost access to their homes and traditional livelihood. Their protests highlight this issue. In light of the major challenges that displaced people face, the STP believes that land issues in post-war Sri Lanka require additional investigation, especially in the former LTTE stronghold known as the Vanni. The final offensives of the armed conflict, which played out in the north-eastern Vanni, resulted not only in the killing of tens of thousands of civilians, but led also to widespread destruction and the displacement of almost the entire population living there.

27 Cf. Society for Threatened Peoples (STP) 2016: Under the Military’s Shadow. Local Communities and Militarization on the Jaffna Peninsula.

SRI LANKA



 Northern Province

 Vanni

2.2 OBJECTIVES OF THE REPORT

There is still little field research about the realities on the ground in the Vanni. Against this backdrop, the present report is intended to contribute toward filling this gap. By tracking issues related to land and displacement in different villages throughout this region, this analysis aspires to offer a local perspective on the social costs of the ongoing displacement and militarization. In doing so, it goes hand in hand with an advocacy approach. It includes determining which promises made by the government are still unmet and outlining the necessary actions in order to restore a dignified life.

2.3. METHODOLOGY

The present report follows a qualitative research approach; while making no claim for completeness, it focuses on specific examples and places, prioritizing the experiences of local people. The included statements are based on both desk research and fieldwork in the Vanni.

The following indicators were investigated:

- Land occupations by security forces, including the reasons for annexation, the nature of the land under occupation, the current process of land releases and promises made by the government
- The living conditions of displaced or resettled families
- The economic and social impacts of the militarization on the local communities

The field study was coordinated and carried out by our Sri Lankan partner organization the NAFSO, while the desk research was carried out by the STP. The competent multi-ethnic NAFSO research team conducted interviews using open-ended questions with displaced and resettled people, fishers and farmers, representatives of local authorities, government officials, community leaders and clergy. The research team visited six communities (Iranaitivu, Mullivaikkal, Iranapalai, Keppapulavu, Mullikulam and Pallimunai West) whose land is still occupied, and two communities (Pilakudiyiruppu and Puthukkudiyiruppu) whose land was recently released. Building on these visits, the report discusses the living situation for people displaced from their traditional land, as well as that of people who have recently returned to it. For fear of reprisals, many of the interviewees preferred to remain anonymous, but gave permission to use their statements. The STP has, therefore, withheld names and any identifying information in order to protect informants' privacy and security.

2.4. HUMAN RIGHTS FRAMEWORK

The report addresses the land issues and the ongoing militarization in the Vanni from a human rights perspective. Human rights are inherent to every human, inalienable and universal. Sri Lanka is encouraged to respect the Universal Declaration of Human Rights of 1948²⁸ and has ratified the UN human rights conventions listed below. The obligations that Sri Lanka has agreed upon by ratifying the listed conventions serve as a reference for holding the government accountable in terms of respecting and protecting the rights of individuals. The STP attempts to identify human rights abuses, which, as research findings suggest, occur in the investigated area on a regular basis.

Sri Lanka ratified the following conventions:

- International Covenant on Economic, Social and Cultural Rights²⁹
- International Covenant on Civil and Political Rights³⁰
- Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment³¹
- Convention on the Elimination of All Forms of Discrimination Against Women³²
- International Convention on the Elimination of All Forms of Racial Discrimination³³
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families³⁴
- Convention on the Rights of the Child³⁵
- Convention on the Rights of Persons with Disabilities³⁶
- Convention for the Protection of All Persons from Enforced Disappearance³⁷

28 Cf. Universal Declaration of Human Rights.

29 Cf. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx> (10.01.2018).

30 Cf. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx> (10.01.2018).

31 Cf. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx> (10.01.2018).

32 Cf. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx> (10.01.2018).

33 Cf. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx> (10.01.2018).

34 Cf. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx> (10.01.2018).

35 Cf. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx> (10.01.2018).

36 Cf. <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx> (10.01.2018).

37 Cf. <http://www.ohchr.org/EN/HRBodies/CED/Pages/ConventionCED.aspx> (10.01.2018).

LAND RIGHTS IN SRI LANKA

In addition to the ratified UN human rights conventions, Sri Lanka enacted a complex legal and policy framework for the ownership, control and use of land, covering both state and private land.³⁸ The STP also addresses current land issues within the national legal and policy framework, questioning current practices of land allocation in the name of national security.

3.1. STATE AND PRIVATE LAND

Most land in Sri Lanka is owned by the state and continues to be in the possession of the central government.³⁹ However, state land is given for use by individuals and families through a system of permits and grants, as provided for by the Land Development Ordinance of 1935 and the State Lands Ordinance of 1947.⁴⁰ A permit holder has the right to use a particular piece of land for agricultural and residential purposes and may later apply to convert the permit to a grant, which gives legal ownership of the land. In contrast to state land, private land is solely owned by individuals or private entities, with the ownership of such lands generally transferred through deeds.⁴¹

3.1.1. Acquisition of Private Land

The continuing occupation of lands by the military ultimately demonstrates contempt for the existing legal framework and the rights of the citizens.⁴² The scale and nature of acquisitions and the expropriation of state and

38 Cf. Centre for Policy Alternatives (CPA) 2014: Legal and Policy Implications of Recent Land Acquisitions, Evictions and Related Issues in Sri Lanka.

39 Cf. Lindberg, Jonas and Dhammika Herath 2016: Land and Grievances in Post-Conflict Sri Lanka: Exploring the Role of Corruption Complaints. In: Jonas Lindberg and Camilla Orjuela (eds.): Corruption in the Aftermath of War. New York: Routledge.

40 Cf. <http://www.landmin.gov.lk/web/?p=landacts> (11.01.2018).

41 Cf. CPA 2014: Legal and Policy Implications of Recent Land Acquisitions, Evictions and Related Issues in Sri Lanka.

42 Cf. Fonseka, Bhavani 2017: Land Rights and Reparations in Sri Lanka: Influencing the Reform Agenda. In: Law and Society Trust (LST) Review 27(342). The Law and Politics of Land.

private land by the security forces beg the question as to whether these may, in some few cases, be couched within the legal framework or, in most other cases, in complete violation of it, thus representing a direct violation of people's socio-economic rights.⁴³ The main piece of legislation governing land acquisitions of private land is the Land Acquisition Act (LAA) of 1950. The LAA allows the government to take on land for a "public purpose".⁴⁴ While it is stated that land appropriation should benefit the community as a whole, the definition does not explain what public purpose entails.⁴⁵ Thus, the gazettes in practice indicate acquisitions for a range of purposes, including military, tourism and development, raising questions as to whom will profit from it, if the former owners continue to be excluded from their traditional land rights.⁴⁶

3.1.2. Acquisition of State Land

Similarly, state-owned land is not vacant, unused land, which is automatically available for the military to take.⁴⁷ A blatant disregard of the permit and grant rights when taking over land is as illegal as taking over private land without resorting to legal acquisition.⁴⁸ It is noteworthy that the Supreme Court of Sri Lanka has, in regard to state-owned land, also invoked the notion of "public trust".⁴⁹ The resources owned by the state must be managed in the overall public interest, yet again raising the question about how public purpose or public interest is defined.⁵⁰

43 Cf. CPA 2014: Legal and Policy Implications of Recent Land Acquisitions, Evictions and Related Issues in Sri Lanka.

44 Cf. <http://srilankalaw.lk/Volume-V/land-acquisition-act.html> (10.01.2018).

45 Cf. Fonseka, Bhavani 2017: Land Rights and Reparations in Sri Lanka: Influencing the Reform Agenda. In: LST Review 27(342). The Law and Politics of Land.

46 Cf. CPA 2014: Legal and Policy Implications of Recent Land Acquisitions, Evictions and Related Issues in Sri Lanka.

47 Cf. *ibid.*/OI 2015: The Long Shadow of War. The Struggle for Justice in Postwar Sri Lanka.

48 Cf. OI 2015: The Long Shadow of War. The Struggle for Justice in Postwar Sri Lanka.

49 Cf. Government of Sri Lanka (GoSL) 2003: Land Ownership Bill. S.D. Nos. 26-36.

50 Cf. Cf. ACPR and PEARL 2017: Normalising the Abnormal: The Militarisation of Mullaitivu District/CPA 2014: Legal and Policy Implications of Recent Land Acquisitions, Evictions and Related Issues in Sri Lanka.

3.2. DURABLE SOLUTIONS POLICY

On the issues of displacement and land, the new GoSL adopted a national policy on durable solutions for conflict-affected displacement in August 2016.⁵¹ The policy outlines a commitment by the government to take all possible measures to end conflict-affected displacement, while acknowledging that this intent includes providing adequate assistance and consultation in the resettlement process and creating sustainable livelihood and income generating opportunities. The policy draws attention to a number of issues, such as releasing lands occupied by the military to their original owners or former occupants, securing access to former communal land and water for purposes, such as for pastures and fishing areas, and considering the vulnerability of persons with disabilities, female-headed households and the elderly.⁵² If correctly implemented, this durable solutions policy should protect people's socio-economic rights and help them to engage in their traditional livelihood.

51 Cf. <http://www.internal-displacement.org/library/expert-opinion/2016/new-policy-on-durable-solutions-in-sri-lanka-the-challenge-of-implementation/> (16.12.2017).

52 Cf. Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs 2016: National Policy on Durable Solutions for Conflict-Affected Displacement.



● Tamil women protest against the military occupation of their land in Mullikulam

THE VANNI

The Vanni refers to the mainland area of the Northern Province of Sri Lanka, which includes the Mannar, Mullaitivu and Vavuniya Districts, and most of the Kilinochchi District.⁵³ The area, which covers about 7,500 km², is flat, sparsely populated and covered by a large part with dense forest.⁵⁴ There are around 475,384 inhabitants living in the Vanni.⁵⁵ The overwhelming majority of the population are Tamils,⁵⁶ predominantly deriving their livelihood from agriculture, which is the leading sector in this region.⁵⁷ In contrast to Jaffna, most of the land in the Vanni is state-owned, but given for use by individuals and families through permits.⁵⁸ At different points during the war, the Vanni was either controlled by the Sri Lankan military, the LTTE or paramilitary groups.⁵⁹ After 1995, the LTTE consolidated its power in the Vanni, making Kilinochchi its administrative capital.⁶⁰ The final offensives in the armed conflict, which played out in Mullivaikkal in the Mullaitivu District, not only resulted in the killing of thousands of Tamil civilians, but also led to widespread destruction and the displacement of almost the entire population living there.⁶¹

53 Cf. Perera, Nihal 2016: *People's Spaces. Coping, Familiarizing, Creating*. New York: Routledge.

54 Cf. *ibid.*

55 Kilinochchi: 112,875/Mullaitivu: 91,947/Mannar: 99,051/Vavuniya: 171,511; cf. http://www.statistics.gov.lk/PopHouSat/Population-Atla_2012/03_DistrictMaps/Map%20P2.1.2%20Population%20by%20District,%202012.pdf (03.01.2018).

56 Cf. Department of Census and Statistics 2012: *Population Atlas*. (Accessible at: http://www.statistics.gov.lk/PopHouSat/PopulationAtla_2012/02_ProvincialMaps/Map%20P1.4.1%20Population%20by%20Ethnicity%20and%20Province,%202012.pdf (19.12.2017).)

57 Cf. International Food Policy Research Institute (IFPRI) 2017: *Building Resilience for Food Systems in Postwar Communities. Case Study and Lessons from Northern Sri Lanka/Department of Census and Statistics 2016: Sri Lanka Labour Force Survey*. (Accessible at: http://www.statistics.gov.lk/samplesurvey/LFS_Annual%20Report_2016.pdf (19.12.2017).)

58 Cf. ACPR and PEARL 2017: *Normalising the Abnormal: The Militarisation of Mullaitivu District*.

59 Cf. <http://www.internal-displacement.org/south-and-south-east-asia/sri-lanka/2012/a-hidden-displacement-crisis> (20.12.2017)/Perera, Nihal 2016: *People's Spaces. Coping, Familiarizing, Creating*. New York: Routledge.

60 Cf. Perera, Nihal 2016: *People's Spaces. Coping, Familiarizing, Creating*. New York: Routledge.

61 Cf. HRC 2015: *Report of the OHCHR Investigation on Sri Lanka (OISL)*.

4.1. MENIK FARM

When Sri Lanka's military recaptured all LTTE-controlled territories between 2006 and 2009, more than 300,000 Tamils were displaced.⁶² Many of them had to flee several times when the government forces were advancing in the Vanni,⁶³ most of whom were detained after the war in a camp for IDPs called Menik Farm, fenced with barbed wire and run by the military.⁶⁴ At its peak, Menik Farm housed approximately 225,000 persons on 700 ha of land.⁶⁵ Serious concerns were raised by NGOs, the UN and the media regarding the involuntary detention of people, and the lack of safety and extremely poor living conditions in the camp.⁶⁶ Menik Farm was overcrowded, while adequate medical care was not provided and there was a lack of food, drinking water and sanitary facilities.⁶⁷ Furthermore, the UNHCR and the International Committee of the Red Cross (ICRC) were prevented from carrying out monitoring activities and providing unrestricted humanitarian aid inside the camp.⁶⁸ As of December 2009, the government began returning large numbers of Tamils to their home districts in the Vanni.⁶⁹ Some of them were able to return to their lands, but others remained displaced, either because of the presence of landmines and unexploded ordnance or because the military was occupying their lands.⁷⁰ In 2012, Menik Farm was finally closed, when the last occupants were officially "resettled" in the Mullaitivu District.⁷¹

62 Cf. IFPRI 2017: Building Resilience for Food Systems in Postwar Communities. Case Study and Lessons from Northern Sri Lanka.

63 Cf. <https://www.icrc.org/eng/resources/documents/update/sri-lanka-update-141108.htm> (03.01.18).

64 Cf. Secure Livelihoods Research Consortium 2014: Resettlement of Conflict-induced IDPs in Northern Sri Lanka: Political Economy of State Policy and Practice.

65 Cf. <http://www.unhcr.org/news/latest/2012/9/506443d89/sri-lankas-displacement-chapter-nears-end-closure-menik-farm.html> (18.12.2017).

66 Cf. Secure Livelihoods Research Consortium 2014: Resettlement of Conflict-induced IDPs in Northern Sri Lanka: Political Economy of State Policy and Practice.

67 Cf. <https://www.hrw.org/news/2009/09/22/sri-lanka-world-leaders-should-demand-end-detention-camps> (19.12.2017).

68 Cf. Secure Livelihoods Research Consortium 2014: Resettlement of Conflict-induced IDPs in Northern Sri Lanka: Political Economy of State Policy and Practice.

69 Cf. <http://www.internal-displacement.org/south-and-south-east-asia/sri-lanka/2012/a-hidden-displacement-crisis> (18.12.2017).

70 Cf. *ibid.*

71 Cf. <http://www.bbc.com/news/world-asia-19703826> (21.12.2017)/<http://groundviews.org/2012/10/02/menik-farm-the-tragic-end-of-a-bitter-saga-from-detention-to-forced-relocation/> (21.12.2017).

4.2. POST-WAR VANNI

Due to the massive hostilities between 2006 and 2009, the repercussions of the war were especially heavy in the Vanni. The surviving Tamil population, with almost three quarters of houses rendered unliveable, fields destroyed, most of the public infrastructure ruined, needed to rebuild its entire existence.⁷² Moreover, lost documentation and competing claims for the same plots of land made it even more difficult for people to resume their former lives.⁷³ A poverty assessment of 2016 from the World Bank revealed that, while poverty has decreased in Sri Lanka, progress has been uneven.⁷⁴ Large numbers of extremely poor live in the Vanni, largely on account of the war and the ongoing lack of employment opportunities compared to the rest of the country. Furthermore, livelihood insecurities, additional costs of reconstructing the infrastructure, and a consumption binge, led by the sudden increase in financial and retail services in the south of Sri Lanka, have resulted in increased and continuous indebtedness among many Tamil households in the Northern Province.⁷⁵ As a result, poverty rates for Tamils are almost twice those of the Sinhalese overall.⁷⁶

72 Cf. ICG 2012: Sri Lanka's North I: The Denial of Minority Rights.

73 Cf. Fonseka, Bhavani 2017: Land Rights and Reparations in Sri Lanka: Influencing the Reform Agenda. In: LST Review 27(342).

74 Cf. World Bank 2016: Sri Lanka. Poverty and Welfare.

75 Cf. <https://www.ft.com/content/15069ee4-b252-11e7-a398-73d59db9e399> (21.12.2017)/<http://www.sundaytimes.lk/171022/news/war-hit-north-and-east-trapped-in-poverty-and-debts-265268.html> (21.12.2017).

76 Cf. World Bank 2016: Sri Lanka. Poverty and Welfare.



● House in the Vanni destroyed by war

MILITARIZATION OF THE VANNI

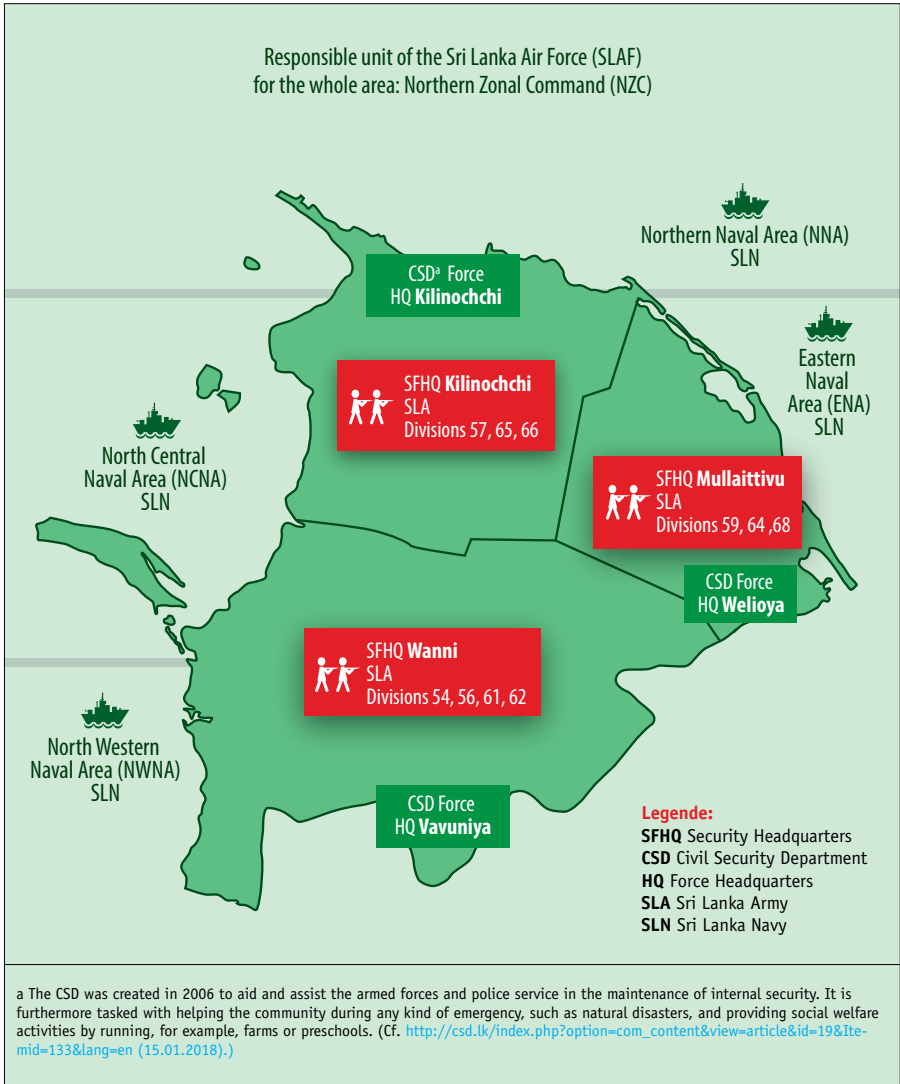
The militarization of the north and east of Sri Lanka, which came into effect during the presidency of Mahinda Rajapaksa, has continued largely unabated since the change in government and remains a key obstacle to the return of everyday life.⁷⁷ This is despite demilitarization being the principle demand of the Tamil people and the international community.⁷⁸ The continued militarization stands in significant contrast to the government's commitment to democratization and openness towards Tamil concerns. The challenges for local communities are enormous, as the military controls the former conflict zones by partly exercising forms of power that are not within its traditional ambit.⁷⁹

77 Cf. HRC 2017: Report of the Office of the United Nations High Commissioner for Human Rights on Sri Lanka/ACPR 2017: Civil Security Department: The Deep Militarisation of the Vanni/ACPR and PEARL 2017: Normalising the Abnormal: The Militarisation of Mullaitivu District/ICG 2017: Sri Lanka's Conflict-Affected Women: Dealing with the Legacy of War/STP 2016: Under the Military's Shadow.

78 Cf. <https://www.nzz.ch/international/asien-und-pazifik/die-wunden-des-krieges-1.18482069> (22.12.2017).

79 Cf. ICG 2012: Lanka's North II: Rebuilding under the Military.

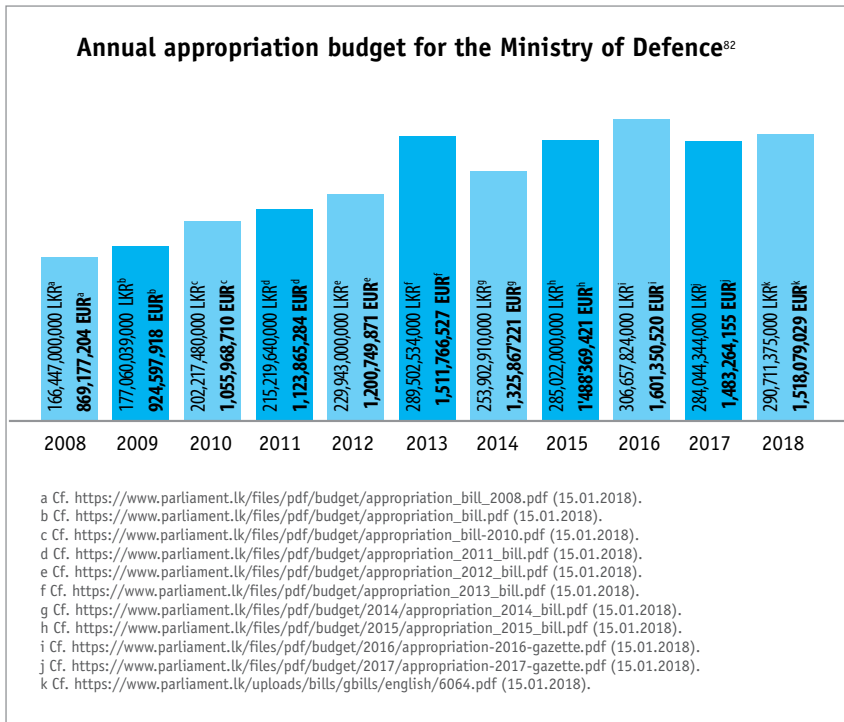
**SRI LANKAN MILITARY FORCES IN THE VANNI
(AREAS OF RESPONSIBILITY):**



Sources: www.defence.lk / <http://www.army.lk> / <http://www.army.lk/sfkilinochchi/> / <http://www.army.lk/sfhqmlt/> / <http://www.navy.lk/en/> / <http://www.airforce.lk/> / www.csd.lk

5.1. MILITARY PRESENCE

Even though the war ended nine years ago, the military presence in the Northern Province is still exceptionally high.⁸⁰ As of February 2017, the number of Sri Lanka's military personnel has been calculated at 243,000 active members, which would make the Sri Lankan active force larger than those of France, Israel, Saudi Arabia or the UK. No official figures are available on how many troops are stationed in the Vanni, but the Adayaalam Centre for Policy Research (ACPR) and People for Equality and Relief in Lanka (PEARL) have estimated the ratio of soldiers to civilians to be 1:2 in the Mullaitivu District, making Mullaitivu, with approximately 60,000 stationed armed forces, one of the most heavily militarized regions in the world.⁸¹



80 Cf. <https://www.srilankacampaign.org/militarisation-sri-lankas-north-not-going-away/> (21.12.2017).

81 Cf. ACPR and PEARL 2017: Normalising the Abnormal: The Militarisation of Mullaitivu District.

82 Throughout the report, STP has used the exchange rate listed by finanzen.net on January 30, 2018 as the standard conversion from Sri Lankan Rupees (LKR) to Euro (EUR). This conversion rate is 191.4995 LKR = 1 EUR.

Until now, there has been no clear indication concerning the removal of forces. In fact, President Sirisena has insisted that a military presence must be maintained due to national security reasons.⁸³ In addition, the level of military expenditure suggests that there is no process underway to decrease the military presence. In 2018, the biggest budgetary allocation is, once again, the annual appropriation budget for the Ministry of Defence. Furthermore, the military expenditure in Sri Lanka has increased gradually since 2008 and reached a record level in 2016.⁸⁴

5.2. MILITARY INVOLVEMENT IN COMMERCIAL ACTIVITIES

Although military checkpoints have been reduced over recent years, the armed forces still remain heavily involved in public life. The level of militarization is particularly visible in relation to its economic dimension, as the military has established itself as a major player in the local economy.⁸⁵ Military forces are involved in a range of commercial activities all over Sri Lanka, such as agriculture, catering and tourism industries.⁸⁶ This report's desk and field research revealed several examples of military-run businesses in the Vanni, as shown in the following chart.

MILITARY-RUN BUSINESSES

Affected Human Rights

Right to an adequate standard of living; right to freedom of movement; right to life, liberty and security of the person; right to participation.

Summary Findings

Military-run businesses deprive local communities of various important income sources. As a result, people in the Vanni are struggling to resume their traditional livelihood following the end of the war. Furthermore, local farmers often cannot compete with the prices of products from military run farms.

83 Cf. <http://www.ft.lk/front-page/comprehensive-national-security-plan-under-preparation-president/44-424941> (11.01.2018)/
<http://www.thehindu.com/news/international/south-asia/five-immediate-tasks-and-potential-pitfalls-before-maithripala-sirisena/article10618444.ece> (11.01.2018).

84 See the diagram for the annual appropriation budget for the Ministry of Defence.

85 Cf. ACPR 2017: Civil Security Department: The Deep Militarisation of the Vanni/ACPR and PEARL 2017: Normalising the Abnormal: The Militarisation of Mullaitivu District.

86 STP 2016: Under the Military's Shadow. Local Communities and Militarization on the Jaffna Peninsula.

Detailed Findings

In **the army cantonment of the Security Forces Headquarters Mullaitivu (SFHQ-MLT)**, the military is engaged in animal husbandry and the production of milk and yoghurt, which they distribute to wholesale market centres. The military is also involved in fishing activities and distributes fish to sales centres. Military personnel are also harvesting coconuts from trees that belong to the displaced Keppapulavu community. They sell them at local markets in neighbouring villages. The military's activities are not only putting the security forces in direct competition with local villagers for scarce resources, such as water, but it has also been widely reported that products from army farms are sold below market price.⁸⁷ A garment factory is located inside the premises of the army cantonment of the SFHQ-MLT, which is run by the Hirdaramani Group, a Sri Lankan apparel company. According to its website, it employs 850 people from the local communities.⁸⁸ Villagers from Keppapulavu claim that hardly any people from the local communities work there, with a workforce from outside transported to the factory.

The **SFHQ-MLT** also runs two holiday bungalows called Lagoon's Edge and Green House. Both are situated within the area of the last phase of the war. Reservations are not open to everyone, but on the recommendation of a Sri Lankan army official.⁸⁹

In **the navy cantonment of the North Western Naval Command (NWNC)** (Mullikulam in the Mannar District), the navy has opened a few bungalows and restaurants. As local people explain, only navy personnel, their relatives and friends can visit these places.

By 2016, the Civil Security Department (CSD) employed 193 preschool teachers in **Mullaitivu** and 328 in **Kilinochchi**.⁹⁰ The CSD also runs agricultural and animal husbandry projects in Mullaitivu and Kilinochchi. In 2016, they occupied over 1,200 acres, employed 2,771 people and made approximately LKR 29,166,103 (EUR 152,303) in profits.⁹¹

87 Cf. ACPR and PEARL 2017: Normalising the Abnormal: The Militarisation of Mullaitivu District.

88 Cf. <https://www.srilanka-apparel.com/news-a/451-hirdaramani-opens-first-phase-of-850-staff-apparel-factory-in-mullaitivu> (14.01.2018).

89 Cf. <http://222.165.180.163/sfhqmlt/holiday2.php> (13.01.2018)/<http://222.165.180.163/sfhqmlt/holiday.php> (13.01.2018).

90 Cf. ACPR 2017: Civil Security Department: The Deep Militarisation of the Vanni.

91 Cf. CSD 2016: Performance Report. (Accessible at: http://www.csd.lk/images/Progress_Report/P.Report_2016_English.pdf (10.01.2018).)

5.3. SURVEILLANCE AND INTIMIDATION OF THE POPULATION

Another problem is the continued surveillance of the population by the security forces, which still harass and intimidate human rights activists, civil society groups and journalists.⁹² When three women from Keppapulavu in the Mullaitivu District filed cases against the military for occupying their lands, they were intimidated. Consequently, two withdrew their lawsuits.⁹³ Former members of the LTTE, relatives of the disappeared, and victims of state land grabs are of a particular interest to the security forces and regularly subjected to harassment and intimidation.⁹⁴ People taking part in protests are photographed by military personnel,⁹⁵ while CSD workers are even coerced into attending events to support the military or the government's agenda and actively told that they are not allowed to engage in any political activity that is seen as against the government. As a result, the military presence significantly undermines the social fabric of local communities and instils fear, making it impossible to meaningfully and safely engage in civic activism.⁹⁶

5.4. VULNERABLE WOMEN IN HIGHLY MILITARIZED AREAS

Violence against women has always been an issue in Sri Lanka, with the civil war significantly increasing gender-based violence.⁹⁷ State security forces became known for their use of rape and sexualized torture as weapons, practices that peaked after the war ended.⁹⁸ Single mothers in former war zones are particularly vulnerable to sexual exploitation, harassment and assault.⁹⁹ Harassment takes place in public spaces, at home or at workplaces, with some women even forced into prostitution or coercive sexual relationships.¹⁰⁰ Hardly any perpetrators face legal consequences. Cases of rape and sexual violence

92 Cf. <http://www.transconflict.com/2017/06/remembering-dead-not-crime-086/> (21.12.2017)/ACPR 2017: Civil Security Department: The Deep Militarisation of the Vanni/ACPR and PEARL 2017: Normalising the Abnormal: The Militarisation of Mullaitivu District.

93 Information obtained in conversation with community members in Keppapulavu during a field visit by NAFSO staff in December 2017.

94 Cf. <http://www.tamilguardian.com/content/tamil-woman-forefront-mullaitivu-disappearances-protest-assaulted-and-threatened-death> (21.12.2017)/<http://groundviews.org/2017/03/16/military-occupation-documenting-civilian-protests-and-the-struggle-of-the-newly-resettled/> (21.12.2017)/ HRC 2017: Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on His Mission to Sri Lanka.

95 <http://groundviews.org/2017/03/16/military-occupation-documenting-civilian-protests-and-the-struggle-of-the-newly-resettled/> (11.01.2018).

96 Cf. ACPR 2017: Civil Security Department: The Deep Militarisation of the Vanni.

97 Cf. <http://assets.wusc.ca/Website/Programs/WDP/backgroundPaper.pdf> (21.12.2017).

98 Cf. <https://www.womensmediacenter.com/women-under-siege/conflicts/sri-lanka> (21.12.2017).

99 Cf. ICG 2017: Sri Lanka's Conflict-Affected Women: Dealing with the Legacy of War.

100 Cf. <https://www.womensmediacenter.com/women-under-siege/conflicts/sri-lanka> (21.12.2017)/ICG 2017: Sri Lanka's Conflict-Affected Women: Dealing with the Legacy of War/ACPR 2017: Civil Security Department: The Deep Militarisation of the Vanni.

are greatly underreported due to social stigma and fear of retaliation.¹⁰¹ The ACPR's report on the CSD shows that females working as CSD employees are at high risk of gender-based violence by military personnel because of their dependency on the military for employment. Many in Tamil communities hold the perception that women working for the CSD are voluntarily engaging in sexual relations with Sinhalese soldiers. Conversely, a structural analysis by the ACPR highlights that there is always an element of coercion regarding sexual encounters between Sinhalese soldiers and female CSD employees, since the soldiers control the women's access to a livelihood. Furthermore, the chance to hold soldiers accountable for incidents of sexual harassment is almost non-existent.¹⁰²

101 Cf. ICG 2017: Sri Lanka's Conflict-Affected Women: Dealing with the Legacy of War.

102 Cf. ACPR 2017: Civil Security Department: The Deep Militarisation of the Vanni.



● Soldiers at the army cantonment of the Security Forces Headquarters Mullaitivu (SFHQ-MLT)

In the following two chapters, the report analyses the situation faced by local communities that remain displaced from their traditional land (see 6. *Occupied Land*) and were recently resettled in their place of origin (see 7. *Released Land*). The bulk of the field research findings are presented in these two chapters.

OCCUPIED LAND

One of the biggest issues since the end of the war has been the continued displacement of people from their lands and homes.¹⁰³ Even though many displaced people have been able to return to their places of origin in recent years, a significant number of them remain displaced, as vast stretches of land are still occupied by the military.¹⁰⁴ According to government figures, the military occupied 73,745 acres of state land and 30,833 acres of private land after the end of the war in 2009 on the whole island. On 16 May 2017, 25,415 acres (18,976 acres of state land and 6,439 acres of private land) remained occupied.¹⁰⁵ According to Ahmed A. Jawad, Sri Lankan High Commissioner in Canada, in November 2017, “a total of 6,704.87 acres of land is currently held by the military in Mullaitivu District, out of which 5,679 acres is state land and 1,025.87 acres is civilian land”.¹⁰⁶ Jawad may be referring to private land when he uses the term “civilian land”.

There are no clear indications as to whether the government-provided data on the extent of military-occupied land are accurate. In its 2016 report, the Centre for Policy Alternatives (CPA) encountered gaps in the availability of information on land under occupation and, in some instances, a reluctance to disclose exact figures.¹⁰⁷ In October 2017, the ACPR and PEARL concluded, following their own investigations, that the most credible estimate of how much land was under military occupation was 30,000 acres in the Mullaitivu District alone,¹⁰⁸ clearly casting doubt on the overall total of 25,415 acres

103 HRC 2017: Report of the Special Rapporteur on Minority Issues on Her Mission to Sri Lanka/HRC 2017: Report of the Office of the United Nations High Commissioner for Human Rights on Sri Lanka/STP 2016: Under the Military's Shadow.

104 Cf. Consultation Task Force on Reconciliation Mechanisms (CTF) 2016: Final Report/<http://groundviews.org/2017/05/05/imbalance-of-power-examining-the-struggle-for-land-in-mullikulam-and-keppapulavu/> (06.12.2017).

105 Cf. GoSL 2017: Replies of Sri Lanka to the List of Issues, CESCR Report.

106 Cf. https://www.thestar.com/opinion/letters_to_the_editors/2017/11/14/your-letters-sri-lanka-has-a-long-proud-history-of-peace-keeping-with-the-un.html (04.01.2017).

107 Cf. CPA 2016: Land Occupation in the Norther Province: A Commentary on Ground Realities and Recommendations for Reform.

108 Cf. ACPR and PEARL 2017: Normalising the Abnormal: The Militarisation of Mullaitivu District.

of land throughout Sri Lanka, as claimed by the government.¹⁰⁹ Regardless of these discrepancies, the fact is that the existing occupations are keeping several thousand families away from their homes and livelihoods, and placing them in highly vulnerable situations.¹¹⁰

Moreover, the military has recently initiated steps to legally acquire, but not to release, already occupied land for navy purposes.¹¹¹ In August 2017, the Minister of Lands, Gayantha Karunatilake, announced, in an extraordinary gazette notification, that 671 acres of private land would be obtained for “public purpose” in the Mullaitivu District.¹¹² As the response to a “right to information” request by Vikalpa¹¹³ editor, Sampath Samarakoon, shows, these 671 acres will be for the exclusive use of the navy. As this gazette notification reveals, the state still relies on the assumption that “national security” constitutes a public purpose in the north and east of Sri Lanka. However, it is hard to see how the establishment of the “Mullaitivu main camp of the Sri Lanka Navy” would benefit either the local population or the general population of Sri Lanka.¹¹⁴

6.1. INTERNALLY DISPLACED PERSONS

According to state data, by the end of October 2017, 256,972 internally displaced families (891,125 individuals) had been resettled in their original places of living in the Northern and Eastern Provinces. Nonetheless, 765 families (2,998 individuals) still live in IDP camps. Additionally, 11,215 families in the Northern Province and 784 families in the Eastern Province live with host families, thus remaining displaced. The number of persons still to be resettled is 40,938, which constitutes 12,764 families.¹¹⁵ This figure breaks down into 34,099 IDPs in Jaffna, 3,120 in the Eastern Province and 4,719 in the Vanni.¹¹⁶ It should be noted that these numbers come directly from the GoSL, with currently no other sources to compare them to. Furthermore, there are communities that have been officially registered as resettled, yet con-

109 Cf. GoSL 2017: Replies of Sri Lanka to the List of Issues, CESCR Report.

110 Cf. <http://www.tamilguardian.com/content/2422-tamils-still-waiting-return-own-homes-kilinochchi-district> (13.12.2017)/<http://groundviews.org/2017/03/16/military-occupation-documenting-civilian-protests-and-the-struggle-of-the-newly-resettled/> (13.12.2017).

111 Cf. <http://www.tamilguardian.com/content/sri-lankan-navy-acquire-672-acres-mullivaikkaal> (06.12.2017).

112 Cf. GoSL 2017: The Gazette of the Democratic Socialist Republic of Sri Lanka. Extraordinary. 4. August 2017. Part III Lands.

113 Vikalpa is a Sinhalese citizen journalism website (see www.vikalpa.org).

114 Cf. <http://www.jdslanka.org/index.php/news-features/politics-a-current-affairs/729-sri-lanka-grab-more-tamil-land-for-permanent-military-occupation> (08.01.2018).

115 Cf. http://resettlementmin.gov.lk/site/index.php?option=com_content&view=article&id=5&Itemid=21&lang=en (19.01.2018).

116 34,099 IDPs in Jaffna, 2,395 in Kilinochchi, 1,903 in Mannar, 2,563 in Batticaloa, 557 in Trincomalee, 205 in Vauniya and 216 in Mullaitivu. (Cf. http://resettlementmin.gov.lk/site/index.php?option=com_content&view=article&id=5&Itemid=21&lang=en (19.01.2018).)

tinue to struggle to find durable solutions.¹¹⁷ Thousands of such people have been moved to permanent relocation sites without their voluntary or fully informed settlement consent.¹¹⁸ The Internal Displacement Monitoring Centre (IDMC) also estimates that more than 100,000 Sri Lankan refugees in India and elsewhere are waiting to return.¹¹⁹

6.2. VISITED DISPLACED COMMUNITIES

The research team visited the following communities in the Vanni region in December 2017 in order to investigate the situation on the ground for people whose traditional lands are occupied by the military:



117 Cf. <http://www.internal-displacement.org/library/expert-opinion/2016/new-policy-on-durable-solutions-in-sri-lanka-the-challenge-of-implementation/> (13.12.2017).

118 Cf. OI 2017: Justice Denied: A Reality Check on Resettlement, Demilitarization, and Reconciliation in Sri Lanka.

119 Cf. <http://www.internal-displacement.org/library/expert-opinion/2016/new-policy-on-durable-solutions-in-sri-lanka-the-challenge-of-implementation/> (13.12.2017).

1. Iranaitivu

Occupied area: 500 acres

Displaced families: 336

Responsible military unit: North Central Naval Command (SLN)

Continuous protest: Since 2 May 2017 (ongoing)

Promises: Oral promise made on 31 August 2017 by Deputy Minister of Defence to release land (no release date was communicated)

Released area: none

In 1992, 225 families (650 individuals) on the island of Iranaitivu fled their homes due to nearby wartime offensives. These people then settled in Iranaimatha Nagar on the mainland. On Iranaitivu, there are 500 acres of land. Most families owned either one or half an acre. Meanwhile, 143 of the displaced families possess either deeds (40 families) or state-granted permits for their land. Prior to 2008, the fishers were staying for longer periods on Iranaitivu to gain access to their traditional fishing grounds. People also had the opportunity to visit their houses and churches on the island. In the last phase of the war, people fled as far as Mullivaikkal and were then sent to Menik Farm. When they were able to leave Menik Farm in December 2009, the navy did not grant access to the island. On 2 May 2017, the community of Iranaitivu, which had increased to 336 families in the interim, started a continuous protest, demanding their immediate resettlement on Iranaitivu. During his visit on 31 August 2017, the Deputy Minister of Defence, Ruwan Wijewardene, promised the protesters that their land would be released. As of January 2017, this promise had not materialized, such that people continued to protest.

2. Mullivaikkal

Occupied area: 1,230 acres

Displaced families: 120

Responsible military unit: Eastern Naval Command (SLN)

The final offensives of war led to the displacement of the entire village community of Mullivaikkal in May 2009. After staying in several IDP camps, the 120 surviving families of Mullivaikkal West were relocated to Thimbili, as the navy had established a naval base on their lands, spanning 30 acres. Eight acres of the occupied land belong to a villager from the area. The relocated families received half an acre of land for their settlement. In Mullivaikkal East, the navy occupies 1,200 acres of land, out of which 500 acres is agricultural land used for paddy cultivation. The navy operates a training base in the occupied land. There are at least 60 families who possess state-granted permits for 700 acres of the occupied land.

3. Iranapalai

Occupied area: 25 acres

Displaced families: unknown (land belongs to individual living in Australia)

Responsible military unit: Security Forces Headquarters – Mullaitivu (SLA)

In Iranapalai, 25 acres of land are currently occupied by the military. The owner, who possesses the land deeds, is living in Australia, but recently visited Sri Lanka to try to reclaim his land. On two acres of this land was an LTTE cemetery, which was destroyed by the Sri Lankan military. Local people suspect that the land actually belongs to community members.

4. Keppapulavu

Villages Seenimottai, Pilakudiyirippu, Keppapulavu, Suriyapuram

Occupied area: 482 acres

Displaced families: around 400

Responsible military units: Security Forces Headquarters – Mullaitivu (SLA), Eastern Naval Command (SLN), Northern Zonal Command (SLAF)

Continuous protest: Since 25 January 2017 (ongoing)

Promises:

- Oral promise on 14 February 2017 by Minister of Prison, Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs to release land very soon
- Oral promise in April 2017 to release 279 acres on 15 May 2017 by the same minister

Released area:

- 42 acres on 1 March 2017 (41 families) in Pilakudiyirippu
- 133.34 acres on 29 December 2017 (111.5 acres in Keppapulavu (68 families and 21.84 acres in Seeniyamottai (17 families))

Keppapulavu Grama Niladhari Division constitutes the area of four villages: Suriyapuram, Seenimottai, Pilakudirippu and Keppapulavu. When the military took control of the area in 2009, all families were forcibly displaced. In 2013, the village communities were relocated against their will from Menik Farm to “Keppapulavu Model Village”, where 150 families were resettled. The military was no longer granting access to their housing and very fertile cultivation land, for which the families mostly possess deeds or permits. Indeed, 482 acres of land were occupied by the military without paying any compensation. Two Hindu temples and one church were also situated on the occupied land. On 25 January 2017, people started a continuous protest for the release of the land. Shortly after, the Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs announced that the land of Keppapulavu would be returned very soon.¹²⁰ 42 acres of land were then released on 1 March 2017.¹²¹ In April 2017, the release of another 279 acres was scheduled for 15 May 2017.¹²² After this failed to take place, the same ministry announced in August that it would give the army LKR 178 million (EUR 929,506) if it returned the land in Keppapulavu to its rightful owners.¹²³ After the NAFSO conducted its field research, the army returned 133.34 acres of the occupied land to 85 families in Keppapulavu on 29 December 2017. However, 171 acres of private land belonging to 100 families are still occupied by the military. Villagers claim that they will continue the protest until all the occupied land is released.¹²⁴ On 1 January 2018, the military opened up the public road between Puthukkudiyirippu and Vattappalai, enabling villagers to reduce the time and distance of travelling.¹²⁵ Since the field research was conducted before the opening of the road, this report is analysing the situation in Keppapulavu prior to this event.

120 Cf. http://resettlementmin.gov.lk/site/index.php?option=com_content&view=article&id=258%3Apress-release&catid=20%3A-current-events&lang=en (09.01.2018).

121 See 7.1.1. Pilakudiyirippu.

122 Cf. <http://www.ceylontoday.lk/print20170401CT20170630.php?id=18462> (15.01.2018).

123 Cf. <http://www.tamilguardian.com/content/resettlement-minister-confirms-178-million-allocated-army-return-keppapulavu> (09.01.2018).

124 Cf. <http://www.jdslanka.org/index.php/news-features/politics-a-current-affairs/726-sri-lanka-military-paid-millions-to-hand-back-occupied-tamil-land> (10.01.2018).

125 Cf. <http://www.army.lk/news/mullaittivu-troops-open-public-road-across-their-headquarters> (11.01.2018).

5. Mullikulam

Occupied area: 1250 acres

Displaced families: around 500

Responsible military unit: North Western Naval Command (SLN)

Continuous protest: 23 March 2017 - 29 April 2017

Promises:

- Oral promise on 29 April 2017 by the navy commander to release 100 acres immediately
- Oral promise by the navy to release land on 29 December 2017

Released area: 600 acres (cultivation land) in 2013

In 1990, the entire community of Mullikulam Village was displaced due to fighting between government troops and the LTTE. Many of them returned when a ceasefire was signed in 2002, but were evacuated again by the military in 2007. The 350 families were promised that they could return within three days. However, they were not allowed to return since the navy established the North Western Naval Command Headquarters on their land. The navy occupied their entire village, comprising 1,250 acres of land, 150 houses (approximately 100 houses in good condition and 50 mud and thatched houses), nine irrigation tanks, a church, a cooperative building, a preschool, a library, a post office and six public wells. In July 2012, the people tried to enter their village forcefully, but were blocked by the navy. The villagers then stayed next to Mullikulam in a jungle area under some trees for several weeks before they built temporary huts. The children eventually gained access to the school and the villagers to the church, while 600 acres of cultivation land and one irrigation tank were released in 2013 to develop their livelihood. Since they were still unable to return to their traditional homes, on 23 March 2017, people started a continuous protest, demanding the release of the remaining occupied 650 acres of cultivation and housing land in this area. According to a survey by the Human Rights Commission of Sri Lanka (HRCSL) of 2011, 17 families have deeds for 66.4 acres of this land, 12 families have either grants or permits for 19.5 acres and 2.5 acres belong to the Mannar Diocese, where 20 families used to live.¹²⁶ Due to their protest, the villagers got unrestricted to the church on 29 April. Navy Commander, Vice Admiral Ravindra Wijegunaratne announced that the navy would release 100 acres of land and support the immediate resettlement of the villagers.¹²⁷ This promise,

¹²⁶ Cf. HRCSL 2011: Private Land Occupied by the Security Forces. Mullikulam. Study Report, June 2011.

¹²⁷ Cf. http://www.defence.lk/new.asp?fname=Navy_to_release_100_acres_of_land_for_the_Mullikulam_public_20170430_01 (09.01.2018).

yet again, was broken, and the people were still not able to return to their traditional land. The navy later announced it would release the land by 29 December 2017, which also did not take place.

6. Pallimunai

Occupied area: 2.2 acres

Displaced families: 25

Responsible military unit: North Central Naval Command (SLN)

Court cases: 19 villagers filed cases against navy (cases ongoing)

The residents of the village community of Pallimunai West fled their homes in 1990 because of aerial bombing. When they came back three months later, the police had occupied the houses and land of 25 families. This was despite the fact that 19 families collectively had deeds for 2.2 acres of land. As people demanded the return of their village, the police was instructed to pay a small rent of LKR 200-600 (EUR 1-3) per month to each household for occupying their houses. In 2012, the police finally left, promising the villagers that they could resettle. Yet, this was not possible since the navy had occupied their houses. Consequently, 19 families with land deeds pressed charges against the navy in 2013. Since then, 29 court hearings have been held, without reaching a decision. Subsequent to the last hearing in 2017, the villagers declined an offer of alternative lands and LKR 2 million (EUR 10,443) in compensation, as the majority wanted to return to their place of origin, while the alternative lands are far away. The community of Pallimunai West is demanding that the navy leaves this area completely.

The following chapters contain the information gathered from these interviews.

6.3. STANDARD OF LIVING

Before their displacement, people lived on their own land and were primarily engaged in agriculture and fishing. They had diversified sources of income and did not have many difficulties meeting their respective family's needs. Today, the visited communities face a number of challenges in their everyday lives. The following observations were made by the research team regarding the standard of living among displaced communities:

ACCESS TO BASIC FACILITIES (HOUSING, WATER, HEALTH)

Affected Human Rights

Right to life, liberty and security of the person; right to water; right to health; right to an adequate standard of living.

Summary Findings

The government has provided a housing scheme in an alternative area to several of the visited displaced communities. However, this does not entail that the provided houses are of good quality. Some families still live in rented houses or with friends and relatives, depending on the continuing support of the host communities. Additionally, water shortages cause severe problems in many of the visited communities.

Detailed Findings

The displaced people in **Mullivaikkal West** have received land in Thimbili to construct houses. However, 88 families are still without permanent housing, while 56 families are without drinking water wells, meaning that they are struggling to get clean drinking water for their daily needs.

The quality of the houses in the model village for the displaced families from **Keppapulavu** is poor. This is, as people claim, because the army did not comply with any housing standards when constructing them. People also did not receive an initial payment of LKR 25,000 (EUR 130) for resettlement, although 65 families were each given LKR 100,000 (EUR 522) for the con-

struction of a well by the Mullaitivu District Secretariat.¹²⁸ Additionally, water is scarce in the model village area. The drinking water wells are currently drying up, which is causing severe problems. Furthermore, the military has not finalized the construction of toilet facilities.

27 houses were built by the navy, 86 houses by the government and 20 by Minister Rishad Bathiudeen for the displaced families of **Mullikulam** in Malankadu. However, there are still families living in rented houses or with friends and relatives, as they have not received a house to date. Moreover, the quality of the newly constructed houses by the government is poor, and they are already showing cracks in the walls. Meanwhile, 176 families each received half an acre of land in Malankadu. Although the land is fertile, there is a shortage of water, even for drinking. Additionally, approximately 150 families from Mullikulam have been temporarily resettled in Kayakuli.¹²⁹

People from **Pallimunai West** received no alternative housing, despite the fact that the navy is occupying their homes and lands. Villagers are either living with relatives and friends or in rented houses. They have rejected an offer by the judge of LKR 2 million (EUR 10,443) in compensation and alternative land, since they want their traditional land back.

128 It remains unclear on what criteria the families were selected. Some villagers claim that families who support the military were given priority.

129 Cf. <http://groundviews.org/2017/04/06/mullikulam-renewed-struggle-to-regain-navy-occupied-village/> (14.01.2018).

Case Study: Iranaitivu

J.'s life is marked by the civil war. When several civilians fell victim to the war offensive of the Sri Lankan Navy in 1992, the then 22-year-old fled the island of Iranaitivu. From then on, he lived on the mainland in Iranaimatha Nagar, but regularly visited Iranaitivu to look after the family's coconut trees and to go fishing. In 2007, the now father of five was caught between the battle lines again. The advancing state forces forced J.'s family, whose youngest child had just turned one year old, to flee again, together with the entire community from Iranaitivu, by foot, walking over 150 km across the country to the east coast. "We moved from one refugee camp to another. We were at 16 different locations and were bombed even in the 'no-fire zones'", says J., remembering the traumatic events.

After the end of the war, J.'s family was detained along with a further 280,000 IDPs under inhumane conditions and surrounded by barbed wire fencing at the IDP camp Menik Farm. When J. and his family were finally allowed to leave Menik Farm, more than six months later, the navy had converted Iranaitivu into a security zone. Like all other community members, J. was no longer permitted to enter the island, with the exception of a small beach section accessible for fishermen. J.'s traditional land near the coast, comprising good arable land for livestock and coconut cultivation, did not make J.'s family rich, but it provided a good additional income. The earnings he makes today as a fisherman are often not even sufficient to cover the basic needs of his family. To reach their traditional fishing grounds, J. and other fishers need much more fuel than they used to.

Since 1 May 2017, J. has been continuously protesting in Iranaimatha Nagar to get his traditional land back. The whole community of Iranaitivu supports the protest. The protesters take turns, so that someone is present on the protest site at all times. The protest site has already changed once and is currently next to the church on the roadside. "What can poor people like us do against the navy and the government? All we have are our voices", says J. about the protest. If J. is not working, he is on the protest site. He also sometimes stays there at night. "We will stay until we get our land back", says J., determined. The government has promised to release the land to the protesters. However, J. and his family are still waiting to return.

LIVELIHOOD

Affected Human Rights

Right to an adequate standard of living; right to freedom of movement; right to life, liberty and security of the person; right to work.

Summary Findings

Due to restricted or denied access to land and water, displaced people have either lost their traditional livelihood or seen their household income decrease significantly. Fishers only have restricted access to their traditional fishing grounds, while there is not enough water to engage in agriculture. Displaced families hardly receive any support to develop their livelihood, and income cannot be generated on a daily basis. This is particularly difficult for women who are heading a household, as they are the only income earner. Hence, displaced households are struggling to meet their basic needs.

Detailed Findings

Until 2008, displaced people from **Iranaitivu** had the opportunity to visit the island and engage in their traditional livelihood as fishers. The men went to sea by boat and the women collected prawns, crabs and shells along the coast. Small-scale home gardening and animal husbandry were additional sources of income. At present, access to the island is restricted to fishermen who are only allowed to fish along a small coastal strip during daytime, entailing a journey of 12 nautical miles twice a day. Fishers from the south of Sri Lanka and Jaffna, however, have permission to stay overnight on the island. The long journey has a huge effect on the fishing families' income. Women are not allowed at all on the island. As a result, women have completely lost their traditional livelihood. This seriously affects the 60 female-headed households. Some of these families consume only one meal per day. Consequently, adolescent girls are increasingly moving to cities, such as Colombo, looking for jobs in garment factories to support their family. Furthermore, southern and Jaffna fishers repeatedly destroy the fishing gear of the Iranaitivu fishers. They also do not follow the local system governing the fish stocks, causing the over-exploitation of fish resources with their destructive fishing methods. Moreover, on 17 December 2017, unknown persons stole all of the community's fishing equipment.

Before the people of **Mullivaikkal West** were displaced in 2009, they were sustaining their traditional livelihood with agriculture, fisheries and animal husbandry. One person stated that he had a cattle farm with 35 cows. Today,

there is an increasing number of conflicts between villagers due to limited resources and spaces. The navy occupies 30 acres of land, where 13 beach seine operations¹³⁰ were situated. All the displaced fishers have the required permits, but are not allowed to engage in beach seine operations. One person stated that he had a beach seine operation, where 35 fishers were working. Women who collected shells in that area cannot engage in this activity anymore either. There are even restrictions for fishing activities around the naval base, so fishers cannot access their traditional fishing grounds. Additionally, people no longer have the necessary facilities to continue their traditional forms of livelihood. Assistance for the reestablishment of livelihood activities was not systematically provided (the Fisheries Department provided some fishing boats, while some NGOs provided fertilizers and paddy seeds), forcing people to take out microcredits.

The people of **Mullivaikkal East** are still able to carry out their traditional livelihood practices. The UN Capital Development Fund granted loans for fishing gear to 34 fishers, although half of the received amount has to be paid back. However, the livelihood of the fishers is threatened as fishing permits are handed out to many southern fishers. Authorities turn a blind eye to their use of dynamite or purse seine nets, such as Laila and Surukku nets,¹³¹ even though these methods are prohibited because of their destructive effect on fish stocks. Women have not received any support to develop their livelihood. Hence, female-headed households do not have any source of income and face serious difficulties to meet their daily needs.

Prior to displacement, people from **Keppapulavu** obtained their traditional livelihood from agriculture,¹³² animal husbandry and fishing. The villagers had a good income and did not face any difficulties to meet their family's needs. Previously, fishers cast or lay their nets in the lagoon and then returned home for the night, since it was very close-by. As a consequence of the

130 Three beach seine operations belong to the Mullivaikkal community, three to operators from Udappu (Puttalam) and six to operators from Munnakkara (Negombo). A *beach seine* is a seine net operated from the shore. The gear is composed of a bunt (bag or loose netting) and long wings, which are often lengthened with long ropes for towing the seine back to the beach. A large number of people is needed for towing the seine to the shore; cf. <http://www.fao.org/fishery/geartype/202/en> (11.01.2018).

131 *Dynamite fishing* is a fishing method, using explosives to stun or kill fish for easy collection, as some of the fish will float to the surface. However, the explosion indiscriminately kills large numbers of fish and other marine organisms. Therefore, the use of dynamite is banned in Sri Lanka. (Cf. <http://www.ft.lk/article/582519/Fish-market-raids-to-curb-dynamite-fishing%C2%A0> (11.01.2018).) In *purse seining*, a vertical net "curtain" is used to surround schools of fish, the bottom of which is then drawn together to enclose the fish. It is a non-selective fishing method, which captures everything that it surrounds, including protected species. Not all purse seine nets are illegal in Sri Lanka; however, certain restrictions in terms of the height, length, width and type of the mesh exist. (Cf. <http://nation.lk/online/2016/10/29/fishing-mafia-hooks-up-the-law.html> (11.01.2018).)

132 Among others, people cultivated groundnut, cowpea, gram, mango and coconut.

military occupation, they have to walk at least six kilometres to the lagoon while carrying their fishing equipment, so they cannot return for the night anymore. Their wives can no longer help them to clean the nets and process fish at the shore, which decreases the families' income. If women engage in fishing themselves, they also have to stay overnight, which makes them feel insecure and unsafe. The fishers additionally face difficulties to protect their fishing equipment. Concerning the cultivation of the land, there is hardly any water for agriculture in the model village and the available agricultural land is far from being sufficient for subsistence production. Most people depend, therefore, on irregular opportunities for daily labour.

When people were evicted from **Mullikulam** in 2007, they left behind fibre glass boats, out-boat motors, 90 catamarans, nets and other fishing gears. This material was not given back to them. As a consequence, people are currently missing important tools for making a living with fishing activities. Additionally, the navy is in control of two out of five beach seine operation areas. Therefore, the competition for resources between villagers increased significantly. The five beach seine operators need to take turns at the three available areas. Villagers engaged in beach seine fishing earn much less income. For women who are engaged in fishing related activities like the production of processed fish, these restrictions are severely affecting their lives and they are struggling to meet their daily needs. Moreover, the navy has not provided access to eight out of nine irrigation tanks, which were formerly used for paddy cultivation and high land cultivation. Farming is, therefore, not only difficult, due to the lack of available agricultural land, but also because of water shortages.

Some people in **Pallimunai West** became indebted, as they lost their traditional livelihood as fishers. The navy camp is not only occupying land formerly used for subsistence production (animal husbandry and home gardening), but also obstructing one sea access point. Currently, most people try to make a living as daily wage earners, but there are not many jobs available. Especially women have been extremely vulnerable and dependent on other people.

6.4. SOCIAL IMPACTS

Particularly in the north and east of Sri Lanka, land is inescapably intertwined with nearly all aspects of life: economical, cultural and political.¹³³ The displacement, therefore, extends beyond economic hardships, resulting in emotional and social effects that place a heavy toll on the lives of the displaced.¹³⁴ The overwhelming majority of the visited communities chose returning as the preferred settlement option in contrast to moving to alternative land. While many reasons, such as inadequate compensation or a lack of assistance in alternative areas, inform this decision-making, in the Sri Lankan context,¹³⁵ land represents an important aspect of one's belonging, individual and collective identity, and sense of community. A certain piece of land is thus often seen as much more than an economic commodity. It is, in many respects, an affirmation of belonging as, for many, it connects the current generation to their ancestors, who built the houses and cultivated the lands.

SOCIAL IMPACTS

Affected Human Rights

Right to protection of property; right to education; right to an adequate standard of living; right to life, liberty and security of the person.

Summary Findings

The military occupation of land has had an enormous impact on the traditional lives and customs of displaced people. For instance, it has disrupted the traditional dowry system, since displaced families are not able to provide their daughters with houses and land. Children and young people often do not have unhindered access to the education system. Some people have even committed suicide because of their inability to repay their debts. In some places, villagers cannot visit the cemetery to mourn their loved ones. Furthermore, most people from the visited communities have lived on the same plot of land for generations, making the loss of their land tantamount to the loss of an important part of their family's history.

133 Cf. <https://rukiiii.wordpress.com/2017/10/17/the-struggle-for-land-and-reconciliation-in-sri-lanka/> (06.12.2017).

134 Cf. STP 2016: Under the Military's Shadow. Local Communities and Militarization on the Jaffna Peninsula.

135 Cf. <https://rukiiii.wordpress.com/2017/10/17/the-struggle-for-land-and-reconciliation-in-sri-lanka/> (06.12.2017).

Detailed Findings

Young women from **Iranaitivu** experience barriers to getting married, as their families lack land to offer as a dowry for marriage. Moreover, educational opportunities are sparse, making it difficult for young people to gain the skills needed in order to make a living. Consequently, the young people of Iranaitivu are vulnerable to a lifetime of continued poverty. Additionally, as one of the only sources of income for women is daily wage labour for low pay, they have often no other choice than to leave their children at home without adequate care. This problem occurs especially in female-headed households.

In **Mullivaikkal West**, many people took on microcredit because assistance for the reestablishment of livelihood activities has not been systematically provided. The failure to pay back the debt has led to suicides.

Due to the occupation and destruction of an LTTE cemetery in **Iranapalai**, the relatives of the fallen LTTE members cannot visit the tombs to mourn their loved ones.

People have been living in **Keppapulavu** for eight generations. They stress the emotional value of their lands that were formerly cultivated by their ancestors. Similarly, the village cemetery is situated inside the occupied area. Therefore, people cannot visit the tombs of their relatives, which causes distress. Furthermore, people can no longer engage in their custom of providing shelter, food and water to those on the *padayatra* “foot pilgrimages”.¹³⁶ In addition, those households that did not receive LKR 100,000 (EUR 522) for the construction of wells had to finance this on their own, for which they needed to take up loans with interest. Some people have committed suicide after failing to pay back their instalments. Moreover, drug production, sales and use have apparently increased among community members. Young girls also feel more insecure in the model village because they have to walk on roads alongside the jungle to reach their school, while villagers often face harassment by the police when they approach them.

¹³⁶ A *padayatra* is a two-month-long pilgrimage made on foot from Jaffna to the Temple of Kataragama. It is a traditional procession of village devotees who represent rural voices. (Cf. <http://padayatra.org/> (13.01.2018).)

As there is only an elementary school in **Mullikulam**, adolescents have to travel daily to other towns or stay at hostels for further education. Most displaced families cannot afford these expenses. Furthermore, villagers clearly stress the sentimental value attached to their lands. “We have always said that we want our own lands back, and not alternative lands, as they connect us to our ancestors and family biographies”, says one villager. Even though the navy provides access to the church nowadays, the existing shortcut has been blocked. Most elderly people find it difficult to reach the church, as they have to walk 3 km from Malankadu. Transportation is only provided once a week on a Sunday morning. Similarly, during a funeral, people need to carry the coffin 3 km to the church and another 5 km from the church to the cemetery, whereas the actual distance between the two should only be 1.5 km. Before displacement, everybody had to come to pay their final respects at the cemetery. Now, it is not possible for elderly people to travel this long distance.

The women of **Pallimunai West** also struggle to get married because their families cannot fulfil the dowry requirements. Additionally, there is no welfare assistance for elderly people. Since displaced people are living with relatives and friends or in rented houses, they are becoming marginalized and face harassment from other villagers.



● *Occupied land in Mullikulam*

RELEASED LAND

The new government missed its own deadline to resettle all IDPs by the end of 2016.¹³⁷ The resettlement progress and the search for durable solutions are slowly ongoing.¹³⁸ According to state data, by May 2017, the armed forces had released about 54,769 acres of state land and 24,394 acres of private land under military occupation.¹³⁹ In the Northern and Eastern Provinces, 24,336.25 acres of private land have been released since the end of the war in 2009.¹⁴⁰ The army claims that it has released 55,643.92 acres of private and state land in the Northern Province alone.¹⁴¹ According to Ahmed A. Jawad, Sri Lankan High Commissioner in Canada, the military has released 20,784.16 acres of land, as of 31 October 2017, in the Mullaitivu District.¹⁴² Furthermore, the government claims that it has resettled 256,972 families (891,125 individuals), as of 31 October 2017.¹⁴³ While these numbers may be interpreted by some as significant progress, attention must be given to the painfully slow pace of land releases (even after the change in government).¹⁴⁴ Even though some government officials claim that the occupied civilian land will be released,¹⁴⁵ military officials reject this claim. According to the Chief Civil-Military Coordinating Officer, Lieutenant Colonel Asela Ubayasekara, the military has released all disposable land. He has also rejected the idea of the further release of occupied land in the north.¹⁴⁶

137 Cf. <http://srilankabrief.org/2016/06/sri-lanka-will-resettle-all-war-displaced-by-year-end-minister/> (05.01.2018).

138 Cf. OI 2017: Justice Denied: A Reality Check on Resettlement, Demilitarization, and Reconciliation in Sri Lanka.

139 Cf. GoSL 2017: Replies of Sri Lanka to the List of Issues, CESCR Report.

140 Cf. GoSL 2017: National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21. Submission to the Working Group on the Universal Periodic Review.

141 Cf. <http://www.army.lk/news/another-land-area-13334-acres-released-civil-land-owners> (04.01.2018).

142 Cf. <http://www.thesundayleader.lk/2017/11/12/sri-lankas-envoy-in-canada-rejects-allegations-on-army/> (04.01.2018).

143 Cf. http://resettlementmin.gov.lk/site/index.php?option=com_content&view=article&id=5&Itemid=21&lang=en (10.01.2018).

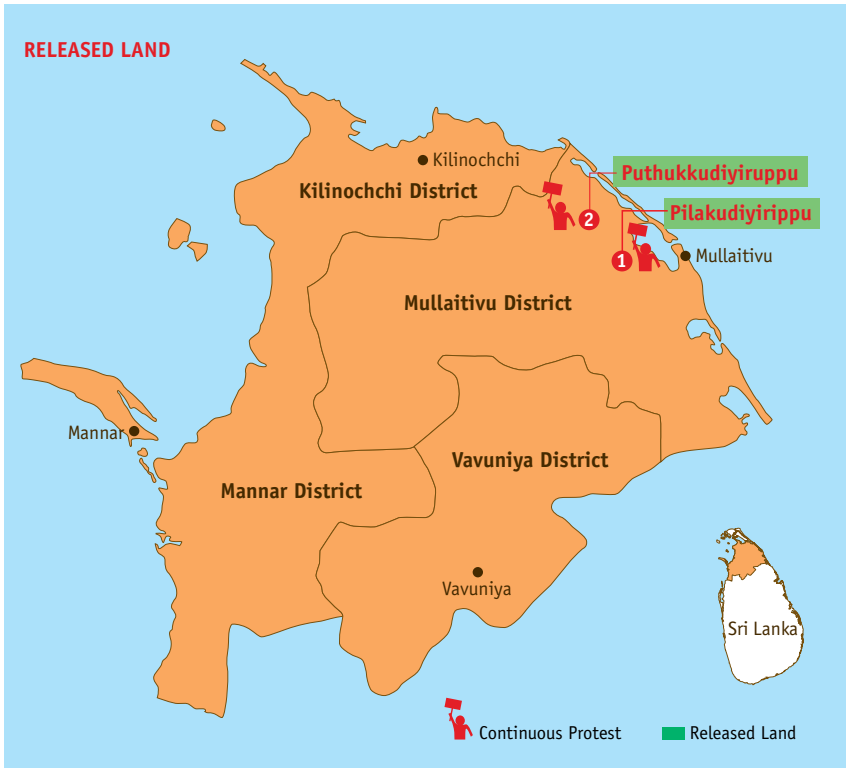
144 Cf. http://europa.eu/rapid/press-release_IP-17-1363_en.htm (13.12.2017).

145 Cf. <http://www.thehindu.com/news/international/Military-to-release-all-land-by-2018-Samaraweera-tells-Geneva/article14408521.ece> (14.01.2018).

146 Cf. <http://www.jdslanka.org/index.php/news-features/politics-a-current-affairs/726-sri-lanka-military-paid-millions-to-hand-back-occupied-tamil-land> (10.01.2018).

7.1. VISITED RESETTLED COMMUNITIES

The research team visited the following two communities in the Vanni region in order to explore the situation on the ground for people whose traditional land was recently released by the military. Their lands were partially released in 2017 due to roadside protests:



1. Pilakudiyirippu

Occupied area: 56 acres

Displaced families: 70

Responsible military unit: Northern Zonal Command (SLAF)

Continuous protest: 31 January 2017 - 1 March 2017

Promises: Oral promise on 14 February 2017 by Minister of Prison, Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs to release land very soon

Released area: 42 acres on 1 March 2017

Resettled families: 41

Pilakudiyirippu is a rural village in the Keppapulavu Grama Niladhari Division, all of whose residents were displaced in 2009 during the last phase of the war. Before displacement, 70 families were living in Pilakudiyirippu. In 2013, the villagers left Menik Farm and were resettled in the “Keppapulavu Model Village”. Together with other inhabitants of the model village, some villagers from Pilakudiyirippu started a continuous roadside protest on 31 January 2017, demanding the return of their traditional land and homes.¹⁴⁷ While the land in Pilakudiyirippu was state land, 54 families held land permits. However, under LTTE control, the land had been newly distributed among the villagers. After the end of the war, the army initially occupied the land, before the air force took it over. On 1 March 2017, after a month of continuous protest, 42 acres of land were given back to 41 households. Another 14 acres remained occupied, keeping eight families away from their land. Prior to December 2017, the military had taken no steps to release the remaining land.

¹⁴⁷ See 6.2 Visited Displaced Communities (Keppapulavu)

2. Puthukkudiyiruppu

Occupied area: 19 acres

Displaced families: 49

Responsible military unit: Security Forces Headquarters – Mullaitivu (SLA)

Continuous protest: 2 February 2017 - 4 March 2017

Promises:

- Oral promise on 4 March 2017 to return the occupied land phase by phase
- Announcement by the army to release remaining acres on December 23, 2017

Released area: 7.5 acres

The residents of the town of Puthukkudiyiruppu were displaced during the final stages of the war in 2009 due to heavy fighting. They were later detained at Menik Farm. Eventually, they returned to their homes, except for 49 families from Puthukkudiyiruppu East. The army had occupied 19 acres of land, for which some villagers have legal documentation, such as deeds, permits or grants.¹⁴⁸ On 2 February 2017, people from Puthukkudiyiruppu launched a continuous protest. Consequently, the army handed back 7.5 acres of land on 4 March.¹⁴⁹ The promises made to return the remaining lands, phase by phase, in 2017 were not realized. As people protested again, they were told that the remaining acres would be handed over on 23 December 2017. However, the land was not released on this date.

¹⁴⁸ Cf. <http://groundviews.org/2017/02/20/sellamma-her-struggle-to-reclaim-her-house-and-land-in-puthukkudiyiruppu/> (09.01.2018).

¹⁴⁹ Cf. <http://groundviews.org/2017/03/14/sellamma-returns-home-after-army-occupation/> (19.12.2017).

The following chapters contain the information gathered from these interviews.

7.2. HOUSING AND INFRASTRUCTURE

Sustainable resettlement requires adequate housing and infrastructure improvements, including access to sanitation facilities, water and irrigation systems, hospitals and schools.

BASIC FACILITIES AND INFRASTRUCTURE

Affected Human Rights

Right to an adequate standard of living; right to health; right to water; right to life, liberty and security of the person; right to education.

Summary Findings

There is hardly any assistance available to resettle people in newly released areas. When people try to resettle, they return to destroyed houses and infrastructure, and are only provided with inadequate basic facilities. They also struggle to obtain drinking water, while insufficient sanitary facilities risk the spread of diseases. In rural areas, access to essential health services and education can be restricted. This is further amplified by the fact that public transport is often inadequate. Hence, in one of the visited areas, only around 25% of the families had resettled in their traditional land.

Detailed Findings

Even though the land of 41 families was released in **Pilakudiyiruppu**, only nine families have been resettled from the “Keppapulavu Model Village”. Houses and basic facilities, such as toilets and drinking water wells, were destroyed. Those who were resettled have not received any government support for the construction of houses and sanitary facilities; they live in temporary makeshift shelters, which are not appropriate during the rainy season. One NGO provided concrete pillars and barbed wire fencing for their land. Additionally, there are no medical facilities in the village. For medical care, people need to travel 5 km to the next hospital. This is further complicated by the fact that there are hardly any public transportation options. Similarly, children face difficulties in attending the next school, which is 4 km away. The army camp also blocks the Pilakudiyiruppu main access road, while there are no shops or local markets where products can be bought or sold.

Since people from **Puthukkudiyiruppu** were released from Menik Farm, they have not received any compensation for war-destroyed properties, even though each household was promised to receive LKR 800,000 (EUR 4,177)

for the reconstruction of houses, toilets and drinking water wells. However, this amount is far from adequate to cover all the expenses involved. In **Puthukkudiyiruppu East**, people returned to damaged houses and infrastructure as the army left behind a trail of destruction before it handed over the lands it occupied. When the 83-year-old Sellamma returned to her house, soldiers had dispersed waste all over her property, ripped screws from the door frames, cut the electric wires and removed the sockets shortly before leaving. Moreover, her coconut trees had been bulldozed by the military.¹⁵⁰

7.3. LIVELIHOOD DEVELOPMENT

Before the end of the war, it was access to land and water that provided the visited communities with diversified and sustainable sources of income and gave them economic security. Their displacement denied them access to both for years, making them dependent on the support of relatives or irregular paid work. The following observations regarding the development of the livelihoods of resettled people were made by the research team:

LIVELIHOOD

Affected Human Rights

Right to an adequate standard of living; right to life, liberty and security of the person; right to work.

Summary Findings

Despite the release of occupied lands, people's living situation has not ameliorated, as they face serious challenges in reviving their traditional or former livelihood, due to insufficient facilities. Furthermore, no assistance has been provided to ensure that their return is sustainable nor compensation paid for the occupation of their land and the loss of property, which is essential to

150 Cf. <http://groundviews.org/2017/03/14/sellamma-returns-home-after-army-occupation/> (19.12.2017).

generating income. Many currently try to make a living as daily wage labourers. Since there is no work on a regular basis, female-headed households especially struggle to meet their respective family's needs.

Detailed Findings

Prior to their displacement, people from **Pilakudiyiruppu** were engaged in fishing and cultivating rice as their traditional forms of livelihood. Even though the lagoon and their land have been released, they face difficulties in re-engaging with their traditional livelihood. Fishers lack adequate equipment and need to walk a long distance to reach the lagoon, since the military is blocking the access road. Farmers, meanwhile, lack sufficient water sources to successfully and sustainably resume agricultural activities. On the one hand, the water wells were damaged or destroyed during the war. On the other, the repaired and newly constructed water wells are increasingly running dry. Out of seven water wells, only two can be used without difficulties. Only two families are currently trying to re-establish paddy cultivation while another two families are engaged in cultivating groundnuts. The families engaged in their traditional livelihoods are currently only earning LKR 700 (EUR 3.7) per day, despite working for more than 14 hours.¹⁵¹

In addition to daily wage labour, local people in the area of **Puthukkudiyiruppu** practise traditional forms of livelihoods, but face serious challenges. Traditional fishers experience resource grabbing due to the influx of Indian fishers, as well as migrating fishers from the south of Sri Lanka, who use destructive fishing methods that are restricted to local fishers. There is also no space to moor the boats, since there is no anchorage point on the lagoon in the area. The harvest yields of traditional farmers are threatened by natural phenomena, that is, heavy rain and extreme drought. In addition, the Samurdhi programme, a prosperity scheme founded by the government to reduce poverty, is not available to any of the community members. This can be especially difficult for female-headed households, which struggle to meet their family's needs when they have no income.

¹⁵¹ To cover the minimum cost of living, a household in the north or east of Sri Lanka spends approximately LKT 30,000 (EUR 157) per month, as reported in previous STP work (cf. STP 2016: Under the Military's Shadow. Local Communities and Militarization on the Jaffna Peninsula).



● *Makeshift shelter in the released land of Pilakudiyiruppu*

CONCLUSION

Based on the results of the research in the Vanni, the STP and NAFSO conclude the following:

- The military did not follow official procedures for acquiring lands in the visited communities. Either people were unaware that land acquisition notices had been filed or notices were not issued at all. Rather, the security forces simply held onto the lands after the war ended, contrary to what is provided within the legal framework. In light of this, the land occupations are illegal.
- Freedom of movement is denied for displaced people in the Vanni. They are not allowed to enter the occupied areas and their access to land and water has been lost or is restricted. Consequently, displaced people have lost their traditional livelihood or their household income has decreased significantly. Many, particularly female-headed, households are struggling to meet their basic needs. Additionally, access to education for young people is often restricted in displaced communities.
- The most vulnerable group in the Vanni comprises women and girls. The protection of their bodily integrity is not ensured by the government. Indeed, they are subjected to gender-based violence, including at the hands of the security forces. Most cases remain unreported due to social stigma and fear of retaliation.
- Displaced people were arbitrarily deprived of their property, while their houses and infrastructure were mostly destroyed by the military. The affected families have not received any compensation for the destruction of their property.
- In 2017, there was a dramatic increase in the number of protests demanding the release of land. While a few displaced communities were successful in getting their land, at least partially, back, many others were placated with promises from the authorities, which were subsequently not kept.

- The military is using the occupied land for commercial purposes. Its economic activities pressure local communities even further, taking away market shares and in turn depriving them of work and livelihood opportunities (particularly in farming, which is the main sources of income among the local population in the Vanni).
- The loss of a plot of land, cultivated for generations, not only threatens the chances of a self-determined life without hunger, but also robs people of their cultural roots and social networks. With their displacement, people had to abandon their former way of life and customs.
- Life in displacement also changes traditional gender roles, as women are forced to leave the domestic sphere and engage in daily wage labour. Due to their leading functions and participation in the land protests, women are also gaining decision-making power in their communities.
- A key obstacle to the achievement of sustainable solutions to war-related displacement is the lack of adequate assistance and infrastructure. Despite the success of some communities in winning back their traditional lands following protests, resettlement in their place of origin is difficult. As many houses and most of the infrastructure were either damaged or destroyed, going back entails rebuilding one's life from scratch with hardly any support or acknowledgement from the government. Additionally, access to essential health services and education can be restricted in the resettled communities found in rural areas.
- The adapted policy for durable solutions from 2016 recognizes that resettlement is not merely about access to land, but also about adequate assistance to create sustainable livelihoods. However, when considering the slow pace of the release of lands, as well as the inadequate resettlement assistance to re-establish homes, traditional livelihoods and vital infrastructure, the government has failed to implement the policy.
- There is a significant gap between the government's rhetoric on reconciliation and the current realities on the ground. So far, the government has failed to demilitarize the Vanni. Promises to release occupied land given by various government officials to displaced communities are repeatedly broken.

RECOMMENDATIONS

Due to the human rights violations and the prevailing deplorable conditions indicated above, the STP and NAFSO believe and insist that urgent action is required. Our recommendations are addressed to the GoSL and the international community.

TO THE GOVERNMENT OF SRI LANKA:

- Comply with the human rights framework, which the GoSL has ratified, and implement the recommendations of UNHRC Resolution 30/1 on promoting reconciliation, accountability and human rights in Sri Lanka.
- Demilitarize the Vanni by reducing the military presence and ordering the cessation of all commercial activities by dismantling military-run hotels, farms and other businesses.
- Order the military to cease the surveillance, intimidation and harassment of the local population, civil society, NGO staff and journalists.
- Ensure land rights for all displaced people by releasing all occupied areas to the public and resettle all displaced families on their traditional land.
- Inform displaced people about the resettlement process and make them aware of any resettlement plans. Make displaced people part of the implementation of the resettlement process.
- Compensate displaced families for the period of occupation and the destruction of houses and other properties.
- Provide displaced and resettling families with sufficient basic facilities, such as drinking water, electricity and sanitary facilities. In addition, ensure access to essential health services and education needs.

- Provide resettling families with adequate housing facilities by supporting them to rebuild their houses.
- Ensure an adequate standard of living for female-headed households, so that their families can meet their basic needs.
- Ensure unrestricted access to land and water for local communities and stop the destruction of fishing resources by migrating fishers from India, as well as those from the south of Sri Lanka and Jaffna.

TO THE INTERNATIONAL COMMUNITY:

- Demand that the GoSL complies with the human rights framework, which it has ratified, and implements the recommendations of UNHRC Resolution 30/1.
- Ask the GoSL to reduce the military presence, and cease surveillance by the military and military-run businesses.
- Monitor carefully the resettlement process and ensure the presence of members of the international community in the Vanni.
- Support resettling families, in coordination with the GoSL, in developing their traditional livelihoods.
- Support the GoSL in ensuring an adequate standard of living for displaced and resettling families, particularly female-headed households.
- Do not provide trade concessions to Sri Lanka until the occupied land has been released and the human rights situation has significantly improved.

WITH THE STP FOR HUMAN RIGHTS

The Society of Threatened Peoples (STP) is an international human rights organisation that supports minorities and indigenous peoples. It documents human rights abuses, informs and sensitises the public, and represents the interests of victims against authorities and decision makers. It supports local efforts to improve the human rights situation for minorities and indigenous peoples, and works together, both nationally and internationally, with organisations and people that are pursuing similar goals. The STP has advisory status both at the Economic and Social Council (ECOSOC) of the UN and at the Council of Europe.



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