The Land Issue in the Resettlement Process in Former Conflict Affected Areas in Sri Lanka

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***Abstract*—Building positive peace is the most important objective of the post-war peacebuilding process. Certain issues are being highlighted in the resettlement process in former war affected areas of the Northern and the Eastern provinces of Sri Lanka. Among those problems, the land issue is a significant and contentious one in the former war affected areas. Government sources point out that they have received 132,000 complaints related to lands and land ownership from the Northern and the Eastern provinces. [1]The aim of this paper is to explore the nature of the land issue in the former conflict affected regions in Sri Lanka. Acquisition and forcible occupation of agricultural lands by the government or individuals are the core issues. The contemporary land issues of the Northern and the Eastern provinces can be identified as an outcome of the post-war security and development process as well as a consequence of the protracted civil war in the country. The government's policy on post-war land issues should be re-examined soon, as those agricultural lands have great sentimental and historical value to the authentic owners, which far exceeds their market value.**

***Index Terms*—Post-war era, resettlement process, resettled families, encroached lands, agricultural lands, development projects**

I. Introduction

The twenty-six year civil war ended in Sri Lanka with the complete victory of the government's military forces in 2009, leaving the field open for the government and its agencies to implement long term peacebuilding measures. Among the post-war peacebuilding processes, resettlement of IDPs was considered to be the most important task because without accomplishing this it would not be possible to restore normalcy in the former war affected areas nor build a sustainable peace in the war torn country. A successful resettlement process could be identified as a strong foundation for building peace. On the one hand a successful resettlement operation would be recognised as a sign of recovery and transformation from war to peace. On the other hand, a poor resettlement attempt will create new issues that will badly affect the drive towards reconciliation in the country. In Sri Lanka, as soon as the de-mining operations were completed, the government focused on the resettlement of IDPs as the next step of the post-war reconstruction process. In the Eastern Province, when the military operations ended in 2007, more than 59,000 people who had lived in the LTTE controlled areas were displaced [1]. At the end of the war in May 2009, there were 295,136 IDPs in the North [2]. According to the reports there were 227,000 "Old" IDPs too who were displaced before 2008 staying in the welfare camps or with their relatives and friends. [2] Most of the IDPs were accommodated in the Welfare villages while some of them stayed with their friends and relatives.[3]

The reports say that the government has completed the resettlement of all the IDPs who were displaced during the final stages of the war. Further, the government has completed the resettlement of over 450,000 persons displaced during the conflict [3].

Although the government policy was supposed to give priority to resettling the IDPs in their original places of residence, more than 8000 people could not be resettled in their original lands because the military had taken over some of the lands for security purposes while the government had taken over certain other lands for development projects. The high security zones in the Northern and Eastern provinces and certain lands taken over for some development projects in Trincomalee could be cited as examples. In the first case the armed forces have taken over those lands to establish high security zones in the Jaffna peninsula [4]. In the second case the government itself has taken over certain ancestral lands in Sampur in Trincomalee to build a coal power plant.

II. Literature Review of the Study

Generally, a civil war or civil strife forces people to flee to more secure places within or outside the country, triggering a flood of IDPs and refugees as a result of the outcome of violent activities of the warring parties. For instance, the UNHCR points out that 51.2 million people were forcibly displaced worldwide at the end of 2013 [5]. The report says there was an increase in the number of IDPs with over 33.3 million internally displaced persons throughout the world by the end of 2013 [5].[4] As a primary step towards building sustainable peace, war affected countries prioritise on humanitarian operations such as resettling the returning IDPs as well as refugees in their

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[1]Secretary to the Ministry of Land and Land Development, Sri Lanka. *Hiru News Bulletin*, 22 December, 2013 at 7.30 p.m.

[2]Those IDPs were displaced early in the war before 2008. However, the statistics regarding the IDPs sometimes show quite different figures due to failure to follow the proper registration procedure at some period.

[3]Welfare villages provided more freedom for the IDPs, in which the government built semi-permanent houses with other facilities for them to live in. They could go outside to work, attend school, etc.

[4]The countries that reported the most numbers of IDPs in 2013 were Syria 6.5 million, Colombia 5.4 million, Congo 3 million, and Sudan 1.9 million. Further, at least one-third of the population of Afghanistan, Lebanon, Rwanda and Somalia migrated in search of physical security in the 1990s.

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original places and by providing the necessary facilities to promote their livelihoods. K. Kumar (1997) observed as follows:

"The return and resettlement of refugees and IDPs is necessary to realise social peace and economic growth." [6]

In other words, Kumar's comment on resettlement points out that it is the key activity underpinning peacebuilding and economic growth in a war affected society, because all of the projects aimed at upgrading the living conditions of the affected people and fostering peace require that they live in some permanent abode. In keeping with this, a number of projects for resettlement of IDPs were initiated in different parts of the war torn areas throughout the world in the last two decades. Those resettlement projects were largely implemented with the collaboration of international agencies as well as local organizations, which provided basic necessities to the returning IDPs and refugees to restore their livelihoods. Among those resettlement projects, Africa and Central America had been highlighted because these regions reported massive population displacements during the intrastate conflicts of the 1980s and 1990s.The African continent was ravaged by social, political and natural calamities such as wars, civil wars, ethnic, racial or religious persecution, or by natural causes such as droughts and famines, resulting in 35 million people becoming refugees and IDPs in the 1990s [8].For instance Somalia, which was affected by civil armed conflict and violence over the past twenty years, produced 400,000 IDPs and the resettlement process was carried out in the last decade in Bossaso of Puntland Province with the assistance of international and local partners.[5] The project focused on securing permanent lands, implementing durable solutions for their protection, expanding access to basic services, and improving opportunities for economic activity and recovery [7]. The World Bank, a pioneer world organization on reconstruction and development funding was involved in resettlement projects in the conflict affected areas by initiating housing projects, agriculture, water supply, urban development, transportation, industry, environment, population and human development projects[7].[6] In 1996, which was the post-civil war period, Bosnia and Herzegovina reported that 130,000 IDPs returned home [8].The authorities in Bosnia and Herzegovina facilitated the provision of housing, education, health and other infrastructures for the people who returned home. In addition, some studies disclosed the problems of the resettled IDPs and refugees as land related issues, housing issues, issues of durable protection, unemployment among returnees, loss of access to common property resources and marginalization, among others [6]-[7], [9]. Therefore, in conflict affected countries engaged in the process of post-conflict peacebuilding, resettlement is considered as a key recovery activity, and this is facilitated by providing dwellings and other basic necessities required to restore their livelihoods.

III. The Land Issue in the Resettled Areas of Sri Lanka

Although the government could resettle the majority of IDPs in the former war affected areas in Sri Lanka, several issues have emerged in respect of the original lands of the local people. The nature of the land issue consists of some complicated problems, as follows.

Firstly, the loss of the original lands of the IDPs is a core issue in the conflict affected regions. The government has been occupying several private lands for security purposes and for implementing various development projects in those areas since the war ended. This problem mainly emerged when the security forces occupied several ancestral lands of the local Tamils and Muslims in the Northern Province as well as the Eastern Province to establish the "High Security Zones (HSZs)."[7] HSZs are restricted areas controlled by the military and the general public including the rightful owners of the land are prohibited from entering them. The government has occupied many such private lands in Sampur, Palaly and Musali to establish development projects and military complexes. Further, the government has encroached on many other ancestral or agricultural lands for certain development projects in the North and the East.

Among these development projects, the most contested issue was raised in connection with the "Sampur coal power plant project"[8] in Trincomalee that displaced about 26,755 native people [10]. As nearly 1,200 families had been displaced, the government relocated the Sampur IDPs to the Rahulkulee and Pallikudiyirippu areas, but some families are still languishing in open welfare camps in Trincomalee District. Some of them are continuing to live with their friends and relatives in the hope of regaining their original lands soon.

Secondly, the land problems relating to the Eastern Province centred mainly in the Batticaloa district show a different picture of the post-war land issue in Sri Lanka. The agricultural lands of the Muslims in the Batticaloa district had historically been situated in the Tamil dominated areas. Those lands had been encroached and settled with LTTE nominees after thorough ethnic cleansing by the LTTE who drove out all the Muslims. The LTTE had redistributed those lands among the Tamils as rewards to the families of their 'Maveerar' (LTTE war heroes killed in battle). Those lands were cultivated under the government land permit system over the course of several decades by the Muslim farmers. The new LTTE nominees who had settled down in those lands during the LTTE dominated era

[5] In this area there were 11,000 IDPs out of the 400,000 IDPs reported in Somalia. The partners of the resettlement programme were UNDP, UNHCR, UN-HABITAT, UNICEF, FAO, and OCHA.

[6] For more resettlement cases in Africa please see Syprose Achieng et al., *How to Deal with people in Post Displacement-Reintegration: The Welcoming Capacity Approach*, Land and Water Division working paper (Food and Agriculture Organization, 2004).

[7] The largest number of people who were displaced due to the High Security Zones comprises Tamils. It is estimated that about 41 sq km of land in Jaffna district came under HSZs at the height of the conflict (LLRC,2011). In the Eastern Province also lands were taken over for the HSZs. The HSZs are restricted areas to the civilians and they comprised Military complexes and/ or un-cleared lands still strewn with land mines.

[8] Sampur coal power plant project was established in May 2007 by an Indian company and this is the biggest development project in the Eastern Province at a total cost of US$ 600 million.

were refusing to return the lands to the former Muslim farmers. According to the estimates of the "All Mosque Society and Muslim Organization" in Kattankudy, more than 50,000 acres of agricultural lands have been encroached by Tamil families.[9]The Muslims have lost their agricultural lands and this is a burning issue among the Muslim farmers in the Batticaloa districts this matter has directly affected their livelihood, causing them deep distress. As the LLRC report has pointed out, Sinhalese families had been affected by the same kind of issue in Trincomalee district [10]. Since the LTTE had purposely destroyed the original documents in the land registries of some areas, the affected people could not prove their ownership to their lands.

Thirdly, some people had lost their original land documents during the war and this is another burning issue facing the local people who had been displaced for a long time in the war affected areas. Due to the loss of the original documents, people could not prove their ownership of the lands. Further, it has been reported that some people have claimed ownership of other peoples' lands with forged land documents such as spurious title deeds.

Fourthly, the government has taken over the LTTE military campsites in some areas after the war. Those private lands had been taken over forcibly by the LTTE to build their military camps during the war period. After the government forces had captured those LTTE camps, they established their own military camps in those premises. Therefore, the people who had lost their lands because of encroachment by the LTTE during the war period have still not been able to get back their lands.

Fifthly, the encroachment of state lands by some persons is another issue in the war affected areas. Some of those encroachments have been carried out with the help of local politicians.

The Government claims that it is deeply involved in solving these issues. However, government authorities have admitted that the government has acquired some private lands for purposes of national security and national development. They have pointed out that the only permanent solution to this problem is to relocate the owners, because there is no alternative solution for ensuring national security.[10] They argued that this policy is applied not only in the Northern and Eastern provinces, but that it applied to the entire country. If someone did not wish to relocate in the area offered by the government, then it will pay compensation for their properties according to their current appraised value.

The other issues are being tackled by the government authorities at regional level and to facilitate this "land kachcheris" have been established at district level in the Northern and the Eastern provinces to address and resolve land complaints.[11] The aggrieved parties can complain to the land kachcheries directly.

IV. Conclusion

The post-war land issue is still an unresolved problem in the Northern and the Eastern provinces of Sri Lanka. The people who claim that their lands are being occupied by the government or others have put forward some important arguments. Firstly, those occupied lands have sustained several generations of their families. Therefore, those ancestral lands are of much greater historical and sentimental value than financial value to their owners. Secondly, their livelihood has been based on those agricultural lands. Some people point out that they had more than one acre that they had developed as agricultural lands over a long period. But now, because the government has allocated them barren lands it is difficult to restart cultivation immediately due to the poor facilities. So, they will need to work hard and take a long time to develop those lands into fertile agricultural land. This will directly affect their livelihood in the intervening period.

The post-war land issues have not been addressed and managed by the government in a prompt and reasonable manner. Even the government's own policies have not been implemented properly and this is bound to badly affect the process of post-war reconciliation.

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[9] The Muslim lands forcibly occupied by the LTTE in the Eastern Province are as follows: Ampara - 14,271 acres, Batticaloa- 27,219 acres, and Trincomalee- 16,996 acres. Interview with the president of the All Mosque Society and Muslim Organization.

[10] Interview with the Secretary to the Presidential Task Force for resettlement, development and security- Northern Province (PTF).

[11] Interview with the Secretary to the Presidential Task Force for resettlement, development and security- Northern Province (PTF).

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