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## SRI LANKA

# A hidden displacement crisis

More than three years after the end of the 26-year armed conflict between the Sri Lankan armed forces and the Liberation Tigers of Tamil Eelam (LTTE), nearly 470,000 people displaced during its various stages have returned to their home areas. This does not mean, however, that there is no internal displacement in the country any more. As of the end of September 2012, more than 115,000 internally displaced people (IDPs) were still living in camps, with host communities or in transit sites, or had been relocated, often against their will, to areas other than their places of origin.



Among those registered as having returned, many have not been able to achieve a durable solution but continue to face difficulties in accessing basic necessities such as shelter, food, water and sanitation, in rebuilding their livelihoods, and in exercising their civil rights. De-mining operations are still ongoing in livelihood areas. Unresolved land issues have been a major obstacle to durable solutions for IDPs and IDP returnees.

Conflict-affected areas remain highly militarised, which has made progress towards achieving durable solutions more difficult. The military has become an important economic player and a key competitor of local people including returnees in the areas of agriculture, fishing, trade, and tourism. It has also been involved in areas that would normally come under civilian administration. It continues to occupy private land, thereby impeding IDPs' return.

The government has failed to make durable solutions a priority, and humanitarian organisations have faced funding shortages and restrictions on programming and access. All these challenges have the potential to lead to new grievances which could spark further violence among the population in the north and east.

# General map of Sri Lanka



Map No. 4172 Rev. 1 UNITED NATIONS  
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## Background

In 1983, internal armed conflict broke out between government forces and the LTTE, an ethnic Tamil group which, using political negotiation and violent means, aimed to create a separate homeland in the north and east of Sri Lanka. After Sri Lankan independence in 1948, the Tamil minority - which had played a greater role than the ethnic Sinhala majority in the British colonial administration - lost influence and was discriminated against in a series of political decisions. In 1956, Sinhala replaced English as Sri Lanka's official language and in 1972 the new constitution declared Buddhism, which most Sinhala adhere to, the country's main official religion ([ICG](#), 28 November 2006, pp.2-3).

In the 1970s, several armed Tamil nationalist groups emerged in Jaffna district. They became stronger and gained in membership after ethnic clashes between Tamil and Sinhala militants in the early 1980s, and they received funding, weapons and training from India. In July 1983, militant Tamils killed 13 Sri Lankan soldiers in Jaffna. The security forces carried out reprisal attacks and did nothing to prevent Sinhala mobs from killing as many as 1,000 Tamils, attacking and destroying Tamil homes and property and displacing more than 100,000 people both within the north and east of the country and to India. Under the command of Vellupillai Prabhakaran, the LTTE became the strongest of the armed Tamil groups and carried out attacks on members of the security forces and the government ([ICG](#), 28 November 2006, p.3; [Global IDP Database](#), 7 March 2005, p.17).

In 1987, Delhi sent the Indian Peace-Keeping Force (IPKF) to the north-east of Sri Lanka to stop the fighting and put pressure on the government in Colombo to accept a degree of autonomy for Sri Lankan Tamils. IPKF left in 1990 upon the request of the then-president, Ranasinghe Premadasa, who believed he was close to reaching a peace agreement with the LTTE. The rebels, however,

left the peace negotiations, attacked the security forces and politicians, and took control of most of Jaffna along with large areas of northern and eastern Sri Lanka. They also killed the leaders of rival Tamil groups and expelled around 75,000 Muslims who had been living in the north ([ICG, Sri Lanka's North I](#), 16 March 2012, p.3; [ICG](#), 28 November 2006, pp.3-4; [BBC News](#), 23 October 2012).

The government's response included killings, disappearances and other human rights violations against large numbers of Tamil civilians. The LTTE began to use suicide bombers, most notably in the assassinations of the Indian Prime Minister Rajiv Gandhi in May 1991 and Sri Lankan President Premadasa in May 1993. Chandrika Kumaratunga, who assumed the presidency in November 1994, also tried to conduct peace negotiations. Her initiative soon failed, however, and in December 1995 the security forces took control of Jaffna. The war continued and included LTTE attacks on the Sri Lankan central bank in Colombo in 1996 and the Buddhist shrine of the Temple of the Tooth in Kandy in 1998. President Kumaratunga was wounded in an LTTE attack in 1999. In 2000, the rebels launched an assault on Colombo's Bandaranaike international airport, destroying half of Sri Lankan Airlines' fleet. They also conquered the strategic Elephant Pass, which connects the Jaffna peninsula to mainland Sri Lanka ([ICG](#), 28 November 2006, pp.4-5).

In February 2002, the government led by Prime Minister Ranil Wickremesinghe signed a ceasefire agreement with the LTTE brokered by Norway. The LTTE was given official control of the northern Vanni region and rural areas of eastern Sri Lanka, while the government retained the towns of Jaffna, Trincomalee and Batticaloa. The LTTE set up its own police force, judiciary and bank, but Colombo continued to provide most services in LTTE-controlled areas. The Sri Lanka Monitoring Mission (SLMM), made up of more than 70 personnel from Nordic countries, was charged with monitoring the ceasefire in the north and east

of the country. Both parties began violating the agreement soon after it was signed, with the LTTE recruiting children and carrying out political killings ([ICG](#), 28 November 2006, pp.5-6).

Peace negotiations broke down in April 2003, and three years later the LTTE withdrew from the process altogether. In July 2006, the rebels closed the Mavil Aru sluice gates that supplied water to government-controlled areas, and the army responded with an intense military offensive aimed at recapturing LTTE-controlled areas in the east. The fighting spread, and the following year the LTTE lost nearly all the territory it had controlled in the east ([ICG](#), 28 November 2006, pp.8, 11). The government was supported in its campaign by Vinyagamurthy Muralitharan, alias Colonel Karuna, and his Tamil Makkal Viduthalai Puligal (TMVP) - an armed paramilitary group that had broken away from the LTTE in 2004 and later became a political party ([ICG](#), 15 October 2008, p.8; [ICG](#), 17 May 2010, p.3). At its peak in March 2007, the fighting forced around 300,000 people to flee their homes, of whom 185,000 remained displaced at the end of the same year ([UN OCHA](#), 22 February 2008, p.11).

In January 2008, the government abandoned the ceasefire agreement and launched a major military offensive against the LTTE in the north. By January 2009, the army had taken control of Kilinochchi, which had been the LTTE's administrative capital since 1999. More than 300,000 civilians, most of whom had suffered multiple displacements, were trapped in a small area of the Vanni region still held by the LTTE, unable to leave and exposed to forced recruitment by the rebels. In September 2008, the government ordered all international staff with the UN and humanitarian organisations except the International Committee of the Red Cross (ICRC) to leave the LTTE-held area, though some national staff stayed on ([ICG](#), 17 May 2010, pp.3-5, 39; [BBC News](#), 23 October 2012).

Heavy fighting from January to May 2009 was accompanied by a humanitarian crisis in the Vanni, with both sides to the conflict committing more violations of international humanitarian law than ever before. Civilians found themselves contained inside "no fire zones" or "safe zones" that the government had unilaterally declared. There was, however, no safety. Reports suggest that the army attacked civilians, hospitals and humanitarian operations; that the LTTE killed and injured civilians, in some cases forcing the wounded to stay in conflict areas; and that tens of thousands of Tamil civilians were killed during the final months of the fighting ([LLRC](#), 16 December 2011, Chapter 4; [UNSG](#), 31 March 2011, pp.23-36; [ICG, Sri Lanka's North I](#), 16 March 2012, pp.5-6). As the government forces advanced the LTTE retreated, pushing the local population ahead of them and emptying the entire Vanni region of civilians. In mid-May 2009, the government declared victory over the LTTE and stated that Prabhakaran and other senior rebel leaders had been killed ([AFP](#), 18 May 2009).

More than 280,000 civilians fled LTTE-controlled areas for government-held territory between April 2008 and June 2009, most of whom were interned in closed camps run by the military in Vavuniya, Mannar, Jaffna and Trincomalee districts. More than 200,000 people arrived at such camps in April and May 2009 alone ([UN OCHA](#), 14 July 2010, p.10; [ICG](#), 17 May 2010, p.6). The government justified internment with the need to screen IDPs for affiliation with LTTE, and freedom of movement in and out of the camps was heavily restricted. In September 2009 the government began releasing some people with specific needs, including the sick, university students, pregnant women, older people and other vulnerable groups (IDMC interview, October 2012).

At the beginning of December 2009, a pass system was introduced which allowed IDPs to leave the closed camps for periods of up to 30 days. Those granted such a pass remained registered

at their camp and had to return there in order to renew it. In parallel, the government began returning large numbers of people to their home districts ahead of the January 2010 presidential elections. Some of these IDPs, however, were unable to return to their home areas because of the presence of landmines and unexploded ordnance (UXO), or because the military had not released it for reoccupation. They sought shelter with host communities and in transit sites in their home districts, often in difficult conditions ([ICG](#), 11 January 2010, p.4).

In the presidential elections, the incumbent Mahinda Rajapaksa was re-elected ahead of the challenger General Sarath Fonseka. Rajapaksa's United Peoples Freedom Alliance (UPFA) also came first in parliamentary elections held four months later ([UN OCHA](#), 14 July 2010, p.v).

In May 2010, President Rajapaksa set up the Lessons Learnt and Reconciliation Commission (LLRC) to report on the causes of the armed conflict from February 2002 to May 2009 and the lessons to be learnt from the events during that period ([GoSL](#), 17 May 2010). The LLRC's mandate was criticised for not including an investigation into war crimes committed by both sides, for its lack of independence and for the absence of a witness protection programme ([AI](#), [HRW](#) and [ICG](#), 14 October 2010). The final LLRC report was published in December 2011, and the government launched an action plan for the implementation of its recommendations in July 2012 ([LLRC](#), 16 December 2011; [GoSL](#), 26 July 2012).

On 25 September 2012, the Menik Farm internal displacement camp was officially closed ([IRIN](#), 28 September 2012). It had been the largest of the closed internment camps, with about 225,000 IDPs held there in June 2009 ([UN OCHA](#), 14 July 2010, p.10; [UNHCR](#), 27 September 2012).

## Displacement patterns and figures

Internal displacement in Sri Lanka did not end with the closure of Menik Farm. There are people still living in displacement, and many IDP returnees have not been able to achieve a durable solution. Public information on IDPs and returnees is scarce, however, making it a hidden crisis.

No comprehensive profiling of IDPs has been undertaken since 2007, and no reliable information on the number of IDPs, their locations, and their access to displacement-related needs and rights has been published. At the end of 2011, local authorities stopped reporting on IDPs who originate from areas that are open for return, regardless of whether they had achieved a durable solution or not, and the reported numbers of IDPs were significantly reduced. The monthly Joint Humanitarian and Early Recovery Update published by the UN Office for the Coordination of Humanitarian Affairs (UN OCHA), which only covers the north of the country, has not included IDPs living with host communities or in transit since November 2011. No updated figures for IDPs in the east have been published by UN OCHA since 2009. In August 2011, the Office of the UN High Commissioner for Refugees (UNHCR), the UN Office for Project Services (UNOPS) and the government launched a joint survey of people internally displaced before 2008, but the project has faced a number of setbacks caused by a lack of commitment on behalf of the government ([OHCHR](#), 13 August 2012, p.13).

### *Current IDP population*

More than **115,000** people are estimated to still be displaced as of late September 2012 (Government statistics as compiled by UNHCR, 30 September 2012; IDMC interview, October 2012):

- More than 11,000 people displaced before April 2008 are living in camps in Vavuniya, Jaffna and Trincomalee districts.
- More than 1,000 IDPs displaced after April

2008 are in transit situations in return areas, unable to go back to their places of origin.

- More than 103,000 people displaced both before and after April 2008 are staying with host communities.

#### *Returns without access to durable solutions*

Nearly 470,000 people have registered as returned (Government statistics as compiled by UNHCR, 30 September 2012), but many have not been able to achieve a durable solution but continue to face difficulties in accessing basic necessities such as shelter, food, water and sanitation, in rebuilding their livelihoods and in exercising their civil rights (IDMC interview, October 2012).

## **Obstacles to durable solutions**

IDPs have achieved a durable solution when they no longer need assistance and protection nor face discrimination in exercising their human rights as a result of their displacement. There are three settlement options – return, local integration and settlement elsewhere – where durable solutions can be achieved if they are sustainable, but the mere physical settlement of people in itself does not qualify ([IASC](#), April 2010, p.A1; p.5).

#### *Humanitarian needs*

Across the Vanni, only 25 per cent of the IDP returnee families have received a transitional shelter (Inputs from shelter agencies and district officers compiled by UNHCR, October 2012). In at least three of the villages which opened up for return between July and September 2012 in Maritimé pattu (Mullaitivu district), no commitments have been made to provide any transitional shelters at all (UN and NGO information compiled by USAID, 8 October 2012). That leaves the remaining families living in makeshift shelters made from tin sheets, tarpaulins and any other available materials until further funding can be raised. Similarly, in Kilinochchi district only half the requirement for transitional shelters has been met, according

to local authorities (GoSL and UNDP, Livelihood and livelihood infrastructure gap analysis report, Kilinochchi district, September 2012, p.13). The government has not endorsed the needs assessment put forward by the Shelter Cluster in mid-2012, and as a result there is no comprehensive information on shelter and housing needs (IDMC interview, October 2012).

Many IDPs and IDP returnees also have specific needs. Six per cent of those living in Kilinochchi have physical or mental disabilities and more than 18 per cent of households are headed by women (GoSL and UNDP, Livelihood and livelihood infrastructure gap analysis report, Kilinochchi district, September 2012, pp.4, 11). Assistance for such vulnerable groups is very limited and the government compensation scheme does not have the funds to respond ([LLRC](#), 16 December 2011, pp. 245-246). As a result of tight government restrictions on humanitarian organisations in their conducting assessments, there is no available data on the needs and gaps in services for the most vulnerable individuals, including people with disabilities, women heads of household, older people, children and those suffering psychological trauma or distress (IDMC interview, October 2012).

By September 2012, de-mining operations had been completed in nearly all major residential areas, but were still ongoing in livelihood areas and smaller residential areas. Much land still needs de-mining and this hampers the recovery of livelihoods ([UN OCHA](#), 21 September 2012, p.8; GoSL and UNDP, September 2012, pp.4, 14). De-mining organisations informally predict that if the process continues at its current rate, it could take another ten years to complete (IDMC interview, September 2012).

Most of the former high security zones in Jaffna were opened for return in 2010 and 2011, but conditions are poor and the pace of returns has been slow. There are currently 26,000 IDPs without shelter, 20,000 without toilets and 9,000

without wells. There are few livelihood opportunities and assistance for IDP returnees is extremely limited ([ICG, Sri Lanka's North II](#), p.22; IDMC interview, October 2012).

### *Militarisation*

Three years after the end of the armed conflict, the Northern Province and to a lesser extent the Eastern Province remain highly militarised. This is one of the main obstacles to IDPs and IDP returnees achieving durable solutions. It hampers their ability to access their residential or agricultural land and their efforts at recovering their livelihoods. Military involvement in civil administration and continued restrictions on the freedom of peaceful assembly, freedom of association, access to places of worship and freedom of movement have all made post-conflict rehabilitation and reconciliation more difficult (IDMC interview, October 2012; [OHCHR](#), 13 August 2012, p.13; [CWVHR](#), 22 April 2012, pp.2-3).

This situation has already created grievances among Tamil IDPs, IDP returnees, and other conflict-affected people which may lead to new conflict in the future, thereby defeating the stated purpose of the military presence, which is to prevent such a development ([ICG, Sri Lanka's North II](#), p.i). It is also in sharp contrast with the following recommendations made in LLRC's final report:

"9.227 It is important that the Northern Province reverts to civilian administration in matters relating to the day-to-day life of the people, and in particular with regard to matters pertaining to economic activities such as agriculture, fisheries, land etc. The military presence must progressively recede to the background to enable the people to return to normal civilian life and enjoy the benefits of peace." ([LLRC](#), 16 December 2011, p.376)

"9.116 [...] the Government must ensure that such rights [to freedom of religion, association and movement] are not arbitrarily restricted or violated by any state institution, especially by

the Security Forces and the Police." ([LLRC](#), 16 December 2011, p.354)

On 22 May 2012 the Sri Lankan defence secretary made a statement to the humanitarian community in the country in which he committed to take steps towards the demilitarisation of the Northern Province. These included a reduction in troop numbers, the closing of high security zones (with the exception of one in Palali, Jaffna district) and the transition to civilian administration (IDMC interview, October 2012).

As of September 2012, however, the number of troops stationed in the north remained high. No official figures are available, but in Mullaitivu the ratio of military personnel to civilians is estimated to be 1:5 and in Killinochchi 1:10 (IDMC interview, September 2012). By way of comparison, a study of 41 counter-insurgency operations around the world by the Pentagon's Institute of Defense Analyses concludes that a ratio of between 1:20 and 1:25 is sufficient to give an 80 per cent or higher probability of success in active operations ([Kneeece](#), March 2010, pp.2, 5; [EPW](#), 14 July 2012, p.35). A meaningful and transparent reduction of the military presence to peacetime levels would require clear timelines for security sector reform and demobilisation, disarmament and reintegration, but no such plan has been put forward so far (IDMC interview, September 2012).

In addition to its widespread presence, the military has pursued activities that go far beyond its mandate to provide security and to prevent new armed conflict. It continues to be an important economic player, competing with IDPs, IDP returnees and other people affected by the conflict who are trying to become independent of aid and rebuild their livelihoods ([OHCHR](#), 13 August 2012, p.13; [ICG, Sri Lanka's North II](#), 16 March 2012, pp.22-23). The military has reportedly been cultivating crops, including on land which IDPs have been told they cannot return to. It benefits from government subsidies for farming equip-

ment and infrastructure, meaning that it can sell its products at much lower prices than individual local farmers, including returnees. It is also active in fishing, trade and tourism, and continues to run small shops ([ICG, Sri Lanka's North II](#), 16 March 2012, pp.22-23; [CWWHR](#), 22 April 2012, p.3; IDMC interview, September 2012).

Sri Lanka's transition to a post-conflict democratic state will remain incomplete while, in addition to its economic activities, the military continues to play a key role in the administration of the region. This includes the monitoring of released detainees alleged to have been formerly associated with the LTTE, the administration of missing persons cases, the granting of permission to conduct community meetings or events, the approval of humanitarian projects, and the administration of the civilian police, which in a democratic state would normally come under the purview of the Ministry of Justice (IDMC interview, September 2012).

In principle, it is the civilian administration that is tasked with IDP returns and post-conflict reconstruction. In practice, however, the military has been taking the key decisions in these areas. All humanitarian projects in the north must be approved by the Presidential Task Force for Resettlement, Development and Security in the Northern Province (PTF), which includes the military leadership. PTF has placed significant restrictions on projects including psychosocial work, legal counselling, family tracing and reunification, all of which are key to facilitating durable solutions. Its approval letters for humanitarian projects state that local military commanders should be consulted on the selection of beneficiaries, and local authorities pass all their beneficiary lists to the military for review ([ICG, Sri Lanka's North II](#), 16 March 2012, pp.15-16; IDMC interview, September 2012).

#### *Land and property issues*

Land issues arguably played a key role in fomenting the grievances that sparked Sri Lanka's armed

conflict and contributed to prolonging it. This includes the government-sponsored settlement projects that began in the 1950s and that were aimed at promoting economic development but led to changed demographics in the north and east; state, insurgent and paramilitary occupation or appropriation of private land; and government-established high security zones and special economic zones. The war and the displacements it caused have exacerbated tensions and disputes over land and have created problems around accessing land. These are among the main challenges for returning populations (Muggah, 2008; [CPA](#), 13 May 2010, pp.7, 8).

The conflict led to the internal displacement of Tamils, Sinhalese and Muslims, while Sinhalese were settled in certain areas of the majority-Tamil north and east (Muggah, *Relocation failures in Sri Lanka*, 2008). These population movements have created a complex situation in which some IDPs have conflicting claims to the same land or property. Other issues include secondary occupation; boundary disputes; lost, damaged or irregular documents; and landlessness caused by multiple and protracted displacement. The fighting and LTTE's control of the north and east also interrupted the state's process of land allocation (IDMC interview, October 2012).

All this impedes sustainable returns and limits access to durable solutions. As such it is crucial that reconstruction efforts in conflict-affected areas include a transparent and accountable process to resolve land-related issues, if true reconciliation is to be achieved and future violence and conflict prevented.

**Land administration.** In July 2011, in order to address the multiple and complex land-related issues, the Land Commissioner General's department published a circular entitled *Regulating the Activities Regarding Management of Lands in the Northern and Eastern Provinces* (Circular No: 2011/04). The aim was to establish a system,



including committees of inquiry and mediation boards, to respond to land disputes and claims from those affected. The Circular, however, had a number of flaws and gaps, including a tight deadline for the submission of claims, military involvement in an essentially civilian process, and the primacy of land claims pre-dating the war. There were concerns that civilians, particularly those who had secured land during the war, may be dispossessed. A member of parliament for the Tamil National Alliance (TNA) challenged the Circular in court and in January 2012 the attorney general's office withdrew it based on technical details (CPA, September 2011; CPA Press Release, 19 January 2012).

At the time of writing, no new Circular had been presented to the court and there is still no mechanism in place to deal with the multiple and complex land issues. Disputes are settled on a case-by-case basis through litigation. In October, a new draft circular for the administration of state land was shared with local authorities in the Northern and Eastern Provinces, but it does not establish new mechanisms for dealing with the complex caseload and leaves the burden on local authorities and the judicial system. These difficulties are compounded by a lack of capacity and resources among the relevant government entities dealing with land issues at the district level. There is a shortage of surveyors, equipment and transport, and existing officials need to be trained (IDMC interview, October 2012; OHCHR, 13 August 2012, p.13).

**State occupation of land and "relocation" (settlement in a third location).** As many as 26,000 IDPs are unable to return to their places of origin because the state or the military are occupying their land. They come from areas where high security zones or military installations have been established, such as Tellipillai (Jaffna), Sampur and Karumalayootru (Trincomalee), Mullikulam and Silavathurai (Mannar), Keppapilavu and Thirumurikandy (Mullaitivu) and small pockets of military-occupied land across Mullaitivu and Killinochchi

districts (BBC News, 27 September 2012; IDMC interviews, September and October 2012). The government is estimated to have settled over 3,000 IDPs in a third location (a process it refers to as "relocation") as their areas of origin remain closed to returns, largely as a result of military occupation. Contrary to national and international standards, such relocations have often taken place against IDPs' will and without those affected being informed or consulted about the process. In most cases, the government has failed to follow due process in acquiring land for state purposes, and has not provided appropriate compensation. There are currently at least seven relocation sites in the north and east of the country (OHCHR, 13 August 2012, p.13; HRCSL, April 2012, pp.5-6; IDMC interview, October 2012).

Citizens' right to freedom of movement and choice of residence is enshrined in the Sri Lankan [Constitution](#) (Art. 14(h)), the [Universal Declaration of Human Rights](#) (Art. 13(1)), and the [International Covenant on Civil and Political Rights](#) (Art. 12(1)). The [Guiding Principles on Internal Displacement](#) specify that the government has the duty to facilitate IDPs' voluntary, safe and dignified return or voluntary settlement elsewhere. It should also ensure their "full participat[ion] [...] in the planning and management" of their chosen settlement option (GP 28). The [Pinheiro Principles](#) include reference to freedom of movement (Principle 9) and the right to return (Principle 10).

The cases of relocation detailed below are situations in which the state's occupation of land has led to displacement. Guiding Principle 7(3) lists the conditions under which such displacement, in exceptional circumstances, may take place. These include a specific decision by authorities empowered by law to take such measures, and a duty to fully inform those affected of reasons and procedures, including compensation.

**Displacement from Sampur and relocation to Ralkuly and Seethanaveli.** The government set

up the Sampur high security zone in Trincomalee district on 30 May 2007 ([CPA](#), 13 May 2010, pp.39-40; [ICG](#), 15 October 2008, p.25). It partly overlaps with a special economic zone covering 675 km<sup>2</sup> of the district, which was established under the Board of Investment of Sri Lanka Act in February 2006 (GoSL, Eastern Revival: Investment Opportunities, 12 November 2010). The government acquired the land for the high security zone under the Land Acquisition Act, but it was reported that many of those displaced had not been informed about the process. Inside the area covered by both the security and economic zones, a joint venture between the Indian National Thermal Power Corporation (NTPC) and the Ceylon Electricity Board was to build a 500-megawatt coal-fired power station over an area of almost 7 km<sup>2</sup>, but construction had been delayed. In September 2010, the government granted the project a 25-year tax exemption and concessions on customs duties. The project would make IDPs' return to this particular area impossible (Express Buzz, 13 September 2010).

As of September 2012, almost 4,000 people displaced from the high security zone have not been able to return to their homes (Government statistics as compiled by UNHCR, 30 September 2012). Most of them favour return over other settlement options, though a few have chosen to be settled in a third area because they felt they had no other choice. The land they received in compensation is of poor quality and has no access to the sea, and thus does not allow people to engage in traditional livelihoods activities such as farming and fishing ([CPA](#), 13 May 2010, pp.46, 77-78; [Economist.com](#), 19 August 2010; [The Samosa](#), 20 September 2010).

Seventy-seven IDPs from Sampur were relocated to the village of Navalady in the Ralkuly area of Trincomalee district. The site is close to an earlier settlement of 403 IDPs who could not return to their homes because a naval base had been established on their land, which is located in

another part of Navalady. The IDPs from Sampur reportedly moved voluntarily, but the authorities did not prepare the relocation site in advance. The previous group were allocated land and the UN Development Programme (UNDP) built houses for them, but the Sampur IDPs received little assistance and have still not received legal permits for the allocated land (IDMC interview, October 2012).

On 25 April 2012, another 200 IDPs from Sampur were relocated to Seethanaveli, also in Trincomalee district. The relocation was carried out with only limited respect for international standards including the Guiding Principles on Internal Displacement, in particular those setting out IDPs' right to make a voluntary decision based on access to full and accurate information. It was not conducted in a transparent manner, blurring the distinction between civil and military roles and responsibilities and deliberately restricting humanitarian access. The IDPs were not informed as to their right to restitution or compensation (IDMC interview, October 2012).

**Relocation to Kombavil.** In 2011 the government intended to relocate around 5,000 IDPs from Menik Farm to Kombavil in Mullaitivu district because of the ongoing military occupation of their places of origin in Maritimpattu and Puthukudiyiruppu. Many of the IDPs, however, protested strongly and eventually only 667 IDPs were relocated to Kombavil in two phases in November 2011 and February 2012 ([UN OCHA](#), 24 January 2012, p.1; [UN OCHA](#), 23 February 2012, p.1).

No overtly forced relocations were witnessed, but whether the process was voluntary is questionable. Many IDPs clearly stated a preference to return to their areas of origin, and expressed concerns about pressure and a lack of choice. They were given no clear indication as to whether the relocation was intended to be temporary or permanent, and no information on whether and when they would be given access to their areas of origin. Any commitments made by officials were

given orally and were not confirmed in writing (IDMC interview, October 2012).

Based on these concerns, humanitarian organisations decided in mid-2011 not to take part in the relocation process or provide assistance at the relocation site. In late May 2012, the Secretary of Defence told the humanitarian and diplomatic community that de-mining in the IDPs' areas of origin was about to begin and that families would be free to return within a few months. The IDPs remaining at Menik Farm were informed the following day and were told that no more relocations to Kombavil would take place. In July 2012 some of the IDPs who had relocated to Kombavil were able to return to their places of origin in Mullaitivu ([UN OCHA](#), 18 May 2012, p.1; [UN OCHA](#), 22 June 2012, p.2; IDMC interview, October 2012).

**Displacement from Keppapilavu and relocation to Sooripuram.** In September 2012, 560 IDPs were relocated from Menik Farm to Seeniyamottai in Sooripuram because their place of origin in Keppapilavu is occupied by the Mullaitivu security force headquarters. Discussions have been ongoing between the Government and the IDPs from Keppapilavu regarding settlement in a third location, but the IDPs have always shown a preference for return. Two hundred and fourteen of these IDPs had previously been landless and agreed to relocate on 20 September because the government promised them land in Sooripuram, but they were not provided with shelters ([UN OCHA](#), 24 September 2012, p.1; IDMC interview, September 2012). The remaining 346 were relocated on 24 September in order to close Menik Farm ([Ceylon Today](#), 14 October 2012; [Groundviews](#), 2 October 2012; IDMC interview, September 2012).

The relocation of the second group was not, however, carried out in accordance with national and international law and standards. The IDPs had expressed their preference for return and to stay at Menik Farm until this became possible. They

held public protests on 21 September against the relocation, and they were allegedly relocated under coercion. In addition, they were provided with only limited information about the assistance they would receive at the relocation site, and no official information was given either on when return might become possible or how they would be compensated for their occupied land and property. When the military took over their land, it did not do so in accordance with the procedures set out in the [Land Acquisition Act](#) ([Ceylon Today](#), 14 October 2012; IDMC interview, September 2012; [Groundviews](#), 2 October 2012).

The relocation site in Sooripuram is surrounded by military camps and subject to high levels of surveillance, and is reportedly not in a condition to support durable solutions. Indeed, despite the fact that there would have been time for preparation and planning, the site did not even meet basic humanitarian standards when the IDPs arrived. Temporary shelters were only set up on the day of their arrival, and materials – mostly recycled from Menik Farm – were in short supply. There was also a shortage of water, food, and health services. In addition, livelihood options were limited ([Ceylon Today](#), 14 October 2012; [Groundviews](#), 2 October 2012; IDMC interview, September 2012).

**Displacement from Mullikulam and relocation to Kayakuli and Manangkadu.** Three hundred and seven families, or 1,320 individuals, have been living with host communities in Mannar district since they were displaced in September 2007 from their land in the Musali area, which was used to establish a naval base ([Sri Lanka Brief](#), 1 August 2012; [LLRC](#), 16 December 2011, pp.214-215; IDMC interview, October 2012). The area includes private land owned by the IDPs and the Catholic Church, and the Bishop of Mannar has been trying to recover the latter since 2009. Over the years, the government identified a number of alternative settlement locations, but the IDPs did not consider them suitable as they did not allow them to resume their traditional livelihoods ([Sri Lanka](#)

[Brief](#), 1 August 2012; IDMC interview, October 2012).

One hundred and sixty six families spontaneously moved to Kayakuli village in mid-2012. On 15 June 2012 the remaining 141 families moved to Manangkadu in Marichchikattu, which is adjacent to the Naval Base, to bring attention to their displacement and to push for the release of their land. These IDPs spent several months living in the jungle without adequate assistance as the local authorities felt unable to assist them because they had settled without the Government's permission. By early October 2012, 214 families were present there ([National Fisheries Solidarity](#), 18 June 2012; [Sri Lanka Brief](#), 1 August 2012; IDMC interview, October 2012).

Negotiations led to the navy releasing around 600 acres of agricultural land. It has also allowed access to the sea for fishing and to the local school. The IDPs, however, have continued to demand return to their original land, as the site that they currently occupy is too small and too far from the sea. The state did not acquire the land on which the naval base stands in accordance with established legal procedures, and the IDPs received no information about compensation (IDMC interview, October 2012).

#### *Local integration and the case of northern displaced Muslims in Puttalam*

Since 2010 and particularly in the second half of 2011 the government de-registered IDPs if their places of origin were open for return. This did not take into account IDPs' current situations or whether they still faced protection or assistance needs related to their displacement. Nor did it assess the reasons why people did not return or the obstacles they faced in trying to do so.

The de-registration affected a large number of IDPs living in protracted displacement, particularly in Jaffna and Puttalam districts and to a lesser extent in Vavuniya district. The situation

of northern displaced Muslims living in Puttalam highlights the difficulties they have faced in identifying and achieving a durable solution, and the inadequacy of the state's response.

The LTTE expelled around 75,000 Muslims from their home areas in 1990, of whom roughly 60,000 fled to Puttalam (UNHCR, Report on 2004 Welfare Centre Survey in Puttalam District, 2004). Over 20 years in displacement, the birth of second and third generations of IDPs increased the displaced Muslim population in Puttalam to more than 86,000 before returns began to take place in late 2009 ([Human Rights Commission of Sri Lanka](#), Phase-out report 2002-2011, Puttalam). In 2010, they were encouraged to de-register as IDPs and return and register as residents in their places of origin. In early 2011, all of those remaining were de-registered as IDPs without consultation and told that they could register as residents either in their places of origin or in Puttalam. Politicians and community leaders actively encouraged them to register in their places of origin and they were told that they would receive assistance including land, houses and livelihood support (IDMC interview, October 2012).

During 2010 and 2011, a large number of families registered themselves as resident in their places of origin, but only a very small percentage actually returned and took up permanent residence. Some families split up in order to maintain residence in both places, some continued to live in Puttalam but visited their home areas to perform specific tasks such as cultivating their land, and some did not move at all. There were also cases of families who returned to their places of origin in Jaffna only to find that they had nowhere to live, and so went back to Puttalam (IDMC interview, October 2012).

Local authorities in Puttalam estimate that by mid-2012 only around 25 per cent of the IDPs had returned to their places of origin and were resident there, and that between 10 and 20 per cent had integrated locally and registered as perma-

ment residents in Puttalam. Up to 65 per cent were registered in their places of origin but living either in Puttalam or dividing their time between the two locations. There are many reasons for this. On the one hand, political influence and community bonds encouraged them to register as residents and voters in their places of origin, despite the poor infrastructure, low standard of living and inadequate assistance available there. On the other, they have access to better services and amenities, including education for their children, in Puttalam, and some have bought land and property there. Some also reported feeling that local authorities in some return areas discriminated against them and failed to prioritise them for assistance (IDMC interview, October 2012).

The large number of IDPs living in Puttalam has put significant strain on the provision of basic services and this has affected relations with the host community. It has also hampered IDPs' ability to obtain civil documents such as ID cards and birth certificates, access social welfare programmes and take advantage of other administrative services offered by local authorities. There are currently 141 "relocated villages" in Puttalam that house both IDPs and locally integrated families. The situation is further complicated by the fact that while 5,650 families were given permanent housing and land in Puttalam in the past, many of those who now wish to integrate locally do not receive such assistance (IDMC interview, October 2012).

Tamil IDPs living in protracted displacement in Jaffna district face a similar predicament, in which local integration is not assisted by the government. Large numbers of landless IDPs need assistance for achieving a durable solution, while the military continues to occupy large tracts of land. Some families have bought their own land and integrated locally, but many others live in unsustainable situations with host communities, in 42 remaining IDP camps or in 11 closed camp locations. Local authorities consider the latter group as IDPs living in host communities. Unlike their

Muslim counterparts in Puttalam, the Tamil IDPs were displaced within the same district, so there is no pressure to move or register them for political reasons (IDMC interview, October 2012).

## National and international responses

### *National response*

The LLRC report published in December 2011 ([LLRC](#), 16 December 2011) contains many recommendations that are key to the achievement of durable solutions. Not all of them, however, were included in the government's subsequent action plan ([GoSL](#), 26 July 2012). In practice, the government has focused on closing the most notorious camps such as Menik Farm by returning IDPs to their areas of origin or relocating those whose home areas remain closed to returns. In economic terms, large-scale development projects have been given precedence over much-needed infrastructure and assistance that would benefit individual households including IDPs and returnees ([ICG, Sri Lanka's North II](#), 16 March 2012, p.2).

The funds the government has allocated to support the rehabilitation of the conflict-affected population are inadequate. A large percentage of the national budget is given over to defence, leaving other ministries without the financial means to respond adequately to the significant economic, social, judicial and administrative needs inherent in recovering from war ([Parliament of Sri Lanka](#), 18 October 2011). Funding for the Ministry of Development, however, is set to increase in 2013 ([Parliament of Sri Lanka](#), 9 October 2012). The government has not allocated enough funds to respond to people with compensation claims pending, let alone to those who have not yet applied for it under the Rehabilitation of Persons, Property and Industries Act (REPPIA) ([LLRC](#), 16 December 2011). Nor are there adequate funds available to provide those eligible for social welfare payments with essential assistance. The

Ministry of Social Services is unable to meet the high demand for assistance from vulnerable groups such as widows, people with disabilities and older people created by the conflict and displacement in the north and east of the country (IDMC interview, October 2012).

Sri Lanka still has no legislation on the protection of IDPs. The National Human Rights Commission of Sri Lanka (NHRC) drafted an IDP bill, but the process has been stalled since 2008 ([Human Rights Commission of Sri Lanka](#), 8 August 2008). The development of a policy and/or legislation on IDPs is part of the government's action plan on the protection and promotion of human rights (NHRAP) for 2011 to 2016.

#### *International response*

Government restrictions on the humanitarian community mean that no comprehensive needs assessment has been conducted in the conflict-affected areas of the country. Humanitarian organisations have managed to collect limited information on gaps in assistance for shelter, and the World Food Programme (WFP) was able to carry out a study on food insecurity in collaboration with the Ministry of Economic Development. UNDP conducted a district level assessment of livelihood needs and gaps in assistance in collaboration with the government. There has, however, been no assessment of psychosocial assistance needs among the conflict-affected population and all sectors are hampered by the lack of a comprehensive oversight in terms of needs and gaps (IDMC interview, October 2012).

International funding for both humanitarian and development activities is dwindling, largely because the World Bank classifies Sri Lanka as a middle-income country. The absence of comprehensive information on the scale of needs and government restrictions on "software" programming are also preventing an adequate response to the continuing displacement crisis in Sri Lanka (IDMC interview, October 2012).

Humanitarian and development aid in the north and east is heavily controlled and monitored by the military. In October 2011, the Humanitarian Country Team (HCT) developed guidelines on humanitarian communications with the military ([UN OCHA](#), 18 May 2012, p.2), but their application on the ground is by no means universal ([ICG, Sri Lanka's North II](#), 16 March 2012, p.16).

Due to concerns over the lack of adherence to international and national laws and standards in the relocation of IDPs to Kombavil in 2011, the humanitarian community through the guidance of the HCT established a common position of non-assistance at the relocation site. This position of non-assistance ensured greater attention to human rights concerns. However, in June 2012 a decision was made to reverse this policy. Although an Aide Memoire on Relocation was endorsed in August 2012 to help guide the humanitarian community in its response to IDP relocation, the humanitarian community to date has been unable to secure a common position of non-assistance for the relocation to Sooripuram which took place in September under conditions of duress and to a location which was not prepared to meet the people's basic needs (IDMC interview, October 2012).

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## About the Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) was established by the Norwegian Refugee Council in 1998, upon the request of the United Nations, to set up a global database on internal displacement. A decade later, IDMC remains the leading source of information and analysis on internal displacement caused by conflict and violence worldwide.

IDMC aims to support better international and national responses to situations of internal displacement and respect for the rights of internally displaced people (IDPs), who are often among the world's most vulnerable people. It also aims to promote durable solutions for IDPs, through return, local integration or settlement elsewhere in the country.

IDMC's main activities include:

- Monitoring and reporting on internal displacement caused by conflict, generalised violence and violations of human rights;
- Researching, analysing and advocating for the rights of IDPs;
- Training and strengthening capacities on the protection of IDPs;
- Contributing to the development of standards and guidance on protecting and assisting IDPs.

For more information, visit the Internal Displacement Monitoring Centre website and the database at [www.internal-displacement.org](http://www.internal-displacement.org)

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