

To: The Ministry of Foreign Affairs (MFA)

From: The Peoples' Alliance for the Right to Land (PARL)*

This brief highlights the dilemma faced by war-affected people in the North and East who are struggling to regain their land, or face significant challenges upon return. According to the military, there remains approximately 22,085 acres of both private and State land, still under military occupation.¹ The real extent however, is likely to be far higher. The need to release occupied land is urgent, and measures must also be put in place to ensure that communities are able to 'build back better' in an equitable process of return, repatriation, reintegration and development.

01. Occupied Land in the War-Affected Regions

Having exhausted all options following years of lobbying, communities in the North and East have resorted to street demonstrations to secure the release of their land occupied by the security forces. Despite government claims of its genuine interest to release these lands back to its rightful owners,² the progress has been extremely slow and inadequate.³ In most instances, the lands released (both in full or partially), have been as a direct result of continuous protests and campaigns by displaced communities, as witnessed in Keppapilavu, Pilakudiyiruppu, Iranatheevu and most recently in Mullikulam.⁴ Most campaigns have been ongoing for the past 18 months, and have taken a substantial physical, emotional and economic toll on these communities. Irrespective, they are adamant to continue their respective struggles until the government fulfils its obligations, and delivers on its promises to the people. In terms of both areas where the government has promised to release lands, and/or those continuously protesting for the return of their lands, the remainder of occupied Keppapilavu, Mullikulam, Panama and parts of Valikamam North remain to be released. There are also occupied areas such as Pallimunai, Sannar, Silavathurai and Ashraf Nagar, where there has been no promise of release at all. This is in spite of there being year-long court cases against the Navy and Army in Pallimunai and Ashraf Nagar, respectively.⁵

The second dimension of this struggle is the availability of facilities and resources for communities to return to their already released lands. Many families who have returned to their lands are left to fend for themselves. In most instances, they have returned to find their homes and community buildings, wells and toilets damaged, vandalised or fully destroyed, either during the war, or post-war, prior to the release of their lands.⁶ Others, had been neglected for decades, resulting in dense overgrowth and an uninhabitable environment. As a result, this has put returnee families in a dire situation, and raises serious concerns for their safety, hygiene and basic human dignity. Many do not live there permanently yet, as there is no proper housing, utilities, transport and other infrastructure facilities in place, so they are unable to restart their lives as they were prior to occupation. Therefore, even after having fought hard to win back, and return to their lands, they are far from being able to rebuild and restore their normal lives. At the very minimum, it must be ensured that housing is reconstructed to the state it was in prior to occupation; with water and electricity, residential and cultivation lands, public playgrounds, clean wells and tanks, accessible roads, community spaces, and public transport. With regard to rebuilding private houses, the government must provide standardised housing assistance in keeping with the current cost of building material and labour costs.

¹ See, Reuters, [Land Under Military Occupation](#), 17/05/2018

² See Daily Mirror, [President, PM Security Forces and TNA Discuss Release of Land](#), 31/05/2018

³ See Ahilan Kadirgamar, [Dispossession and Landlessness in Post-War North](#), 20/03/2017

⁴ See Lisa Fuller, [Displaced Sri Lankans Defy Military to Reclaim Homeland](#) 18/05/2018 and Ruki Fernando, Marisa de Silva and Swasthika Arulingam, [Broken Promises: Kepapulavu Displaced to Restart Fast Unto Death Next Week](#) 15/07/2016 and Ruki Fernando, [Mullikulam: A Step Closer to Regain Navy Occupied Lands and Houses](#) 05/08/2018

⁵ Women's Action Network, [Ashraf Nagar: The Courageous Struggle of Peasants against the Forcible Land Acquisition in Ampara District](#) 19/01/2013

⁶ See Groundviews, [Sellamma returns home after Army occupation](#) 14/03/2017

In the practice of land release and ensuring adequate facilities for returnees, the State must take into account the specific needs of women and other identity groups including those who were landless, prior to displacement. It is the responsibility of the State to ensure equitable and fair distribution of land to all affected persons.

02. Lack of Uniformity in Resettlement Assistance and No Mechanism for Reparations

We call on the government to commit to their electoral mandate of meaningful reconciliation and adhere to the 'National Policy on Reconciliation and Co-existence', approved by Cabinet on 2 May, 2017, and ensure that it is fully implemented at all levels of State policy⁷.

We also call for the full implementation of the 'National Policy on Durable Solutions for Conflict Affected Persons Affected by Conflict Related Displacement'⁸ that was passed by the Cabinet in 2016. The policy, *"provides a rights-based set of principles and standards to guide all stakeholders working with IDPs and displacement-affected populations, in accordance with Sri Lankan law and policy, and international law and humanitarian standards, including the UN Guiding Principles on Internal Displacement"*, and therefore a critical need at this juncture.

While there are many strong Cabinet-approved policies to ensure a meaningful and sustainable reconciliation process, we see very little political will to implement these policies in a way that directly benefits people returning to their land, still awaiting release of their land, people who are landless, those awaiting housing assistance, etc. We also note with disappointment, the indignity people in the North and East continue to face from the military in the process of land restitution. It is imperative to take note of the particular vulnerabilities faced by women returnees. The government must ensure joint ownership of land, at least with regard to State land, as returning women-headed households, face severe hardship as a result of discriminatory laws that deny women the ownership of land. There must also be specific efforts to ensure equal access to income and livelihood derived from land. Even in the context of displacement, the lack of necessary resources, facilities and infrastructure have a very specific impact on women in terms of their livelihood and security.

Provincial Councils and Local Government Authorities too, have a key role to play in the land restitution and reparations process, and must work closely with the relevant line ministries and key stakeholders to ensure that financial support is included in the budgetary and planning processes. A comprehensive reparations scheme, to compensate the long term displaced, at the very least for the loss of income, rent for the decades of occupation, and where relevant, reimbursement of rent paid by telecommunication providers etc., We've seen inadequate or no funding allocated to support resettlement; including for infrastructure, public services and basic resources. Instead, more than one billion rupees has been allocated by the Resettlement Ministry to compensate the military for withdrawing its occupation in two instances.⁹ The Defence Ministry must, with immediate effect, reimburse the Resettlement Ministry for these payments, and the Resettlement Ministry must only utilise its' funds to resettle civilians in the future. In this context, we are alarmed by the level of power and discretion vested in the military with regard to land occupation and release. Civilian/parliamentary oversight and control over the military should be a non-negotiable feature of any democracy. Public statements, actions and or inactions by this Government that indicate a clear deference to military will, is deeply problematic especially in a period of 'transition'. While the military

⁷ See [National Policy on Reconciliation and Coexistence](#) (accessed 28/08/2018)

⁸ See [Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs, National Policy on Durable Solutions for Conflict Affected Persons Affected by Conflict Related Displacement](#) (accessed 28/08/2018).

⁹ The Ministry of Resettlement has allocated 866 million rupees to the military to release 522 acres of privately owned land in the North, currently under occupation, to relocate their camps elsewhere. Similarly in July last year (2017), the Resettlement Ministry announced the allocation of Rs. 148 million rupees to be given to the military to release 100 acres of occupied private lands in Keppapilavu, and relocate their camp. See, [News.lk, Cabinet Decisions, May 9, 2018](#) and Daily News, [Army to release 110 acres of land to owners, 27/07/2017](#).

can be consulted with regard to the release of land, all decisions must be taken by the government and local authorities, in line with relevant laws and procedures.

To discuss these and other urgent issues as a matter of priority, we would be grateful if the MFA could arrange for a meeting with senior officials from the following institutions:

- Ministry of Rehabilitation and Resettlement
- Representatives from the Presidential Secretariat and the Prime Minister's Office
- Ministry of Defence
- Ministry of Finance

***The Peoples' Alliance for the Right to Land (PARL), is a network of civil society organizations lobbying for land rights. PARL has filed litigation, launched campaigns, supported community-led movements that have led to land release, and has engaged in local and international advocacy on land-grabbing and other forms of housing and land rights violations faced by marginalized communities in Sri Lanka.**