Protracted Muslim IDPs from Jaffna in Puttalam and their Right to Choose a Durable Solution

Produced by the Information, Counselling & Legal Assistance (ICLA) Project of the Norwegian Refugee Council
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EXECUTIVE SUMMARY

Over 60,000 Muslim persons expelled from their native districts of Jaffna, Kilinochchi, Mullaitivu, Mannar and Vavuniya in northern Sri Lanka by the Liberation Tigers of Tamil Eelam (LTTE) in 1990 have been living in a state of protracted displacement for the past 20 years in the Puttalam district. Few initiatives, both on the part of government and non-governmental actors have sought to address the needs and concerns of these individuals, many of whom continue to identify themselves as uprooted persons distinct from the host community in Puttalam.

In this context, the Norwegian Refugee Council (NRC), working within its mandate to contribute to durable solutions for those affected by the conflict, undertook a study and compiled a thematic report on the choice of durable solutions available to the internally displaced Muslim population from Jaffna district, living in welfare centres in Puttalam. The study was carried out by the Information, Counselling & Legal Assistance (ICLA) Project.

Until the war’s end in May 2009, local integration in Puttalam appeared to be the only durable solution available to this population, because the environment in the north was not conducive to return due to the ongoing armed conflict and security concerns. In the post-conflict context, return to the area of origin has become an alternative durable solution to local integration and settlement elsewhere. There have been contrary assumptions among officials, donors, the media and the aid community about the choice of durable solutions for this population. Some continue to believe that ultimately all internally displaced persons (IDPs) will go back to the north despite living in Puttalam for years; others believe that age will be the key factor determining return with the older generation going back and the younger generation choosing to stay behind; and yet others believe that many of the IDPs have already locally integrated to a large extent due to ownership of property in Puttalam. There has been no systematic study on the durable option preferred by the IDPs and the reasons for this preference.

This report seeks to address, in part, the lack of a systematic study on durable solution options for the protracted Muslim IDPs following the end of conflict. It acknowledges both the decision to stay and the decision to return as leading to durable solutions, with the pivotal factor being the right of the IDPs to choose either option. Factors such as age, ownership of property and livelihood opportunities have been explored in relation to their influence on this choice.

The main tool of data collection for the study was a survey during which individuals from 621 families were interviewed. This amounted to interviews of members of over 25 percent of the approximately 2,200 IDP families from Jaffna living in welfare centres in Puttalam. The questionnaire used was mainly framed around the choice made to return or stay, reasons behind the choice, areas such as access to information, availability of documentation necessary to secure rights and services, ownership of housing, land and property (HLP), and economic and livelihood opportunities.
Out of the 621 respondents, 48 percent indicated that they intended to return to Jaffna while the balance 52 percent expressed the intention to remain in Puttalam. The principal reasons for the decision to return were emotional ties to Jaffna as home, perceived better economic and livelihood opportunities and ownership of HLP in Jaffna. These same reasons were provided for the decision to remain in Puttalam, albeit in different degrees of importance. For example, while the consideration of Jaffna as home was the most important reason behind the decision to return, in the case of the decision to stay the perception of Puttalam as home came second to HLP ownership in this location.

Around 40 percent of the total respondents said that there would be family separations due to different choices being made within the same family. The findings indicated that there was no clear preference for either return or local integration among respondents on the basis of their age. Further, for the majority of the respondents, the decision to stay or return was made independently outside of family and community pressure.

This survey is an indication of trends relating to return and integration and more research needs to be undertaken to determine whether the trends applicable in the case of the 621 individuals extends to others in the Jaffna IDP community, as well as the Northern Muslim IDPs from other districts living in Puttalam.

As recognised within the international policy and guiding framework of durable solutions to end displacement (for example, the Inter-Agency Standing Committee Framework on Durable Solutions for IDPs), access and the right to information play a key role in enabling individuals to make an informed and voluntary choice as to the durable solution which best meets their needs and circumstances. The findings indicated that the selected IDP community in Puttalam has not been able to fully exercise its right to information. There appears to have been little effort from the government and relevant ministries to systematically disseminate information to update the IDPs about their options following an end to the conflict in May 2009. This is demonstrated by most of the IDPs claiming to have heard about the possibility of return for the first time from their own community, and only a miniscule 6 percent hearing of return as a possible durable solution from government sources.

In relation to questions answered by selected respondents on their source of information, the people who received or heard information from government or semi-government related sources were in the minority. This can be seen as a violation of the ‘right to information’ implicit in the fundamental right to freedom of speech and expression contained in the 1978 Constitution of Sri Lanka and is a significant obstacle in enabling IDPs to make an informed choice about return or local integration. Additionally, there appears to be no overall systematic approach by the government to assist persons living in protracted displacement in Sri Lanka with finding durable solutions.

Stemming from these findings, NRC recommends to the Government of Sri Lanka that it acts to secure an informed and voluntary choice of durable solutions for the protracted IDPs in the country.
and to address the needs of these persons in a systematic way. An aspect of this process includes not only sharing information with IDPs but also consulting and involving them in decisions that will impact their lives.

NRC recommends to the donor community that it demonstrate equity in response to ongoing assistance or achievement of durable solutions for all IDPs in Sri Lanka, regardless of period of displacement; and to national and international non-governmental organisations and UN agencies that they assist the protracted IDP community in better understanding its rights related to durable solutions, and provide information and counselling on the two options of return and local integration. (See full list of recommendations on page 22.)
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I. Background

The Information, Counselling & Legal Assistance (ICLA) Project of the Norwegian Refugee Council (NRC) has been operational in Sri Lanka since 2005 with activities currently being carried out in six districts. In the Puttalam, Trincomalee, Batticaloa and Ampara districts, ICLA is funded by the European Union under its European Union Assistance for Conflict Affected People (EU-ACAP) programme.

The foundational objective of ICLA is supporting durable solutions for those displaced/affected by conflict and assisting them in obtaining their rights, particularly those linked to safe, dignified and sustainable return. While internally displaced persons (IDPs) and returnees continue to be the primary beneficiaries, ICLA also provides assistance to other cross-cutting groups such as the indigent, female-headed households, host communities and survivors of sexual and gender-based violence. Through the provision of legal counselling, legal assistance, and information, ICLA empowers beneficiaries to make free and informed decisions and facilitates the removal of obstacles that individuals encounter during the return process.

Advocacy is an integral component of ICLA activities. Thematic reports are produced as a key advocacy tool aimed at influencing stakeholders and bringing about changes in policy and the law. The focus of this thematic report is on the availability and accessibility of durable solutions for the Muslim ethnic minority displaced from northern Sri Lanka since 1990.

Context

The minority Muslim community comprises about 8 percent of the country's population of 20.2 million, according to the Department of Census and Statistics in Sri Lanka.¹ This community is present in significant numbers in the south, and in the east it constitutes one-third of the population of the Eastern Province. There used to be significant numbers of Muslims in the north until their expulsion by the Liberation Tigers of Tamil Eelam (LTTE) from the northern districts of Jaffna, Kilinochchi, Mullaitivu, Mannar and Vavuniya, in October 1990.

Within the context of the 26 year conflict between the Sri Lankan armed forces and the LTTE, the expulsion of the Muslim community by the LTTE stands out in terms of scale, impact and its explicit tones of ethnic cleansing.² Virtually the entire Muslim population in the north was ordered to vacate its homes within 48 hours by the LTTE; in Jaffna, where Muslims constituted over 1.6 percent of the total population,³ they were given two hours to leave and permitted to take only Rs. 150 ($1.40) with them.⁴

⁴ International Crisis Group, “Sri Lanka's Muslims: Caught in the Crossfire,”
These people, numbering over 75,000, were forced to condense their lives and memories into the limited number of moveable belongings and small amounts of cash they were allowed to take away with them. Housing, land and property (HLP) had to be abandoned and livelihoods were snatched away. Following the expulsion, over 60,000 displaced Muslims moved to Puttalam district in the North Western Province where the majority live in welfare centres.\textsuperscript{5} Others who were financially better off moved to locations such as Colombo and Negombo in the Western Province. The 20 year duration\textsuperscript{6} of the Northern Muslims’ displacement has meant that the classification of these IDPs is in the ‘old’ or pre-2006 caseload of Sri Lanka, with 2006 being the year that large-scale fighting resumed between the armed forces and the LTTE, leading to fresh waves of mass displacement in the east and north.

While the protracted nature of displacement has meant local integration in Puttalam for some, in general, the impact of long term displacement has been negative with many IDP families being ‘forgotten’ or getting ‘lost in the system.’ Few initiatives, both on the part of the government and non-governmental actors, have taken place over the past few years to address their needs and concerns. The last significant initiative was a national consultation on protracted IDPs within a framework of durable solutions organised by the Ministry of Disaster Management and Human Rights in September 2008. The recommendations from the consultation were to be endorsed by the government but the process lost momentum as combat intensified in the north soon after and new displacements started occurring.

Some actors maintain that over the course of two decades of displacement the vast majority of the Northern Muslims in Puttalam have more or less locally integrated. Many of the IDPs, however, disagree with this assessment and continue to identify themselves as uprooted people distinct from the host community in Puttalam. Unlike the local population, the IDPs receive rations from the government. Other resources or quotas, such as health services, infrastructure support and educational facilities, allocated by the State to this population continue to be sent to the north, despite the population not being in the north since 1990. This has resulted in conflict with the host community over sharing of limited resources. A number of the IDPs also stress that they are not registered to vote in Puttalam and can only exercise their voting rights in the north. Some in the host community maintain that the displaced do not want to register to vote in Puttalam as they are afraid of losing their IDP identity, status and concurrent benefits.

For years many NGOs and policymakers perceived local integration as the only durable solution feasible for this community. Although some Muslims considered return or even tried to return to their places of origin in the north especially after the 2002 Ceasefire Agreement between the government

\textsuperscript{5} In Sri Lanka, the term refers to public or private buildings/compounds that house IDPs. The term has been used regardless of the duration of displacement. For example, the government has referred to Menik Farm, the IDP camp established in 2009 as a “welfare centre”. In the Puttalam context, IDPs are described as living in welfare centers as well as relocation villages.

and the LTTE, they encountered many barriers such as damaged houses and overgrown lands. In other cases, their properties were occupied by people from other ethnic communities, who were often themselves displaced by the conflict. As military confrontation began again in 2006, most of these returnees were forced out by fear of re-expulsion and lack of specific security guarantees from the LTTE.7

Local integration was also given a boost by the launch of a $34.2 million World Bank project in 2007, aimed at assisting over 7,800 IDP families with permanent housing, water and sanitation, and assistance with regularisation of land titles. The criteria for beneficiary selection included possession of land title in Puttalam and a temporary or partly completed house within the welfare centre. This project also extended some assistance to the host community.8 In order to identify the beneficiaries from the IDP community, the World Bank requested a revalidation of a 2004 survey of welfare centres in Puttalam undertaken by UNHCR in collaboration with the Ministry of Resettlement and the Ministry of Nation Building and Development; this revalidation exercise was carried out in 2006 by UNHCR.

According to the report on the revalidation exercise, there were 15,480 families living in 141 locations in Puttalam. Whereas in 2004, only 2 percent of those surveyed had expressed interest in returning home immediately, 60 percent wished to return home in the future and 38 percent wished to locally integrate, by 2006 an overwhelming 96 percent expressed a preference for local integration and only 4 percent wished to return home. The report attributed this change to reasons such as the protracted displacement and poor security in areas of origin; and the World Bank’s proposed housing project acting as an impetus for IDPs to state a preference for local integration. It further noted that the majority of IDPs have de facto locally integrated in Puttalam due to the fact that 74 percent of those surveyed claimed to have acquired land in Puttalam, mostly through purchase, and among those with possession of land, three-fourths had documents to prove their ownership.

Some local NGOs in Puttalam maintain that the basic understanding among them and the IDPs is that those who have benefitted from the World Bank housing scheme in Puttalam will not be eligible for World Bank housing assistance in return areas in the north, which may influence their decision to stay in Puttalam or go back to areas of origin. Other than the World Bank, no donor assisting the newer group of IDPs and returnees is working with the protracted caseload in Puttalam, most humanitarian donors are reluctant to assist persons displaced before 2008.

With the end of the armed conflict in May 2009, return has become a real option for the Puttalam IDPs after two decades. In December 2009, the Ministry of Resettlement made a statement that the protracted IDPs would be resettled to their places of origin in the north starting from the third week of

7 “Sri Lanka’s Muslims: Caught in the Crossfire,” 8.
December that year. However, there was no information provided as to when this return would take place and what benefits the returnees would receive. Further, there was no mention of local integration at all. Since this statement, there appears to have been no return movement planned by the government and all returns of Northern Muslims are taking place spontaneously.

**Reasons for and scope of the study**

In this context of increased space and opportunity for return, there has been an assumption among some local authorities and donors that if the IDPs in Puttalam attempt to return, this choice will be largely based on the age factor - with the older group of IDPs choosing to return and the younger generation, which has not known life outside Puttalam, wanting to stay at this location. The choice has been rendered more complicated by local authorities, humanitarian agencies and donors that have different views about what constitutes durable solutions for the IDPs in Puttalam.

For example, some government officials believe that the durable solution to ending the displacement is return to areas of origin and that despite living in Puttalam for years, the IDPs will go back to the north at the first available opportunity. Meanwhile some non-governmental actors maintain that because the IDPs have acquired property ownership, they are now integrated in Puttalam, without taking into account other factors needed for integration such as whether the IDPs have the same or equal economic opportunities as the host community, and whether the host community perceives IDPs as part of the local population or as still belonging to another part of the country.

This thematic report seeks to address, in part, the lack of systematic study on the durable solution options available to the protracted IDPs in the post conflict scenario. It focuses on both the decision to return as well as the decision to stay, thereby recognising that IDPs have a right to choose the durable solution to end their displacement. The report further attempts to look at age and other factors such as ownership of property and access to livelihoods that are influencing the choice. The scope of the NRC study is on IDPs originating from Jaffna living in welfare centres in Puttalam. A primary reason for choosing the IDPs from Jaffna for the study is the assumption that they are more likely to return in larger numbers as compared to those from other locations because Jaffna has not borne the brunt of the renewed conflict from 2006 onwards, unlike the other northern districts which are still recovering from the effects of the war.

There are varying estimates of the number of families from Jaffna residing in Puttalam, with organisations with close ties to the community reporting over 3,500 families, including some living in Puttalam town. For the purpose of the NRC study, numbers have been used from the UNHCR revalidation exercise of 2006, according to which out of the 15,480 Northern Muslim families in

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welfare centres, 14 percent\textsuperscript{10} or approximately 2,160 families are from Jaffna. This is a 1 percent increase since the 2004 survey as a result of family growth. Taking into account a possible 2 percent increase between the period of 2006 and 2010, the estimated number of families from Jaffna living in welfare centres in Puttalam by 2010 would be approximately 2,200.

NRC collected information through a survey of individuals from over 600 families from Jaffna, currently living in the welfare centres in Puttalam. This amounted to interviews of individuals from over 25 percent of the Jaffna families residing in welfare centres. The survey work was carried out from mid-March until early May 2010 in 21 welfare centres. At each centre, the NRC staff aimed to speak to one individual in households across different blocks. The survey included questions on whether the surveyed individual wants to remain in Puttalam or go back to Jaffna; the rationale behind the decision; whether all family members agree with the decision; expectations the respondent may have in terms of assistance if continuing to stay or go back; and awareness regarding the situation in Jaffna, especially with regard to freedom of movement, livelihoods, and HLP; as well as particular challenges returnees may encounter. The survey included both prompted and unprompted questions and in some cases offered a choice from multiple responses, permitting the respondent to pick the one response perceived as the most important. Reflecting ICLA’s focus on information as a tool of empowerment, questions were included on access to information and its impact on the decision to return or stay. Ownership of HLP was also looked at as it is inherently linked to durable solutions.

The survey did not focus on IDPs’ voting rights, and whether the displaced have access to and awareness of the right to change their voter registration from the north to Puttalam district and if they are eligible to vote in local elections. Such a change in voter registration is an essential step for the IDPs to become fully integrated in Puttalam. There were other limitations to the survey, including some individuals who could not provide answers to all sub-sections of the survey.

In addition to data-collection through the survey, NRC met with individuals and organisations, in Colombo and Puttalam, working both on IDP issues in general and on the Northern Muslims in Puttalam in particular. These interviews helped to gather information about the present situation and to acquire a sense of the collective feeling among the displaced Muslims on the return process and conditions of return.

The lack of policy guidelines, in the form of circulars, regulations or directives, and at times the non-issuance of official notifications from the Ministry of Resettlement and other governmental bodies such as the Secretariat for Northern Displaced Muslims, or the denial of access to available documents occurred throughout the data-collection process. This denial of access must be weighed within a framework of freedom of information and its constitutive elements of access to information, as well as the obligation of public bodies to produce and publish information. As a result of the lack of

\textsuperscript{10} According to the UNHCR reevaluation exercise of 2006, the IDPs from Jaffna are the second largest group in the Northern Muslim community living in Puttalam; the largest group is from Mannar and constitutes over 72 percent of the total Northern Muslim IDP population.
official information, second-hand information gathered from interviews and reports had to be relied upon in putting together the framework of assistance and other benefits to the Muslim IDPs both in the return and local integration processes.

A few local groups mentioned hearing about a survey conducted by authorities in July/August 2009, three months after the end of the conflict, according to which over 90 percent of the IDPs favoured return. It is not clear how well informed the respondents of this survey were about their right to choose between return and local integration. The local groups also mentioned a rumour that the government had decided to end rations for the IDPs based on this survey, with those not wanting to return having their rations cut off in September 2009 and those choosing to return having their rations end in December 2009. Despite the recommendations believed to have been made on the basis of this survey, the rations had not been discontinued for any of the Northern Muslim IDPs by the end of NRC’s data-collection process in May 2010. There were, however, reports that some Tamil displaced families from Batticaloa district in the east, living in protracted displacement in Puttalam because their original homes remain under secondary occupation, had their rations cut off in January 2010 after receiving them for years. Due to the lack of official information, it is not known if the Northern Muslim IDP community may find itself in a similar situation in the coming months, however, this is a possibility.

With regard to assessing conditions in Jaffna and obtaining first hand information on the situation there, “go and see” visits are the foundation for determining whether the environment is conducive to return. Local actors in Puttalam maintained that hundreds of heads of households from the displaced community in Puttalam had been on “go and see” visits to Jaffna especially in 2010 to ascertain conditions for themselves, but that most of these visits had been arranged either by the IDPs themselves or community-based organisations, with no formal assistance provided by the government with the process.
II. Survey findings

Out of 621 individual respondents to the NRC survey, 297 persons or 48 percent said that they intended to return to Jaffna either in the near future; by the end of the year; or when they have guarantees to basic services and housing in Jaffna. The remaining 324 persons or 52 percent stated the intention to remain in Puttalam despite the end to conflict and the potential availability of more than one durable solution.

These responses were not along generational lines; instead people of all ages provided the two responses, as indicated in the table below. While the individuals may have expressed the desire to return or stay, the opposite option may have been chosen by other members of their family.

<table>
<thead>
<tr>
<th>Respondents’ ages</th>
<th>20s</th>
<th>30s</th>
<th>40s</th>
<th>50s</th>
<th>60s</th>
<th>70s</th>
<th>80s</th>
<th>90s</th>
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<tr>
<td>Y: Yes to return</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>N: No to return</td>
<td>33</td>
<td>53</td>
<td>70</td>
<td>100</td>
<td>85</td>
<td>69</td>
<td>67</td>
<td>54</td>
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1. Breakdown by age of respondents wanting to stay or return

IDPs wanting to return to Jaffna

The gender breakdown of the 297 respondents in the category of those wanting to return was 178 persons or 60 percent male, and 119 or 40 percent female. They ranged in ages from 21 to 89 years and the average age was 45.4 years. The majority of IDPs in this category, or 62 percent, reported hearing about the possibility of return for the first time from within the community itself, and 24 percent credited the media for informing them of this option. Another 8 percent said they had heard of the return option from extended family members or contacts who had moved to Jaffna or been there on ‘go and see’ visits. Only 6 percent of the respondents had heard about return for the first time from authorities.

Large numbers of those surveyed reported hearing about the possibility of return for the first time in September 2009, four months after the end of the conflict, or in December 2009; almost 16 percent said they became aware of the possibility in September and another 13 percent in December. However, the most respondents or 44 percent said they heard about potential return only in January 2010, more than seven months after the end of the conflict when many other more recently displaced groups of persons had already had an opportunity to return to Jaffna.
Reasons for wanting to return to Jaffna

A majority of the 297 respondents or over 54 percent considered Jaffna as home, despite two decades of displacement from that district. This was also the most important factor influencing their decision to return. The second most common reason, provided by 26 percent of respondents appeared to be the belief that there are better economic and livelihood opportunities available in Jaffna as compared to Puttalam. Another 8 percent stated that their principal reason for wanting to return is based on their HLP ownership in Jaffna. For 5 percent, return seemed to be linked to both considering Jaffna as home and owning land there, and for another 4 percent as a result of considering Jaffna as home and expectations of better economic opportunities there. The remaining 3 percent of IDP responses were almost equally divided between wanting to return so as to avoid separation from family members who have spontaneously returned to Jaffna; to end tensions with host community; and for the better educational opportunities in Jaffna.

Timeline of return to Jaffna

From those 297 people wanting to return, the majority of respondents or 67 percent stated that return would only commence when they are guaranteed access to basic services and housing in Jaffna. Approximately 24 percent declared that they would go back as soon as possible, the family members of many in this group had already left for Jaffna, and 9 percent stated that their return would take place between mid to end of 2010.
IDPs wanting to remain in Puttalam
The gender breakdown of the 324 respondents in the category of those not wanting to return was 171 persons or 53 percent female and 153 or 47 percent male. They ranged in ages from 20 to 90 years and the average age was 42.8 years.

Reasons for wanting to remain in Puttalam
Almost 30 percent said their principal reason for wanting to stay is HLP ownership in Puttalam, and a close 27 percent said that their primary reason is consideration of Puttalam as home. Around 25 percent of the respondents said they intended to remain for the better economic and livelihood opportunities available in Puttalam, 5 percent due to being dependent on children who do not want to go back, and 4 percent because of their lack of HLP ownership in Jaffna. Another 4 percent said they would not return due to both considering Puttalam as home and owning land there, 3 percent due to both better economic conditions in Puttalam and owning land there, and the remaining 2 percent said they would stay back now but may join families in Jaffna later depending on how well the first group of returnees is able to integrate there.
Durable solutions and family separations

Among both sets of respondents or a total of 621 people, 79 percent claimed to have made the decision to return independently and the remaining 21 percent under influence of family and community.

Reasons for family separations

Out of the 621 respondents, 251 or 40 percent said there would be family separations with some members of the family choosing a different option than them. From the set of 297 wanting to go to Jaffna, 50 percent said that some members intended to settle in Puttalam; while among those opting to remain in Puttalam, 32 percent said some family members intended to go to Jaffna.

Among the 251 persons, the biggest reason provided for the separations by 47 percent was HLP ownership in either Puttalam or Jaffna, followed by 36 percent splitting due to anticipation of better economic and livelihood opportunities in one location or the other. Another 7 percent said the reason for the separation was that some in their family considered Jaffna as home, while the rest believed Puttalam was their home. The remaining 10 percent of the 251 people provided answers such as family separations occurring due to children being in school in Puttalam and families not wanting to disrupt their education; marriage to members of the host community making it impossible for the second generation to join; parents going back; and not wanting to go back to Jaffna until family members who had already moved there have been able to integrate.

<table>
<thead>
<tr>
<th>Reasons for family separations</th>
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<tbody>
<tr>
<td>HLP ownership in Jaffna/Puttalam: 47%</td>
</tr>
<tr>
<td>Better economic opportunities in Jaffna/Puttalam: 36%</td>
</tr>
<tr>
<td>Jaffna/Puttalam is home: 7%</td>
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<tr>
<td>Other: 10%</td>
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5. Reasons for family separations

Awareness about assistance

Of the total number of 621 respondents, 278 were aware of returnee benefits to the IDPs from Puttalam, with this awareness being among 60 percent of the 297 persons who want to return, and only among 31 percent of the 324 wanting to stay.
### Expectations about type of assistance to Jaffna returnees

From this group of 278 people, 38 percent of registered responses indicated expectation of assistance with immediate access to shelter, to be followed by property restitution or access to new property. Another 28 percent thought the assistance would include HLP as well as rations, and around 22 percent expected returnees to at least receive rations. The remaining 12 percent expected assistance in the form of basic services such as water and sanitation; a cash grant; or livelihoods assistance in almost equal numbers.

### Sources of information on return assistance

When asked about source of information regarding the assistance, 23 percent of the 278 persons reported hearing of such benefits from other IDPs in Puttalam, and 22 percent from the government. The government in this case included area civil administrators, local political representatives and staff of the Ministry of Resettlement. Another 20 percent said they received this information from returnees to Jaffna, 11 percent from community leaders based in Puttalam or Jaffna, and 10 percent from political campaigners prior to elections in January and April 2010. The remaining 14 percent had heard this news in almost equal numbers from NGOs; the media; and welfare camp officers.
Expectations about type of assistance to those remaining in Puttalam

From the total of 621 people, 425 persons or 68 percent believed assistance would continue to those remaining in Puttalam. Out of the 297 respondents wanting to go back to Jaffna, 69 percent believed that assistance would continue in Puttalam, while out of the 324 respondents planning to remain in Puttalam, 68 percent believed the assistance would continue. A majority of the 425 persons or 62 percent believed the aid would be in the form of ration distribution. Another 31 percent thought it would entail both rations and assistance with permanent housing and security of tenure, and the remaining 7 percent believed it would be HLP alone.

8. Expectations about type of assistance to those remaining in Puttalam

Sources of information on assistance in Puttalam

Regarding their source of information about the assistance in Puttalam, out of registered responses 41 percent credited government sources, 36 percent said they had received information from other IDPs, and 14 percent from welfare camp officers. The remaining 9 percent credited community leaders; the media; and the mosque committee in almost equal numbers.

9. Sources of information on assistance in Puttalam
**Status of civil documentation**

Approximately 72 percent of the 621 respondents or 447 persons maintained that they and family members are in possession of documents needed to ensure access to all their rights and services in both Jaffna and Puttalam. The documents included the National Identity Card (NIC), birth certificate, ration card, and marriage and death certificates, where applicable, that constitute the key documentation which establish an individual as a legal entity recognisable in the eyes of the law.

The document that was reported missing most by the remaining 174 respondents was the marriage certificate by 8 percent of respondents, followed by the birth certificate by 7 percent, ration card also by 7 percent, and the NIC by 2 percent. The remaining 4 percent reported lacking multiple documents such as marriage and death certificates; or NIC and birth certificate; or NIC, birth and marriage certificates in almost equal numbers.\(^{12}\)

![Pie chart showing status of civil documentation]

10. Status of civil documentation

**HLP Ownership**

**Property ownership in Jaffna**

The large majority of the respondents, or 70 percent from the 621 respondents said they have no property in Jaffna. This was particularly the case among those not wanting to return, where only 14 percent reported HLP ownership in Jaffna, while from those wanting to go back, 48 percent had ownership in Jaffna. Among the group of 188 persons with Jaffna property, 42 percent\(^{13}\) of registered responses maintained they have deeds to the property, 35 percent said they have no documentary evidence of HLP possession.

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\(^{11}\) NRC surveyors did not ask the respondents to show their documents to them.

\(^{12}\) ICLA works to support beneficiaries to obtain civil and land documentation both where they have lost their documentation as a direct consequence of the conflict, and where they have never received/applied for documentation in the first instance. Related government institutions such as Divisional Secretariats and the Registrar General’s Department are strengthened through providing direct material and capacity building support where possible to improve their capacity to meet the documentation needs of beneficiary groups.

\(^{13}\) NRC surveyors did not ask the respondents to show documentary evidence of HLP possession.
evidence of ownership, 22 percent said they have permits,\textsuperscript{14} and the remaining 1 percent said they have other documents such as tax forms related to land.

\begin{figure}[h]
\centering
\includegraphics[width=0.5\textwidth]{property_ownership_jaffna.png}
\caption{11. Property ownership in Jaffna}
\end{figure}

\textbf{Property ownership in Puttalam}

A significant majority or 89 percent of the 621 respondents said they have HLP ownership in Puttalam. Among those wanting to stay in Puttalam, 93 percent of respondents stated they have HLP ownership. In this group of 552 persons, 73 percent of registered responses claimed possessing deeds, 24 percent claimed to have no documentary evidence, and the remaining 3 percent reported possessing permits or deeds of declarations.

\begin{figure}[h]
\centering
\includegraphics[width=0.5\textwidth]{property_ownership_puttalam.png}
\caption{12. Property ownership in Puttalam}
\end{figure}

\textsuperscript{14} Permits provide a permit-holder with possession over land, i.e., he or she has control over the land but is not the owner. Rights over the land are therefore limited and may be further limited by conditions set out in the permit document.
Only around 20 percent of the 621 people reported having HLP ownership in both Jaffna and Puttalam. Among this group of 124 people, 75 percent possessed a deed and 3 percent permits for land in at least one of the two locations.

**Perceptions about the situation in Jaffna**

**Livelihoods and HLP access of Jaffna returnees**

Upon being asked their awareness regarding livelihood and HLP access in Jaffna for spontaneous returnees, 44 percent of the total 621 respondents said that few of the returnees had been able to find livelihood opportunities or access basic shelter. They had heard that many were staying in schools and colleges in Jaffna, some in “refugee-like” conditions. Almost 24 percent, however, were under the opposite impression and believed that most of the spontaneous returnees had been able to access livelihood opportunities and housing. Around 18 percent of the respondents believed that half of the returnees had been successful in finding livelihood opportunities and housing, while 11 percent said that they were unaware of returnee conditions. Many among this 11 percent expressed a lack of interest in having information on the situation in Jaffna. Approximately 3 percent of the IDPs appeared to have heard of good livelihoods opportunities for returnees, but little progress in the area of HLP.

![Livelihoods and HLP access of Jaffna returnees](image)

**Freedom of movement situation in Jaffna**

With regard to any particular restrictions on freedom of movement for the local population in Jaffna, out of the 621 respondents, 65 percent had heard of no different or greater restrictions in Jaffna as compared to Puttalam, and 23 percent had heard of more restrictions in Jaffna as compared to Puttalam. Around 9 percent said they were unaware of the movement situation in Jaffna, and only 3 percent had heard of much more stringent restrictions in Jaffna as compared to Puttalam.
A few of the respondents added that they were aware that some returnees in Jaffna were being asked by soldiers to give bribes at checkpoints and were otherwise facing problems such as having their goods confiscated. The respondents were of the opinion that this problem did not appear to be limited to the Muslim returnees alone.

**Sources of information on situation in Jaffna**

The primary source of information for 72 percent of the 621 respondents on the Jaffna situation was their relations or contacts who had spontaneously returned and continued to provide them with regular updates on the situation there. Around 11 percent relied on the information they had garnered from the “go and see” visits undertaken by them or their relatives, and 7 percent relied on the Puttalam IDP community. Another 7 percent said they had no information on the situation in Jaffna, and the remaining 3 percent said their sources were the government, media and traders.
Facilitation of “go and see” visits

Among the 297 respondents wanting to return, three-fourths or 75 percent had been on a “go and see” visit there, or one of their family members had undertaken such a visit. In this group, 91 percent of registered responses indicated that those who had been on such visits had arranged them entirely on their own, with no external assistance.

Biggest challenges anticipated by those wanting to return

In terms of biggest challenges the IDPs expected to encounter upon return to Jaffna, more than three-fourths or 76 percent of the 297 respondents anticipated problems in the area of HLP. Another 10 percent expressed concern about both HLP-related issues and livelihood opportunities, and 6 percent mentioned livelihood opportunities as their only concern. Approximately 2 percent said they were worried about lack of access to many of the services for Jaffna residents due to not possessing proper documentation, and the same percentage was confident that there would be no challenges upon arrival in Jaffna.

Around 4 percent of the registered responses showed concern about the following issues in almost equal numbers: an inability to practice religion and culture in Jaffna; the freedom of movement restrictions; overall security situation; and potential for tensions with other communities and a generation that has not had much contact with Muslims in Jaffna following their 1990 expulsion.
III. Conclusions and Recommendations

This survey of 621 individuals indicates that a year after the end of the conflict, the surveyed persons are divided almost equally among those wanting to go back or integrate locally. Even the families of these individuals are divided with 40 percent expecting separations due to family members choosing different options. This is in contrast to the July/August 2009 survey findings according to which over 90 percent from the displaced community wanted to return. The NRC survey is an indication of trends relating to return and integration and more research needs to be undertaken to determine whether the trends applicable in the case of these individuals extend to others in the Muslim IDP community from Jaffna, as well as the Northern Muslim IDPs from other districts living in Puttalam.

Contrary to the assumption often voiced about age being the main factor in the decision to stay or return, people of all ages expressed different opinions. Almost 35 percent of those wanting to go to Jaffna are from the younger generation in their 20s and 30s, while 31 percent of those wanting to remain in Puttalam are over the age of 50. Many among the younger generation who have known no other place than Puttalam for most of their lives identify Jaffna as home. This was demonstrated by 36 percent of respondents between the ages of 20 and 40 who said their main reason for returning is because they consider Jaffna as home. Similarly, almost half of those who gave a preference to remain in Puttalam due to perceiving it as their home are between the ages of 40 and 70, and although they spent at least half their lives in Jaffna, they stopped considering it as home during their years of displacement.

The dominant reason provided by those wanting to go back to Jaffna is the perception of that location as home; many of the people from Jaffna have continued to identify themselves as displaced persons. This may be due to feelings they hear echoed among their immediate or extended family and circle of friends. For those wanting to remain in Puttalam the consideration of this location as home is the second biggest reason, while the first reason given is the ownership of HLP. It is unclear whether all those who view Puttalam as home have stopped perceiving themselves as IDPs and consider themselves to have locally integrated; and how they would react if the dry rations being provided, and World Bank housing scheme which is being offered for the most part to IDPs, is stopped for this community and it is treated no different than the host community. Among 425 of the 621 respondents, there is an expectation that rations will continue for those remaining in Puttalam.

According to reports, a majority of Puttalam IDPs have already de facto locally integrated in Puttalam, especially due to acquiring land there.\textsuperscript{15} While this community may have for the most part acquired land, it cannot be considered to be fully integrated if it does not have access to all the same rights as the host community, particularly in the area of voting rights. The issues of whether those persons who will not be returning have already chosen to register for voting in Puttalam, and the reasons that are preventing them from doing so, need to be assessed and addressed by the government.

\textsuperscript{15}“Sri Lanka: Long-term Muslim displaced face significant challenges,” p.2.
Economic and livelihood opportunities are another major factor influencing the choice; the available opportunities are the second biggest reason for people to go back to Jaffna and the third for them to remain in Puttalam. HLP ownership and better economic and livelihood opportunities in either of the locations are also provided as the two most significant reasons for family separations. With regard to families where some members have already gone back to Jaffna, it is possible that many among these spontaneous returnees are those who were not able to acquire good or well-paying jobs in Puttalam during the years of displacement, and have headed to Jaffna in search of better opportunities soon after the end of conflict.

In both sets of respondents, the decision to go back or remain appears to have been made by the vast majority or 79 percent of the people on their own, outside of family and community pressure. Although 297 respondents from 621 claim to want to go back, the biggest number in this group will not go back until they have guarantees to basic services and housing in Jaffna. This does not seem likely in the near future and they may remain in Puttalam for months, if not years to come, unless there is a scheme by the government and aid community to address their specific concerns in Jaffna.

Within the Inter-Agency Standing Committee Framework on Durable Solutions for IDPs, access and the right to information play a key role in enabling individuals to make an informed and voluntary choice as to the solution which best meets their needs and circumstances. In the absence of proper and uniform information, the decision-making process remains a flawed and incomplete one. The displaced community in Puttalam has not been able to fully exercise its right to information. There appears to have been little effort from the government and relevant ministries to systematically disseminate information to update the IDPs about their options following an end to the conflict. This is demonstrated by the fact that most of the IDPs reported hearing about the possibility of return for the first time from their own community, and only a miniscule 6 percent heard of return as a possible durable solution from government sources.

Almost half the IDPs were not even aware of return as a possibility until January 2010, seven months after the end of the conflict, despite the public statement by the Ministry of Resettlement in early December 2009 about all the IDPs returning from the third week of December 2009 onwards. While it is understandable that the government prioritised the newer group of IDPs from the north in the period immediately following the end of the war, there appears to have been no systematic approach towards the older caseload in Puttalam, months after the end of the conflict, when the majority of the newer caseload of IDPs have either been released or returned to their areas of origin in the north. Such different treatment of the two displaced groups, both of which originate from the same geographical areas, can give rise to tensions between them and lead to perception of favouritism of one IDP group over the other.

Among 45 percent of the total respondents, and among 60 percent of those planning to return to Jaffna, there is awareness of a return package; they have heard of such a package being distributed
in the future not only from the returnees but also from the government, political campaigners, NGOs, media, welfare camp officers and community leaders. The percentages show a link between choosing return as a durable solution and access to information about returnee benefits. However, in the absence of any formal communication from the government to the IDP community in Puttalam, confusion is evident among the IDPs with some believing that the package would entail HLP assistance; or rations; or basic water and sanitation; or livelihoods assistance; or a cash grant. This is a very different scenario than that being experienced among the newer caseload of IDPs from the north who are aware before they begin the return process that they will be receiving rations, a cash grant and shelter assistance.

Less than one-third of those intending to remain in Puttalam are aware of returnee benefits. If there was greater awareness of such benefits in this group, perhaps more would have expressed interest in going to Jaffna. Despite the varied understandings of the IDPs and the actors providing them with information on return benefits, it is almost certain that there is no return package that is consistently being offered by authorities to spontaneous returnees in Jaffna. If this were the case, the returns would have to take place in an organised way so that the returnees would first de-register from Puttalam and then re-register in Jaffna, which does not appear to have taken place for the most part. It was reported that authorities in Jaffna had registered only around 60 families in three Grama Niladhari divisions in the Jaffna town area who had returned before 2006 or during the ceasefire years, and another 17 families in the period since the end of the conflict in May 2009.

The fact that few IDPs have gone through the de-registration process in Puttalam and then re-registered in Jaffna can be attributed to concerns that if the IDPs de-register in Puttalam they would lose benefits such as rations they are receiving there, while at the same time registering in Jaffna will not make them eligible for any of the benefits being offered to the newer group of returnees. According to some of the survey respondents as well as local NGOs, due to the uncertainties and delays with receiving assistance, going through a formal process will leave the protracted IDPs at a disadvantage in both Puttalam and Jaffna.

Among the 68 percent of respondents who believe that those remaining in Puttalam will continue to receive assistance, almost two-thirds expect it to be in the form of ongoing rations. The people in this category cite the government as the biggest source for this information on ongoing assistance, despite there being news among local groups that the government intends to phase out rations, and this having already occurred in the case of some protracted Tamil IDPs in Puttalam. From those wanting to return to Jaffna 69 percent of the people also believe that assistance will continue in Puttalam. This, however, does not appear to make a difference in their intention to go back. The number of respondents with awareness of return benefits or continuing assistance and the sources of such information speak to the lack of or denial of access to documents which should set out the framework of assistance and benefits, for returnees and those who choose to locally integrate.
More than 70 percent of the total respondents have the documentation needed to access services and secure rights in Jaffna and Puttalam. Among those lacking documentation, the marriage certificate is the document identified as being missing by the most, followed by the birth certificate and ration card. The NIC, which is mandatory when crossing army checkpoints and security checks in many parts of the country and in establishing identity, is not reported as lacking by significant numbers of the protracted IDPs that participated in the survey.

Slightly more than half of those wanting to return do not have HLP ownership in Jaffna, but a significant number of them do have such ownership in Puttalam. This does not appear to impact their decision to go back, but may have a large influence on the timing of their move to Jaffna, and such a move may only happen when they have the same HLP ownership rights there as they do in Puttalam. Until such a time, they may opt to remain in Puttalam where they have access to their own house and land. Among those wanting to remain in Puttalam only 14 percent own property in Jaffna, this has quite likely played a role in their decision not to go back.

Almost one-third of those with HLP ownership in Jaffna are lacking the documentary evidence of this ownership which will further complicate their ability to access or receive compensation for their traditional areas of settlement that have been destroyed or are under secondary occupation. Additionally, with an increase in family size in the years following displacement, these traditional lands will likely not be able to accommodate all returning family members and this problem may give rise to disputes within families. Not surprisingly, those wanting to go back have identified HLP ownership overwhelmingly as the biggest challenge to their return and reintegration in Jaffna.

From the IDPs wanting to stay in Puttalam, there is almost one-fourth with HLP ownership in Puttalam who are not in possession of documentary evidence. According to the general understanding among IDPs in Puttalam, this has made them ineligible for the World Bank housing scheme that is viewed by many as a crucial aid to local integration efforts. These persons will have to find alternate means to secure permanent housing in Puttalam.

Movement restrictions have not been identified as a pressing problem for returnees or a factor in the decision to remain or go back, with 65 percent believing that restrictions on movement in Jaffna are no different as compared to Puttalam. However, 23 percent had heard of more stringent restrictions and security checks as compared to the environment in Puttalam. In terms of awareness about livelihoods and HLP access in Jaffna, over 40 percent of respondents are under the impression that few of the returnees have been able to find livelihood opportunities or access basic shelter in Jaffna. However, 24 percent are under the opposite impression, and claim to have heard that returnees have been successful in accessing not only livelihood opportunities but also housing. There are also some respondents who do not know this information, nor are interested in having it, which suggests that they believe they are fully locally integrated and will not leave for Jaffna regardless of the livelihood and HLP situation there.
The discrepancy in information among IDPs in Puttalam about the livelihood and HLP conditions in Jaffna can be attributed to the different experiences of spontaneous returnees and those undertaking “go and see” visits. Once again the government seems to be playing no role in enabling IDPs to access their right to information on the conditions in Jaffna that would enable them to make an informed choice about return or local integration. This is despite the government statement according to which returns were supposed to start from December 2009 onwards. Less than 3 percent of the respondents view the government as a source of information on conditions in Jaffna.

It is telling that in relation to the questions where IDPs were asked to name their source, the people who received or heard information from government or semi-government related sources were in the minority. While the Constitution of Sri Lanka does not specifically contain a ‘right to information,’ the fundamental right to freedom of speech and expression under Article 14(1)(a) has been interpreted by the Supreme Court to include the right to information. The explicit right was further consolidated through the Court holding that this Article includes the right to information that would enable a person effectively to exercise rights of speech and expression in respect of a matter that should be in the public domain. It was also held that publishing an advertisement in a newspaper was bringing the relevant matter into the public domain.

By extension, the argument could be made that related news reports and statements made by political parties and politicians in the media, mainly sporadic with increased frequency during election time, serve to bring the issue of benefits, assistance, return and resettlement into the public domain. As such, while the application of the access to information may be curtailed in certain circumstances, including in the interest of public security, public institutions and State authorities have an obligation to share information that impacts on the rights, benefits and well-being of individuals, particularly those who have been living in protracted displacement for two decades.

**The Norwegian Refugee Council recommends that:**

**The Government of Sri Lanka:**
- Prioritize assisting the IDP caseload in Puttalam with finding durable solutions to end its protracted displacement.
- Arrive at a common criteria and core understanding of various terms related to displacement and durable solutions such as what makes someone “internally displaced,” in Sri Lanka after

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16 “Displaced Muslims to be resettled- Minister Baithudeen,” 5 December 2009.
19 The Urban Development Authority and the Sri Lanka Land Reclamation and Development Corporation recently made available to the general public, on request, documents relating to public utilities, urban development and environment assessments; it was noted that “it is important the public had access to such information to ensure that they made informed decisions, they participate in the decision making process of the country and to ensure greater transparency.” Daily Mirror, “Public access to vital govt. documents,” 10 March 2010, http://www.dailymirror.lk/print/index.php/news/front-page-news/5646.html.
20 years, and what is meant by protracted IDPs “locally integrating”; make certain this information is filtered down to authorities at local levels.

- Ensure that there is a choice of durable solutions of return and local integration available to the IDPs and they are informed of this voluntary choice through formal channels.
- Respect the IDPs’ right to access information and maintain a regular and systematic line of communication with the displaced to provide them with updates on durable solutions.
- Consult with IDPs on the factors that have to be addressed in order to achieve reintegration upon return to the north or local integration in Puttalam.
- Provide a comprehensive assistance package for all IDPs, whether new or old, that sees them through achievement of a durable solution.
- Improve coordination on information-sharing and return-related activities between government bodies in the north and Puttalam.
- Address the gaps due to which returnees are not going through formal de-registration and registration processes.
- Ensure that for IDPs from Puttalam, and old IDPs in general, there is no difference in benefits and integration assistance when they choose to return, as compared to returnees from the new caseload.
- Ensure that special mechanisms are in place in return areas to assist the returnees from the protracted caseload with shelter, land and property issues that are unique as compared to HLP issues for returnees from the new caseload.
- Undertake sensitisation of the diverse ethnic communities in Jaffna, and other districts in the north, where people from different communities will be returning around the same time.
- For IDPs choosing not to return to the north, reallocate to Puttalam the State resources in proportion to the population currently going to their areas of origin in the north.
- Educate people choosing to locally integrate about their voting rights in relation to Puttalam and assist them with registering locally.
- Determine what assistance the IDPs remaining in Puttalam may require to become self-sufficient, especially in the area of livelihood, and provide this assistance; expand this assistance to the host community, per its needs.
- Prior to cessation of rations, ensure that the IDPs have received vocational training or skills training needed to become self-sufficient and conditions are in place for them to sustain themselves without rations.

Donors:
- Demonstrate equity in response to ongoing assistance or achievement of durable solutions for both newer and older caseloads of displaced persons.
- Ensure that returnees, whether from the new or old caseload, are given the same return benefits so as to enable them to reintegrate and restart their lives; not doing so can lead to conflict among different groups of returnees coming back around the same time.
- Recognise that returnees from the protracted caseload may have needs unique from the new caseload, especially in the area of HLP restitution; and be prepared to support them in such areas for a longer period of time.
- Establish clear lines of ownership and security of tenure when providing permanent shelter assistance.
- Provide assistance for training and vocational skills and other self-sufficiency programmes for the IDPs who will choose to remain in Puttalam.
- Advocate with the government to increase its engagement in addressing durable solution issues for the Puttalam IDPs and old IDPs in general.
- Engage with the government to encourage it to focus on both return and local integration options and not only one option, as has been the case in the past.

**National and international NGOs and UN agencies:**
- Assist the IDP community to better understand its rights to durable solutions and provide information and counselling to it on the two options of return and local integration.
- Coordinate this work with other agencies so that all are providing similar messages and the IDPs are not receiving different information based on the agency that counsels them.
- Discuss with central and local authorities in both Puttalam and return areas of the north the barriers to local integration (such as lack of political rights) and sustainable return (such as no access to former housing and land) and work with and assist the authorities to address these specific concerns.
- Provide training programmes and livelihood self-sufficiency schemes for IDPs choosing to locally integrate.
- Provide programmes that also assist poorer sections of Puttalam in order to avoid tensions, in line with the ‘Do no harm’ approach.
- Carry out sensitisation programmes for the diverse ethnic communities in northern districts.
- In addition to the protracted caseload in Puttalam, advocate with the government and donors to find durable solutions for other forgotten groups, such as Tamil IDPs from the old caseload that remain displaced in the north and east due to the existence of High Security Zones and Special Economic Zones.
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