



PROFILE OF INTERNAL DISPLACEMENT : SRI LANKA

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PROFILE SUMMARY

Sri Lanka: Response to tsunami crisis must also target conflict-affected IDPs

The devastating tsunami wave that hit 14 of Sri Lanka's 25 districts on 26 December 2004, killed over 30,000 persons, destroyed 80,000 households and displaced one million people. The total number of people currently displaced by the tsunami is estimated to be around 553,000.

In addition to the displacement caused by the tsunami, more than 350,000 people remain displaced as a result of the conflict between the LTTE and the Government of Sri Lanka, despite a ceasefire that was signed three years ago. Furthermore, while some 379,000 people have returned home many are not adequately protected and assisted during the reintegration phase. Wide-reaching reconstruction and rehabilitation efforts are needed in order to find durable solutions for the returning population as many continue to face threats to their safety, dispossession of their property, landlessness and a lack of basic infrastructure and basic services. Two large groups, in particular, are in need of better security arrangements before returning: non-Tamils displaced from rebel-held areas and Tamils displaced from government High Security Zones. Displaced women, especially female-headed households, are among the most vulnerable. Some 78,000 displaced are still accommodated in government-run welfare centres where they live in precarious conditions.

The peace process stalled when the Tamil rebels withdrew from the negotiations in April 2003 and tensions have re-emerged in the wake of the tsunami crisis. Donors have indicated that further aid to Sri Lanka will depend upon progress of the peace process although humanitarian aid will continue. While the international response to the tsunami crisis has been generous, projects targeting the conflict-affected IDPs still need funding. UNHCR and other organisations have therefore on several occasions advocated for equitability in assistance among the tsunami- and conflict-affected IDPs.

Background and causes of displacement

More than two decades of civil war in Sri Lanka between government forces and the Liberation Tigers of Tamil Eelam (LTTE) devastated large parts of the island. The war claimed the lives of an estimated 64,000 people and uprooted more than one million others. An estimated 200,000 people fled overseas, while the large majority remained internally displaced on the island. Many had to flee several times and ended up becoming permanently displaced in welfare centres, or moving to friends, relatives or abandoned buildings. In some areas, families have been displaced as often as five times. Many have been forced to live in displacement for years. Some, like the Muslim population now residing in camps in Puttalam, have been displaced since the early 1990s (CPA, February 2003, p. 25). The war caused widespread destruction in the north and east of the country. It is estimated, for example, that the conflict damaged close to 90 per cent of the houses owned by displaced persons in the north-east (ADB, UN & WB, May 2003, p. 32). The people of the north-east are still waiting for comprehensive rehabilitation and reconstruction of the war-affected areas, which is a prerequisite for the durable return of those who fled the violence (Ferdinands January 2004). Reconstruction efforts have been slow to date and an estimated 58 per cent of the damaged units remain totally uninhabitable, about half of them in the Batticaloa and Jaffna district (ADB, UN & WB, May 2003, p. 32).

Hopes for a durable peace were raised after a ceasefire was signed in February 2002. Continued peace talks, sponsored by the government of Norway, led to an agreement in Thailand in January 2003, in which both sides committed themselves to facilitate returns to war-affected areas through a joint Sub-Committee on Immediate Humanitarian and Rehabilitation Needs (CPA, July 2003, pp.1-4; Government of Norway, 9 January 2003).

Since then, the peace process has reached a stalemate. In April 2003, LTTE suspended the peace talks after having been excluded from a donor conference in Washington. The political climate continued to deteriorate during the year, ending with the suspension of the Parliament by President Chandrika Kumaratunga in February 2004 and a call for parliamentary elections to take place in April four years ahead of schedule (AI, 27 February 2004; UN IDP Working Group, 9 February 2004). The situation destabilised further with the unexpected split in the LTTE caused by the break-away of its former eastern commander, Colonel Karuna Amman (BBC World, 5 March 2004).

Ever since the peace talks broke down there has been a disturbing tendency to resort to violence. Inter-communal tension led to the displacement of some 35,000 people in the eastern Trincomalee district in May 2003, while in another part of the district hundreds of families were reported to have fled violence in November and December 2003 (TamilNet, 24 May 2003; USAID, 31 January 2004). The months preceding the elections also saw an upsurge of election-related violence in certain areas.

The elections brought into power a new coalition called the United People's Freedom Alliance (UPFA) consisting of Chandrika Kumaratunga's Sri Lanka Freedom Party (SLFP) and Janata Vimukthi Peramuna (JVP) as its principal partners. The result has raised concerns about the future of the peace process as the coalition, who did not win a majority of the seats in Parliament, may have to seek support from political parties that are opposed to any federal solution to the conflict with the LTTE (BBC, 4 April 2004). After the elections, the Norwegian Government resumed mediation efforts which had been halted since November 2003.

Half of the internally displaced have returned

Some 730,000 people were internally displaced as a result of the war, according to UNHCR (UN IDP Working Group, 29 April 2004). When travel restrictions were lifted and military activities ended in early 2002, many of the displaced returned, at least temporarily, to assess the security situation and what remained of their properties. Thousands who returned to the north did so spontaneously and largely without support from the government. At the end of November 2004, UNHCR reported that some 379,000 had returned, with more than half having moved to or within the Jaffna district (181,000). Other districts to which large numbers of people returned include Kilinochchi (85,800), Mullaitivu (37,900) and Vavuniya (25,600) (MRRR & UNHCR, 30 November 2004).

Most of the returnees are subsistence farmers, fishermen, agricultural labourers or unskilled workers who need strong support from the government and aid agencies. A survey conducted by UNHCR and the Ministry of Rehabilitation, Resettlement and Refugees during 2002 showed that 150,000 internally displaced families (92 per cent) were in need of assistance in order to restart their lives. However, the government has so far provided little assistance to the returning population (MRRR & UNHCR, May 2003, CPA, February 2003, p. 39; TamilNet, 20 November 2004).

At the end of November 2004, some 352,000 people were still registered as internally displaced. The majority are located on the northern districts of Jaffna (63,800), Mullaitivu (58,500), Kilinochchi (28,100) Vavuniya (38,900) and Mannar (30,600), while in the east the districts of Batticaloa (20,400) and Trincomalee (19,400) are amongst those most affected by displacement. Puttalam district in the west is home to some 46,500 internally displaced, most of them Muslims evicted by the LTTE in early 1990s from Jaffna and Mannar (MRRR & UNHCR, 30 November 2004).

Displaced people in state-run welfare centres continue to face a precarious existence. Originally designed as a temporary measure, thousands of people have ended up spending a decade living in squalid, overcrowded conditions. As of November 2004, some 78,300 people were still living in such centres facing difficult conditions (MRRR & UNHCR, 30 November 2004). Several surveys have shown that the inhabitants of several welfare centres in Trincomalee suffered from malnutrition and psycho-sociological problems (Tamilnet, 14 March 2003; WFP, 17 October 2003).

Major obstacles to return

Since December 2002, the rate of monthly returns has gradually decreased. A UN report says return slowed down considerably during 2003 with less than 5,000 people returning every month during the last half of the year. From November 2003, this number decreased to under 3,000 people returning every month (MRRR & UNHCR, 30 November 2004; UN IDP Working Group, 29 April 2004).

There are continuing major obstacles to return of the internally displaced people. Some of the main issues are

- the continued existence of High Security Zones (see next section);
- the lack of infrastructure in war-torn areas;
- landlessness and the lack of income-generating opportunities;
- the unresolved issue of for restitution of property;
- security concerns, especially regarding landmines; and
- inadequate efforts to integrate the displaced who have opted to stay where they are (25 per cent of the displaced in the north-east according to one study)

(UN IDP Working Group 9 February 2004; UNHCR Global Appeal 2004; ADB, UN & WB May 2003, p. 11).

Some 100,000 Muslims, displaced since 1990 from Jaffna and Mannar, and 25,000 Sinhalese who fled LTTE attacks in the northeast are seeking security guarantees before returning. Although the LTTE is officially committed to allow for the return of the displaced Muslim population as well as resolving issues related to restitution or compensation for property losses, the prevalent security climate continues to dissuade these groups (CPA, February 2003, p.36; CHA, March 2004).

High Security Zones

A substantial part of the north-east, particularly the areas where the displaced are to return, is still occupied by the Sri Lankan army and the police who claim that the return of thousands of internally displaced cannot take place due to security concerns. Mannar and Jaffna districts are most affected by this problem (The Refugee Council, September 2003, p. 35).

The military presence not only hinders the resettlement of the returning population, but it also negatively affects economic activity, in particular by placing severe restrictions on fishing activities (CPA, February 2003, p.50; CHA, December 2003). The Security Zones were a bone of contention during the fourth round of peace talks in January 2003, when the Sri Lankan government demanded that the LTTE disarm before allowing some 50,000 civilians to resettle in these areas. Sidestepping the problem, the parties agreed to start resettling people outside the security zones (GoSL, 8 January 2003). Since then, the issue has remained unresolved hampering the return of tens of thousands of displaced people (JRS, 8 January 2004).

There are some recent examples of government offers to resettle internally displaced whose houses are occupied by the Sri Lankan military. In Jaffna, people who were displaced from the Valikamam North Military High Security Zones 14 years ago have categorically rejected a government offer to be resettled elsewhere, arguing that the land being offered is barren and not at all suitable either for cultivation or for building homes (TamilNet, 9 February 2005). Efforts by the Government to resettle people from welfare centres in the Vavuniya district to the Manikfarm area were also met with protests as the displaced argued that they would not feel secure as three army camp are located in proximity to the resettlement area (TamilNet, 5 November 2004).

Property restitution

Upon arrival, many returnees discover that their houses and properties have been destroyed, looted or taken over by other displaced people (The Refugee Council, September 2003). Requisition of land and buildings by the military occurred frequently during the war, with no compensation generally paid to those evicted. Lost or missing legal documentation is also a main issue facing a large number of the returning population.

In the government-controlled areas, there are a number of state institutions and NGOs involved in assisting in the restitution of property, including the District Courts, the Bar Association of Sri Lanka, the Legal Aid Foundation, the Human Rights Commission, Mediation Boards, the Legal Aid Commission and the Police (CPA, February 2003, p. 57). However, when their houses and properties are situated in the HSZ, there is no solution in sight as long as the two parties to the peace process do not resolve the issue.

The issue of land and property restitution is a major question for some 125,000 returning non-Tamils who were displaced from LTTE-controlled areas. As the LTTE has set up a parallel administrative structure and judicial system, land and property issues come under the purview of both the government and the LTTE administration. It is presently unknown what type of redress will be afforded to those who left their properties during the conflict. Particularly affected by this situation are the Muslims who were evicted from Jaffna and Mannar in the early 1990s as their properties and premises were either taken over by the LTTE or rented to others.

Subsistence needs

In the wake of the peace agreement, some mechanisms for food and medical supplies were restored in the north and east, and numerous rehabilitation efforts have been started both by the government and donors. The humanitarian situation in Vanni has remained worrisome despite the easing of a government embargo on war-related material in rebel-held areas from early 2002. In northern areas earmarked for resettlement, water and sanitation needs remain acute, with a widespread lack of drinking water and sanitation facilities. It is estimated that the proportion of people with access to safe water is only 20 per cent, while access to sanitation facilities is limited to 25 per cent of the population (ADB, UN & WB May 2003, p. 49)

Health services in the north and east were disastrous for years as many medical professionals and healthcare workers fled the conflict, causing a serious shortage of doctors, nurses and medical specialists (MSF, 9 February 2002). As of May 2003, over 40 per cent of health care posts were vacant, mainly in the skilled and professional categories (ADB, UN & WB, May 2003, p. 5). However, MSF reports that services slowly are being re-established and that health personnel are returning to resume work in the north and east (MSF, 9 January 2004).

There are also concerns that internally displaced do not return or resettle in safety and dignity. One stated example has been internally displaced from the Trincomalee district. Thousands have been resettled, but they still face numerous hardships as they lack basic facilities, safe drinking water and medical care according to the Consortium of Non-Governmental Organizations in Trincomalee district (Tamilnet, 20 November 2004).

Landmines and human rights abuses remain main threats

The presence of landmines is still a serious risk factor in Sri Lanka. Between 600,000 and one million landmines remain scattered across the conflict area, mainly concentrated in the northern Jaffna and Vanni regions. Most of them are buried in heavily populated and fertile areas, representing a serious threat to civilians (EU, 9 January 2004; CHA, December 2003). However, mine clearance progressed during 2003, with a significant decrease in the number of mine incidents reported per month (OneWorld.net South Asia,

13 November 2003). Mine education is reportedly only provided upon return and none is provided in IDP camps or settlements prior to return (CPA, February 2003, p. 7).

Displaced people still face risks to their safety and rights although violence has generally subsided since the ceasefire. Women and children are particularly at risk: during 2003, human rights violations continued to be reported in the north and east, including extortion, threats, continued child recruitment and abduction (UNICEF, 22 January 2004; CHA, March 2004). Other security concerns affecting internally displaced people included extra-judicial killings, arbitrary detentions and harassment by soldiers at checkpoints.

National and international response

Structures to help the internally displaced population are in place. In an effort to better streamline and coordinate assistance, the Sri Lankan government established the Ministry of Rehabilitation, Resettlement and Refugees in December 2001. Along with UNHCR, the lead UN agency for internally displaced in the country, the ministry developed a framework for Relief, Rehabilitation and Reconciliation to assist IDP resettlement and rehabilitate war-affected communities. UNHCR has also been involved in delivery of non-food items, education, water and sanitation improvements, and IDP protection schemes with ICRC.

During 2002, the government launched a National Framework for Relief, Rehabilitation and Reconciliation and defined a joint strategy with the UN Country Team to meet the immediate needs of people returning to their home areas (UNHCR, June 2003). Also, at peace talks in Thailand in early January 2003, the government and LTTE agreed to facilitate returns to war-affected areas through a joint Sub-Committee on Immediate Humanitarian and Rehabilitation Needs (Government of Norway, 9 January 2003).

Donor support has focused mainly on restoring infrastructure in areas of return. Main sectors of assistance have been roads, transport, irrigation systems, schools and health services. In June 2003, donors pledged some US\$4.5 billion to support the reconstruction and development of Sri Lanka. The Multilateral Group (UN Country Team, World Bank, Asian Development Bank, International Monetary Fund and International Organisation for Migration) have cooperated to develop a transitional strategy to address the needs of the returnees and to better help bridge the gap between relief and development (UN Inter-Agency IDP Working Group, 6 August 2003). However, the suspension of peace talks and the subsequent dissolution of parliament have further hampered the reintegration of internally displaced, especially as it has delayed reconstruction in the war-affected zones.

The Sri Lankan government and aid agencies have been slow to provide sufficient assistance to returnees and one international NGO claims that international aid is decreasing (RI, 6 January 2004). The Unified Assistance Scheme (UAS), which is intended to provide a start-up grant for returnees to purchase basic tools, inputs and find temporary shelter to regain a productive livelihood, was supposed to be the main reintegration tool. However, lack of funding and administrative delays left thousands of returning or resettled families unassisted (JRS, 8 January 2004; TamilNet, 20 February 2004). As of April 2004, the UAS package financed mainly by the World Bank through a North East Emergency Reconstruction Program (NEERP), had provided some 68,200 returning families with livelihood assistance of Rs. 25,000 per family. The NEERP programme also finances repair of public infrastructure, especially under the health sector. A North East Housing Reconstruction Program (NEHRP) of 90 million USD, financed largely through a World Bank loan, has also been launched to improve the shelter situation for returning families as well as the start up of capacity building activities (UN Inter-Agency IDP Working Group, 29 April 2004). Donors have indicated that further aid to Sri Lanka will depend upon the progress of the peace process although humanitarian aid will continue (BBC, 18 February 2004). It is crucial that both parties in the conflict fulfil their obligation to protect, and facilitate assistance to, the internally displaced, in accordance with the Guiding Principles on Internal Displacement.

Displacement in the wake of the tsunami crisis

The devastating tsunami wave that hit 14 of Sri Lanka's 25 districts on 26 December 2004, killed over 30,000 persons, destroyed 80,000 households and displaced one million people (UNICEF, 28 February 2005).

The total number of people currently displaced by the tsunami is estimated to be around 553,000. Of these, 142,000 are in 315 "welfare centres" and 411,000 are with relatives or friends (OCHA, 24 February 2005). The humanitarian situation has stabilised, with needs generally met in all key sectors. According to a government plan, around 30,000 temporary accommodations will be constructed over a six month period (UNJLC, 16 February 2005).

The international response to the tsunami crisis has been generous, to the extent that certain sectors have been significantly overfunded. IDPs previously displaced by conflict and now also affected by the tsunami will receive the same assistance as those displaced by the natural disaster. Apart from this group, projects targeting the conflict-affected IDPs still need funding. UNHCR and other organisations have therefore on several occasions advocated for equitability in assistance among the tsunami- and conflict-affected IDPs (AP, 20 January 2005; UNHCR, 9 and 24 February 2005). This issue was also raised during the visit of the Special Representative of the Secretary General on the Human Rights of IDPs, from 28 February 2005 to 2 March 2005. During his visit, UNHCR and the Sri Lanka Human Rights Commission organised a symposium on displacement, where the Special Representative emphasised the need for equitable treatment of people displaced by both the conflict and the Tsunami (UNHCR, 24 February 2005).

During the initial relief phase, hopes were raised that the tsunami could provide an opportunity to resume peace talks between the government and the LTTE. The two parties co-operated on distributing aid to the tsunami victims in several regions in the days following the disaster. Two months after the onset of the crisis, tensions re-emerged, with LTTE accusing the Government of discrimination when it comes to distribution of relief, saying that thousands of Tamils are left unassisted. There have also been recent violent incidents that might further endanger the already fragile cease fire, the most serious being the killing of senior LTTE political official E. Kaushalyan and five companions during the beginning of February. The LTTE had blamed the government for the killing, while the government blamed a rival faction of the Tigers, headed by the breakaway eastern commander known as Colonel Karuna. With the current political climate, few believe that the peace process will move forward, but there are hopes that an agreement will be reached on co-operation when it comes to aid-distribution to tsunami-victims in the future. On 22 February, Norwegian-led discussions started with the LTTE, but without reaching any concrete conclusions (AFP, 22 February 2005, IHT, 1 March 2005).

The reconstruction and reintegration efforts in the wake of the tsunami crisis have also raised expectations that the obstacles to return or resettlement of the remaining 350,000 IDPs from the conflict could finally be solved. The Sri Lankan government has been encouraged by UNHCR and NGOs to use this occasion to help these people find a lasting solution (AP, 20 January 2005; UNHCR, 9 and 24 February 2005). However, the Sri Lankan Government as well as several donors and the EU appear so far to have taken the position that the two situations should be treated separately.

CAUSES AND BACKGROUND

Background

Socio-ethnic profile of Sri Lanka

- Sinhalese (74 percent of the population); Religion: Buddhism; Language: Sinhala
- Tamils (18 percent of the population); Religion: Hinduism; Language: Tamil
- Muslims (7 percent of the population); Language: Tamil
- Breakdown of population according to religion: Buddhists 69%; Hindus 15%; Christians 8% and Muslims 8%
- Between 25 and 39 percent of the population can be classified as poor, depending on the poverty measure
- Nearly 90 percent of the poor reside in rural areas with poverty conditions in the North and the East being far more severe than in other parts of the nation

"The categorisation of the population according to **ethnicity** is as follows: Sinhalese 74%, Tamil 18%, Moor 7% and Burgher, Malay and Vedda 1%. The Sinhalese predominantly live in the southern regions and parts of the central highlands. But there is also a large Sinhalese minority in the East. Most Tamils and Muslims reside in the northern and eastern portions of the island, although there are also sizeable Tamil and Muslim communities in Colombo and other urban areas in the south. Although there has been an increasing polarization of ethnic groups as a result of the long armed conflict, all communities have lived in close interaction with one another for centuries.

The majority of the Sinhalese are Theravada Buddhists, and the majority of Tamils are Hindus. However, there is also a large group of Christians within both ethnic groups. The breakdown of the population according to **religion** gives the following picture: Buddhists 69%, Hindus 15%, Christian 8%, and Muslim 8%.

Sri Lanka is divided into three geographical zones: the wet lowlands in the southern parts of the country where also the capital Colombo is located, the central highlands and the dry lowlands in the north, where the ongoing war is concentrated." (DRC May 2000, p. 48)

For further information on the socio-economic profile of Sri Lanka see "DRC Sri Lanka 2000-2003 : Annex 2", May 2000, pp. 48-50 [[Internal link](#)]

"Between 25 and 39 percent of the population can be classified as poor, depending on whether or not poverty is measured with a low or twenty percent higher poverty line. Poverty is *predominately a rural phenomenon* with nearly 90 percent of the poor residing in rural areas. Farmers cultivating small plots of land, with few off-farm sources of family income, and casual workers account for a large share of the poor. Two decades of civil conflict have left large numbers of families displaced, disabled and desperate. Poverty conditions in the North and the East are far more severe than in other parts of the nation, compounded by massive destruction of economic and social infrastructure." (GoSL December 2002, PRSP, Executive Summary - Introduction)

Roots of the ethnic conflict

- The history of Sinhalese and Tamil communities before colonialism was one of ethnic and cultural mixture
- Colonialism introduced beliefs about racial superiority and identity which resulted in two opposed nationalisms (Sinhala and Tamil) and laid the foundations for the present ethnic conflict between the two groups
- Following independence in 1948, the Tamil community and its politicians faced constant marginalization which led to the creation of the Tamil United Liberation Front in May 1976 advocating for the first time a separate Tamil State in Sri Lanka, the Eelam Tamil nation

"While there have always been tensions between the Sinhalese and the Tamil kings, they cannot be compared to the violent intercommunal strife between the communities that materialized in the twentieth century. Under pre-modern conditions, political and religious centres were more symbolic than real, with the units of political and cultural life enjoying considerable autonomy so long as the centre received its due share of ritual homage. Because of caste, pre-modern Sri Lanka was also segmented in a hierarchical sense." (UN Commission on Human Rights 25 January 1994, para.15)

"The antagonism between the different religious groups grew during colonialism as beliefs about racial superiority and nationalist theories were introduced. This resulted in two opposed nationalisms, Sinhala and Tamil, and these are considered the main underlying cause of the present conflict between the two groups. [...]

The present ethnic conflict is by most scholars traced to the radical changes that took place primarily in the twentieth century. Those changes included "[I]n particular the explosion of population, the stagnation in the economy, the resulting competition for economic resources, and the influence of Western ideas about nationalism." (Seneviratne, Stavropoulou 1998, p. 362)

"Colonialism also introduced beliefs about racial superiority and nationalist theories, [...] It appears, at least, to have strengthened a deep-rooted feeling among the Sinhalese Buddhist community that over the centuries it had been forced to defend itself and its island against invaders (the imperialist rulers and the Tamil minority) who had degraded what had been a remarkable Sinhala civilization. In the nationalist days of the nineteenth and twentieth centuries the Buddhist religion and the Sinhalese language inevitably became the answer to the search for a Sinhalese identity.

Tamil nationalism at the same time grew as a response both to South Indian Tamil and to Sinhalese nationalism. Close linguistic, social and cultural links to South India account for the fact that many Hindus in Sri Lanka have looked there for religious, cultural and political inspiration. Just as the South Indian nationalist Dravidian movement called for the re-establishment of the ancient Dravidian kingdom, so Sri Lankan Tamils invoked ancient Tamil rule in Sri Lanka to support the claim that with the termination of British rule the country ought to revert to its time-honoured patterns of ethnically divided governance. Yet, as it has been pointed out, 'ironically, it is the special connection, the shared history, with the Sinhala, however estranged the two groups might be, that in the end differentiates the Tamil community in Sri Lanka from that in South India and gives it a residual identity of its own. Unlike the South Indians, Sri Lankan Tamils [...] feel peripheral or marginal in relation both to the Sinhala and to the South Indians, a condition that compounds their sense of frustration and distress and intensifies their longing for a homeland. This condition is particularly acute, it is suggested, for the Sri Lankan Tamil expatriate.' Even more ironically, the Sinhalese community perceives itself as a vulnerable minority in the Indian subcontinent as a whole, particularly vis-à-vis the 50 million Tamils in the province of Tamil Nadu in India. This 'siege mentality' has led to the description of Sri Lanka as 'the island of the two minorities'." (UN Commission on Human Rights 25 January 1994, para. 19-20)

"The beginnings of terrorism in Sri Lanka are inextricably entwined with the activities of the State. In the 30 years from the mid-1940s, successive governments took measures to reduce the number of Tamils in the professions and the public sector. These measures interacted in diverse and complex ways with a potent Sinhala Buddhist exclusivism which gradually became the animating ideology of the Sri Lankan state. Particularly amongst the arriviste, lower caste Sinhalese, the spread of anti-Tamil chauvinism was soon perceived as a promising means of increasing economic opportunity. As time passed, the electoral promise of pandering to this chauvinism tempted even the most cosmopolitan of Sinhalese politicians.

Arguably, the most adverse legislation for Tamils came from the language policy of S.W.R.D Bandaranaike's government. The introduction of the 1956 'Sinhala Only' Act, which replaced English with Sinhala as the language of official government business, clearly disadvantaged large numbers of Tamils. Its effect was compounded by widespread protests in Tamil areas in which school principals would not allow the teaching of Sinhala while school children refused to study the language.

[...]

The bloody terrorism that has ravaged Sri Lanka since 1983 is fuelled by the refusal of many Tamils to operate within a state system which denies them political power, employment and educational opportunities whilst engendering socio-economic disparity." (CPA July 2003, pp. 2-3)

The ethnic conflict contains both political and territorial dimensions

- Initially, the territorial conflict concerned the legitimacy of ethno-political claims to the North-East
- The essence of the political contention has been about equal individual and group rights of Tamils and Sinhalese and the right to co-constitute the political system of the country
- The conflict between the political groupings of the Peoples Alliance, led by Sri Lanka Freedom Party (SLFP/PA) and United National Party / United National Front (UNP/UNF) has been continuously connected with the (ethno-political) North-South conflict

"The ethnic conflict in Sri Lanka contains both political and territorial dimensions. Both are closely intertwined with the 'party political' conflicts in the South as well as conflicts within the Tamil polity and the Tamil-Muslim relationship in the North-East. The essence of the political contention between representatives of the numerical majority and the numerical minorities has been about equal individual and group rights of Tamils and Sinhalese and the right to co-constitute the political system of the country. Initially, the essence of the territorial conflict concerned the legitimacy of ethno-political claims to the North-East. After the tensions escalated to a military struggle, which led to the de-facto division of the country, the territorial dimension now includes issues about the legitimacy of the political-administrative structures established by the LTTE.

The conflict between the political groupings of the UNP/UNF and the SLFP/PA has been continuously connected with the (ethno-political) North-South conflict. Both sides have used the ethnic dimension in the service of their power struggles. A repeated use of majoritarian democracy has derailed all initiatives for resolving the conflict in the last fifty years.

The conflicts within the Tamil polity and the Tamil-Muslim relationship in the North-East have also been closely connected with the main ethno-political conflict and have placed an additional burden on the peace process." (Ferdinands, Rupesinghe, Saravanamuttu, Uyangoda, Ropers, January 2004, p.1)

Displacement is not a new phenomenon in Sri Lanka (September 2003)

"Displacement due to ethnic tensions is not a recent phenomenon. It occurred during the Sinhalese-Muslim ethnic violence of 1915. The ethnic killings of 1958 also led to displacement of Tamils living in predominantly Sinhalese areas. This also caused the displacement of Sinhalese people living in predominantly Tamil areas. Displacement occurred during major ethnic violence in 1977 and 1981. The volume of displacement radically changed during the post-1980 period, when ethnic tensions became more acute. The major violence against the Tamil community in July 1983 was the beginning of large-scale displacement. Tamils living in the southern provinces, including the Hill Country, were victims and more than 100,000 sought refuge in India and in the north-east parts of Sri Lanka."

Causes of displacement

Fighting between the army and the LTTE has been the main cause of displacement

- Main cause of displacement is war between the Government and the LTTE, forced recruitment by the LTTE, inter-communal violence (in the east) and human rights abuses
- The demands of the Tamils for power sharing arrangements were met by the successive governments with brutal violence and suppression
- The Sri Lanka's ethnic conflict escalated in the early 1980s after anti-Tamil riots in 1983
- The three areas of conflict zones are the Vanni (controlled by the LTTE), Jaffna and the border areas south of Vanni ('cleared' areas) and the contested areas of Trincomalee, Batticaloa and Ampara in the east.
- The Sri Lankan government passed the Prevention of Terrorism Act, 1979 and introduced Emergency Regulations in 1996, banning or restricting essential goods into the North-East, which also led to large-scale displacement
- During the conflict, forced recruitment of child soldiers and intercommunal violence also became major causes of displacement

"The Sri Lanka's ethnic conflict escalated in the early 1980s after anti-Tamil riots in 1983. The riots saw Sri Lanka descend into a spiral of violence that has wrecked the economy and torn apart its social fabric. As in all internal conflicts, the heaviest casualties were civilians and since 1980 thousands upon thousands of Sri Lankans have been uprooted and forced to flee their homes. An estimated 200,000 have fled overseas while the majority has remained displaced within the country's borders. Many of the IDPs have been displaced several times." (Gomez, Mario July 2002, pp. 8-11)

"Since the mid 1970s, Tamil youth have resorted to an armed struggle against the Sri Lankan state to create a separate Tamil state in the north-east region of the country. The demands of the Tamils for power sharing arrangements were met by the successive governments with brutal violence and suppression. This has caused a civil war-like situation in the northern and eastern parts of the country. The armed conflict became more ferocious over the years, resulting in immense suffering. The war between the armed forces of the Sri Lanka government and powerfully armed guerrilla forces of the Tamil community, the Liberation Tigers of Tamil Eelam (LTTE), was the main cause of suffering for the people in the conflict areas. Indiscriminate aerial bombing, shelling, massacres, rape, search operations, arbitrary arrest, illegal detention and disappearances by the armed forces in predominantly Tamil areas created panic among the Tamils and led to large-scale displacement. The Sri Lankan government, in addition, passed the Prevention of Terrorism Act, 1979 and introduced Emergency Regulations in 1991, banning or restricting essential goods such as food, medicines, fertilisers, agricultural implements and fuel, into the north-east, resulting in deprivation and large-scale displacement and escalated mortality rate amongst the population, particularly children." (The Refugee Council, September 2003, p. 16)

"The main cause of displacement after 1983 is the armed conflict involving the Sri Lankan armed forces and the LTTE. The immediate causes may be categorized broadly as follows:

1. North-east Tamils fleeing in fear of advancing government security forces during battles.
2. Arrest, detention, torture and disappearance of civilians carried out by security forces.
3. Establishment of army camps in or close to populated areas.
4. Take over of land and houses by armed forces for military camps.
5. People living near army camps fleeing to avoid being caught in crossfire.
6. Need to escape from sea and air attacks by the security forces.
7. Sinhalese people moving out of areas under LTTE control.
8. Reluctance of many Tamil people to be subject to LTTE control.
9. Forcible expulsion of Sinhalese, Tamils and Muslims by the LTTE.
10. Conflict between Muslims and Tamils leading to displacement of both communities.
11. Violence by Sinhalese against Tamils/Muslims in predominantly Sinhalese areas.
12. Shortage of food and other essential items in the war zone.
13. Economic blockade imposed on the north-east by the Sri Lankan government." (The Refugee Council, September 2003, pp. 18-21)

"Forced recruitment of child soldiers by the LTTE is another major cause of displacement, with families fleeing to protect their children. Inter-communal violence ignited by the wider war has also forced families from their homes. The conflict zone in Sri Lanka is customarily divided into the three areas: the Vanni – a belt of forest and agricultural land south of Jaffna mostly controlled by the LTTE; Jaffna, and the border areas south of Vanni – areas which the Government has regained and which it calls 'cleared' areas; and the contested areas of Trincomalee, Batticaloa and Ampara in the east.

[...]

In the east, the problem of inter-communal violence is also a cause of displacement. The community is split equally between Muslims, Tamils and Sinhalese. Following the intensified violence of the second phase of the war, factions from the three ethnic groups engaged in sporadic fighting, with many civilian casualties. This violence has been compounded by high levels of human rights abuse committed by government and LTTE forces. As a result, many families have fled the area." (SCF-UK 8 May 2000 pp. 116-117)

Large-scale displacement since 1990 (September 2003)

- After war resumed in 1990 and spread to several areas in the north-east, thousands of people fled homes and villages seeking safety
- Fighting and intense bombing of the north-east by the Sri Lankan Airforce resulted in the displacement of a million people in a short period of time
- The majority of the displaced people in the north-east were Tamils, but approximately 75,000 Muslims of the Northern Province were expelled in October the same year
- Following the collapse of the peace talks between the People's Alliance government and the LTTE, fighting broke out again on 19 April 1995
- Subsequent battles displaced thousands of people in the Vanni area
- The war displaced more than 500,000 people from the Jaffna peninsula, and among them about 350,000 were forced to move to remote and distance places like Kilinochchi, Mullaitivu, Mannar and Vavuniya.
- In April 2000, capture of the strategic Elephant Pass by the LTTE caused the displacement of more than 160, 000 people within the Jaffna peninsula
- More than 65,000 people fled Army operations in the Jaffna Peninsula in September 2000 and April 2001

"The major violence against the Tamil community in July 1983 was the beginning of large-scale displacement. Tamils living in the southern provinces, including the Hill Country, were victims and more than 100,000 sought refuge in India and in the north-east parts of Sri Lanka.
[...]

Large –scale displacement: Eelam War II

After a period of peace negotiations between the government and the LTTE, which lasted for nearly 13 months, war resumed on 11 June 1990. The fighting began in Batticaloa District and quickly spread to the other districts of the north-east. The struggle was to fill the military power vacuum created by withdrawal of the Indian Peace Keeping Force (IPKF), which had been in occupation of the north-east since July 1987 under an Indo-Sri Lanka agreement. The Sri Lankan armed forces, the LTTE and other small Tamil and Muslim armed groups attempted to gain dominance and in the process destabilized the normal life of the civilian population. Thousands of people fled homes and villages seeking safety. The situation also caused ethnic tensions, especially between Tamils and Muslims in the eastern region. The fighting and intense bombing of the north-east by the Sri Lankan Airforce resulted in the displacement of a million people in a short period of time.
[...]

The majority of the displaced people in the above districts were Tamils, but in late October 1990, approximately 75,000 Muslims of the Northern Province were driven out of the province by the LTTE." (The Refugee Council, September 2003, pp. 17-21)

The U.S. State Department says 46,000 Muslim inhabitants were forced to leave:

"The LTTE has discriminated against Muslims and, in 1990, expelled some 46,000 Muslim inhabitants--virtually the entire Muslim population--from their homes in areas under LTTE control in the northern part of the island. Most of these persons remained displaced and lived in or near welfare centers. There were credible reports that the LTTE warned thousands of Muslims displaced from the Mannar area not to return to their homes until the conflict is over. However, it appeared that these attacks by the LTTE were not targeted against persons due to their religious beliefs; rather, it appeared that they were part of an overall strategy to clear the north and east of persons not sympathetic to the cause of an independent Tamil state." (US DoS, 25 February 2004)

[... Eelam War III:]

"Following the collapse of the peace talks between the People's Alliance government and the LTTE, fighting broke out again on 19 April 1995 when the Tigers broke the ceasefire by sinking two naval vessels in the Trincomalee harbour. The government commenced military operations, declaring it as a strategy of 'war for peace'. On 13 May 1997, the Sri Lankan Army launched a military assault called *Operation Jayasikuru* (Certain Victory) to reopen a land supply route to the Jaffna peninsula from Vavuniya through territory in the Vanni controlled by the LTTE. This operation lasted until December 1998. The Army also launched a number of other operations to capture territory under LTTE control in the Vanni and the LTTE launched its own operations to regain territory, the main offensive being named *Oyatha Alaigal III* (Unceasing Waves) in November 1999. These battles displaced thousands of people living in the Vanni area.

The war displaced more than 500,000 people from the Jaffna peninsula, and among them about 350,000 were forced to move to remote and distance places like Kilinochchi, Mullaitivu, Mannar and Vavuniya.
[...]

The LTTE attacked Vavunativu Army camp in Batticaloa on 6 March 1997 and during this operation 5,200 people were displaced. Over 12,000 civilians fled their homes when the Army launched *Operation Rivi Bala* (Sun Power) on 4 December 1998 to capture Mullaitivu and in *Operation Rana Gosha* (Battle Cry), began on 4 March 1999 in Vavuniya and Mannar, more than 20,000 were displaced.

In another phase of *Operation Oyatha Alaigal III* by the LTTE in April 2000, capturing parts of Vanni and parts of Jaffna, and in Army operation *Rivi Kirana* (Sun Beam) launched on 3 September 2000, to recapture territory, more than 160,000 were displaced. Over 65,000 people fled their homes in Army's *Operation Kiniheera* (Anvil) in September 2000 and *Operation Agni Khiela* (Rod of Fire) on 25 April 2001 to capture Chavakachcheri and other areas in the Jaffna peninsula." (The Refugee Council, September 2003, pp. 17-21)

Main problems faced by internally displaced (September 2003)

- Many displaced are affected by problems such as disability, loss of income and livelihood, damage to/loss of production and personal assets and lack of social status
- Many also suffer from psychological and psychiatric problems

" Many IDPs have been displaced several times, and are affected by various problems such as disability, loss of income and livelihood, damage to/loss of production and personal assets and lack of social status or in extreme cases loss of life. A large number have been living in welfare centres Refugee camps run by the government and international agencies are officially known as 'welfare centres'. for several years without basic facilities, in spite of enjoying a reasonable standard of living before displacement.

It is recognized that displaced people suffer from psychological and psychiatric problems. The sudden separation from their traditional neighbourhood and their way of life has a traumatic effect on the victims of displacement. The normal daily routine of life and economic activities are disrupted, leaving people in a state of physical and psychological limbo.

The main problems faced by the displaced people are summarised as follows:

- The inability to satisfy basic needs such as food, water, shelter, sanitation, privacy, family life and medical treatment.
- The lack of educational facilities for children and the burden placed on the existing schools in areas where there are welfare centres.
- Harassment and intimidation by the security forces.
- Moral and cultural problems created in welfare centre areas where a lowering of moral and ethical standards is discernible.
- Tension between welfare centre dwellers and local inhabitants, in areas where welfare centres are located.
- Psychological and psychiatric problems as a result of displacement and the sudden separation from traditional neighbourhoods and the new way of life having traumatic effects.
- The normal daily routine of life and economic activities coming to a standstill.
- The lack of information on events and the situation in home areas and other information affecting their lives, due to lack of communication facilities.
- Inability to obtain gainful employment competing with local residents.
- Forced child labour and abuse of women and children. " (The Refugee Council, September 2003, p. 21)

The war has taken a heavy toll on all segments of the Sri Lankan society (December 2002)

- The Central Bank reports that the conflict is likely to have reduced Sri Lanka's GDP growth by about 2-3 percentage points a year

- The indirect costs of the war are at least as high; income lost as a result of foregone domestic investment; reduced tourism, decline in foreign direct investment; human capital loss associated with death, injury and displacement

"When a ceasefire agreement was signed between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) on 22 February 2002, around 800,000 IDPs were receiving assistance from the government although some agencies estimated the total number of IDPs at one million [*Note: UNHCR estimates the number of internally displaced to have been 730,000*]. According to an UNHCR estimate, a further 917,000 Sri Lankans had sought asylum in 50 countries. This included 115,000 people in India (65,000 in Tamil Nadu refugee camps and another 50,000 living on their own without Indian government assistance)." (The Refugee Council, September 2003, p. 9)

"The human and economic costs of the war are felt most directly by populations in the North and East. According to Government estimates, the size of the overall economy of the Northern Province shrank from US\$ 350 to US\$ 250 million between 1990 and 1995, corresponding to a negative annual average GDP growth of 6.2 percent per annum. The Central Bank reports that the conflict is likely to have reduced Sri Lanka's GDP growth by about 2-3 percentage points a year.

The indirect costs of the war are at least as high. These costs represent the income lost as a result of foregone domestic investment, reduced tourism, the decline in foreign direct investment, and the human capital loss associated with death, injury and displacement. The conflict has prompted the out-migration of large numbers of skilled and semi-skilled persons, depriving the economy of trained professionals, entrepreneurs and highly skilled civil servants that the nation so badly needs.

[...]

Two decades of conflict have taken a heavy toll on all segments of Sri Lankan society. The war-affected areas and nearby villages in the North and East are the most disadvantaged in terms of households' ability to obtain a secure livelihood because of loss of life, assets, or displacement, or as a result of the deterioration of infrastructure, irrigation systems, and roads. Among the more severely affected groups are the displaced, who have lost productive assets and land, as well as social capital. The impact of the war goes beyond the war-torn areas to affect the rural poor in particular. Poor rural youth on both sides of the conflict are faced with fewer opportunities to better their lives; they make up a substantial share of the soldiers fighting the war. Ethnic minorities face discrimination, both real and perceived, making conflict resolution and ethnic reconciliation central to poverty reduction in the decade to come." (GoSL December 2002, PRSP, pp. 29,47)

Peace efforts

Overview of the peace process (July 2003)

- There were 2 previous attempts at a ceasefire between LTTE and Government during the 20 year long war, in 1989 and 1994
- Change of Government at the General Election in December 2001 allowed for a new attempt.
- Unofficial ceasefire at the end of 2001 was followed by a Permanent Ceasefire Agreement signed on 22nd February, 2002.
- Commitments included vacating of schools, places of worship and public buildings by the armed forces of Sri Lanka
- Formal peace talks between the Government of Sri Lanka and the LTTE began on September 16, 2002 in Thailand and subsequent sessions have taken place on an approximately monthly basis in Asia and Europe

- Peace talks in Thailand resulted in the creation of a Joint Task Force for Humanitarian and Reconstruction Activities (JTF) which should focus on mine action and IDP needs
- Also a Joint Committee was established to address the return of IDPs to High Security Zone

"With a change of Government at the General Election in December 2001, [...] By 25th December 2001, the LTTE declared a unilateral ceasefire which was followed up by the Government. The unofficial ceasefire was then followed by a Permanent Ceasefire Agreement signed on 22nd February, 2002. Within the cease-fire agreement there were a number of commitments made by both sides. This included the vacating of schools, places of worship and public buildings by the armed forces of Sri Lanka." (CPA July 2003, pp. 1-4)

"The peace talks which were held in Thailand between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) were notable for many reasons, including the high emphasis placed on issues pertaining to the internally displaced in Sri Lanka. Both sides have agreed to create a Joint Task Force for Humanitarian and Reconstruction Activities (JTF). The JT will primarily focus on mine action and IDP needs and will seek international funding for priority humanitarian and reconstruction projects. The JTF will be comprised of members from the Government, Muslim community and LTTE.

The delegates at the talks also agreed to establish a Joint Committee to address the return of IDPs to High Security Zones." (UN Inter-Agency IDP Working Group 17 October 2002, p. 1)

[Click [here](#) to see the full text of the agreement on a ceasefire between the Government of Sri Lanka and the LTTE, (BBC, 22 February 2002)]

Date	Event
22 Feb. 2002	A ceasefire agreement between the Government of Sri Lanka and the LTTE is signed committing the two sides to maintain a separation of forces, refrain from offensive manoeuvres, and allow for the unimpeded flow of most items between areas under their respective control.
March 2002	The Sri Lanka Monitoring Mission (SLMM), staffed by representatives of Scandinavian countries, begins operations. Travel restrictions between government- and LTTE- controlled areas are lifted.
April 2002	The A9 highway that links the Jaffna Peninsula to the South is reopened, allowing for relatively free movement of people and goods, with both sides maintaining checkpoints at officially designated border points.
June/July 2002	Representatives of the two sides hold several meetings to discuss, among other things, arrangements for direct negotiations.
August 2002	Dates for the first round of talks are set and arrangements made for lifting the proscription of the LTTE in Sri Lanka ahead of talks.
16-8 Sep. 2002	The first session of direct talks, held in Thailand, is considered a resounding success. The parties agree to set up a Joint Task Force for Humanitarian and Reconstruction Activities (JTF) and schedule three more meetings.
31 Oct. – 3 Nov. 2002	At a second session of talks, also held in Thailand, the two sides decide to set up three subcommittees (Subcommittee on Immediate Human and Rehabilitation Needs in the North and East (SIHRN); Subcommittee on De-escalation and Normalisation (SDN); and Subcommittee on Political Matters) in place of the JTF.
Mid-Nov. 2002	The first meetings of the SDN and the SIHRN are held in the Northeast.
25 Nov. 2002	The Norwegian Government hosts a one-day Peace Support meeting at which donors discuss and pledge support for supplementary reconstruction needs in the Northeast. Around US\$70 million is allocated, primarily to a Northeast Reconstruction Fund (NERF).
2-5 Dec. 2002	At a third session of negotiations, held this time in Norway, both sides agree to examine federal structures in their search for a political framework. A fourth subcommittee, on Gender Issues, is also announced.
Mid-Dec. 2002	The second meetings of the SDN and the SIHRN are held in the Northeast.
6-9 Jan. 2003	At a fourth session of talks, held again in Thailand, the LTTE refuses to participate in further meetings of the SDN. Despite this and other sticking points emerging, the two sides agree on further sessions in February, March, and May. The two parties agree to request the World Bank to administer NERF funds in trust for the SIHRN to disburse. There is also agreement to implement an Action Plan for an Accelerated Resettlement Programme for the Jaffna District.
15-6 Jan. 2003	A two-day meeting of the SIHRN is held at the subcommittee's new secretariat in Killinochchi to select projects to be funded by the NERF. Further dates for SIHRN meetings are set for February and March.
8-9 Feb. 2003	A fifth and shortened session of talks is held in Berlin. Human rights matters are discussed at length.

Source: CPA July 2003, pp. 5-6)

For more details on the peace process, see:

Session 1: September 16-18, 2002 [[Internet](#)]

Session 2: October 31-November 3, 2002 [[Internet](#)]

Session 3: December 2-5, 2002 [[Internet](#)]

Session 4: January 6-9, 2003 [[Internet](#)]

Session 5: February 7-8, 2003 [[Internet](#)]

Session 6: March 18-21, 2003 [[Internet](#)]

Human rights not included in the peace talks (July 2003)

- Some provisions of the cease-fire agreement are aimed at protecting civilians, however, it is doubtful that LTTE or the Government are willing to have strong human rights standards enforced as part of the peace settlement accompanied by HR monitoring as both were implicated in HR violations during war.
- Peace process is very much a bi-lateral one between the two major actors, the government and the LTTE, with the civil society at large and other political parties excluded from the discussions . This limitation has been in the interests of both parties to the process

"The cease-fire agreement signed in February 2002 does contain some provisions that seek to protect civilians from abuse. Article 2.1 is the most clearly aimed at civilian protection. It states: "Parties shall in accordance with international law abstain from hostile acts against the civilian population, including such as acts as torture, intimidation, abduction, extortion and harassment. Article 2.5 requires the Parties to "review the security measures and the set-up of checkpoints, particularly in densely populated cities and towns, in order to introduce systems that will prevent harassment of the civilian population." Article 2.12 prohibits search operations and arrests under the Prevention of Terrorism Act and the following article (2.13) guarantees family members of detainees access to the detainees within thirty days of the signing of the agreement.

However, there is little reason to believe that either the government - members of which were implicated in the massive human rights violations of the previous UNP regime in the 1980's and early 90's - or the LTTE have any genuine desire to see strong human rights standards enforced as part of any peace settlement. A robust practice of human rights monitoring and enforcement would be a threat to the traditional sources of power of both organizations.

Still, to the extent that the enforcement of effective human rights standards and democratic norms can be shown to be necessary to maintaining the peace process itself - by stemming worries that the LTTE is simply consolidating its power before further attacks, and by acting as a further confidence builder that the Sri Lankan state has learned to treat its Tamil citizens fairly - both the government and the LTTE would seem to have an interest in limiting their own anti-democratic tendencies." (CPA July 2003, pp. 10-11)

Sri Lanka's peace process stalled during 2003

- Political configuration in Sri Lanka with President and the Parliament belong to rival political parties have undermined the stability of the peace process.

- Peace talks were suspended by the LTTE in April 2003.
- Attempting to bring the LTTE back to the negotiating table, Government has proposed to offer the LTTE a Provincial Administrative Council with majority membership and full powers to make policy.
- LTTE says that the main reason for withdrawing from the peace talks is the slow progresses made in alleviating the hardships of people affected by the war.
- Observers believe LTTE's decision was also motivated by disappointment at being excluded from the Washington aid conference held on 14 and 15 April.
- Three types of broken promises invoked by LTTE: 1) Resettlement of displaced persons and the constraints that the army's presence in inhabited areas posed to such resettlement. 2) Lack of financial support for resettlement and reconstruction. 3) Undermining of the partnership between the government and LTTE due to the one-sided participation at the Washington aid conference.

"Sri Lanka's peace process stalled in late 2003. After President Chandrika Kumaratunga changed the principal portfolios of three Ministers - Defense, Interior and Media in early November, Prime Minister Ranil Wickremesinghe indicated that his government could not lead the peace process as long as it did not have control over key portfolios, in particular defense.

Following separate meetings with the President, the Prime Minister and the leader of the Liberation Tigers of Tamil Eelam (LTTE), Velupillai Prabhakaran, the Norwegian Deputy Foreign Minister, Vidar Helgesen, announced that Norway would temporarily suspend its involvement as mediator of the peace talks. "Peace talks could have started tomorrow, provided there were clarity about who is holding political authority and responsibility on behalf of the Government to ensure the continuation of the ceasefire agreement and the resumption of peace negotiations," Mr Helgesen said. "Until last week there was such clarity. Today there is no such clarity."

Negotiations between representatives of the President and the Prime Minister commenced in an attempt to resolve the impasse, but to no avail. On 20 January, Sri Lanka's two main opposition parties, the Sri Lanka Freedom party (SLFP) and the People's Liberation Front (JVP) formed an alliance. Three weeks later, the President dissolved Parliament and announced that elections would take place on 2 April.

It is not yet clear what effect this political turmoil might have had on durable solutions for the displaced. There are indications that donor assistance has been affected. During a visit to Sri Lanka in late January, Japanese special envoy Mr. Yasushi Akashi said some donors were "reviewing the situation" and "there may be significant modifications in the speed of the delivery of the assistance." However, Mr. Akashi said no donor has indicated they would revert from the commitments made at the 2003 Tokyo donor conference, at which \$4.5 billion in assistance was pledged." (UN Inter-Agency IDP Working Group, 9 February 2004)

"On 20 January 2004 President Kumaratunga signed an agreement of cooperation between the main constituent of the People's Alliance (PA), the Sri Lanka Freedom Party (SLFP) and the Janata Vimukthi Peramuna (JVP; People's Liberation Front) to form the United People's Freedom Alliance (UPFA). Four more parties have since joined the UPFA including the Muslim National Unity Alliance (NUA), the Mahajana Eksath Peramuna (MEP; People's United Front), the Communist Party of Sri Lanka (CPLS) and the Lanka Sama Samaja Party (LSSP; Lanka Equal Society Party).

The JVP is opposed to the devolution of power to the LTTE and strongly supports a unitary state. It is said to be opposed to the terms of the cease-fire agreement and third party facilitation in the peace process.

On 7 February the President dissolved parliament and called parliamentary elections, four years ahead of schedule. This was followed on 11 February, by the dismissal by the President of all 27 non-cabinet ministers and 12 deputy ministers, from the government. Two new ministers of Information and Mass Communication have since been appointed." (AI 27 February 2004)

"Elsewhere on the island, skepticism about the benefits of peace remains high, particularly among the majority Sinhalese in the south. A lack of balanced information about the peace process, particularly in the vernacular press, has contributed to this negative point of view. The JVP, a neo-Marxist nationalist movement that almost overthrew the government in a bloody 1987-1989 uprising, has sharply criticized the government's approach to the talks and successfully played to the grievances of disaffected youth throughout the South. Signs are now emerging that they are making similar inroads into communities of Sinhalese settlers in the border villages of the North and East." (USAID 31 Jan 2004)

Split within LTTE led to fighting and displacement in April 2004

"In early March, the LTTE's eastern commander, Colonel Karuna, announced that he and his followers had split from the rest of the organisation. The LTTE in Kilinochchi responded by announcing that Karuna was no longer a member of the LTTE but, despite a build-up of cadres in the southern parts of Trincomalee District, waited until just after the election before taking decisive action. That occurred in the early hours of Friday 9 April, when LTTE cadres were deployed in various locations in the East. After a short period of fighting, the Prabakaran-led LTTE were able to claim victory over Karuna's forces.

[...]

The fighting in early the East led to the largest displacement witnessed in Sri Lanka since the February 2002 ceasefire began. When fighting broke out on 9 April, civilians in the Verugal and Vakarai areas of Batticaloa District were requested to leave the area. As a result, 2,603 persons walked to Makerni - a distance of 17 to 22 km - where they stayed in the local school. A further 700 stayed in Eachilampattai, in an LTTE-controlled part of Trincomalee District. Many more people were displaced to other areas or to stay with family and friends. In both locations, local authorities and national and international agencies initiated a coordinated and measured response, providing drinking water, food rations and emergency provisions. Many IDPs began returning to their homes the following day. By 13 April, the Sinhala and Tamil New Year Day, all had returned home." (UN Inter-Agency IDP Working Group, 29 April 2004)

"The Sri Lankan authorities and humanitarian agencies provided food, water, shelter and sanitation facilities, and on 11 and 12 April the ICRC distributed 750 family packs of non-food relief items to help the IDPs during their temporary stay. At the same time, the SLRCS provided medical services via its mobile health clinic and first-aid workers." (ICRC, 13 April 2004)

Achievements and shortcomings of the peace process (January 2004)

"Achievements:

- The no-war situation has saved lives and helped to improve living conditions throughout the island.
- The majority of the people support the ceasefire and are in favour of moving towards a positive and stable peace.
- The suspension of the violent conflict has prevented a severe crisis of the existing political and social system in the South, which re-emerged in the second half of 2001.
- The peace process has helped to revitalise the overall economy, which has been in a state of severe crisis.
- There have been improvements in relief and the delivery of some rehabilitation and reconstruction services in the North-East.
- The peace process has offered an opportunity to de-link the ethnic conflict from war and violence.

- The effective mobilization of women's efforts for peace has culminated in the recognition by parties at the Track One level of the importance of gender concerns in the peace process. The establishment of the Sub-committee on Gender Issues (SGI) is particularly significant in this regard.
- The peace process has attracted the International Community to take an active interest in Sri Lanka and to mobilise additional resources for rehabilitation, reconstruction and development.
- The peace process has generated significant common ground on which a political settlement can be founded, as embodied in the *Oslo Communiqué* which enunciated the framework of internal self-determination within a united federal Sri Lanka.
- The peace talks demonstrated that the interlocutors of the parties managed to develop a good working relationship with each other and that it was possible to find solutions to some difficult issues.

Shortcomings:

- There was no common, consistent and transparent strategic framework guiding the peace negotiations.
- The benefits arising from the no-war situation have been distributed in a highly imbalanced way. The people of the North-East are still waiting for: a substantial peace dividend, the normalisation of their living conditions, the return of refugees and IDPs to their homes, and a comprehensive rehabilitation and reconstruction programme in the war-affected areas.
- Human rights violations have continued to take place.
- There has been a lack of women's representation at all levels of the peace process.
- The disputes in the South concerning the approaches to the peace process have been largely linked to partisan agendas of political parties.
- The parties that were excluded from peace negotiations have expressed concerns and reservations while questioning the legitimacy of the entire peace process.
- The overall mobilisation towards pro-peace goals has been and remains relatively low.
- The negotiating parties failed to create joint institutions to nurture and foster the peace process. The two peace secretariats worked completely independent from each other and contributed little to the substance of the talks.

The parties did not initiate a constructive public discussion on how to reconstruct the Sri Lankan state through the implementation of the *Oslo Communiqué*." (Ferdinands, Rupesinghe, Saravanamuttu, Uyangoda, Ropers, January 2004, p.1)

Displacement after the breakdown of peace-talks

Displacement after the ceasefire agreement: civil unrest and riots displaced more than 40,000 people in Mutur, Trincomalee district (May 2003)

- Civil unrest, rioting and ethnic conflict in Mutur, Trincomalee district on 17 April, left 35,000 people displaced, 2,500 people homeless, 5 people dead and 20 people wounded.
- ZOA Refugee Care initiated a major Emergency Response Programme targeting the displaced with food and household support distributions, water & sanitation facilities, reconciliation and peace building initiatives.
- Parts of Mutur town have been ruined, including 500 houses that were completely or partly destroyed, and more than half of the population has fled to welfare centers, churches, schools and mosques in search of protection and basic services.
- Following the signing of an agreement by the leaders of the LTTE and Muttur Majlis Al Shura Council to resolve differences existing between the two communities people started returning home one month after the outbreak of violence.

"[...] the ethnically volatile Trincomalee district [...] boasts an equal number of people from all the three communities – Sinhalese, Tamils and Muslims.

The predominantly Muslim area of Muttur in Trincomalee is also famed for its ethnic volatility and is the starting point of all major clashes between Muslims and Tamils in the East." (OneWorld.net, 14 October 2003)

"The ceasefire agreement in February 2002 was expected to bring normalcy to the conflict areas. It stopped major fighting between the Army and the LTTE thereby putting an end to the heavy toll of human lives. But the agreement has failed to end the displacement of people. In spite of the ceasefire agreement, tension between Tamils and Muslims has increased, particularly in the Eastern Province, because of alleged violations committed by the LTTE against members of the Muslim community. In mid-April 2003, ethnic violence between Tamils and Muslims at Muttur in Trincomalee District led to the displacement of more than 40,000 people, majority of them Muslims." (The Refugee Council, September 2003, pp. 18-21)

"The civil unrest, rioting and ethnic conflict, which started in Muttur, Trincomalee district on 17 April, left 35,000 people displaced, 2,500 people homeless, 5 people dead and 20 people wounded, according to local sources.

[...]

Muttur town and surroundings are located south of Trincomalee town, on the other side of the natural harbour, and is the habitat to 60,000 people (appr. 15,000 families) of which according to the latest statistics 54% is of Muslim and 46% is of Tamil descent (source: government statistics). Even though tensions, hartals, riots and protests have come and gone in Muttur town, nothing like the recent outbreak of violence has happened since the signing of the cease-fire agreement beginning last year.

Parts of Muttur town have been ruined, including 500 houses that were completely or partly destroyed, and more than half of the population has fled to welfare centers, churches, schools and mosques in search of protection and basic services. " (ZOA Refugee Care 23 April 2003)

"Tamil and Muslim residents of Muttur division, south of Trincomalee town who sought refuge in schools, churches and mosques where their security was ensured following the outbreak of violence between the two communities last month, started to return to their own homes this Saturday after one and a half months in the temporary shelters, sources said.

Tamil families living among majority Muslim areas fled to the LTTE held Muttur east villages and stayed in schools there since April 14.

About one hundred and fifty Tamil families staying at Chenaiyoor Central College as refugees returned to their homes at Aalimsenai, Palanagar and Muttur hospital area in three buses escorted by Sri Lanka Army (SLA) and Police, Muttur sources said.

This follows the signing of a four point agreement by the leaders of the LTTE and Muttur Majlis Al Shura Council to resolve differences existing between the two communities through a eight member committee appointed by the both parties, sources said." (TamilNet 24 May 2003)

New episodes of displacement reported after upsurge of violence in the Kinniya division – Trincomalee district (January 2004)

- In November and December 2003, the Trincomalee district witnessed an upsurge of violence
- During the violence in November, about three thousand families were displaced from the Tamil and Muslim communities

"In November and December Trincomalee district witnessed an upsurge in violence. Most incidents occurred in Kinniya, where Muslims and Tamils live in close proximity. There were related incidents in Trinco town aimed at Muslims celebrating the end of the holy month of Ramadan, apparently in retaliation for similar attacks on Tamils during this year's Hindu Deepavali festival." (USAID/OTI, 31 January 2004)

"Hundreds of Tamil families displaced from villages Alankerni, Eechantivu and Upparu in Kinniya division are still languishing in refugee centres without enough essential food items as they are unable to go to Kinniya town to buy their provisions. The co-operative outlet in Alankerni has been closed down due to threat by Muslim groups in the Kinniya area, non-governmental sources said.

About thirty Tamils families displaced from Alankerni have come to Trincomalee town and staying at Kalaimagal Vidiyalayam and are being looked after by local NGOs, sources said.

A consignment of essential food items collected by non-governmental organizations in Trincomalee town had been sent to Tamil refugees staying in welfare centres in Alankerni and Eachchantivu villages by sea Sunday afternoon.

The provisions were taken to the villages by the volunteers of the Trincomalee district branch of the Sri Lanka Red Cross located in Trincomalee with the assistance of the Sri Lanka Navy.

Earlier on Friday a consignment of food items supplied by Trincomalee co-operative society was taken to these two Tamil villages by the Sri Lanka Army in its trucks when a group of Muslims prevented the Kinniya co-operative society from supplying relief food items to displaced Tamil families, sources said.

Meanwhile, a conference was held Sunday morning at Grand Mosque of Kinniya town. All three Muslim parliamentarians of the district, the Government Agent, army officials, religious and community leaders and other civilian officials attended the conference, where matters related to bringing normalcy to the area were discussed, sources said.

Kinniya Divisional Secretary said at the conference that about three thousand families from both communities have been displaced due to the present tense situation following the killing of three Muslim farmers on Friday. Of the displaced about eight hundred families are from Tamil community, sources said.

He requested the Government Agent to order dry ration relief to all displaced families." (TamilNet, 30 November 2003)

Displacement reported from the eastern town of Batticaloa (31 March 2004)

- The situation in the town of Batticaloa, eastern Sri Lanka, was very tense during the weeks preceeding the elections in April 2004 due to the split within the LTTE
- Tamils originating from Jaffna have received threats and have been ordered to leave the town
- Several hundred Tamils are reported to have left and have headed back to Jaffna or to the capital, Colombo

"A number of Tamil residents have fled the eastern town of Batticaloa, saying they were forced out by supporters of renegade Tamil Tiger Colonel Karuna.

The Tamils, from the northern Jaffna area, have returned home or gone to the capital, Colombo. The town has been tense since the killing of a politician linked to Colonel Karuna on Tuesday. The colonel broke

from the northern Tigers faction this month, saying it was failing to represent the east. Catholic Bishop Kingsley Swampillai, who has tried to mediate between opposing factions, said businessmen, students and officials had left Batticaloa under duress. Reports of the numbers leaving vary, but media sources in the east suggest they could be in the hundreds. A spokesman for Colonel Karuna denied the Jaffna Tamils had been under any pressure to leave.

[...]

More than 1,000 soldiers have been deployed in the town since the killing of Radian Sathiyamoorthy, a Tamil National Alliance candidate in Friday's general election." (BBC 31 March 2004)

"Tamil residents began fleeing this eastern Sri Lankan town Wednesday as hundreds of troops poured in amid arson attacks and fears of a factional war between Tamil Tiger rebels, residents and police said.

[...]

"Several shops have been torched here," a local police official told AFP. "Tamils who trace their origins to the island's north have begun fleeing after Mr Sathiyamoorthy was killed."

[...]

Leaflets distributed among residents had warned Jaffna Tamils, or those from the northern region of the island, to leave the district of Batticaloa within 24 hours.

The victim of Tuesday's shooting, Sathiyamoorthy, a Tamil National Alliance (TNA) election candidate, had been a supporter of breakaway Tamil Tiger leader V. Muralitharan, better known as Karuna, who holds sway in this eastern area. Karuna broke away from the group's main northern leadership earlier this month.

[...]

A spokesman for the renegade commander, V. Muralitharan, denied they were responsible for the forced eviction.

More than 1,000 Sri Lankan soldiers patrolled the city in trucks and motorbikes and policemen checked vehicles entering the tense town." (AFP, 31 March 2004)

"United Nations agencies [...] expressed concern for the safety of thousands of ethnic Tamils forced to leave their homes in eastern Sri Lanka following the slaying of a local politician.

The United Nations High Commissioner for Refugees (UNHCR) said in a statement it and three other UN agencies working in Sri Lanka were highly worried about the plight of civilians in the troubled district of Batticaloa." (AFP 1 April 2004)

Obstacles to solutions for people remaining internally displaced (December 2003 - February 2004)

- The major obstacles to solutions for the remaining IDPs are: the presence of landmines, fear for children's safety and ongoing human rights violations
- insufficient investment in basic infrastructure and lack of economic opportunities in wartorn areas
- the presence of High Security Zones - large areas created by the government and controlled by the army
- the need for restitution of property
- landlessness, including those who did not own land prior to their displacement and those whose homes are located within High Security Zones.
- the inadequate efforts to integrate those IDPs, who, in 2002, elected to remain where they were living

"The major obstacles to solutions for the remaining IDPs are: the presence of landmines; insufficient investment in basic infrastructure in wartorn areas; the need for restitution of property; and the inadequate efforts to integrate those IDPs, who, in 2002, elected to remain where they were living. IDPs often return to communities which have suffered extensive physical destruction. Agricultural land or alternative income generation opportunities have to be identified and created for a large number of landless IDPs. The return of a sizeable number of those still displaced will depend on tangible progress at the peace talks, as their home areas form part of the strategic High Security Zones (HSZ). These are areas occupied by the Sri Lankan army and remain off-limits to civilians." (UNHCR Global Appeal 2004)

"Why, 22 months after the commencement of the ceasefire agreement, do 386,104 people remain displaced? It should first be noted that many remaining IDPs do not intend to return to their places of origin. When UNHCR and the Ministry of Rehabilitation, Resettlement and Refugees conducted a survey of IDPs in mid-2002, 25 per cent of all registered IDPs said they intended to remain in their place of displacement.

Nevertheless, it is clear that many remaining IDPs would like to return to their homes. In recent months, UNHCR has been conducting surveys of the residents of welfare centres to ascertain, among other things, what factors are discouraging them from returning home. According to the surveys, the main factors preventing IDPs from returning to their homes are:

- Concerns about security in return areas, including the threat of landmines, fear for children's safety and ongoing human rights violations
- The lack of education facilities in return areas
- The lack of economic opportunities in return areas
- Landlessness, including those who did not own land prior to their displacement and those whose homes are located within High Security Zones." (UN Inter-Agency IDP Working Group, 9 February 2004)

"Nearly two years since a cease-fire was called in the long-running civil war between the Liberation Tigers of Tamil Eelam (LTTE) and the Sri Lankan army, as many as 400,000 people remain displaced within the country.

The peace established in February 2002 has brought many positive results to a country that had suffered 19 years of conflict, with greater freedom of movement for citizens, as well as increasing levels of economic growth. However, the reluctance or inability of so many displaced people to return to their homes remains a serious cause for concern.

"During the peace talks that have so far taken place, several issues with regard to the resettlement of displaced civilians have been discussed in detail", reports JRS Sri Lanka. "But agreements have not been implemented to the expectations of the people in the north and east of the country". One of the main reasons for this is the presence of High Security Zones [HSZ], large areas created by the government and controlled by the army. Civilians are forbidden to reside in these zones and the security forces have been adamant that they are not willing to compromising on the question of dismantling these zones.

During the conflict, the government evicted civilians from the Jaffna peninsula and declared High Security Zones in the area. Nearly 21,000 families or 68,000 individuals were displaced from here and have been forbidden from returning to their land and homes. Security zones have also created similar problems in Vavunya, Mannar, Trinco and Batticaloa.

Another reason for the reluctance of people currently residing in government-run welfare centres to return home, according to JRS Sri Lanka, is the vexed issue of government compensation or assistance. Each displaced family has been promised financial assistance to help them return home and to re-build or construct their houses." (JRS, 8 January 2004)

"The Jaffna District Humanitarian Agencies Consortium (JDHAC) Sunday handed over a memorandum to the head of the Sri Lanka Monitoring Mission (SLMM) in Jaffna stating that normalcy has not returned to the lives of several thousand Tamil people including internally displaced in the peninsula even after two years of ceasefire, civil society sources said.

The memorandum said that during the last two years Sri Lanka government troops have been constructing new camps in residential areas in addition to the existing high security zones creating additional hardships to civilians and refugees, sources said.

About 87, 722 internally displaced Tamil civilians are still languishing in refugee camps and welfare centres unable to resettle in their lands and houses, which are located in the high security zones. Government troops have failed to respect the ceasefire agreement, the memorandum added." (TamilNet, 22 February 2004)

Muslim and Sinhalese internally displaced (September 2003)

"About 14% of the IDPs today are Muslims and Sinhalese. They are from the north, east or the border areas of the two provinces. The majority of Muslim and Sinhalese IDPs live outside the north-east and need guarantees of safety and security for returns, as they would be returning to areas of the north-east which may fall under the proposed interim administration which will be controlled by the LTTE. Under the July 2003 proposals of the Sri Lankan government, a joint administrative council (composed of members of government, LTTE and Sri Lanka Muslim Congress) will have power over most current government functions in the north-east. The LTTE will have a majority in the council. In view of past violations by the Tigers against these categories of people, in addition to guarantees from the LTTE, procedures and independent institutions must be in place for effective protection." (The Refugee Council, pp. 31-32)

UNHCR says elections could slow efforts to resettle displaced people (February 2004)

- The head of the executive committee of the United Nations High Commissioner for Refugees (UNHCR) says uncertainty linked to elections could slow down resettlement of remaining displaced people

"The UN agency for refugees said Friday Sri Lanka's snap parliamentary elections could seriously slow efforts to resettle hundreds of thousands of refugees in the island's embattled regions.

The head of the executive committee of the United Nations High Commissioner for Refugees (UNHCR), Jean-Marc Boulgaris, said here they were worried about the fall-out of the political crisis on internally displaced people (IDPs).

"My concern is that the uncertainty that comes with the elections will dilute the international community's commitment to invest in Sri Lanka and that will have an adverse impact on the IDPs," Boulgaris said.

He told reporters that the immediate needs of 380,000 IDPs in the island's embattled regions should not be neglected with focus shifting to the political arena following the dissolution of parliament last weekend." (AFP 13 February 2004)

POPULATION PROFILE AND FIGURES

General

Internal displacement at the time of the cease-fire (January 2002)

- As of January 2002, there were approximately 174,250 persons in 346 welfare centers in the districts of Jaffna, Kilinochchi, Mullaitivu, Mannar, Vavuniya, Trincomalee, Batticaloa, Ampara, Puttalam, Anuradhapura, Kurunegala, Polonnaruwa, Colombo and Matale.
- A further 509,036 displaced persons were staying with friends and relatives. These statistics do not capture the total number of displaced people.
- 100,000 Muslims were evicted from Jaffna and Mannar by the Liberation Tigers of Tamil Eelam (LTTE) in 1990 and 12 years later they are still living the lives of displaced people in Puttalam, Anuradhapura and Kurunegala.
- Tamils have been most affected by displacement numerically. The exact ethnic breakdown is not available, but it is estimated that 78% of the displaced are Tamils, 13% Muslims and 8% Sinhalese.
- In the LTTE-controlled Vanni, it is estimated that 80% of the population was displaced as of January 2002

"According to statistics provided by the Commissioner General of Essential Services (CGES), as of January 2, 2002, there were approximately 174,250 persons in 346 welfare centers in the districts of Jaffna, Kilinochchi, Mullaitivu, Mannar, Vavuniya, Trincomalee, Batticaloa, Ampara, Puttalam, Anuradhapura, Kurunegala, Polonnaruwa, Colombo and Matale. A further 509,036 displaced persons were staying with friends and relatives. The IDPs outside the camps are also eligible to receive rations from the state. According to the CGES statistics, there were a total of 683,286 persons displaced as of January 2, 2002, both within and outside camps. However, these statistics do not capture the total number of displaced people who either are not eligible to receive dry rations due to economic reasons or have not registered with the government and who are living in other areas, including the city of Colombo.

Numbers Displaced (estimated)

December 1994 525,000

October 1995 649,049

December 1995 1,017,181

May 1996 839,161

October 1996 770,837

December 1996 768,356

March 2001 707,215

January 2002 683,286

Source: Ministry of Rehabilitation and Reconstruction/ Commissioner General of Essential Services (CGES)

By virtue of their geographical concentration in conflict-affected areas, Tamils have been most affected by displacement numerically. The exact ethnic breakdown is not available, but it is estimated that 78% of the displaced are Tamils, 13% Muslims and 8% Sinhalese.

In the LTTE-controlled Vanni, it is estimated that 80% of the population is displaced; 91.75% in Kilinochchi District, according to the Kilinochchi Government Agent. In Government controlled Northern areas, a substantial number of persons remain displaced in Vavuniya, the Jaffna peninsula and Mannar. In 1990, approximately 90,000 Muslim residents were evicted en masse by the LTTE from the North and continue to live in precarious conditions in Puttalam, Anuradhapura and Kurunegala [...]. In the multi-ethnic Eastern Province, Tamils, Muslims and Sinhalese residents have all been displaced, often as a result of attacks on their villages. Most have settled in their District of origin." (CPA February 2003, pp. 24-25)^

For information on population and displacement profile per district as of August 2002, consult World Health Organisation (WHO), August 2002, Health System and Health Needs of the North-East Sri Lanka

352,000 internally displaced as of November 2004

Although some 378,000 people, out of a total estimated at 730,000 IDPs, have moved back since the cease-fire was signed in February 2002, many of them have not been able to return or resettle in safety and dignity and could still be considered as IDPs.

"[...] the precise size of the IDP population that existed at the time of the ceasefire is unclear. The Government's estimate was 800,000. When UNHCR and the Ministry of Rehabilitation, Resettlement and Refugees conducted an IDP census in mid-2002 - after some people had already begun to move - 613,220 voluntarily registered as IDPs.

However, using figures on (a) the number of known returnees and (b) the number of IDPs known to be remaining, UNHCR now estimates there were approximately 730,000 IDPs at the time of the ceasefire." (UN IDP Inter-Agency Working Group, 10 November 2003)

The official number of IDPs as of 30 November 2004 stands at 352,000 as per the UNHCR/MRRR statistical overview. At the beginning of 2004, 34 per cent of the displaced were children:

"Of the 400,000 remaining IDPs in Sri Lanka, it is estimated that 34% are children (136,000 children)." (UNICEF, January 2004)

Geographical distribution and disaggregated figures

Disaggregated figures of the remaining displaced population per district (30 November 2004)

INTERNALLY DISPLACED POPULATION

(as at 30 November 2004)

District	In Welfare Centres			Outside WC		Families
	No of WC	Families	Persons	Families	Persons	
Jaffna	77	2,345	8,954	15,921	54,847	18
Kilinochchi	33	1,753	7,282	5,023	20,855	6
Mullaitivu	15	757	3,152	14,198	55,367	14
Mannar	6	996	3,576	6,916	27,037	7
Vavuniya	17	2,335	9,280	7,708	29,670	10
Trincomalee	10	634	2,390	3,285	17,075	3
Batticaloa				4,085	20,451	4
Ampara				1,673	8,402	1
Puttalam	81	9,342	34,878	2,538	11,650	11
Anuradhapura	39	1,905	6,975	4,788	13,103	6
Polonnaruwa	5	168	508	1,339	2,665	1
Kurunegala	10	211	858	508	2,330	
Colombo	1	92	454	687	2,474	
Gampaha				538	2,319	
Kandy				12	62	
Matale				697	2,761	
Kalutara				371	844	
Ratnapura				32	149	
Badulla				48	248	
Kegalle				12	41	
Matara				357	1,248	
Galle				125	569	
Hambantota				28	108	
Total	294	20,538	78,307	70,889	274,275	91

*Data for Districts of Mullaitivu, Jaffna, Kilinochchi, Vavuniya, Mannar, Trincomalee, Batticaloa, Puttalam and Polonnaruwa are collected from Government Agents and adjusted based on Movements.

**Data for other Districts are calculated based on IDP Survey 2002 and IDP Reporting Mo

Internally displaced in Puttalam, Anuradhapura and Polonnaruwa (May 2003)

- Some 66,200 IDPs (almost 10% of the total population of the District) were registered in Puttalam in 2002. Most of them are from Mannar's Muslim community.
- Some 17,900 IDPs (just under 2% of the District population) are scattered in Anuradhapura with varied ethnic and geographical origin.
- There are some 4,100 IDPs (a little over 1% of the population) in Polonnaruwa District.

"8. Three of these four Districts host significant numbers of IDPs. In the case of Puttalam some 66,200 IDPs (almost 10% of the total population of the District) were registered in 2002. They were overwhelmingly from the Muslim community (91%) and mainly from Mannar, with smaller but significant numbers from Jaffna, Kilinochchi and Mullaitivu (these were the main areas from which they were evicted in 1990). The IDPs are concentrated in the four Divisions of Kalpitiya (over half of the total), Puttalam (over a third) and smaller numbers in Mundel and Vanathavilluwa.

9. In the case of Anuradhapura, some 17,900 IDPs (just under 2% of the District population) are scattered. Significant concentrations of IDPs (above 1500) are found in the five divisions of Kekirawa, Padaviya, Rambewa, Kebithigollewa and Horowpathana. The places of origin and the ethnic composition of the IDPs are more varied (55 % Sinhala, 33% Moslem and 11 % Tamil).

10. In the case of Polonnaruwa, the 4,100 IDPs (a little over 1% of the population) are concentrated in 4 of the 7 Divisions, with only one (Welikanda) hosting more than 1,500. The ethnic breakdown is similar to that of Anuradhapura." (ADB, UN & WB, 9 May 2003, p. 4)

Vulnerable groups

Internally displaced women and children are particularly vulnerable (March 2004)

- Returning children are especially vulnerable- many have dropped out of school and return to towns and villages that lack basic infrastructure, such as shelter, water and sanitation, education and health facilities
- Internally displaced women face loss of family members and male spouses, increased responsibility to provide for and protect children and family members, threats to physical safety, psychological insecurity, and more general issues of social marginalisation and lack of power.
- In Vavunyia District, a NGO indicated that 60 percent of IDP families were female-headed households (FHH)
- There are numerous Land and Property issues facing women both in 'Welfare Centres' and upon return

"Returning children are especially vulnerable. UNICEF estimates that in the LTTE-controlled areas of the north, one third of school-aged children have dropped out or have never attended school. The IDPs and refugees are moving back to areas that are contaminated with landmines and unexploded ordinance. The physical destruction of these areas means that they are returning to towns and villages that lack basic infrastructure, such as shelter, water and sanitation, education and health facilities.

In terms of health, the North and the East suffer from a lack of health professionals and medical supplies. Communicable and infectious diseases are expected to increase with the return of the IDPs, as is the risk of HIV/AIDS with the return of refugees from India. Chronic malnutrition among women and children is high

in parts of Sri Lanka, but is worse among returning IDPs." (UNICEF Sri Lanka, webpage as of 14 March 2004)

"Poor women are especially vulnerable to the vicious cycle of poverty, addiction, malnutrition, poor environmental health, low education and poor health status. Two new vulnerable groups of women have emerged in recent years: elderly women in low-income families and women coping with displacement and lack of services and livelihood in conflict areas." (GoSL December 2002, PRSP, p.121)

"Although women comprise a majority of the IDP population in Sri Lanka, the specific issues facing women IDPs are rarely highlighted or adequately addressed. Women face the loss of family members and male spouses, increased responsibility to provide for and protect children and family members, threats to physical safety, including rape and sexual violence, psychological insecurity, and more general issues of social marginalisation and lack of power. Land and property issues affecting women are intimately intertwined with women's human rights issues, living conditions, and questions regarding livelihood.

In one interview, members of the NGO Consortium in Vavuniya District stated that 60 percent of IDP families were female-headed households (FHH). Those interviewed expressed concern about discrimination against FHH, as well as economic, legal and family issues. Another person interviewed highlighted the fact that there were 21,400 widows in 1995, raising today's figure to more than 25,000. The Trincomalee District counts 8,757 widows heading households in its IDP population, out of a total of 56,745 families displaced between 1983-2001. These figures only further emphasise the need to better understand and begin to address issues affecting women IDPs as part of the transition toward an end to the conflict.

Land and property issues facing women both in 'Welfare Centres' and upon return are numerous, ranging from inequitable policies for distributing assistance and compensation, to possible obstacles to women gaining legal title to land and property, to practical challenges of clearing land and rebuilding houses, to burdens of livelihood resulting from women becoming the sole providers for their families." (CPA February 2003)

Action plan for children affected by war (September 2004)

- UNICEF progress reports on the Action Plan for Children Affected by War show that recruitment of child soldiers remain a main concern - almost 500 children were recruited between 1 January – 30 June 2004.
- The January report estimated that 50,000 children in the North and East remain out of school, around 140,000 have been displaced, and that in 2003 alone 20 were killed and 17 maimed by landmines
- The September report states that significant progress has been made in providing children in the North East with basic services under the Action Plan, as well as facilitating the reintegration of former child soldiers

"In January, UNICEF released a progress report on the Action Plan for Children Affected by War. The Action Plan is an outcome of the fifth round of peace talks in Berlin, at which UNICEF was asked to take a leading role in establishing shared programs to address the needs of up to 50,000 children affected by war.

In its report, UNICEF estimated that 50,000 children in the North and East remain out of school, around 140,000 have been displaced, and that in 2003 alone 20 were killed and 17 maimed by landmines. The North and East also faces a serious deficit of education and health staff, with a need for more than 5,800 additional Tamil medium and 200 Sinhala medium teachers.

Recruitment of children into the LTTE remains a major concern. According to UNICEF records, 709 children were recruited by the LTTE in 2003. Recruitment increased noticeably during August, September and October, with reports of 304 children taken into the organisation, before dropping off during November and December, when 31 cases were reported. The LTTE released 202 children during 2003. A quarter of these releases were made through a transit centre opened in Kilinochchi in October; the remainder were released straight to their families. From reports submitted by families, UNICEF said it knew of at least 1,301 children who remain in the LTTE." (UN Inter-Agency IDP Working Group, 9 February 2004)

"A total number of 4,250 cases of under-age recruitment by the LTTE have been reported to, and verified by, UNICEF since April 2001. Of these, 488 children were recruited during the reporting period, from 1 January – 30 June 2004. At the same time, the LTTE released 449 children during the reporting period, and a total of 1,003 child soldiers since April 2001.¹ Significant progress has been made in providing children in the North East with basic services under the Action Plan, as well as facilitating the reintegration of former child soldiers. During the reporting period, 6,751 children enrolled back to school; 43,881 children received catch-up-education classes and 241 school buildings damaged or destroyed in the war were repaired or reconstructed. Five hundred and eighty (580) child soldiers and their families received social work assessments, while 410 children who were engaged in hazardous labour and or were living in the streets benefited from social work support. Two hundred and Thirty-four (234) children enrolled in vocational training, 22 families received micro-credit loans and a further 197 families were assessed for income generation support, 94 of whom were waiting to be issued a loan at the end of the reporting period. Thirty extremely vulnerable families also received special assistance. Forty-two Gramodaya Health Centres (GHC's) were repaired or reconstructed and 212 schools benefited from improved water and sanitation facilities. Thirty-one children's homes have been supported under the Action Plan, with special assistance given to disabled children and 94 children received psycho-social support.

[...]

This number does not include the more than 1,600 former child soldiers who left the LTTE in April 2004 in the East following the split in the LTTE and who have registered with UNICEF but have not been issued with formal release papers from the LTTE." (UNICEF Progress Report Executive Summary, September 2004)

Men and women affected differently by displacement (May 2000)

- Men are more likely to be suspected of belonging to one of the warring parties and this influences negatively the authorities' response to the needs of the displaced family
- Displacement often affects gender roles.
- Widows are particularly at risk of being socially stigmatized and economically deprived

"Women and men are affected differently by displacement and play different roles in the resettlement process. During conflict men, more than women are generally at risk of being suspected of belonging to one of the warring fractions or of being forcefully included in an armed group. This often reduces their mobility. And according to many of the displaced families in Vavuniya and Mannar districts, suspicion of a husband or a son being associated with the LTTE influences their security and the authorities' response to their situation. When a household is displaced and loses access to its main productive assets (e.g. land or business) this not only affects their economic situation, but also the gender roles and relationships among its members. In many cases men face serious identity problems as they can no longer provide the daily meals and income for the family and become increasingly dependent on the female members of the household. Accordingly, women often have to resume extra responsibilities for their family, including taking up areas of activities that have so far been considered "male domains". This has for instance been the case with some of the displaced Muslim families in Puttalam, where women have found it easier to find employment in onion production, because they demand lower salary, and where men suddenly found themselves idle and with added responsibilities for home and children. And in the case of Sri Lanka, where

some of the IDPs settle in areas dominated by a different ethnic group with differing social and cultural values and practices, there may be an additional “attack” on gender identities.

Some women come out stronger with new skills, ideas and a strong self-esteem. But many also find it difficult to deal with their new role in society. Especially **widows** are facing many problems. Not only have they lost the economic and social support of their husband and have to take overall responsibility for the household, but in many cases they simultaneously have to come to terms with a socially stigmatised position. This has for example been clearly illustrated in a relocation project for widows in Vavuniya, where the some people in the vicinity have referred to the widows as 'prostitutes' and also intruded the community." (DRC May 2000, p. 20)

Around 100,000 Muslims have been displaced for 13 years (July 2002)

- 100,000 Muslims displaced by the LTTE in 1990 continue to live in camps in Puttalam and Anuradhapura districts, where dry food ration distribution stopped in December 2001
- Following an agreement in April 2002, LTTE promised that Muslims would not be harassed and that they could start returning.
- After an absence of more than eleven years, Muslims seem to prefer group returns rather than individual returns, for reasons of safety and integrity of the community and on guarantees of social and economic sustainability.
- Land and buildings, such as houses and shops, owned by Muslims in several areas of the north are occupied by internally displaced Tamils, who after ten years of occupation have acquired titles to land and buildings.

"An estimated 100,000 Muslim people were displaced from the north, after an LTTE ultimatum in October 1990, ordering them to leave the region. Most of them now reside in refugee camps in Puttalam and Anuradhapura districts. In December 2001, dry food rations issued to these refugees were stopped. Following a meeting chaired by Rehabilitation minister Jayalath Jayawardena at the Puttalam *Kachcheri* (Government administration office), assurance was given that dry rations for the months of January and February will be issued in April. Refugees say that no dry rations had been issued by the end of May 2002.

Under an agreement between the LTTE chief V Prabhakaran and Sri Lanka Muslim Congress (SLMC) leader Rauf Hakeem on 15 April 2002, Muslims will be encouraged to return. The LTTE have assured that the Muslim people will not be harassed. Earlier attempts of Muslims to return to their home areas were not successful, because of continuing fears for safety. Muslim IDPs have welcomed the agreement, but many remain sceptical, pointing to an agreement between the LTTE and Muslim leaders in 1988 regarding safety of the Muslim community, which was not implemented. Seventy two Muslim families which returned to Jaffna after the ceasefire agreement this year, faced severe restrictions from the LTTE in carrying on their trades. As a result, 55 families have gone back to Puttalam.

After an absence of more than eleven years, Muslims seem to prefer group returns rather than individual returns, for reasons of safety and integrity of the community and on guarantees of social and economic sustainability. The living and economic environment in the original settlements of Muslim IDPs have suffered a state of natural destruction. Muslims are waiting for the root causes of displacement to be addressed: to allow them to begin a fresh life in an atmosphere of peace and stability without the uncertainty over the peace process.

Land and buildings, such as houses and shops, owned by Muslims in several areas of the north are occupied by internally displaced Tamils. Some people are in occupation for more than ten years and may have acquired title to land and buildings under the laws of prescription. It has been suggested that prescription

laws should be amended so that the Muslims and other IDPs have title to their property when they return to their home areas." (BRC July 2002, pp. 17-18)

No information available on the situation of Sinhalese displaced from Jaffna (December 2003)

- No information is available about the estimated 25,000 Sinhalese who fled mainly to Polonnaruwa, Anuradhapura and Amparai districts at the onset of the war. They have been displaced by LTTE attacks on Sinhalese villages on the border of the north-east region.
- It is hard to envisage the return of Sinhalese IDPs to their home areas, particularly those which lie within the north-east and may come under the control of the LTTE in an interim administration

"No information was available about the Sinhalese who were displaced from Jaffna at the onset of the war. However, the Buddhist high priest [...] explained that of approximate 100,000 of Buddhists who lived in the District prior to 1983, only about 10,000 remain." (CHA, 12 December 2003)

"According to the Rehabilitation Ministry, there are some 25,000 Sinhalese IDPs mainly living in Polonnaruwa, Anuradhapura and Amparai districts. In December 2001, dry food rations to Sinhalese IDPs were also stopped, but restored later for a period of six months. The displacement of the Sinhalese took place after the LTTE carried out many attacks on Sinhalese villages on the border of the north-east region.

There has been no official statement by the LTTE similar to that relating to Muslim refugees, encouraging return to their home areas and guaranteeing their safety, although press reports say that the Tiger leader V Prabhakaran has welcomed the Sinhalese refugees. Without a successful peace agreement between the government and the LTTE on substantive political issues, which incorporates safety elements for all communities, it is hard to envisage the return of Sinhalese IDPs to their home areas, particularly those which lie within the north-east and may come under the control of the LTTE in an interim administration." (BRC July 2002, p. 18)

PATTERNS OF DISPLACEMENT

General

Duration and multiple displacements characterize displacement in Sri Lanka (February 2003)

- Most IDPs have found shelter with friends and relatives or have settled on unoccupied land; others are living in 'Welfare Centres' provided by the Government.
- Two features characteristic of displacement in Sri Lanka are duration and the pattern of multiple displacement.
- In the LTTE controlled area of Madhu show that 22% of displaced families have been displaced more than five times and 31% have been displaced three times

"Displaced families are in government and other welfare centres, or they have found accommodation by themselves with friends or relatives. Some have settled and built houses on unoccupied lands, often without government assistance. A large number of IDPs have lived in welfare centres for more than nine years and some for more than 15 years." (The Refugee Council, September 2003, p.26)

"Some displaced persons, such as "day and night IDPs" in border villages, mostly in the Eastern Province, live within the district of their former residence and may have access to their property during the day.

Two features characteristic of displacement in Sri Lanka are duration and the pattern of multiple displacement. Some IDPs, such as Northern Muslim displaced families, have been unable to return to their former area of residence for more than 10 years, while some Sinhalese IDPs in Trincomalee District were displaced as far back as 1985. Many IDPs in camps have been displaced for 5 years or more. Statistics gathered by UNHCR in 2000 in the LTTE controlled area of Madhu show that 22% of displaced families have been displaced more than five times and 31% have been displaced three times." (CPA February 2003, pp. 24-25)

PHYSICAL SECURITY & FREEDOM OF MOVEMENT

General

Almost 70 percent of the internally displaced are concerned about the security and shelter situation in return areas (September 2003)

- A large number are concerned about safety and security in their home areas and believe that they are safer in their current places of residence

"The IDP Survey conducted by the Ministry of Rehabilitation and UNHCR indicates that almost 70% of the IDPs surveyed expressed concern about security and shelter in places of return. The largest number (37%) are concerned about safety and security in their home areas and seem to believe that they are safer in their current places of residence and would not be returning unless these issues are resolved.

According to UNHCR, security issues include lack of differentiation in police and military roles, lack of control by government of large sections of the country and lack of accountability of conduct by armed groups. UNHCR's programme for internally displaced persons in Sri Lanka – Report of a joint appraisal mission by the UK Department for International Development and UNHCR, May 2002." (The Refugee Council, September 2003, p. 32)

Violence against displaced women not addressed by Government (July 2002, September 2003)

- Displaced children in Welfare Centers vulnerable to abuse.
- Displaced women subject to sexual harassment.
- Government has done nothing to address the very serious issue of violence against displaced women.
- Conditions of existence of most of those resident in camps has resulted in particularly severe invasions of privacy, especially for women.

"Around 58% of the displaced population are women. In welfare centres, women have been subject to sexual harassment, abuse and rape by the security forces and paramilitary groups as well as by other men. Women are also affected by domestic violence. These issues are not adequately addressed during or after displacement." (The Refugee Council, September 2003, p.26)

"In addition to the problems shared by other internally displaced persons, women also face gender-based discrimination and are exposed to gender-specific violence and exploitation. In 1993, the Representative of the Secretary-General reported that some women had been raped prior to being displaced. Incidents of rape in the conflict areas continue to increase. A recent Amnesty International report notes a '*marked rise*' in allegations of rape by police, army and navy personnel in 2001 and observes that among the victims of rape by security forces are '*many internally displaced women.*' The UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) in its recent Concluding Comments on Sri Lanka noted with alarm '*the high and severe incidences of rape and other forms of violence targeted against Tamil women by the police and security forces in the conflict areas.*'

The USCR team which visited Jaffna in November 1996 quoted an 'international organization official' who observed that *'rape in Jaffna is widespread'* and also a 'woman in Jaffna' who pointed out that women are *'scared to come out of their homes because of the fear of rape.'* The report went on to note that many instances have not been reported because of the fear of retribution and the social stigma attached to rape.

The collapse of community and family structures, including the support provided by the extended family, has made displaced women even more vulnerable. The UN Special Rapporteur on Violence against Women observed that lack of access to health care and food has been one of the main problems faced by refugee and internally displaced women generally. Women have also been forced to assume many of the responsibilities of family life after displacement. In some cases women have lost their husbands and thus the burden of carrying on with family life has fallen exclusively on them. In other cases their husbands have been otherwise preoccupied and it is the wife who has had to shoulder the responsibility. The Sri Lankan experience shows that displaced women are more likely to seek work or engage in economic activity than men. There has also been a large increase in the number of female-headed households in the country. The UN CEDAW Committee noted with concern the high percentage of households headed by women, *'half of whom are elderly, many illiterate and have meager means of income.'* International human rights law recognizes the family as the basic unit of society and in need of protection and support." (Gomez, Mario July 2002, pp. 11-12)

Noticeable improvement in the human right situation since the ceasefire but still a lot to be done (April 2002, February - March 2004)

- Improvements in the area of Human Rights have been observed since the cease-fire, although no measures have been taken to redress past human rights abuses.
- There are concerns that efforts being made by the GSL, including the SLA, to prevent further violations of human rights, are not necessarily replicated by the LTTE.
- Freedom of movement remains restricted in the LTTE-controlled Vanni.
- Recurring acts of intimidation and repression of the civilian population, the extortion of 'war taxes', forced recruitment and abductions for ransom, are still being reported.
- There have been reports of further child recruitment, particularly by the LTTE.
- Issues related to domestic and/or sexual violence, principally in the welfare centers, also needs to be addressed.
- There is limited programming to establish national protection and conflict resolution mechanisms

"At the conclusion of the March [2003] Sessions of the Peace Talks, the Government and the LTTE requested their International Human Rights Advisor to develop three aspects of a proposed road map on Human Rights for adoption at the 7th Session due in April 2003 [*delayed to June and inconclusive*]. These aspects included:

1. The drafting of a Declaration of Human Rights and Humanitarian Principles to ensure respect for until an eventual Constitutional arrangement provides for Federal and local law;
2. The planning of Human Rights Training Programs for LTTE cadre, Government Officials, Police and Prison officials as well as Human Rights Education and Awareness for other sections of the population and
3. A Proposal for the strengthening of the Human Rights Commission to develop their capacity for effective monitoring.

[...]

Despite the developments of the Peace Talks and the resultant rehabilitation, reconstruction and relief efforts undertaken by various authorities of the Government, Donor as well as the humanitarian community ie. Ministry of Rehabilitation, Resettlement & Refugees, Ministry Assisting Vanni Rehabilitation, Ministry of Eastern Development & Muslim Religious Affairs, North East Provincial Council, Ministry of Home

Affairs, Provincial Councils and Local Government, UNHCR, UNICEF, World Bank, ADB, Norwegian People's Aid (NPA), Mines Advisory Group (MAG), Mine Awareness Trust (MAT), Halo Trust etc, incidents of human rights violations which amounts to *fears* of the peoples in terms of human security continued to be reported." (CHA 4 March 2004, pp. 2-3)

"[During 2003] The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. There were no reports of security forces committing politically motivated killings and no reports of disappearances; however, the military and police reportedly tortured, killed and raped detainees. Prison conditions remained poor. There were reports of arbitrary arrest during the year. During 2002, the Government released more than 750 Tamils held under the Prevention of Terrorism Act (PTA). Only 65 Tamils held under the PTA remained in custody. The PTA, like the Emergency Regulations (ER) repealed in 2001, permitted warrantless arrests and nonaccountable detentions. Unlike in the recent past, there were few reports that security forces harassed journalists during the year. Violence and discrimination against women, child prostitution, child labor, limitations of worker rights, especially in the Export Processing Zones (EPZs), and discrimination against persons with disabilities continued to be problems. Violence against religious minorities increased, and institutionalized ethnic discrimination against Tamils remained a problem. Trafficking in women and children for the purpose of forced labor occurred, and there was some trafficking of women and children for the commercial sex industry.

[...]

The LTTE continued to commit serious human rights abuses. The LTTE was responsible for arbitrary arrest, torture, harassment, disappearances, extortion, and detention. Through a campaign of intimidation, the LTTE continued to undermine the work of elected local government bodies in Jaffna and the east. On occasion, the LTTE prevented political and governmental activities from occurring in the north and east. There was overwhelming evidence that the LTTE killed more than 36 members of anti-LTTE Tamil political groups and alleged informants during the year. There were also instances of intimidation of Muslims by the LTTE, and there was fighting between LTTE personnel in the east and Muslims that left several Muslims dead. The LTTE continued to control large sections of the north and east. The LTTE permitted journalists some access to the areas of the country it controlled. Some LTTE-imposed restrictions remained on freedom of movement of citizens. The LTTE denied those under its control the right to change their government, did not provide for fair trials, infringed on privacy rights, used child soldiers, and discriminated against ethnic and religious minorities." (US DoS, 25 February 2004)

Resettlement and protection needs in Puttalam, Anuradhapura, Polonnaruwa and Moneragala (May 2003)

- In Puttalam there are urban problems (tensions and clashes) due to competition for resources between the displaced and host community.
- IDPs face problems of sexual and gender-based violence, child labour, high unemployment, poor infrastructure and inconsistent provision of basic services.
- There is also a socio-religious dimension to the situation as many IDPs are Muslim and have indicated their preference to integrate rather than return.
- Half of the 22,000 IDPs in Anuradhapura are expected to integrate.
- Heavy military presence has created a number of social problems including sexual and gender based violence and female abandonment.
- There are security concern for the Sinhalese IDP minority.
- In Polonnaruwa, reports of abductions from border Divisions have made physical security a key issue

"30. Each of the four Districts has different needs in relation to protection and resettlement:

In **Puttalam** the effects of the conflict are most evident due to the large displaced population. There are an estimated 66,200 displaced persons in Puttalam of whom approximately 12,900 have indicated a preference to remain, while many have indicated that they are undecided about whether to return home or integrate locally. Here there are several urban problems including tension and in some cases violent clashes due to competition for resources between the displaced and host community. Problems of sexual and gender-based violence, child labour, high unemployment, poor infrastructure and inconsistent provision of basic services for the displaced population also exist. As the majority of the displaced in this district are Muslim, there is also a socio-religious dimension to the situation. Many displaced Muslims in the district have indicated that they would prefer to "integrate" (resettle) in Puttalam, rather than return home to the North East. Addressing the needs of this population requires targeted attention to guarantee their rights, including the right to resettle in the place of displacement. In this context, reconciliation initiatives to strengthen peaceful co-existence will also be important.

In **Anuradhapura** the effects of the conflict are particularly evident in the northern Divisions. There are approximately 22,700 displaced persons in this district, of which 11,700 are expected to remain. A heavy military presence has created a number of social problems including sexual and gender based violence and female abandonment. There is also a security concern for minority displaced populations (in particular Sinhalese). Psychosocial problems are an issue for some IDPs, concentrated amongst the vulnerable groups.

In **Polonnaruwa** the effects of the conflict are less pronounced than in Puttalam or Anuradhapura, though they still exist. Approximately 4,100 persons were displaced in this District. Of these half have expressed an interest to remain. Polonnaruwa District is traditionally agricultural, and depends upon major and minor irrigation works for the water supply for paddy crops. Fighting from the conflict has damaged many of the irrigation systems, thus affecting the livelihoods of the population. Reports of abductions from border Divisions have made physical security a key issue. Assistance for local integration or relocation within the District are recommended solutions for IDPs in this area.

Of the four Districts, the effects of war are least pronounced in **Moneragala**. This district is one of the poorest in the country. Most people are engaged in agriculture and the greatest needs are in relation to agriculture and poverty alleviation. It is noted that programmes for integrated local economic development in this area should be envisaged as part of the country strategy as outlined in the Poverty Reduction Strategy." (ADB, UN & WB 9 May 2003, pp. 7-8)

National Commission on Human Rights examined the status of internally displaced (July 2002)

- Human Rights Commission established in 1997 has until 2000 only had a marginal impact on the advancement of human rights in the country.
- In 2000, the Commission identified IDPs as a particularly vulnerable group and a segment of the population that required its attention and decided to initiate a study into the status of the displaced.
- The study was intended to advise the Commission on the activities it could initiate, both in the short term and medium term, prioritize areas of intervention and identify possible areas of collaboration between the Commission and other organizations working in the IDP area. Also it sought to ascertain the potential to apply the Guiding Principles on Internal Displacement.
- The results of the study contained a number of recommendations for strengthening the capacity of the Human Rights Commission in the area of internal displacement

"In response to both international and domestic pressures, the Sri Lankan Parliament passed legislation in 1996 establishing a permanent Human Rights Commission (HRC)..

[...]

The new group of Human Rights Commissioners who took office in 2000 and who for the first time included a woman, envisaged a broader role for the Human Rights Commission. Apart from investigating and mediating individual complaints, the new Commission decided at an early stage to engage in and promote human rights education, investigate systemic and group violations of human rights and to examine law and policy for their compatibility with international human rights norms. The Commission also decided to work in partnership with NGOs and other civil society organizations in implementing its mandate.

One of the Commission's early decisions was to examine the status of vulnerable groups and to consider the role that the Commission could play with regard to these groups. At least three groups were identified: women, persons with disabilities, and internally displaced persons. The Commission saw IDPs as a particularly vulnerable group and a segment of the population that required its attention. Until that time the Sri Lankan Commission had not examined human rights violations pertaining to IDPs although Sri Lanka had a fluctuating population of between 500,000 to one million IDPs for more than twenty years and the conditions under which they lived were harsh.

The new Commission decided to initiate a study into the status of the displaced. It should be noted that under the Human Rights Commission Act of 1996, the Commission was given the power to undertake research with regard to human rights and to disseminate and distribute the results of such research. It also was authorized to advise and assist the government in formulating legislation and administrative directives and procedures with a view to promote and protect fundamental rights.

[...]

Overall, the study contained a number of recommendations for strengthening the capacity of the Human Rights Commission in the area of internal displacement." (Gomez, Mario July 2002, pp. 4-8)

Joint UN-Government proposed response to the protection needs (August 2002)

- Objective of the proposed intervention: to promote and protect the rights of IDPs and returnees, with special emphasis on the freedom of movement, liberty and security, and property rights of women, children, and other groups at risk.
- Jaffna, Mullaitivu, Kilinochchi, Trincomalee, Vavuniya, Mannar, and Batticaloa will be prioritized
- UNHCR, UNICEF and their partners will work collaboratively to ensure implementation of the protection interventions.
- UNHCR will be the lead agency in addressing issues relating to the rights of IDPs and returnees, with a special emphasis on 'groups at risk'
- UNICEF will be the lead agency addressing protection issues relating to women and children.

"[Objective:]

To promote and protect the rights of IDPs and returnees, with special emphasis on the freedom of movement, liberty and security, and property rights of women, children, and other groups at risk.

Priority Areas: Jaffna, Mullaitivu, Kilinochchi, Trincomalee, Vavuniya, Mannar, and Batticaloa.

Proposed intervention

Protection is a vital crosscutting theme throughout the phases of displacement and return. Thus, changes in the current situation such as an acceleration of returns or the resumption of hostilities will continue to require interventions of a similar nature. Protection interventions aim at ensuring access by vulnerable people to both national and international means of protecting their rights.

UNHCR, UNICEF and their partners will work collaboratively to ensure implementation of the protection interventions. In accordance with the Guiding Principles on IDPs, UNHCR will be the lead agency in addressing issues relating to the rights of IDPs and returnees, with a special emphasis on 'groups at risk'. In accordance with the CRC and CEDAW, UNICEF will be the lead agency addressing protection issues relating to women and children. Interventions include ongoing monitoring, investigation of abuses, rights based advocacy and capacity building of local legal and human rights institutions. The main activities are as follows:

- Protection and assistance to IDPs and returnees with a focus on durable solutions;
- Provision of protection to IDPs, including 'protection through presence', as a means of early warning, confidence building, and early response capability to protection problems;
- Provision of protection by monitoring the return process, well-being and treatment of IDPs and refugees;
- Intervention as necessary to prevent human rights violations, including forced relocation and involuntary return;
- Investigate cases of discriminatory treatment and alert the Government and the public to abuses of rights;
- Establishment of mechanisms to provide current and updated information on IDP and refugee return to support interventions in this area;
- Policy and public advocacy activities on issues relating to internal displacement and voluntary repatriation;
- Facilitation of voluntary repatriation of refugees from India;
- Capacity building of governmental and non-governmental institutions and community based organisations to establish and strengthen national mechanisms to deal with IDP and refugee related protection issues such as sexual and gender-based violence and child labour;
- Advocacy at all levels with communities, schools, the Government, the civil administration in the North and East, and armed forces to prevent recruitment of child combatants;
- Rehabilitation and re-integration of ex-child combatants by working with the community to ensure that every child is in school;
- Addressing children's immediate psychosocial needs through the establishment of safe play centres and the resumption of regular schooling;
- Addressing immediate psychosocial needs through community-based training in order to enable IDPs to better cope with repeated displacement and issues such as sexual and gender-based violence and child labour;
- Working with the Government to ensure that every child has a birth certificate." (Government of Sri Lanka & UN 23 August 2002, pp. 24-25)

Freedom of movement

Government policy does not always respect the right to freedom of movement of internally displaced (February 2003)

- Commitment to freedom of movement and to voluntary and dignified return is not always applied in policy terms and at the local level.
- A Government policy detrimental to the freedom of movement of landless IDPs states that IDPs cannot be relocated on State land in any District other than that of their origin.
- This relocation policy will compel these landless IDPs to remain in camps, become homeless or return to an area against their will.

- Strategies used at the local level to force people to return include: threats of stopping dry food rations or closure of camps and camp facilities, such as schools.

"UNHCR continues to advise against the organised return of IDPs and to monitor the voluntary nature of return. While the Central Government and the LTTE appear to be committed to respecting freedom of movement of IDPs, in practice, however, this commitment to freedom of movement and to voluntary and dignified return is not always applied in policy terms and at the local level.

For instance, a Government policy detrimental to the freedom of movement of landless IDPs states that IDPs cannot be relocated on State land in any District other than that of their origin. However, many landless IDPs expressed the wish to be granted land in the area where they are currently residing, in particular in Mannar island and Vavuniya town. As such, this relocation policy will compel these landless IDPs to remain in camps, become homeless or return to an area against their will. Landless IDPs include Upcountry Tamils who settled in the North and worked as tenant farmers prior to displacement; the new generation of displaced persons who reached adulthood during displacement and are propertyless; illegally or temporarily relocated landless persons; settlers without documentation and so-called "encroachers."

Interviews with IDPs reveal that a number of strategies have been used at local level to compel, or strongly encourage, IDPs to return to their areas of origin. These have included threats of stopping dry food rations or closure of camps and camp facilities, such as schools. At the end of September, the authorities closed the Madhu Church Welfare Centre, compelling 1,600 families to return to their areas of former origin." (CPA February 2003, pp. 7-8)

Most travel restrictions lifted by the Government towards the end of 2001 (February 2004)

- Pass system in force in Vavuniya ended with the ceasefire
- Commitment to freedom of movement and to voluntary and dignified return is not always applied in policy terms and at the local level
- LTTE reportedly occasionally disrupted the flow of persons exiting the Vanni region during 2003
- In September 2002 the Supreme Court declared that the military pass violated the freedom of movement

"Tamil IDPs seeking safety from the northern districts during the 1990s were held by the security forces in Vavuniya welfare centres, some for more than five years, and prevented from proceeding to southern Sri Lanka. In February 2000, there were more than 22,000 people in six welfare centres in Vavuniya.[...] They were denied the freedom of movement by a strict pass system, treated almost like prisoners and were subject to harassment. The Sri Lankan Supreme Court declared in September 2002 that the military pass system in Vavuniya was illegal." (The Refugee Council, September 2003, p.26)

"The Constitution grants every citizen "freedom of movement and of choosing his residence" and "freedom to return to [the country]", and the Government generally respected the right in practice. However, in the past, the war with the LTTE prompted the Government to impose more stringent checks on travelers from the north and the east and on movement in Colombo, particularly after dark. Tamils had to obtain police passes to move freely in the north and east, and frequently they were harassed at checkpoints throughout the country. These security measures had the effect of restricting the movement of Tamils.

Starting in 2001, most travel restrictions were lifted by the Government. Areas with limited access continued to be near military bases and high security zones, defined as areas near military emplacements, camps, barracks, or checkpoints where civilians could not enter. Some observers claimed the high security zones were excessive and unfairly claimed Tamil agricultural lands, particularly in Jaffna. The LTTE

limited travel on the road connecting Jaffna in the north to the rest of the country; however, in April 2002, the Government lifted all its restrictions on travel to Jaffna.

[...]

The LTTE occasionally disrupted the flow of persons exiting the Vanni region through the two established checkpoints. In particular, the LTTE taxed civilians traveling through areas it controlled. In the past, the LTTE disrupted the movement of IDPs from Trincomalee to Jaffna by hijacking or attacking civilian shipping, although there were no such reports during the year." (US DoS, 25 February 2004)

The army pass system is still reality for people living in the Jaffna district (January 2004)

- Fishery representatives in Jaffna say the Sri Lanka Army has refused to stop the implementation of the security pass system
- They appealed to the Sri Lanka Army to replace the existing army pass system by recognizing the fisheries identity cards issued by the Department of Fisheries

"Vadamarachchi North fisheries societies in Jaffna district appealed to the Sri Lanka Army to replace the existing army pass system by recognizing the fisheries identity cards issued by the Department of Fisheries. The appeal was made at a conference held last week at the 52-4 brigade headquarters of the SLA in Point Pedro, security sources said.

The conference was attended by fisheries societies' representatives, fisheries department officials and army officials led by Jaffna district area commander Major General Susil Chandrapala, sources said.

Major General Susil Chandrapala gave assurances to the fisheries representatives that he would take necessary action to find amicable solutions to problems and difficulties confronted by Vadamarachchi north fisher folk in carrying out their profession, fisheries sources said.

Fisheries representatives said that although more than two years have passed since the signing of the ceasefire agreement by the government and the LTTE, the SLA has refused to stop the implementation of their security pass system. They said the new Jaffna area commander of the SLA also has not taken any favourable steps regarding their request for eliminating existing army pass system and recognizing the fisheries identity cards, sources said.

Major General Susil Chandrapala is reported to have rejected another request made by the fisheries societies representatives that internally displaced fisher families from Myliddy village should be allowed to resettle in their own lands, which come under the high security zone of Palaly." (TamilNet, 13 January 2004)

Physical security

Landmines and UXO's are the main safety threats to IDPs and returnees (June 2004)

- Landmines (NGOs estimate 1.5 million) strewn across the war-torn north and east are one of the biggest obstacles to families going home
- Demining plays a key role to clear land in the North and East for resettlement and cultivation
- There also appears to be a lack of mine risk education for IDPs and returnees in these areas.
- Three demining groups are currently active in the region
- The Government of Sri Lanka and the LTTE have not reached any agreement on a landmine ban and this is seriously hampering demining efforts

"It is two years since the Sri Lankan government and separatist rebels agreed a ceasefire, and people want to go home even though the peace is fragile, but the country is littered with dangerous landmines. Although both sides are clearing mines, neither government forces nor the Tamil Tiger armed movement is prepared to promise not to lay any more.

"We still need landmines to defend our bases. They provide us with an early warning of an enemy attack," Major Peiris of the Sri Lankan army told AlertNet.

Some 64,000 people were killed during two decades of bloody civil war, and an estimated 380,000 people are still displaced.

NGOs say that an estimated 1.5 million landmines strewn across the war-torn north and east are one of the biggest obstacles to families going home.

Most of the mines are in the north, where the heaviest fighting took place and both sides used mines to fortify their positions as they wrestled over territory.

[...]

Many of the children are too young to read the words "Danger! Mines!", but the message is clear from the skull and crossbones.

[...]

Landmines are not on the agenda in negotiations, and foreign funding for mine clearance is severely limited by both sides' failure to agree a landmine ban.

Until the mines are cleared, hundreds of thousands of people remain in camps.

Those that can return are terrorised by mines all around them, around their homes, on their farming land and by their schools." (Alertnet, 30 June 2004)

"The most heavily mined areas of the island lay south of the line of control in Jaffna, in territory controlled by the Liberation Tigers, when the Government of Sri Lanka and the LTTE signed a ceasefire agreement in February 2001.

The towns of [Pallai](#), [Paranthan](#), [Kilinochchi](#), [Mankulam](#), [Mullaithivu](#), [Nedunkerni](#), Puliyanakulam, [Kanakarayanakulam](#) and large regions such as [Elephant Pass](#) and [Pooneryn](#) were heavily garrisoned and extensively mined by the Sri Lanka army for years until the Liberation Tigers overran these in 1996, 1998 and 1999/ 2000.

The Humanitarian De-mining Unit of the Tamil Rehabilitation Organization (TRO) began work in these towns and regions from the latter part of 2000 to help resettle tens of thousands of families pushed out by the SLA garrisons. LTTE's sapper units were also engaged in the task in the initial phase.

Jaffna has few mined areas where the army allowed people to resettle. HALO Trust, Danish De-mining Group, and the US army's RONCO de-mining group are actively engaged in removing land mines and UXOs in the peninsula, north of the Line Of Control.

The UNDP has a mine action program office in Jaffna to support the ongoing work." (TamilNet, 11 November 2003)

"Landmines and unexploded ordnance (UXOs) remain the main safety issue affecting returnees and IDPs in the North East. Landmines are concentrated in areas where military operations took place, lines of control

demarcated by the LTTE and the Sri Lankan Army and military camps. The presence of landmines and UXOs is a security threat to spontaneous returnees and prevents the return of thousands of displaced families. In addition, landmines render large expanses of land unusable for agriculture and cattle grazing. Mine Action activities by the LTTE, the SLA and INGOs, including surveying, marking, education and demining, have started in conflict affected areas. There appears, however, to be regional discrepancies in the focus of demining efforts. In certain areas, such as the LTTE controlled Vanni, surveying, marking, Mines Risk Education and de-mining are underway, and local personnel have been trained in demining to international standards. However, in Government-controlled areas and the Eastern Province, with the exception of the Jaffna peninsula, only *ad hoc* Mine Action work is being undertaken, mostly by the Sri Lankan Army.

The lack of demining in Government-controlled areas is compounded by a dearth of Mine Risk Education for potential returnees. Thus, it appears that only when IDPs actually return are the areas surveyed and education provided. As far as could be ascertained, no Mine Risk Education is provided in IDP camps or settlements prior to return." (CPA February 2003, p.7)

ICRC says there were relatively few mine injuries in 2003, despite large-scale return of displaced people:

"In spite of large-scale return of displaced people to former battle zones, relatively few mine injuries were reported. Both sides undertook mine clearance (expected to last four years) and there was considerable international support for mine action."(ICRC 28 June 2004)

For more details on Landmines and UXOs, see:

Land and Property Rights of Internally Displaced Persons, CPA, February 2003, "Landmines and UXOs", pp. 28-31 [[Internet](#)]

Vavuniya: demining paves the way for the return of internally displaced (January 2004)

Vavuniya:

"De-mining Activities; Mine Action Achievement - A ceremony to notify that an area of 55,000sq feet in Omantai was cleared of landmines, was held on December 12th. The GA Vavuniya received the certificate of Successful Mine Clearance of the above area and it is proposed that IDPs will soon be settled in the area." (CHA, Sit. Rep, January 2004)

SUBSISTENCE NEEDS (HEALTH NUTRITION AND SHELTER)

General

The humanitarian, social and economic impact of the war is felt most directly by populations in the North-East (December 2002)

- The humanitarian, social and economic impact of the war is felt most directly by populations in the north-east and the areas bordering it
- Income poverty, healthcare, education and economic conditions are far worse in areas racked by war than in other parts of the nation
- Among the worst affected groups are households that have been displaced, sometimes repeatedly
- Nearly all households in the north-east (97 percent) that moved due to the war suffered loss of property

"Sri Lanka has been immersed in war for the last 19 years. The humanitarian, social and economic impact of the war is felt most directly by populations in the North and East and the areas bordering it. The effects of the conflict have far reaching economic, social, and psychological repercussions that extend beyond the theatre of battle. Some of the effects of the conflict include: loss of civilian lives and psychological trauma, damage to infrastructure and homes, displacement, restricted mobility in some areas in the country, disruption of local economies, disruption of community and institutional networks, disruption of children's education, high dependence on relief, deterioration in the health status of the population, and widespread vulnerability and insecurity among the population. Qualitative reports suggest that income poverty, healthcare, education and economic conditions are far worse in areas racked by war than in other parts of the nation.

[...]

Among the worst affected groups are households that have been displaced, sometimes repeatedly, as a result of conflict in or threats to their home villages. Displaced families have lost productive assets (agricultural equipment, livestock, shops, and mills), including in some cases lands they had cultivated before being displaced. Some of the displaced remain in welfare camps, often for years. Those who eventually return to their home villages sometimes find that their lands have been appropriated by other households. The Sri Lanka Integrated Survey (SLIS) found that nearly all households in the Northeast (97 percent) that moved due to the war suffered loss of property." (GoSL, PRSP, p.122)

Large numbers of vulnerable people remain in Sri Lanka's conflict-affected areas (November 2003)

- More than 386,000 people require durable solutions to their ongoing displacement and returnees are in need of assistance
- Many families require shelter and security, as well as the opportunity to earn a living, access health care and educate their children
- Studies indicate that displaced families live in abject poverty and it is clear that the food assistance provided by the government does not reach all those in need
- Many displaced families, especially those in LTTE controlled areas do not receive any assistance

- During the war, the situation of the internally displaced in the LTTE-controlled areas was worse than those in government-controlled areas

"More than 386,000 people require durable solutions to their ongoing displacement. If return is not possible, then other solutions need to be identified - whether those involve relocating and reintegrating into another community, or remaining in their place of displacement and integrating into the local community.

With so many still displaced – and almost as many recently returned – it is clear that there remain large numbers of vulnerable people in Sri Lanka's conflict-affected areas. In this regard, the growing focus on development activities should not distract attention from the ongoing need for humanitarian assistance, particularly to IDPs still residing in welfare centres and to returnees who remain in a vulnerable situation. Many families require shelter and security, as well as the opportunity to earn a living, access health care and educate their children." (UN Inter-Agency IDP Working Group 9 February 2004)

"Studies indicate that displaced families live in abject poverty and it is clear that the food assistance provided by the government does not reach all those in need. There are delays and shortages in distribution and the food supplied is often insufficient and of poor quality. Many displaced families, especially those in LTTE controlled areas do not receive any assistance. Further, when marriage takes place, the new IDP couple is sometimes refused registration by government officers as a separate family unit and forced to depend on rations issued to their parents.

[...]

In some respects, the situation of the IDPs in the LTTE-controlled areas was worse than those in government-controlled areas. No productive employment was available to them in these areas and government assistance never reached them in full. In addition, the government and the security forces imposed an economic blockade on the north-east, denying or restricting food, medicines, medical equipment and fuel.[...] Poor hospitals and transport facilities have further affected the health of civilians and IDPs in these areas. Rise of diseases such as malaria was noted due to absence of proper disease control activities." (The Refugee Council, September 2003, p.26)

Many internally displaced have no land or other property (September 2003)

"Apart from those who owned assets and property before displacement, there are many other IDPs who have no place to go and no means to begin a livelihood. They include the following:

Hill Country Tamils who settled in the north and worked as tenant farmers prior to displacement. These Tamils originally lived in tea and rubber plantation areas but sought safety in the Vanni region following violence against them in 1977, 1981, and 1983.

A new generation of displaced persons who reached adulthood during displacement and do not own any property.

People who lived in rented accommodation before displacement.

People who lived on state lands before displacement, whose properties are now occupied by others.

Landless IDPs.

These categories of IDPs consist a significant proportion of the total number of IDPs and their problems also need to be addressed in resettlement and rehabilitation work. In some places, new housing schemes or villages have sprung up with the assistance of local and international NGOs, on state lands where permit holders were in occupation prior to displacement. 'Permit holder' means a person who has been legally authorized to be in occupation of a state land in terms of the provisions of Section 19(4) of the Land Development Ordinance." The Refugee Council, September 2003, p.38)

Conditions in welfare centres are precarious (December 2002, September 2003)

- Welfare centers are characterised by inadequate access to basic health and educational facilities and over-crowded, unsanitary living conditions
- The space and facilities given to each family are totally inadequate and have led to health problems
- Children suffer from malnutrition and poor health conditions
- They are also unable to pursue proper education, the main reasons being poverty, lack of schools in the vicinity of welfare centres and shortage of teachers

"A large number of displaced persons (including Tamils, Muslims and Sinhalese) have sought shelter in welfare centers, which are characterized by inadequate access to basic health and educational facilities and over-crowded, unsanitary living conditions. The prevailing conditions are worse in the uncleared than in the cleared areas. Many peripheral health institutions have suffered extensive damage in the fighting and maternal and child health services have also deteriorated due to a variety of reasons, including shortage of qualified medical and para-medical officers, lack of field staff, transportation problems, loss of equipment, breakdown of water and sanitation facilities, and lack of electricity. Malaria is prevalent in the war zone and has the highest endemicity in the uncleared areas as control systems have broken down." (GoSL, PRSP, p. 122)

"Some welfare centres are in buildings, and in other centres, IDPs live in thatched-roof shelters or tents provided by international agencies. In welfare centres, the space and facilities given to each family are totally inadequate and have led to health problems. The conditions of welfare centres are unhygienic and as such there is a greater vulnerability to disease. Health needs are often not met and only basic health facilities are available.[...]

An estimated 220,000 children were displaced in the north-east and another 16,000 lived in welfare centres in Puttalam. In the centres, children suffer from malnutrition and poor health conditions.[...] The IDP children are also unable to pursue proper education, the main reasons being poverty, lack of schools in the vicinity of welfare centres and shortage of teachers." (The Refugee Council, September 2003, p.26)

Number of displaced families per district requiring assistance (May 2003)

- IDP survey conducted in 2002 showed that 92% of internally displaced families required some kind of assistance.
- Cash is mostly needed to build houses, followed by building material and self-employment facilities

Number of displaced families per district requiring assistance

The registration of displaced persons undertaken by MRRR and UNHCR during 2002 revealed that a total of 148,520 IDP families or 92% of the total number of displaced families required assistance of various nature.

Needs were identified as follows:

Building materials - 90,822
Cash (to build house) - 132,821
Cultivation facilities - 47,338
Fishing facilities - 14,601

Self employment facilities - 68,827
Schooling facilities - 62,377
Other - 51,326

See the map for more details on the type of assistance required by district:

Source: MRRR & UNHCR, Registration of Displaced Persons, Number of Displaced Families per District Requiring Assistance, May 2003

Lack of basic facilities for IDPs in camps in Jaffna (March 2003)

- IDP in camps in the the Jaffna peninsula reportedly suffer without basic facilities. Shelters in the camps are dilapidated and lack water or sanitary facilities.
- There are more than 8,000 refugees in 72 camps in north-eastern Vadamaratchy and western Valikamam and 25,773 widows in the peninsula, many without income.
- Many of the IDPs who live in precarious conditions in the camps wish to return but the HSZ hamper their return.
- Displaced people who returned from the Vanni, even a day before 22 February 2002, the date of the ceasefire agreement, are denied any resettlement assistance

"Reports say that the internally displaced people (IDP) in camps in the the Jaffna peninsula continue to suffer without basic facilities. There are more than 8,000 refugees in 72 camps in north-eastern Vadamaratchy and western Valikamam. In addition, a government survey says there are 25,773 widows in the peninsula, including 3,368 in southern Thenmaratchy. The widows are between the ages of 16 and 50 and many are without any income.

Shelters in the camps are dilapidated and lack water or sanitary facilities. Residents of some camps walk several miles in search of drinking water. The government secretariat says that 'needs assessments' from *Pradeshiya Sabhas* (regional councils) for repair of shelters have not been received. IDPs want to return to their home areas, but these lie in military high security zones (HSZ).

In March, the Jaffna NGO consortium sent a letter to all foreign diplomatic missions in Colombo highlighting that the conditions of the people, after a year of ceasefire, have not improved. The problems relating to health, education, employment, transport, agriculture, fishing and HSZs remain. Prime Minister Ranil Wickremasinghe, on a visit to India, said that the LTTE was justified in insisting that the people of the north-east have not reaped the benefits of peace.

The North-East Fishermen Union began repairing a sea food processing plant in Jaffna town at a cost of Rs 2.1 million, but the Army have ordered the Union to suspend repairs alleging security reasons. People say that in some areas the Army is continuing to fell palmyrah and coconut trees despite a strict order by Defence Secretary Austin Fernando, and are extending military camps.

The perimeter of the Army camp in Ariyalai, three miles east of Jaffna town, has been extended, affecting some 1,000 fishermen. Local NGOs have cabled the Prime Minister, protesting against the construction of a new Army camp in an important area of Jaffna town. They say that a library, two schools, a church and a temple are in the vicinity and the camp would affect normal life in the area. The Jaffna Catholic Bishop has also expressed his opposition to the camp.

[...]

NGOs have also expressed concern over complaints of discrimination in government payments to resettling IDPs. Those arriving from the Vanni mainland have priority over IDPs in Jaffna. Displaced people who

returned from the Vanni, even a day before 22 February 2002, the date of the ceasefire agreement, are denied any resettlement assistance." (BRC March 2003)

Food

High rates of malnutrition among children (2003)

- Schoolchildren in conflict-affected areas of Sri Lanka suffer from alarming levels of malnutrition
- WFP survey concluded that nearly one in three children were far too thin for their height in the north and east
- In Trincomalee, preliminary surveys reveal that over 75 percent of displaced children under five living in conflict zones of the northeastern province suffer from malnutrition

"Schoolchildren in conflict-affected areas of Sri Lanka suffer from alarming levels of malnutrition, with one in four being "stunted" or too short for their age, according to a study released today by the United Nations World Food Programme. The results of this first nutritional survey undertaken in Sri Lanka's former war zones enable WFP to tailor an appropriate food aid response to the problem of malnutrition in the country.

The WFP survey found that nearly one in three children is "wasted" or far too thin for their height, in the north and east of the island nation where a civil war was fought for nearly 20 years. In these areas, malnutrition levels are at least twice as high as the national average.

[...]

WFP undertook the study to identify key nutrition-related problems among schoolchildren before launching a meals-in-school programme in the conflict-affected areas in August. The survey will also provide baseline data for an assessment next year to measure the impact of the WFP mid-morning meals on the children." (WFP 17 October 2003)

"Over 75 percent of refugee children under five living in conflict zones of the northeastern province suffer from malnutrition, according to preliminary surveys by government and NGO officials presented at a three-day workshop inaugurated Wednesday morning at Trincomalee Town Hall under the auspices of Sri Lanka's Ministry of Planning and Implementation. The surveys indicate that the majority of mothers among the displaced in these regions suffer from malnutrition during pregnancy and after childbirth.

The Second Secretary (Development) of the British High Commission Ms Penny Thorpe and the Special Assistant to the Japanese Embassy Ms Aiyako Tanaka based in Colombo accompanied by the UNICEF 's Trincomalee representative Ms Gabrielli attended the inaugural event of the workshop.

Mr.N.Puhendran, Deputy Director of Planning in Trincomalee, delivered the keynote address.

'We are unable to close down welfare centers until normalcy returns. Until the displaced community returns to normal life we have to provide them with better food, health and other facilities in welfare centers,' said Mr.Puhendran.

[...]

There are fifteen refugee camps Trincomalee district. There are 4099 persons belonging to 1091 families residing in these centers. All were displaced due to the war.

Widespread malnutrition among women and children is mainly due to the dearth of nutritious food and the lack of knowledge among the displaced in selecting the nutritious food supplied to them or bought by them. Hence the prevalence of severe health problems and malnutrition among the displaced people, say officials." (TamilNet 14 March 2003)

In 2002, 21% of the under 5 population was reported to suffer or be at risk of suffering from acute malnutrition (October 2002)

- A quick nutritional screening using MUAC has shown that 21% of the under 5 population screened in the above locations are at risk or are currently suffering acute malnutrition.
- IDPs in welfare centers only receive rice.
- Most people seem to be surviving on the odd days labouring work to provide for their families

"The following are the results of a quick nutritional screening using MUAC (mid upper arm circumference) of children between 6 – 59 months living in wfcs, temporary resettlement sites and relocation villages in Vavuniya district, where MSFH is working.

21% of the under 5 population screened in the above locations are at risk or are currently suffering acute malnutrition. This on top of the chronic malnutrition documented by the Vavuniya MoH office.

NOTES:

1. There is supposed to be a general food ration for those in the welfare centres. At best they receive only rice despite many promises to provide other foodstuffs.
2. Some supplementary food is supplied by the MoH for those <1 year. Canara provide extra nutrition for 3 – 5 year olds.
3. For the relocation sites there was a promise of rations for 6 – 12 months to help them survive the transition period from wfc to independent living.
4. Most people seem to be surviving on the odd days labouring work to provide for their families. Prospects of long term, permanent employment remain slim.
5. Population figures are problematic as the population is very mobile – either looking for work, visiting their former homes or moving to relocation sites. Many families now stay unofficially in the welfare centres. Some families in the relocation villages have been forced to rent or sell their homes in order to provide for their families. This is also done unofficially." (MSF-H October 2002)

Government's policy on distribution of food to IDPs (October 2001)

- IDPs earning less than Rs. 1,500 a month are entitled to receive dry rations from CGES or WFP.
- Director of Social Services is the implementing partner of WFP.
- WFP does not provide assistance to IDPs in the uncleared areas, IDPs living in welfare centres in the uncleared areas, and IDPs living with relatives and friends are provided food rations by the CGES.
- Rs 1260 is the ceiling of government food assistance and applicable to families of 5 and more. IDPs entitled to CGES food assistance receive either cash or a ration card with coupons which they may exchange in Multi Purpose Cooperative Society outlets for food stuffs, or other items.

"The Government entitles IDPs earning Rs 1,500 or less a month to receive dry rations either from the Commissioner General of Essential Services (CGES) or from the United Nations' World Food Programme (WFP).

The Director of Social Services is the implementing partner of the WFP. The Department distributes WFP food assistance to IDPs in Welfare Centres in the cleared areas in six districts, namely Vavuniya, Mannar, Anuradhapura, Puttalam, Trincomalee and Ampara. The WFP undertakes projects in Jaffna since 2000. WFP dry food assistance to Polonnaruwa was withdrawn recently and skills training programmes introduced instead. The WFP however does not provide assistance to IDPs in the uncleared areas. IDPs living in welfare centres in the uncleared areas, and IDPs living with relatives and friends are provided food rations by the CGES.

The value of the CGES rations is as follows: Rs 1260 for a five member family per month; Rs 1008 for 4 members; Rs 840 for 3 members; Rs 610 for 2 members; Rs 336 for 1 member. Rs 1260 is the ceiling of government food assistance and applicable to families of 5 and more. IDPs entitled to CGES food assistance receive either cash or a ration card with coupons which they may exchange in Multi Purpose Cooperative Society outlets for food stuffs, or other items. In emergencies, the CGES may provide IDPs with a cooked meal at a cost of Rs 45 per adult and Rs 25 per child which may then be followed by dry rations. " (CPA October 2001, p. 35)

Joint UN-Government proposed response to the food needs (August 2002)

- Objective of the proposed intervention is to increase food availability in food insecure communities of expected IDP return.
- Jaffna, Kilinochchi, Mullaitivu, Vavuniya, and Mannar will be prioritized
- MRRR is the central Government counterpart for all WFP activities in the North and East, and has overall responsibility for the programming, coordination and implementation of all WFP interventions.
- WFP's PRRO, already being implemented, focused on continued relief distribution to vulnerable welfare centre residents, nutrition support to children, expectant/nursing mothers, and for participants in psycho-social programmes, FFW schemes to rehabilitate community assets, and vocational skills training.

"[Objective:]

"To increase food availability in food insecure communities of expected IDP return through the timely provision of a basic family food ration to participants in FFW schemes to rehabilitate basic community infrastructure, through relief programmes to the most vulnerable, and nutrition support for children and expectant and nursing mothers.

Priority Areas: Jaffna, Kilinochchi, Mullaitivu, Vavuniya, and Mannar.

Proposed intervention

-The Ministry of Rehabilitation, Resettlement and Refugees is the central Government counterpart for all WFP activities in the North and East, and has overall responsibility for the programming, coordination and implementation of all WFP interventions.

-WFP's proposed interventions are already covered under its ongoing 3-year Protracted Relief and Recovery Operation (PRRO), which was approved by the Executive Board in October 2001. This

programme focused on continued relief distribution to vulnerable welfare centre residents, nutrition support to children, expectant/nursing mothers, and for participants in psycho-social programmes, FFW schemes to rehabilitate community assets, and vocational skills training. However, due to the current low level of resources (24% of annual requirements) a number of these interventions have not been initiated. Hence this is an appeal for the shortfall in the food resources required under PRRO 10067.

-The proposed intervention will include food relief distributions to the most vulnerable residents of welfare centres, and supplementary feeding distribution coupled with nutrition education programmes for children and expectant and nursing mothers.

-The support to FFW activities in targeted areas will provide a safety net whilst creating physical assets that will help strengthen household food security in the medium to long term, and enhance livelihood opportunities.

-A typical 'menu' of FFW (FFA) interventions has been identified based upon a prioritisation of needs expressed by the local communities, such as: clearing land, irrigation tank repairs, canal cleaning, repair and maintenance of rural access roads, and repair of community buildings.

-FFW schemes, featuring the involvement of local authorities and several UN agencies, are consistent with the UNCT's 'area-based approach'.

-FFW (FFA) schemes will be undertaken in partnership with Government partners such as the Department of Agrarian Development (for rehabilitation of irrigation tanks and ponds in Jaffna), Rural Road Department for access roads, Provincial Health services for nutrition support, national and international NGOs for resettlement-related schemes in the targeted areas.

-The composition of the activity portfolio will depend on availability of other partners' technical assistance, materials or cash inputs. The technical or material inputs will be provided by a variety of partners, including UNICEF, FAO, UNDP, ILO, UNHCR and some NGOs, in addition to Government counterparts and the World Bank NEIAP." (Government of Sri Lanka & UN 23 August 2002, p. 15)

Health

Many health institutions in the North-East are damaged or destroyed by the conflict (May 2003)

- Out of 400 health institutions in the North East, 55 are totally destroyed and 49 are not functioning. Many others are in disarray due to absence of maintenance
- Out of the 11,132 posts in the health care, 4,522 posts (41%) are vacant, mainly in the skilled and professional categories
- the health system suffered immensely as a result of severe restrictions leading to a lack of medical supplies, medicines, equipment, human resources and other necessities
- Many health institutions in the North and East have been destroyed or damaged by the conflict or are closed for either want of manpower and drugs or for security reasons
- Shortages are particularly acute for specialists for the secondary and tertiary care institutions and the field level health workers
- Absence of medical and other para-medical personnel, basic facilities and support systems is impeding health care delivery

"96. The two-decade long conflict has pushed the health sector in the North East to the brink of collapse. It has completely reversed the earlier achievements of good health care. Availability, accessibility and quality of health care have all been severely affected leading to increased mortality and morbidity and rising infant and maternal mortality. The incidence of vaccine preventable diseases such as measles and communicable diseases such as TB, respiratory tract infections, diarrhoeal diseases, vector borne diseases, and infectious hepatitis have all registered an upward trend. The lack of family planning has also led to an increase in fertility in the many already very poor households.

97. Health infrastructures have suffered heavy damages or destruction in the North East, particularly in the North. Out of 400 health institutions, 55 are totally destroyed and 49 are not functioning. Many others are in disarray due to absence of maintenance. Damage extends to the water supply and sanitation systems. Lack of safe facilities to treat health care wastes poses a serious environmental hazard.

98. Out of the 11,132 posts in the health care, 4,522 posts (41%) are vacant, mainly in the skilled and professional categories. There is an immediate need to provide grade medical officers, basic specialists and some paramedical workers to conduct the basic health services. Human resources development plans and projections need to be developed, including staffing strategies for a transitional period. Effort needs to be made to enhance and regularise the role of auxiliary (volunteer) health workers in the formal health sector.

99. As a result of the disruption of the health facilities and lack of personnel, the referral system has broken down. The disease surveillance system that was in place before the conflict has all but collapsed. The availability of basic health information, needed to monitor health trends and promote appropriate healthy living and behaviour patterns, is very poor. Even though the Government provided some basic services to the areas most affected by the conflict, including the LTTE controlled areas, the health system suffered immensely as a result of severe restrictions leading to a lack of medical supplies, medicines, equipment, human resources and other necessities. The international NGOs in collaboration with their local counterparts have been playing a vital role in stabilising the unprecedented crisis faced by the health sector, particularly in the severely affected areas. A major part of the work carried out by trained Primary Health workers before the conflict was replaced by teams of dedicated volunteers supported by NGOs and UN agencies.

[...]

100. The National Immunisation Programme, which supports the prevention of six vaccine-preventable diseases, has continued although under serious constraints

[...]

101. The delivery of the reproductive health care services in the North East, which had been one of the best in the country, has suffered severe setbacks.

[...]

102. Protein energy malnutrition coupled with micronutrient deficiencies (Vitamin A deficiency, anaemia and iodine deficiency disorders) constitute significant public health problems in the North East. With some 800,000 IDPs living in welfare centres, settlements schemes and mixed communities, relief food items - which often do not have adequate micronutrients - are the basic means by which families cope with food shortage. Although the Government supports the distribution of blended food for all pregnant and lactating women and malnourished children island-wide, the system has not functioned well particularly in some parts of the North East. An adequate programme for providing nutrient rich supplemental blended food to pregnant and lactating mothers and malnourished children under five years is therefore needed." (ADB, UN & WB May 2003, pp. 22-24)

"The Sri Lankan Public Health Services has been a model for a developing country's health care worldwide. The country achieved remarkable health status indicators with less expenditure on health than many other countries with nearly 10 times its income level. Life expectancy at birth at present is 75.4 years for women

and 70.7 for men, maternal mortality is 15.4 with a neonatal mortality of 0.9/1000. The immunisation coverage is between 95 and 99%. (Source Annual Health Bulletin 2000). Except in the NEP, health care of some sort is available within 4.8 Km on average.

The conflict has affected the entire country but the most devastating impact has been in the North-East and specially more intense in the North. Many health institutions have been destroyed or damaged. Some are closed for either want of manpower and drugs or for security reasons. There had been a manpower shortage even before the conflict but the situation worsened with the onset of the conflict. There is shortage of almost all the categories of health staff but more so with specialists for the secondary and tertiary care institutions and the field level health workers such as the Family Health Workers or Public Health Midwives. [...]

Although the Government health services provision and some infrastructures exist in the conflict affected areas, the delivery system lacks adequate facilities in terms of infrastructure, equipment and personnel especially at the primary care level. The situation is critical on the preventive side, which makes provision of adequate health services to the resident population difficult, let alone the Internally Displaced Persons (IDPs). Thanks to the international agencies who are providing both curative and preventive services both in the cleared and in the un-cleared areas, the people in NEP are able to maintain a reasonable level of health. Some of the international NGOs active in the conflict affected areas are MSF-France, MSF-Holland, MEMISSA, SCF-UK, SCF-Norway, FORUT, ICRC, ZOA, WUSC to mention a few." (WHO August 2002, pp. 5-7)

Large number of IDPs and military personnel in the border districts have stretched the health system to its limits (May 2003)

- Large number of IDPs and military personnel in the border districts have stretched the health system to its limits.
- Peace and the departure of IDPs alone may not be able to significantly improve the current health situation. In Puttalam, many IDPs are likely to stay.
- The stationing of a large number of mostly young, single male soldiers in these border Districts, especially in Anuradhapura and Polonnaruwa, has often created social, psychological and health problems for the local population

"43. The existence of large number of IDPs and military personnel in these Districts has heavily taxed the already over-stretched and under-resourced health system. Both preventive and curative services have been stretched to the limit and the infrastructure is barely able to cope with additional demands. The workload of the health personnel has increased, and supplies and equipment and their logistical management have all become major concerns to the health authorities.

44. The conflict has significantly altered many features of the health systems in the four Districts. Many IDPs are expected to eventually return to their homes in the North East thus easing the burden. Nevertheless unless remedial actions are taken, peace and the departure of IDPs alone may not be able to significantly improve the current health situation. In fact recent surveys indicate that many IDPs intend to settle in the Districts where they are currently accommodated (the number of IDPs who do not want to return to their place of origin is particularly significant in the District of Puttalam).

45. At the same time, the stationing of a large number of mostly young, single male soldiers in these border Districts, especially in Anuradhapura and Polonnaruwa, has often created social, psychological and health problems for the local population. The constant feeling of insecurity as a result of their close proximity to the war and by the sight of large numbers of troops has affected their psychosocial well-being. The concentration of large number of young, single male soldiers has caused undesirable social problems such

as prostitution, crime, substance abuse and violence, which inevitably affects the health and psychological status of the local population. HIV/AIDS has become a major health threat.

46. Some of the impacts of the war on the health sector of bordering Districts can be summarised as:
Psycho-social and mental health problems as a result of the war;
Inadequate rehabilitation and mental health programmes and facilities for war affected population groups such as orphans, single parent households, and elderly people without familial support;
Lack of basic healthy living conditions and housing facilities in some divisions;
Minor destruction of health facilities in Districts of Anuradhapura and Polonnaruwa;
Over-emphasis on tertiary health care to the detriment of primary health care;
Shifting of resources from PHC programmes to tertiary health facilities;
Inadequate maintenance of health facilities;
Shortage of health care personnel in divisions where large number of IDPs decide to settle permanently;
Inadequacy of logistics management;
Ineffective disease surveillance system and inadequate laboratory services.

[...]

Many health programmes at different levels such as major disease control and prevention, nutrition, reproductive health, and EPI and child health, are already in place. In terms of hospital beds and facilities, there are no unusual shortages in these three Districts. With this in mind, the following are identified as major needs in the conflict affected divisions of the 3 Districts to be addressed over the immediate and medium term periods:

Intensified primary health services in divisions adjacent to NE and in areas where there are concentrations of IDPs;
Renovation and repair of primary health facilities in the above mentioned areas;
Improve water, sanitation and hospital waste management;
Improvement of the overall referral system;
Improvement of the essential drugs and supply distribution system and logistics management;
Building of capacity to identify and assist the underserved population groups;
Establishment of community based mental health and rehabilitation programmes to assist the IDPs and returning soldiers;
Establishment of health emergency programmes at district level;
Improvement of the disease surveillance system and the health information system;
Strengthening of the health promotion programmes in the war affected divisions;
Strengthening of the laboratory services and integration of these in war affected divisions into the provincial laboratory network; and
Ensuring that all normal programme services (e.g. reproductive health, family planning, nutrition, communicable and non-communicable disease prevention and control, EPI, blood bank and essential drugs) continue to be provided in full scale. Both EmOC and early childhood care and development programmes should be intensified." (ADB, UN & WB 9 May 2003, pp. 12-13)

Around 800 displaced Muslim families have gained access to free medical services in the northwestern district of Puttlam (April 2004)

- 800 Muslims families who were relocated to the northwestern district of Puttlam have access to free medical facilities after 14 years of displacement
- The areas covered by the project include ante and post maternal care, family planning, nutrition and health education

"Fourteen years after they were displaced from their homes by a civil war, around 800 Muslim families in northwestern Sri Lanka finally have access to free medical facilities, thanks to a largely US initiative.

The impoverished Muslims had to flee their lands in the northern part of the country because of the two-decades old conflict with the Liberation Tigers of Tamil Eelam (LTTE). The victims of war, referred to as Internally Displaced Persons (IDPs), were relocated to 11 villages in the arid Kalpitiya peninsula in the northwestern district of Puttalam.

The new free polyclinic there, established with a grant of US \$34,000 from the USAID and the help of local nongovernmental organizations, is a boon for the IDPs. Some recount horror stories of having to travel 45 kilometers to the nearest maternity clinic. Most people went to hospital only for vaccinations, using home remedies to cure other ailments.

[...]

A local mosque donated land, local residents from three ethnic groups -- Tamils, Sinhala and Muslims -- provided the labor, while the ministry of health financed the furniture and promised to bear future expenses. Apart from the 800 IDPs, Kalpitiya is home to 740 Muslim native families, nearly 100 Sinhalese and 80 Tamil native families.

[...]

The areas covered by the project include ante and post maternal care, family planning, nutrition and health education, much to the relief of people in the area.

[...]

The polyclinic project was funded through the USAID's Office of Transition Initiatives (OTI), whose prime goal is to reduce conflict.

According to the OTI, providing better health care for women and children is just one of the clinic's goals." (OneWorld South Asia, 2 April 2004)

High levels of traumatic stress and suicide among displaced (May 2001, April 2003)

- Suicide among young persons in Jaffna is relatively higher in areas where many refugees live.
- Social workers attribute the phenomenon to disruptions in families caused by displacement and refugee camp environments, poverty, dowry and lack of counselling facilities for young persons in welfare centres
- A MSF survey from 2001 revealed that most respondents living in the Welfare Centres were likely to have been subjected to several traumatic experiences
- The population in the WFC is 'guarded' without a reasonable chance to rebuild their lives
- The high prevalence of suicide (3 times higher) among the population of the Welfare Centres bears out to the desperate situation of the internally displaced

"Suicide among young persons in Jaffna is relatively higher in areas where many refugees live, according to court records in the northern peninsula. Twelve in the Jaffna division, ten in the Sandilipay-Masiyapiddy area and thirteen in the Chunnakam –Uduvil area committed suicide in 2001-2002. All were young persons under 20.

A social worker in Jaffna attributed the phenomenon to disruptions in families caused by displacement and refugee camp environments, poverty, dowry and lack of counselling facilities for young persons in welfare centres.

Jaffna hospital sources said there was an equally large number of attempted suicides among young persons. But they said no area specific statistics were available.

A sociologist working as a consultant to an international NGO in Jaffna said the problem can also be traced to the erosion of the traditional family and local kinship networks which acted as a psychological fall back

option for troubled young persons. 'In Jaffna these networks have been disrupted not only by war but due to extensive migration to the West', he added.

The lowest suicide rate among young persons in Jaffna was in Nellyyadi (1), Velanai (1) Araly (2), Kayts (2), Kopay (3), Aanaikoddai (3), Inuvil (3) and Vaddukkoddai (3).

Eleven persons took their lives in the Chulipuram area during 2001-2002. " (TamilNet 10 April 2003)

"The survey among respondents from the Welfare Centres indicates high levels of traumatic stress among the population. Every indicator used in the survey (Appraisal of Traumatic experiences, Impact of Event Scale and Physical Health) points in the same direction. The indicators are discussed below.

The responses on the second section appraise the traumatic experiences of the respondents. The high percentages on certain events (starvation (94%), witnessing wounded people (60%), having lost someone close (at least 37%) results in a clear conclusion that most respondents living in the Welfare Centres have experienced at least one traumatic experience. It is likely they have been subjected to many more.

In addition to these past experiences a majority of the respondents indicate a constant feeling of being unsafe (87%). It can be concluded that the population does not only carry a heavy burden of past traumatic experiences. They are chronically under pressure because they do not feel safe at present.

The possibility to start a meaningful life with self-control through for instance an own income is small. The pass system did not allow them to leave the camp. Subsequently only 6% has full time work. The rest (94%) is highly dependent on the WFC facilities and a small government allowance. It can be concluded that the population in the WFC is 'guarded' without a reasonable chance to rebuild their lives.'" (MSF 31 May 2001, p 25)

MSF has closed projects due to return of local health personnel, continues work for displaced people in Vavuniya

- As the health system is slowly being reestablished in the north and east, health personnel are returning to resume work
- MSF has therefore closed projects providing medical care and surgery for victims of the civil war in Batticaloa, Jaffna, Madhu, Mallavi, Point Pedro and Trincomalee
- In Vavuniya, MSF provides community-based psychosocial support for displaced people

"After 19 years of war between the Tamil Tigers (LTTE) and the Sri Lankan government, a ceasefire was concluded in February 2002. As the health system is slowly being reestablished in the north and east, which bore the brunt of the war, health personnel are returning to these areas to resume work.

Consequently, MSF has closed projects providing medical care and surgery for victims of the civil war in Batticaloa, Jaffna, Madhu, Mallavi, Point Pedro and Trincomalee. MSF continues support to the gynecology department at the hospital in Puthukkudiyiruppu and performs clinical monitoring of health staff and patients in mother-and-child health clinics in the area.

In Vavuniya, MSF provides community-based psychosocial support for displaced people. MSF continues to lobby the government and implementing agencies to improve living conditions in camps for the displaced." (MSF, 9 January 2004)

Joint UN-Government proposed response to the health and nutrition needs (August 2002)

- Objective of the proposed intervention: to ensure reduction of preventable morbidity and mortality amongst the returning IDPs and home community population in the Northern and Eastern Provinces by delivering immediate curative and preventive health services, through strengthening the existing health system.
- Jaffna, Kilinochchi, Mullaitivu, Mannar, and Vavuniya North will be prioritized

"[Objective:]

To ensure reduction of preventable morbidity and mortality amongst the returning IDPs and home community population in the Northern and Eastern Provinces by delivering immediate curative and preventive health services, through strengthening the existing health system.

Priority Areas: Jaffna, Kilinochchi, Mullaitivu, Mannar, and Vavuniya North.

Proposed intervention

The interventions will provide immediate health services to IDP and home community populations in returnee areas, as follows:

-Outreach services providing basic curative, first aid and emergency treatment, including of casualties from landmines and UXO, preventative services, immunisations, mother and child services, communicable disease surveillance, and referral services;

-Establishment of community outreach services for Sexually Transmitted Infection / Human Immune deficiency Virus (STI/HIV), including a programme of information, education and communication, a counselling and voluntary testing programme, and the supply of essential drugs, test kits and condoms;

-Psychosocial support services to enable internally displaced persons to cope with their specific circumstances;

-In-depth needs assessment of health services and facilities in areas with large numbers of returnees;

-Supply of emergency equipment and materials, including emergency obstetric supplies to selected hospitals;

-Provision of micronutrients for women and children, and rehabilitation of malnourished children;

-Training including refresher courses for healthcare providers.

UN agency responsibilities are divided as follows:

-WHO will coordinate UN action in the health area of need, and it plans to establish a field presence in the north-east while further strengthening its partnership with UNICEF that has field presence through its five field units in the North and East.

-WHO will, in addition, support outreach services in targeted areas for communicable disease control and surveillance with a primary focus on malaria, support to health departments for primary health care kits, disease outbreak preparedness including training, and providing essential supplies and equipment.

-UNFPA will focus on reproductive health including gender perspectives, especially among adolescent and youth groups.

-UNICEF will focus on services for women and children including mobile clinics, nutritional activities, training for maternal and childcare, psychosocial activities and mine-risk education (see Ser. 5.1).

-All UN agencies will work in close collaboration with the national and provincial health departments, hospitals, and primary health centres." (Government of Sri Lanka & UN 23 August 2002, p. 20)

Inter-Agency needs assessment and strategy (May 2003)

- The overall short term strategies are to improve the health status of poor and vulnerable population groups
- The medium-term strategy is to re-build the health system to modern standards of equity, fairness and responsiveness.

"108. The overall short term strategies are to improve the health status of poor and vulnerable population groups through effective targeting, to enhance the performance of basic preventive and curative health services, and to develop health service delivery systems that are sustainable, efficient and effective. The medium-term strategy is to re-build the health system to modern standards of equity, fairness and responsiveness.

Immediate

109. It is urgent to assure the recovery of the district health system in the shortest possible time. The most important aspects are:

addressing the severe shortage of human resources for the delivery of health services, and the provision of quality water and sanitation facilities along with establishment of waste management systems in hospitals and health institutions.

110. The establishment of an integrated multi-disease surveillance system is also urgent. The delivery of essential health services to both returning IDPs and the host populations must be the immediate goal.

111. Immediate interventions must address, in particular, disability and death from preventable conditions; nutrition status, food security and food safety; and initiate essential programmes including the child and adolescent health focusing specially on strengthening Early Childhood Care and Development (ECCD).

Medium-Term

112. Needs which must be addressed in the medium-term perspective include:

1. Physical health infrastructures in conflict affected areas, and total quality control programmes introduced.
2. Human resources for health to be fully met.
3. Reduced disease burden, disability and death from preventable conditions.
4. Strengthened reproductive health care, including prevention of illegal abortion, family planning, safe motherhood, emergency obstetric care, prevention and control of RTIs, STIs, and HIV/AIDS, and efforts to address gender-based violence.
5. Fully re-establish the child and adolescent health programme focusing specially on implementing a successful Early Childhood Care and Development (ECCD) programme.
6. Comprehensive and community based mental health programmes established.

7. Strengthened health management capabilities and establishment of efficient integrated disease surveillance and Health Information System (HIS) to provide technical and logistic support for rational planning and decision making.
8. Provision of quality water and sanitation facilities along with establishment of waste management systems in hospitals and health institutions.
9. Improved nutrition status, food security and food safety.
10. Improved laboratory, diagnostic and blood transfusion services.
11. Strengthened District Health Systems with emphasis on basic health care, sound referral services, regular monitoring and evaluation.
12. Strengthened provincial planning and policy analysis.
13. Improved physical and community based rehabilitation services for the disabled, and to meet the special health care needs of the elderly.
14. Healthy life style and healthy living promoted through Behaviour Change Communication (BCC) activities.
15. Emergency health services addressed and disaster preparedness and response programmes established.
16. Improved management system for essential drugs and biologicals, and re-establishment of the electro-medical maintenance and repair unit.
17. Traditional medicine programme strengthened."(ADB, UN & WB May 2003, pp. 24-25)

Water & sanitation

Water crisis in Jaffna hinders return of internally displaced (January 2004)

- The return of 200,000 internally displaced people to Jaffna is threatened by an acute water crisis
- The water in Jaffna - a city of 100,000 people - is highly unhygienic for human consumption
- Apart from making drinking water unhygienic, saline water has laid waste thousands of acres of land
- Donors wait for further progress in the peace process before invest in water reparations

"With the return of 200,000 Internally Displaced People (IDPs), Sri Lanka's war-torn Northern province - Jaffna - is threatened by an acute water crisis, even as the saline, already scarce water supply is contaminated by a dangerous cocktail of pollutants.

According to a recent study by the German nongovernmental organization (NGO), GTZ, the water in Jaffna - a city of 100,000 people - is highly unhygienic for human consumption, mainly because the city does not have a sewage system.

[...]

Health authorities are now reconsidering an earlier abandoned plan to build a pipeline across the mainland to the Jaffna peninsula in order to draw water from the Iranamadu tank, located 50 kilometers away.

[...]

"The government of Japan has offered to bear the cost of the project to draw water from Iranamadu and a team of Japanese experts visited the site a few months ago," says the acting manager (Jaffna office) of the Water Supply and Drainage Board, A. Paramanathan.

The only hitch: since it's a big-ticket project, Japan has decided to wait till the peace process enters a more stable stage before it ventures into insurgency's heartland.

[...]

Another hydra is the growing salinity of inland waterways and fresh water sources, which has hit almost 60 per cent of Jaffna district, home to 500,000 people.

Apart from making drinking water unhygienic, this has laid waste thousands of acres of land. "Nearly 12,000 acres of land have turned unsuitable for cultivation during the last two decades due to salination," says a spokesperson for the district agricultural society.

During the war, which broke out in 1983, anti-salinity mechanisms built by the Irrigation Department in the 1950s, were wrecked by lack of maintenance.

In addition, several dozen sluices and dams that prevented salt water from the lagoons seeping into fresh water sources were damaged during the war.

Apart from this, the project officer of the government's office in Jaffna, P.Sundarampillai, the military's construction of bunkers, blocking fresh waterways, increased water salinity in some areas.

Since the February 2002 ceasefire, the arrival of the IDPs, without a proper reconstruction plan for the district, is bound to exacerbate the water scarcity.

The returning IDPs, the majority of whom are cultivators, have been waiting for months for the authorities to repair the damaged sluice gates and dams and remove the bunkers." (OneWorld.4 january 2004)

Only 20 percent of households have access to safe water supply in the North-East as compared 45 percent nationally (May 2003)

- In most towns piped water is limited to one to two hours per day in a limited service area, while most rural water facilities are in a depleted state.
- The proportion of households that have access to safe water supply is only 20 percent as compared 45 percent nationally.
- The percentage of households who have access to sanitation is 25 per cent compared to the national average of 72 per cent.
- Many districts report the emergence of typhoid and cholera in epidemic proportions, which are clear indications of faecal pollution of the shallow ground water resource

"235. Limited piped water is available in all major towns except Kilinochchi and Mullaitivu. In most towns this service is limited to one to two hours per day in a limited service area. In many urban schemes the overhead water reservoirs and the distribution networks have been damaged or destroyed. Most rural water facilities are also in a depleted state. Water supply and sanitation facilities in most of hospitals have been destroyed or neglected. Ground water contamination in urban areas due to the use of soakage pits has been identified as a major health hazard, especially in Jaffna and in densely populated coastal areas. The proportion of households that have access to safe water supply is only 20 percent as compared 45 percent nationally. The percentage of households who have access to sanitation is 25 per cent compared to the national average of 72 per cent.

236. All districts confirm the presence of preventable intestinal disease. Additionally, many districts report the emergence of typhoid and cholera in epidemic proportions, which are clear indications of faecal pollution of the shallow ground water resource. These are said to occur in two peaks, the first of which is at the beginning of the rainy season and the second at the time of flooding when open wells also get inundated by surplus surface runoff." (ADB, UN & WB May 2003, p. 49)

Nearly all pre-schools in need of repairs/upgrading of water supply facilities and improved sanitation facilities (May 2003)

- Situation of water and sanitation at primary schools and health facilities in the North East is precarious.
- Over 40 per cent of type III primary schools have no access to a water points of any sort.
- 63% of the schools assessed had no sanitation facilities of any sort.
- 99 per cent of the pre-schools were found to be in need of repairs/upgrading of water supply facilities, while 100 per cent were found to be in need of improved sanitation facilities.

"249. The situation of water and sanitation at primary schools and health facilities in the North East is precarious. Data from the School Census conducted by the Zonal Education Offices in the eight Districts indicate that over 40 per cent of type III primary schools have no access to a water points of any sort, and of the remaining 60 per cent that do, many of the water points do not meet recognised standards for water quality. The same survey demonstrates that 63% of the schools assessed had no sanitation facilities of any sort, with a further 3 % and 4% of schools in the North East with no available sanitation facilities for girls or boys respectively. It is very likely that many of the school facilities listed as functional in fact fall below accepted standards of quality and coverage.

250. Although all health facilities and primary schools surveyed had some sort of water and sanitation, 99 per cent of the pre-schools were found to be in need of repairs/upgrading of water supply facilities, while 100 per cent were found to be in need of improved sanitation facilities. With respect to water supply in the health institutions, all Peripheral Health Units, Rural Hospitals, Maternity Homes and Central Dispensary were found to be in need of improvement, and those needing sanitation improvements stood at 85 per cent. The types of water predominantly used by the population was found to be from shallow wells and tube wells. Pit latrine is the predominant type of sanitation facility at the community level.

Needs

251. Needed improvements in water points are categorised into the following: construction of new pipe borne water supply systems; augmentation/repairs of piped water systems; new protected shallow wells; new tube well with hand pumps; improvement to existing shallow well/tube wells.

252. The needed sanitation improvements are: construction of new latrines with off-set pits; construction of both new latrines and urinals; construction of latrines with septic tanks; repairs/rehabilitation of existing facilities." (ADB, UN & WB May 2003, p. 51)

Joint UN-Government proposed response to the water & sanitation needs (August 2002)

- Objective of the proposed intervention: to increase access to safe drinking water and adequate sanitation of about 250,000 returnees in the North and East during 12 months.
- Jaffna, Mullaitivu, Kilinochchi, Mannar, and Vavuniya will be prioritized.
- The programme of activities seeks to address the problem of access to water supply and sanitation facilities among the returnees, with a specific focus on the needs of school children.

"[Objective:]

To increase access to safe drinking water and adequate sanitation of about 250,000 returnees in the North and East during 12 months.

Priority Areas: Jaffna, Mullaitivu, Kilinochchi, Mannar, and Vavuniya.

Proposed response

The programme of activities seeks to address the problem of access to water supply and sanitation facilities among the returnees, with a specific focus on the needs of school children. The following strategy will be developed:

-An estimated 20,000 families, 250,000 returning IDPs and their host populations, will be supported to gain access to services;

-An estimated 5,000 schoolchildren, in 100 schools, will gain access to improved school water and sanitation facilities and hygiene education;

-Selected groups of volunteers will be trained to mobilise communities and conduct hygiene education/awareness so that the services provided will be used and maintained;

-Beneficiaries will be provided with construction materials using existing supply and delivery mechanisms;

-Selected persons will be trained in basic masonry skills, as there will not be sufficient skilled persons amongst the returnees. They will serve as a resource base for future activities and a source of income;

-Private enterprise will participate, if possible;

-Monitoring and evaluation of activities to ascertain progress of work as per the scheduled attainment of objectives.

UNICEF will assist Government plans to undertake the following activities:

1. Construct 250 new and rehabilitate 750 old community wells;
2. Construct 7,500 new latrines and rehabilitate 17,500 defunct facilities;
3. Construct 100 school latrine facilities;
4. Conduct hygiene education/awareness activities and develop local skills.

UNICEF will support the existing government structures and currently operating NGOs to carry out and monitor the water and sanitation activities. UNICEF, through its field presence and in coordination with other UN agencies, will disburse funds and monitor progress to ensure maximum benefits to the returnees. Any improvements to the situation will create more demand for water and sanitation facilities, requiring UN agencies to support improved access to safe drinking water and sanitation as a basic right of every human being." (Government of Sri Lanka & UN 23 August 2002, p. 21)

Shelter and non-food items

Some 326,700 houses are totally or partly damaged in the North-East (February 2004)

- Nearly 326,700 houses are damaged partly or totally in the North East
- About half of the damaged unit are totally uninhabitable and are situated in Jaffna or Batticaloa
- No comprehensive study has been carried out to assess the damage in the north-east.

- In Jaffna, it is estimated that 120,000 buildings, including 80,000 houses, had been damaged or destroyed.
- Few people have received compensation or assistance to rebuild their houses.
- The reconstruction of the regions devastated by war is expected to cost hundreds of millions of dollars and analysts believe that the peace process depends on massive foreign aid.

"134. Traditionally, a majority of houses in the North East are single independent units with tile and/or palmyrah roofs. Nearly 88% of the houses are owner-occupied in North East as compared to 80% at the national level. Conflict related uncertainty has dampened confidence in constructing new houses and in repairing damaged ones. Consequently, the region has experienced overcrowding, poor quality of habitat and high rentals. A large percentage of partially damaged houses are in fact dilapidated due to neglect, vandalism or overgrowth of vegetation. In sum, the conflict has not only increased the housing shortage, but also resulted in more rapid deterioration in the quality of habitat, thus increasing hardship and loss of dignity.

[...]

136. It is estimated that nearly 326,700 houses are damaged partly or totally in the North East, as well as most household assets such as furniture, fixtures and possessions. Despite some reconstruction efforts, which have led to the recovery of 10-15% of the units, nearly 58% of the damaged units remain totally uninhabitable, and about half of these are in Jaffna and Batticaloa districts alone." (ADB, UN & WB May 2003, pp. 31-32)

"A large part of the infrastructure in the north-east, where most Sri Lankan IDPs and refugees come from, has been destroyed. No comprehensive study has been carried out to assess the damage. But a study carried out in Jaffna in 1991 on the destruction in the Jaffna city at the time may provide some scale of the damage. Damage to buildings alone in the Jaffna city was estimated at Rs 4 billion (\$42 million). There has been considerably more destruction since this study. Before the destruction of the entire town of Chavakachcheri in September 2000, the Jaffna government secretariat estimated that 120,000 buildings, including 80,000 houses, had been damaged or destroyed in the Jaffna peninsula. A similar number may have been destroyed in the east. Returning refugees to Thiriyai in Trincomalee District in June 2002 found that their entire village, including a 200 year-old temple, had been razed to the ground.

Comparatively few people have received compensation or assistance to rebuild their houses. The European Commission says that there has been 'major destruction of towns and villages in the North and East of the island'. The Commission's targets, given below, in the assistance programmes indicate the massive task facing the Sri Lankan government, the international agencies and the local population in reconstruction:

- Improve access to potable water and construct adequate sanitary facilities. Training projects on the principles and practicalities of clean water and sanitation.
- Increase household food production: Rehabilitation of irrigation systems to improve crop production.
- Health and community services: Establishment or renovation of health facilities and improved access to emergency and specialized care. Renovation of orphanages and assistance with projects to improve community activities. Provision of materials and labour costs to reconstruct and renovate schools.
- Increase capacity for vocational training, and to support business opportunities through small business loans.
- Provision of semi-permanent shelter, storage space for contingency stocks of relief supplies and project related equipment and basic domestic items. Improve access to services, schools, offices and other public facilities.

The reconstruction of the regions devastated by war is expected to cost hundreds of millions of dollars and analysts believe that the peace process depends on massive foreign aid. The Sri Lankan government says that the previous government had not left funds for re-development. The government arranged a visit in late

May for the heads of 40 foreign missions to Jaffna for an assessment of the needs." (BRC July 2002, pp. 13-14)

Jaffna:

"According to statistical data from DS office in Chavakachcheri, 7,772 houses were completely damaged and 13,508 houses were partially damaged in Thenmarachchi during the period of 2000/2001. And according to the data at Maruthankerny DS Office, in 10 GS Divisions allowed for settlement, 1,728 houses were completely damaged and 1,009 houses were partially damaged during the same period." (CHA January 2004)

An estimated 90% of houses belonging to internally displaced have been damaged by the conflict (May 2003)

- Nearly 84% (144,890 units) of the housing owned by IDPs is located in the North-East and 90% of these houses were damaged during the conflict, constituting 43% of the total damaged units.
- The level of overcrowding in the North-East is estimated at be around 9% whereas at the national level it is 5%.
- Housing needs of new families is estimated at 49,400 units.
- Due to the high population growth rate of families in welfare centres, the actual number of people living in these centres is greater than the registered number, resulting in additional housing needs.
- Nearly 60% of the total damaged units in the North-East belong to non-displaced residents.
- 15 to 20% of the population in Jaffna town lives in slums and there is a need to provide access to basic utilities and services for them.
- The lack of adequate institutional capacity to manage large-scale reconstruction programmes remains an important concern
- It is estimated that the housing reconstruction program for displaced and non-displaced families would require nearly US\$100 million

140. A comprehensive and inclusive approach was adopted to determine the housing needs of IDPs, non-displaced persons, and vulnerable families living in welfare centres in the country and abroad, as well as housing needs of newly formed poor families and repair and reconstruction needs of public housing. The following factors are considered in identifying needs:

141. *Housing needs of IDP/Refugee returnees:* It is estimated that nearly 84% (144,890 units) of the housing owned by IDPs is located in the North East. It is further estimated that nearly 90% of these houses were damaged during the conflict, constituting 43% of the total damaged units. Nearly 45% of IDPs to be resettled will do so in Jaffna. A large percentage of IDPs originating from Batticaloa have returned.

142. *Housing needs of families formed after displacement:* Based on parameters such as privacy, affordability and quality of housing, the level of overcrowding in the North East is estimated at be around 9% whereas at the national level it is 5%. Since a majority of the districts in the North East were not covered in the 2001 national population and housing census, some of these parameters could not be updated. However, given that the housing supply situation in the North East has further deteriorated during the conflict, housing needs of new families is now estimated at 49,400 units.

143. *Housing needs of families in welfare centres:* Housing needs of vulnerable families such as the landless, families whose houses are located in high security zones, single-headed families, and elderly living in welfare centres is estimated as 18,500 units. Due to the higher population growth rate of families in welfare centres, the actual number of people living in these centres is greater than the registered number, resulting in additional housing needs.

144. *Housing needs of other conflict affected communities:* It is estimated that nearly 196,300 damaged units belong to non-displaced families, constituting nearly 60% of the total damaged units in the North East. Nearly 45% of these units were destroyed. Even though some of these houses will have already been rehabilitated with borrowed funds and resettlement assistance funds, a large percentage of these damaged belong to non-displaced families and require additional support to fully rehabilitate their houses.

145. *Damaged public housing:* While most of the damage has occurred in private residential properties, a few public housing schemes (multistoried as well as independent units) have also suffered serious damage. Damaged public housing includes quarters for administrative staff (staff quarters are also included education and health, Chapters 3B and 3C). Most are still under state ownership, and a special programme to address the reconstruction and rehabilitation needs of public housing is recommended.

146. *Community infrastructure services for the poor:* Lack of basic services such as access roads, potable water and sanitation, etc. is a critical issue to be addressed in resettling poor households in urban and rural areas. The conflict has contributed to the increase in slum populations in the North East: it is observed that 15 to 20% of the population in Jaffna town lives in slums and there is a need to provide access to basic utilities and services for them as an interim solution. A basic environmental infrastructure/services program is proposed for Mannar, Trincomalee and Vavuniya towns. Relocated rural settlements in the North East also require such infrastructures.

147. *Access to building materials and skilled labour:* The region is short of building materials such as bricks, tiles, wood, granite, sand and skilled labour. As a large percentage of families in the North East prefer traditional building materials (e.g. calicut tiles and wooden rafters) entrepreneurs could be encouraged to establish construction industries such as tile and brick making and quarrying. To address access to building materials, the program proposes to set up building material banks at divisional level to procure and supply building materials at affordable prices. Since tax and excise duties constitute nearly 20 to 25% of the cost of building materials, these could be reconsidered.

148. *Institutional capacity:* The lack of adequate institutional capacity to manage large-scale reconstruction programmes remains an important concern. Programme implementation requires partnerships at various levels. Community based organisations can be used for damage assessment, identification and prioritisation of beneficiaries through 'community listing', and they can be linked with reconstruction programmes through 'community contracting' and 'community monitoring'. It is therefore necessary to strengthen the capacities, institutions, and arrangements for NGOs/CBOs, and to promote private sector partnerships.

149. *Urban management and development:* International experience in the reconstruction of damaged properties suggests that the process of reconstruction housing in urban areas is fraught with delays, procedural bottlenecks, corruption and tenancy-related issues. One of the main areas for improvement is the administrative delay in granting building permission, and therefore it is proposed to streamline the building permission and development regulations being practised in the major urban areas to enable rapid implementation of an owner-driven reconstruction programme. Since the quality of habitat and sustainability of urban services provided to households depend on the management capacities of urban local governments and other service providers, institutional and operational capacities must be strengthened through specific development strategies and action plans. As a first step, a special urban management and development assistance program is proposed for the three major urban centres in the North East: Jaffna, Kilinochchi and Batticaloa.

[...]

151. Based on the prevailing policy for permanent housing assistance for displaced and other families in the North East, in addition to the financial needs (below) it is estimated that the housing reconstruction program would require nearly US\$100 million to be mobilised through non-budgetary sources such as counterpart contributions, commercial banks and housing finance institutions, and private sector/NGO partnerships. Strengthening the depth and coverage of the housing finance market is critical to achieve long-term sustainability in the sector. A large percentage of the housing investment needs of the higher-income households will be met through market instruments. However, particular attention is required to design and implement a community-based housing finance instrument to increase the access of poor households to market funds in the North East and elsewhere in the country. A specific need is to examine counterpart and private sector co-financing opportunities. To improve the operational effectiveness and efficiency of the program, the existing housing support package could be restructured to differentiate assistance based on technical damage assessments and the income level of beneficiaries.

152. *Investment Phasing:* Field level assessment and consultations indicate that the actual demand for housing assistance, both by displaced families and other families, will be spread out over the coming years. Lack of adequate institutional capacity at the local level to implement the massive reconstruction program, and uncertainties on the part some of the conflict affected families about returning and starting to build houses, will stagger the housing reconstruction needs. Therefore a portion of the financing needs will arise in the longer term. It is also assumed that a large percentage of housing needs of higher income families will be met through the financial market in the long term. It is also observed that as compared to the displaced families, the housing needs of families formed after the displacement could be undertaken over the medium and long-term." (ADB, UN & WB May 2003, pp. 32-35)

Some 650 displaced families in need of housing in the four border districts (May 2003)

- Some 3,700 houses are estimated to have been damaged by the conflict in the four border districts.
- Previous housing programmes in the regions (from past large-scale resettlement programme for Sinhalese groups) have created a surplus of housing stock, which is higher than the the actual number of families, resulting in large number of vacant houses.
- However, the location of the houses with the lack of adequate education, health facilities and economic opportunities have resulted in low occupation
- There is an urgent need to review eligibility conditions for the UAS for permanent housing, and the conditions for 'state land grant to landless families' in respect of those displaced and landless families wishing to 'resettle' in Districts other than their place of origin.
- The housing needs of the 4 Districts must address nearly 3050 families who have suffered dwelling damage, resettling nearly 650 displaced local families, and rehabilitating nearly 19,000 new landless and poor families.

"70. The total number of houses damaged the four Districts of Anuradhapura, Puttalam, Polonnaruwa, and Moneragala in the region is about 3,700 units, with an asset value loss of about \$6 million. As compared to the North East, special resettlement programme and the new housing schemes implemented by the Government, the National Housing Development Authority and NGOs have benefited these regions in terms of creating additional housing stock. As a result, the housing stock is much higher than the actual number of families, leading to a reverse situation of large number of vacant houses. This is in fact a direct impact of the conflict in the North East, since a large percentage of these surplus houses are the result of a past large-scale resettlement programme for Sinhalese groups in these areas, a majority of whom do not occupy these houses; this has resulted in assets stripping and dilapidation of a large number of these units. Lack of adequate education, health facilities and economic opportunities are some of the main reasons for the low habitation of these settlements.

71. Field visits and consultations with local resettled populations, both displaced families from North East and resettled families from other provinces, suggest that some of the houses provided under the regular housing development programme are well provided with basic facilities including water, sanitation and electricity and land for cultivation. However, they lack easy access to education and health facilities in some areas.

[...]

74. Since the main new housing needs in these four Districts relate to the housing needs of families formed after displacement and those suffering from landlessness and deprivation, the proposed housing strategy is consistent with Regaining Sri Lanka and in particular its Poverty Reduction Strategy. However, one of the main policy issues relates to 'resettling' the displaced and landless families in places other than their place of origin.

75. *Policy Needs:* It is urgent to review eligibility conditions for the UAS (Unified Assistance Scheme for resettlement) for permanent housing, and the conditions for 'state land grant to landless families' in respect of those displaced and landless families wishing to 'resettle' in Districts other than their place of origin. It is also important to review the existing assistance packages and land and inheritance laws to ensure that there is no gender based discrimination. Houses built with Government assistance should be registered jointly in the names of husband and wife, and all children should have equal rights to inherit such properties.

76. While there are cases of landlessness and overcrowding in poor households, particularly among the Muslim community, there is an urgent need to manage the existing surplus housing stock to mitigate housing shortages among some segments. It is recommended to examine opportunities to 're-allot' those vacant houses built with Government assistance to the most needy, after ensuring that the original beneficiaries are not in actual need of the properties and they are not willing to occupy these houses.

77. The housing needs of the four Districts must address nearly 3050 families who have suffered dwelling damage, resettling nearly 650 displaced local families, and rehabilitating nearly 19,000 new landless and poor families. There is also an urgent need to 'resettle' the slum population in Anuradhapura and Puttalam towns by providing basic urban services. These programmes could be implemented within the institutional structure of the local governments with additional funding from GOSL and multilateral institutions. The proposed housing recovery programmes will generate nearly 11,000 jobs and provide nearly \$8.5 million as wage income." (ADB, UN & WB 9 May 2003, pp. 19-20)

Joint UN-Government proposed response to the non-food items needs (August 2002)

- Objective of the proposed intervention: to address the urgent humanitarian needs of spontaneous returnees through a needs-based provision of non-food relief and emergency shelter materials.
- Vavuniya, Jaffna, Kilinochchi, Mannar, Mullaitivu, and Trincomalee will be prioritized.
- The non-food assistance provided is limited to emergency relief supplies on a needs-basis.
- The relief package is supplied to returnees in coordination with other UN agencies, in close cooperation with ICRC and UNHCR's implementing partners and the Government Agents (GA).
- The focus however, will remain on vulnerable groups such as women, children, the disabled and elderly, so that neither pull factors nor misconceptions are created that could undermine and disrupt the normal flow of spontaneous return

"[Objective:]

To address the urgent humanitarian needs of spontaneous returnees through a needs-based provision of non-food relief and emergency shelter materials. This programme also considers increased preparedness levels to respond to the two unlikely scenarios.

Priority Areas: Vavuniya, Jaffna, Kilinochchi, Mannar, Mullaitivu, and Trincomalee.

Proposed intervention

The non-food assistance provided is limited to emergency relief supplies on a needs-basis. Provision of emergency shelter materials will support vulnerable groups whose needs require special attention. UNHCR uses the assistance as a protection tool, to gain access to beneficiaries, obtain first hand information on the prevailing conditions in return areas, assess the spontaneous nature of return, and act as a catalyst to highlight integration needs that stretch beyond relief supplies.

In order to provide more effective response to the emerging needs of returnees, UNHCR is reinforcing and expanding its field network so that deliveries of supplies and assessment of shelter needs are performed in a timely manner following return. The non-food family package will consist of:

- Plastic items: mats, plates, cups, basins, and jerry cans;
- Hygiene supplies: towels, powder, and bars of soap;
- Cooking utensils: pots and chopping knives;
- Shelter material: reinforced plastic sheeting or corrugated iron sheets;
- Miscellaneous items: mosquito nets, galvanised iron buckets, etc.

The relief package is supplied to returnees in coordination with other UN agencies, in close cooperation with ICRC and UNHCR's implementing partners and the Government Agents (GA). Given the diverse nature of the return movement, field offices have to respond as appropriate to needs in the North and East, according to whether IDPs are returning to rural or more urban areas, such as around Jaffna.

Experience has demonstrated that in the majority of cases in Sri Lanka, the family non-food items relief package is adequate for the initial return phase. UNHCR will provide the package of non-food items and emergency shelter only to the most vulnerable based on an individual needs assessment of each family – it is estimated that this will amount to 10,000 families (50,000 persons). UNHCR will rely on its field presence, logistics, transport, and warehousing capacities to execute this project. The focus however, will remain on vulnerable groups such as women, children, the disabled and elderly, so that neither pull factors nor misconceptions are created that could undermine and disrupt the normal flow of spontaneous return. The emergency shelter component will be implemented by UNHCR in conjunction with the Government.

UNICEF aims to build its Emergency Preparedness and Response capacity in order to be able to respond to increased return rates of IDPs and to be prepared for any further displacements. This capacity seeks to stockpile essential emergency relief items such as cooking utensils, mats, soap and the construction of temporary shelters as well as shelter materials." (Government of Sri Lanka & UN 23 August 2002, pp. 26-27)

ACCESS TO EDUCATION

General

All levels of the education system severely damaged in the North East (May 2003)

- Displacement, poverty, single-headed households, damaged infrastructure and lack of human resources have aggravated non-enrolment, drop outs, absenteeism and poor learning quality in the North East.
- Also the violent environment has created psychosocial problems for children, showing symptoms of stress, insecurity and distress.
- Rate of student drop-out in the North East is 15%, almost 4 times the national average, with 50,000 students out of school.
- It is expected that the student numbers will increase overall by about 6% per year.
- Increase in the highly affected areas would be mainly from returning IDPs, and therefore mostly in the coming two years (2003-2004), whereas in the least affected areas most of the increase would be coming from out-of-school children which is expected to pick up in the later years 2005-2007

"114. All aspects of the education system - pre-school, primary, secondary, tertiary and technical-vocational - are severely damaged in the North East. Problems such as non-enrolment, drop outs, absenteeism and poor learning quality are aggravated as a consequence of displacement, poverty, single-headed households, damaged infrastructure and lack of human resources. Further, many children and young people who have grown up in an environment of conflict and violence show symptoms of insecurity, stress and varying degrees of psychosocial distress.

115. There are 1,994 schools in the North East, with a total enrolment of about 648,000¹⁸, divided almost evenly between boys and girls. The rate of student drop-out is 15%, almost four times the national average. It is estimated that 50,000 children are out of school. The number of all school aged students in the North East is predicted, in revised enrolment projections, to increase to around 866,000 by 2007, as internally displaced persons return, drop out rates fall, and retention and transition rates rise. This means that student numbers are expected to increase overall by about 6% per year. The pattern is different according to different zones and districts. In areas highly affected by the conflict, such as Jaffna and Kilinochchi, enrolment growth would be over 9%. In areas least affected, such as Ampara and Trincomalee, it is expected to be less than 4%.

116. The increase in the highly affected areas would be mainly from returning IDPs, and therefore mostly in the coming two years (2003-2004), whereas in the least affected areas most of the increase would be coming from out-of-school children which is expected to pick up in the later years 2005-2007. Overall increases in enrolment will require an increase in school capital stock, such as buildings, basic facilities, furniture, equipment, literature and material. It will also require an increase in qualified and trained teachers. Beyond 2006, school enrolment is expected to stabilise, as in the rest of the country.

117. The rehabilitation and restoration of the education system, both formal and non-formal, deserves high priority and must place the best interests of the child at the centre. Education is of paramount importance for restoring normalcy and security to communities in general and to children in particular. Schooling is a basic right of all children, playing an important role in a child's social and psychosocial well-being.

Education also provides an entry point to reach children, and through them their parents, on issues relating to protection, water sanitation, health, nutrition, landmine awareness and life skills. Rehabilitation of the educational system will therefore be very important in the overall processes of peace building and reconciliation.

118. While priority should be given to the compulsory education cycle for the 5 to 14 year age group (typically grades 1-9), the needs of pre-school education and higher education should also be addressed. The need for non-formal education for non-enrolled and dropped-out children, and educational opportunities for children with special needs, is also a priority. " (ADB, UN & WB May 2003, p. 27)

Close to 27,000 internally displaced children in the border districts require additional classroom space and resources (May 2003)

- There are 26,900 registered internally displaced children aged 5-18, for whom additional classroom space and resources are required. Most have been displaced to Puttalam (20,300), and the balance to Anuradhapura (5,700) and Polonnaruwa (900).
- Three Educational Zones within the four districts have been directly affected by the conflict: Puttalam Zone (Puttalam District), Kebithigollewa Zone (Anuradhapura District) and Dimbulagala Zone (Polonnaruwa District)

"54. There are about 537,700 students in 1,385 schools in the four [border] Districts. This includes many of the 26,900 registered IDP children aged 5-18, for whom additional classroom space and resources are required. Many are still receiving schooling in temporary sheds. Most of these children have been displaced to Puttalam (20,300), and the balance to Anuradhapura (5,700) and Polonnaruwa (900). There are presently no IDP children registered in Moneragala. In addition, there was some destruction of school facilities in Puttalam and Anuradhapura Districts.

55. While it is difficult to dissociate the effects of the conflict from broader underlying factors (e.g. resource shortages, degradation of facilities, structural poverty), it is estimated that 3 Educational Zones within the four Districts have been directly affected by the conflict: Puttalam Zone (Puttalam District) through IDP inflows, and Kebithigollewa Zone (Anuradhapura District) and Dimbulagala Zone (Polonnaruwa District), the latter two through direct destruction and direct exposure to fighting." (ADB, UN & WB 9 May 2003, p. 15)

Joint UN-Government proposed response to the education needs (August 2002)

- Mullaitivu, Kilinochchi, Vavuniya, and Mannar will be the priority areas for education programmes.
- UNICEF will focus on the rights of returning IDPs and the existing population in their home communities where access to schooling is difficult or impossible.

"[Objective:]

To support Government and NGO partners to provide basic education for the planned 150,000 schoolage boys and girls and to reach the ultimate goal to reintegrate all children back to school. The 'All Children Back to School Programme' with strong partnership linkages will be the vehicle for the promotion of peaceful coexistence and is expected to deliver the first 'peace dividend' for all. The programme design also allows for the reintegration of former under age combatants, child labourers including other children under its 'catch up' segment.

Priority Areas: Mullaitivu, Kilinochchi, Vavuniya, and Mannar.

Proposed intervention

When children are displaced and traumatised by armed conflict, education is a key means of bringing stability and security back into their lives. Education helps re-establish a normal routine within communities threatened by violence and war. Education can also provide a way to reach children with information on health, landmine awareness, gender sensitivity and life skills. In supporting the Government, UNICEF will focus on the rights of returning IDPs and the existing population in their home communities where access to schooling is difficult or impossible. Education will be expanded to nonformal education to include the needs of out-of-school children as well as to enhance recreational and social aspects. The initial 6-12 month interventions aim to assist the provincial education ministry to find sustainable solutions to both quality and access to basic education in the long-term. The interventions will be closely coordinated with school sanitation activities described in Section 6.6.

Key activities will include:

- Provision of emergency education kits and uniform materials to children in schools and pre-schools to continue education. The kits will be provided for all disadvantaged school-aged children including the estimated 150,000 IDP children predicted to return in the next 12 months

- Support the 'Every Child Back to School' national programme, catch-up education programmes for school dropouts and readmission of dropouts. This includes training and mobilisation of community officials to assist the reintegration of children back to school;

- Establishment of protection committees in schools and to ensure inclusive education;

- Establishment of attendance committees to reduce drop-outs and absenteeism;

- Promotion of school based planning and implementation of quality improvement programmes, including physical and human development elements;

- Rehabilitation of damaged school buildings and recreation areas;

- Provision of essential school equipment and furniture;

- Provision of in-service training of formal and volunteer teachers on issues such as child-friendly education, gender-specific strategies and violence and life skills, in coordination with the World Bank, including the implementation of education reforms;

- In coordination with WFP, provide children attending pre-school and catch-up classes with nutritional support." (Government of Sri Lanka & UN 23 August 2002, pp. 22-23)

Obstacles to education

Shortage of some 5,000 medium teachers in the north-east, while many schools are occupied by the army (May 2003)

- A significant number of teachers, principals and other school personnel were either displaced as a result of the damage to their schools, or were transferred to other parts of the country.
- The shortage of Tamil medium teachers is 4,650 and the shortage of Sinhala medium is about 240.
- In some areas there are less than 5% of the teaching staff needed
- Over 74 schools in the north-east are occupied by the security forces and of these only 11 have been handed back to the school authorities up to 10 June 2002. A further 160 schools, including 130 primary schools are unable to function because they are near military installations or lie within security zones.

"120. The teaching cadre has suffered as a result of the conflict, in addition to existing systemic problems of teacher availability. A significant number of teachers, principals and other school personnel were either displaced as a result of the damage to their schools, or were transferred to other parts of the country. A sizeable number have left the teaching profession altogether. The numbers of teachers in the North East in 2002 was about 22,000, of whom approximately 19,000 were Tamil medium teachers and 3,500 Sinhala medium teachers. The shortage of Tamil medium teachers is 4,650 and the shortage of Sinhala medium is about 240. The need for teachers will also increase as enrolment rises. The largest vacancies appear to be in the area of trained Primary teachers and English teachers (both around 40%). Vacancies are highest in Kilinochchi and Mullaitivu (47%) followed by Mannar (40%) and Vavuniya (31%). Strategies to address the teacher supply issues include the following:

immediate appointment and training of balance 2,000 'approved' teachers, and clarification on the hiring of an additional 1,000 'volunteer' teachers;
 measures to address the balance short-term deficit of 2,000 - 3,000 teachers, and the additional 4,000 - 5,000 teacher deficit in the medium-term, to accommodate projected increases in enrolment;
 special measures for English (a) short-term for immediate appointment to schools (b) medium-term through the NCOE intake;
 incentives to deploy teachers to the most deprived areas;
 the need for a more detailed and thorough study to collect and analyse data, and recommend policy options." (ADB, UN & WB May 2003, p. 28

Teaching vacancies in the border districts are a major hindrance to quality education (May 2003)

- Teaching vacancies are a major hindrance to quality education In Puttalam District, there is a 46% deficit of Tamil-medium teachers (843 shortfall).
- Displacement of over 26,000 school-age children to the four Districts, has created an additional burden on weak infrastructure and has created extra space requirements in schools.
- Additional space of 7,300 square metres is needed to cater to requirements in the short-term, as well as urgent maintenance work, furniture, and capacity-building in school administrations.
- Conflict affected children mostly display behavioural changes as a manifestation of distress, and need support to improve their coping capacity and resilience.

"58. In terms of teacher supply, while there is an excess in some geographical and subject areas (notably for Sinhala medium), there is a severe shortage in some of the more remote and destroyed areas. In Puttalam District, for example, there is a 46% deficit of Tamil-medium teachers (843 shortfall). These vacancies, which can to some degree be attributed to the effects of the conflict, are a major hindrance to quality education. Many of these deficits can be met through disciplined deployment, particularly for Sinhala medium (where there is a national excess of some 6,000 teachers), and through the increased output of National Colleges of Education in the medium-term. It is recommended to make financing available for an incentive and training scheme (e.g. teachers quarters, transport subsidies, accelerated promotion), the

content of which must be decided by the relevant authorities. The objective is to attract and deploy teachers to difficult and very difficult schools, and to address the specific shortage of English teachers. Measures should be consistent with existing national policy frameworks to avoid creating precedents with island-wide implications. An additional issue, which is not costed here but which needs resolution, is the situation of teachers who have moved from Mannar but who cannot work in Puttalam as they form part of the Mannar cadre.

59. The school infrastructure / capital stock has, to varying degrees, been directly affected by the conflict. In addition to some direct destruction, and lack of maintenance due to inaccessibility and insecurity, and the displacement of over 26,000 school-age children to the four Districts, has created an additional burden on weak infrastructure and has created extra space requirements in schools. This need is partly provided for by temporary sheds. Consequently, additional space of 7,300 square metres is needed to cater to requirements in the short-term, as well as urgent maintenance work, furniture, and capacity-building in school administrations. Overall about 29,950 square meters of school buildings need to be rehabilitated or constructed to meet the national norms in the medium-term and beyond. Funding is also needed for the provision of services.

[...]

61. A number of children and students need *psychosocial care and support*, but this is not available. Conflict affected children mostly display behavioural changes as a manifestation of distress, and need support to improve their coping capacity and resilience. Regular schooling which is 'child friendly' with caring teachers and other supportive activities such as sports, music, art and drama can itself make a huge difference to the psychosocial well-being of young children." (ADB, UN & WB 9 May 2003. pp. 15-16)

ISSUES OF SELF-RELIANCE AND PUBLIC PARTICIPATION

Self-reliance

High level of unemployment and skills shortage in the North-East (May 2003)

- Direct effects of the war include the loss of breadwinners, loss of livelihood opportunities and reduced opportunities due to displacement, physical injury, and loss of personal assets
- The level of unemployment in the North-East exceeds 25%, compared to a national unemployment rate of around 10%
- Group most seriously affected by unemployment are the youth, both boys and girls. Women account for a disproportionately large proportion of the underemployed
- There is the serious problem of skills shortage in terms of both quantity and quality
- About 80% of the population in the North-East relies on agriculture as their main source of income
- Since 88% of the population is rural, employment generation has to come mainly from reviving and expanding rural economic activities

""262. In the North East the conflict has seriously affected rural families and has resulted in reduced cultivation, loss of livestock, reduced timber harvesting, inability to engage in fishing, the displacement of large numbers, unemployment, including in women-headed families, and levels of poverty not seen hitherto in Sri Lanka. In the North East, the agricultural sector's contribution to the GDP had amounted to around 40%, whereas for the entire country agriculture accounts for about 20%.

263. Around 55% of men and women of the North East are directly engaged in agriculture, but taking into account all the related sub-sectors (input supply, marketing, processing and others), about 80% of the population relies on the sector as their main source of income.
[...]

292. Up to 1.3 million people in the labour force of the North East have been directly affected by the conflict. The employment and skills situation in the conflict-affected areas has two aspects. Firstly the level of unemployment in the North East exceeds 25%, compared to a national unemployment rate of around 10%. The group that has been most seriously affected by unemployment are the youth, both boys and girls. A very high proportion of graduates in the area are also unemployed. More serious, however, is widespread underemployment whereby large numbers are dependent on low productivity, low income and survival type activities. Women account for a disproportionately large proportion of the underemployed, and underemployment is a seasonal problem in agriculture.

293. Secondly, there is the serious problem of skills shortage in terms of both quantity and quality. This includes shortages of professionals, technicians, artisans, supervisors, contractors such as electricians, carpenters, masons, plumbers, and others. Training facilities to upgrade skills are basically unavailable.

294. *Livelihoods*. To address the needs in livelihoods requires the strengthening of and support to those capacities and assets which support the basic well-being of people. It is also necessary to provide an enabling and protective environment for people to take advantage of new opportunities. The approach is holistic with the following elements:

Programmes addressing immediate, medium-term as well as long-term needs in a continuum and ultimately linked to development oriented interventions for poverty alleviation.

Priority to the poorest and most vulnerable within the communities and the resettling population.

Programmes that reflect diversity in terms of natural resources, livelihood systems, ethnicity, impact of the conflict, geographical location, and a decentralised approach in line with local realities.

Participation of communities and, in particular, of women and disadvantaged groups at all stages.

Empowering the affected communities, in particular poor people and other vulnerable groups, through promoting institutional development and capacity building/training of participants in CBOs and people-based organisations and co-operatives.

Linkages with other sectors and promoting partnerships among stakeholders, combined with mechanisms to identify their roles, interest, incentives and influences.

Promotion of peace building and sustainability.

[...]

297. Three groups require special attention: (i) returning IDPs and refugees who cause a swelling of the labour market in some areas, (ii) the employment and skills training needs of vulnerable groups which includes orphans, people with disabilities, widows and single-headed households, and (iii) ex-combatants whose need for re-integration into civilian life may be expected to increase consequently to progress in the peace process.

298. The most important opportunities for immediate and medium-term employment generation are the following:

a) Reconstruction and restoration of infrastructure such as roads, irrigation works, housing and public buildings (see Chapter 3E). Also, the expected increase in demand for building materials opens up major opportunities for their local production and distribution through small and medium enterprise development. The construction sector can lead the way to immediate employment generation in large numbers. Emphasis must be given to the effective use of labour-based equipment supported (LBES) opportunities.

b) Production and productivity improvement of agriculture, livestock and fisheries, and the expansion of agricultural diversification, processing and value addition (see Chapter 3F). Agriculture sector recovery will itself induce demand-propelled expansion in many other sectors including agro-services.

c) Revival of the rural economy through small and medium enterprise (SME) development and expansion, enhanced utilisation of local resources, and an anticipated service sector expansion (business and trading, transport, tourism etc).

d) Improving employability and productivity through skills training.

e) Improving policy-making, planning, co-ordination and implementation for livelihoods and employment generation and economic growth through a Local Economic Development approach, *inter alia* by delineating the North East into several zones that demonstrate common problems, potentials, and comparative advantages." (ADB, UN & WB May 2003, pp. 61-62)

Scarce opportunities to restart a livelihood upon return in the north-east (February 2003)

- Difficulty in restarting economic activity is one of the main issues slowing return.
- Aside from the Productive Enterprise Grant given to a handful of families, there is presently little help from the Government while some NGOs have provided IDPs with livestock and skill training
- Farmers, fishermen, businessmen have lost their means of livelihood due to displacement and war and face acute financial problems

- Other impediments to economic activity include lack of infrastructure, lack and loss of skills, LTTE taxation, lack of market to sell products, few employment opportunities for wage labourer, fishing restrictions by the SLA, lack of identity and property documents
- Women and single heads of households, the elderly and the disabled are unable to work or cannot find suitable employment

"According to a recent study [...] conducted in the uncleared areas of the Wanni (Northern Province), the internally displaced persons (IDPs) in settlement villages and in settlements attached to existing communities are the most significant vulnerable group. They are food insecure year round, as they must depend on an inadequate ration for survival. While daily wage labor is the best option for increased IDP household income, opportunities are sporadic and/or seasonal, wages are low, and preference is given to residents over IDPs for the few jobs available. Not unexpectedly, the assessment results show a multitude of significant ways in which the conflict and restricted access are negatively affecting communities. Fishermen are excluded from productive fishing zones, cannot transport their catch to lucrative markets, must pay artificially high prices for gear and fuel, and live in communities that are periodically displaced by the conflict. Farmers cannot buy the agricultural inputs that their production depends on, cannot always send their produce to the most appropriate market, and must compete with the large influx of IDPs for scarce agricultural labor jobs. Virtually everyone in the Wanni suffers from the inadequate medical and educational services that the conflict has caused." (GoSL, PRSP, December 2002, p.122)

"While, prior to displacement, residents of the North East had been engaged in all sectors of economic activity, fishing, agriculture and business were the main occupations. The difficulty in restarting economic activity is one of the main issues slowing return. There is at present scarce assistance to returnees from the Government aside from the Productive Enterprise Grant given to a handful of families (see section 3.4). Some NGOs have provided IDPs with livestock or skills training. However, assistance is much needed as the loss of economic assets due to displacement and conflict is colossal and the majority of returnees need to restart their livelihood from scratch.

In addition to the loss of revenue due to displacement, farmers have lost their livestock –cattle, goats, chicken – agricultural implements, tractors, carts, sprayers, fertiliser, herbicide, seeds, harvest, etc. The land has been taken over by overgrowth and needs re-conditioning before it can be used for agricultural purposes. Coconut plantations have been devastated by aerial bombing and shelling. Fishermen have lost their boats, motors, nets and other fishing equipment. Business persons have lost their stock, equipment and premises. In addition to property loss, financial difficulties and lack of assistance, a number of other obstacles impede economic activity, in particular in the North. These are not listed in order of 'priority:'" (CPA February 2003, pp. 39-40)

"Lack of income is another major problem. Displaced persons have always attempted to maximize families' basic needs or to supplement the meagre rations they receive. But in finding employment, they often face competition from members of local communities. Lack of work, restriction on movement and inadequate government assistance, such as day care facilities for children, have meant that most are unable to engage fully in income generating activities.

Vulnerable sections of the IDPs, such as women and single heads of households, the elderly and the disabled are unable to work or cannot find suitable employment. As a result, they are entirely dependent on the dry food rations issued by the World Food Programme (WFP) or the government. IDPs are not provided cash and are unable to purchase other basic necessities." (The Refugee Council, September 2003, p.26)

Internally displaced in the four border districts need targeted assistance in order to facilitate their re-integration into the agricultural economy (May 2003)

- Agriculture in the four border districts less affected by conflict than in the North East, although some infrastructures and equipment have been partially destroyed.
- Former IDPs in these Districts are a significant factor and they need specific assistance in order to facilitate their re-integration into the agricultural economy.
- 4 major needs areas identified for agriculture and livestock in the 4 Districts, namely: revival of annual food crops; development of school and home gardens; agriculture and livestock institutional rehabilitation, and agricultural marketing and support services.

"116. Agricultural development in the Polonnaruwa, Anuradhapura, Puttalam and Moneragala Districts has not been affected by the war in the same substantial way that it has affected the North East. Except for periodic fluctuations, cropping areas and yields have remained relatively stable over the years, and unlike in the North East, the livestock population has not suffered depletion. However, as a consequence of the war, some infrastructures of agriculture-related institutions and organisations have been damaged and some equipment partially destroyed. Furthermore, former IDPs in these Districts are a significant factor and they need specific assistance in order to facilitate their re-integration into the agricultural economy. Equally, the incidence of malnutrition among school children in some divisions of the four bordering Districts needs to be addressed.

117. The strategy for agricultural development in the 4 Districts could be centred around:
 direct assistance for returning IDPs;
 rehabilitation and strengthening of institutions and organisations dealing with agriculture and livestock – including training, physical infrastructure, equipment and machinery;
 development of school and home gardens, including support to coconut planting.

Needs

118. There are four major needs areas identified for agriculture and livestock in the 4 Districts, namely: revival of annual food crops; development of school and home gardens; agriculture and livestock institutional rehabilitation, and agricultural marketing and support services. The enhancement of agriculture-related activities will need such support for increasing the productivity and the sustainability of farming systems, strengthening input supply and marketing, supporting farmers' groups and community-based organisations, and building the capacities of service institutions.

119. Emergency Revival of Annual Food Crop Production (immediate): To provide support to returning IDPs and landless people to facilitate immediate resumption of their livelihood in agriculture. For the four Districts, the number of beneficiaries and the financial requirements are:

[...]

121. School & Home Gardening (immediate, could be extended to 3 years): Establishment of school and home gardens for improving nutrition and income generation in rural and urban areas. The respective number of beneficiaries are:

125. Agricultural Marketing & Support Services (medium term): Strengthening of Farmers Organisations, Agricultural Co-operatives, Input Supply, Marketing and Credit. The respective number of beneficiaries and the financial requirements are:

" (ADB, UN & WB 9 May 2003, pp. 28-30)

Joint UN-Government proposed response to the agriculture and fisheries needs (August 2002)

- Objective of the proposed intervention: to help up to 50,000 IDP families to quickly and efficiently resume food production in the Maha Season beginning October 2002, to enable them to ensure their personal food security as soon as possible and to resume their former livelihood as agricultural producers.
- Jaffna, Kilinochchi, Mullaitivu, Mannar, Trincomalee and Vavuniya will be prioritized
- The intervention will benefit at least 18,000 families, including 2,000 fisher families, rising to 50,000 if projected return rates are correct.

"[Objective:]

"To help up to 50,000 IDP families to quickly and efficiently resume food production in the Maha Season beginning October 2002, to enable them to ensure their personal food security as soon as possible and to resume their former livelihood as agricultural producers.

Priority locations: Jaffna, Kilinochchi, Mullaitivu, Mannar, Trincomalee and Vavuniya

Proposed intervention

-Number of households targeted: The intervention will benefit at least 18,000 families, including 2,000 fisher families, rising to 50,000 if projected return rates are correct. This assumes also that international NGOs will be assisting a proportion of the returnees.

-Agricultural inputs: It is assumed that returnee families do not have the basic tools and seeds needed to clear their land and plant crops. The project will provide a basic kit of field crop seeds (rice, black gram, green gram, groundnut, maize and others, as appropriate), tools, fertiliser, rice herbicide and appropriate vegetable seeds and tree seedlings to enable returnees to establish homestead plantations and their usual field crops in the Maha Season beginning in October, 2002. Full details of targeted plantings of all crops have been obtained from the Ministry of Agriculture and Lands in each of the six districts affected.

-Fishing: Following the lifting of all restrictions on coastal and deep sea fishing, in mid-June 2002, many returnees will need fishing equipment to resume fishing activities. It is estimated that 22,000 of 68,000 fishing families in the affected districts have been displaced, thus losing their fishing gear and needing assistance to resume their livelihood. Assistance will be provided for 2,000 fishing families in Mannar and Mullaitivu and other coastal provinces, but a participatory needs assessment must be carried out before the project can be prepared. The Government's QIP has also targeted the need to provide fishing equipment and ice-making facilities at several centres. In implementing its proposed activities in the fisheries sector, FAO will work in close collaboration with Government fisheries staff.

-Other inputs: Irrigation infrastructure has been severely damaged in many areas and fifty small tanks have been identified for rehabilitation using FFW, provided by WFP. FAO will collaborate with WFP by providing technical assistance and appropriate inputs necessary to complete this work in the shortest possible time. Appropriate support will be provided for the pumped irrigation of highland crops. Livestock restocking (cattle and buffaloes) is not an emergency activity, and not included at this stage. Restocking with improved breeds of goats will be considered later. There is a need for emergency support to the AI

service and for storage facilities for veterinary medicines and vaccines for the Veterinary Department. These will be provided under the major inputs project. A pilot project to provide poultry to women farmers will be introduced in Mullaitivu and Kilinochchi.

-Implementation: The distribution of agricultural and fisheries inputs will be organised through the District Secretariats and will be supervised by the FAO Representative and other FAO staff, working closely with District Development Committees (DDCs), the Ministry of Agriculture and Lands, and local authorities. The DDCs will allocate responsibility to staff of the Ministry of Agriculture and Lands to prepare distribution plans for the inputs. Assistance, in the form of motorcycles, will be provided to the Ministry of Agriculture and Lands to ensure mobility, which is essential for its extension staff.

-Mine clearance: It is essential that mine clearance be completed in the targeted areas as soon as possible. Some, such as Thenmaradchchi in Jaffna District and the northern half of Vavuniya District still have many mines that have not been cleared." (Government of Sri Lanka & UN 23 August 2002, pp. 16-17)

Joint UN-Government proposed response to emergency employment needs (August 2002)

- Objective of the proposed intervention: to generate immediate employment and rehabilitate essential community assets, through a Food- for-Assets scheme involving labour-only activities and using food as payment for workers.
- Jaffna, Kilinochchi, Mullaitivu, Mannar, Vavuniya and Trincomalee will be prioritized

" [Objective:]

To generate immediate employment and rehabilitate essential community assets, through a Food- for-Assets scheme involving labour-only activities and using food as payment for workers.

Priority Areas: Jaffna, Kilinochchi, Mullaitivu, Mannar, Vavuniya and Trincomalee

Proposed intervention

-A FFA programme offers a constructive approach to food deficiency and short-term employment creation for large numbers of unskilled workers, in line with the recommendations in the Triple R Framework. It seeks to achieve its objectives of immediate job creation and income generation for the most vulnerable groups in target areas, through the use of local labour, materials and enterprises; and community-based training in the planning, operation and maintenance of utilities, using labour-intensive methods.

-Individual projects in targeted areas will be selected based on the importance of the community assets to be rehabilitated, but the 'menu' will be confined to minor works where labour is the major requirement. The work will be kept at the level where the community owns the assets involved and is also responsible for their operation and maintenance.

-Most of the works will be land-related (irrigation, environmental, afforestation) or directed at water and sanitation and public buildings. Work sites must also be assured safe through mine clearance (by others) carried out to internationally accepted standards before work commences.

-There is an abundance of available unskilled and partly skilled labour, hence labour-intensive work methods will be utilised.

-ILO principles of 'Decent work' will be applied in all workplaces, and ILO labour productivity and technical quality standards will be used in labour-intensive works for all assets rehabilitated. Support to small enterprises will be facilitated through the UNDP micro-credit project, where possible.

-The programme will involve the participation of local communities, CBOs and NGOs, and close collaboration with the local administrative structures, the GAs, and government agencies including Provincial Road Development Authority, Water Supply and Drainage Board, Department of Irrigation and Department of Agrarian Services.

-Work is likely to need to start simultaneously in five districts where there is food deficiency and where it is expected that mines mapping under a parallel project will enable an early start to works in mine-free areas." (Government of Sri Lanka & UN 23 August 2002, p. 18)

Public participation

Special arrangements to let internally displaced vote during elections 2 April 2004

- Internally displaced were able to apply for alternative ways of voting prior to the elections in April 2004
- Arrangements for polling stations in the electorates of Jaffna, Batticaloa and the Wanni were reported to be problematic
- One month before elections, around 30,000 applications had been received for alternative voter arrangements

"[...] arrangements are now being made to ensure unimpeded conduct of the election in the Northeast.

Mr. Dissanayake said polling stations in these areas would be set up in a way that would minimize the difficulties of voters and guarantee their safety. He said the setting up of polling stations in the electorates of Jaffna, Batticaloa and the Wanni has been a problem.

The Elections Chief said however that he was duty-bound to ensure that the voters in these areas are able to cast their votes. He therefore said the possibility of setting up cluster polling stations is under consideration.

Mr. Dissanayake also said displaced voters will get until tomorrow [2 March 2004] to apply for alternative arrangements to cast their votes. Around 30,000 such applications have already been received. The Elections Chief also said a private company would assist him in monitoring the media during the polls. He is due to receive a preview report tomorrow." (1 March 2004)

Muslim IDPs in Puttalam reportedly denied basic rights, including right to vote (May 2003)

- There are reports that the provision of services to the IDPs and certain basic rights of displaced citizens have been denied on administrative grounds in Puttalam.
- It is also reported that voting rights have been denied to newly eligible voters among the IDPs.

"145. There are reports that the administration in Puttalam has faced difficulties in ensuring the provision of services to the IDPs and that the certain basic rights of displaced citizens have been denied on

administrative grounds. For example, access to employment in the public service (including teachers) in Puttalam has been poor since the IDPs are considered to have access to the non-transferable quota of jobs in Mannar. It is also reported that voting rights have been denied to newly eligible voters among the IDPs. Finally, the IDPs in Puttalam have reported difficulties in accessing basic administrative services in the Tamil language medium." (ADB, UN & WB 9 May 2003, p. 34)

Government's policy on voting rights for internally displaced (October 2001)

- IDPs are allowed to vote in their actual place of residence for the district where they were registered prior to displacement, given special ballot boxes are made available.
- IDP voting rights seem to vary depending on the district of temporary residence of the displaced person.
- People not registered prior to displacement cannot do so after being displaced. Thus, children who turned 18 in the camps are excluded from voting.

"Following a 1988 Amendment to the Parliamentary Elections Act 15 of 1988, a displaced person can vote in her actual place of temporary residence for the district where that person was registered as a voter prior to displacement. For that purpose, special ballot boxes are made available in polling stations or if the number of such voters is large enough, a separate booth is set up.

According to Deputy Election Commissioner Arun Thavachelvam, IDPs can vote for the district where they are currently residing on request, regardless of whether they are receiving government assistance. Such a policy is contradicted by Vavuniya Assistant Election Commissioner Tiranagama Sampanthan who stated that only IDPs who have opted for and become permanent residents could register on the local electoral list. This would thus exclude IDPs in WCs or those receiving food assistance.

IDPs who were not registered as voters prior to displacement cannot be registered from the area where they are now residing. Neither will the children of such IDPs be registered when they turn 18.

The voters list is updated every June. IDPs who do not however appear on the electoral list can complain to the Election Commissioner or file a complaint to the District Court with a Rs 5 stamp.

Upon receipt of a complaint, the Assistant Commissioner should hold an inquiry. However, he/she has no mandate to enquire into non registration in other districts. In practise, there is no redress available for an IDP in Puttalam, for instance, if he/she is not registered due to a failure of the Puttalam officials.

Voting could not be organised in the uncleared areas for the last parliamentary elections though cluster polling stations were set up for voters living in areas bordering the conflict." (CPA October 2001, pp. 49-50)

Access to land

Women face obstacles in gaining legal title to land and property (February 2003)

- Without legal ownership of property, persons cannot receive loans, subsidies or credit, all of which may be necessary for building on, improving, and repairing land and property.
- Women face problems when gaining legal title to land and property. If the spouse is missing or his death not documented the women will be legally unable to hold title to the property.

- There is no joint ownership for property and land, therefore the woman will have no legal control over the property, and therefore no control over its use.
- Widows are not able to inherit from their deceased husbands unless they are nominated by the husband to receive the land.

"Women potentially face obstacles in gaining legal title to land and property, whether it is acquired through transfer of land, resettlement schemes, or inheritance. Without legal ownership of property, persons cannot receive loans, subsidies or credit, all of which may be necessary for building on, improving, and repairing land and property.

For state land distributed under the Land Development Ordinance, there is no joint ownership of land, so the title is held only by the head of household. This has implications for situations in which a woman's spouse has been killed or disappeared. If women are the heads of household, but are not recognised as such, they will be unable to legally hold title to the property. This is especially a concern for situations in which the husband's death is not documented or the man is missing. If both spouses survived the conflict, the man, as head of household, will have legal ownership over property. Thus, without the possibility for joint ownership, the woman will have no legal control over the property, and therefore no control over its use.

While the government does not officially discriminate with regard to access to land for settlement schemes, women often are under the impression that they will not receive land, and therefore do not ask for it. Women's entitlement to land in resettlement schemes should be widely publicised to alleviate this problem.

Another property issue that might arise as families resolve matters relating to the conflict involves inheritance rights. Upon the death of the Grant holder, the property is inherited by one nominee. Widows are not able to inherit from their deceased husbands unless they are nominated by the husband to receive the land. Different inheritance issues arise for private ownership under the Common Law, the law of Tesawalamai, and Muslim law." (CPA February 2003, p. 46)

DOCUMENTATION NEEDS AND CITIZENSHIP

Documentation Needs

Many internally displaced have lost property documents during displacement (2003 - 2004)

- Many find it difficult to prove ownership as they have lost property documents during displacement.
- In addition, many government institutions have lost volumes and records in the North-East, making it difficult to obtain copies of their documents.
- Also Land Registries and Divisional Secretaries face a sharp increase in the volume of demand for certified copies and do not have the capacity to respond.
- Also, many have lost proof of identity such as National Identity Cards or Birth Certificates, which are necessary to obtain copies of property documents.

"One immediate measure that can help foster ethnic reconciliation is to ensure that all citizens have ready access to identity cards. Delays in issuing identity cards for large numbers of internally displaced persons, as well as other members of the minority community, have hindered movement and access to public services. Government will mount a special effort aimed at expediting the provision of identity cards, particularly to conflict-displaced persons and Estate workers. Over the next few years, Government will introduce a computerized system to issue trilingual identity cards for ensuring equivalent identification procedures for all citizens." (GoSL, PRSP, p. 52)

"Because of the tumultuous ordeal of displacement, IDPs regularly find basic documents such as birth, death and marriage certificates, land title deeds and identity cards have been left behind, destroyed or lost. These documents provide a legal basis for people to enforce a whole range of rights and entitlements. Without a birth certificate, for instance, children are unable to enrol for school. Without an identity card, it is not possible to vote. Without title deeds, it can be extremely difficult to prove ownership of land or property.

UNHCR therefore supports mobile registration clinics, where IDPs and returnees can seek assistance from a range of government and non-government organisations to obtain basic documentation. In November 2003, for example, over 2,000 people sought assistance at a clinic in Vavuniya for refugees who had returned from India." (UN Inter-Agency IDP Working Group, 9 February 2004)

"Obtaining copies of property documents is complicated by the fact that in the North East, Government institutions, such as the Land Registries and Divisional Secretariats, which keep copies of such documents, have lost volumes and records as a consequence of the conflict or of natural disasters. Copies of private deeds as well as State Permits and Grants are not kept centrally. Residents of the North are all the more affected as public buildings of Northern Districts were severely damaged during the conflict. On the other hand, most property documents of the Eastern Province are intact.

Even when duplicates of documents are available, it is unclear whether Land Registries or Divisional Secretaries have the capacity to respond to the number of demands for certified copies. The volume of demands has sharply increased since the signing of the Cease Fire Agreement in February 2002 and the subsequent return of IDPs to their property. These demands are likely to increase further.

Compounding the matter, many IDPs have lost proof of identity such as National Identity Cards or Birth Certificates, which are necessary to obtain copies of property documents. Property inheritance may also be impeded by the loss of Marriage or Death Certificates.

Some IDPs were in the process of regularising their occupation of State land when they were displaced. They have therefore no documentary proof that they were in occupation of the land in question prior to displacement. Current procedures for proving occupation need to be revised to assist these people in resuming their applications." (CPA February 2003, p. 11)

Vavuniya:

"There are number of IDPs who have no birth certificates in the welfare centres. The SEED, WDC and RDF took action to provide birth certificate to them with the collaboration of the Asst. District Registrar. However, there are still inadequacies in the process." (CHA, January 2004)"While the law protects property rights, proving ownership may be problematic, as many IDPs have lost property documents during displacement." (CHA 2 February 2004)

PROPERTY ISSUES

General

High Security Zones prevent IDPs from regaining their property (February 2003)

- A substantial land area is occupied by the SLA and the Police in the North-East, in particular in Mannar and Jaffna Districts.
- CFA requires the SLA to list their High Security Zones, but SLA continues to occupy areas not listed as HSZ and reportedly is creating new ones.
- Also, a high number of Army and Police posts located on people's properties have still not been vacated.
- A Sub Committee on De-Escalation and Normalisation (SDN) was set up to tackle the HSZ issue, but the SDN was later on deactivated.
- Presently the disputes over occupation of property are resolved at the District level.
- No solutions have been devised to assist IDPs unable to return because of the HSZ, they remain stranded.
- In Jaffna, an estimated 30% of the peninsula is occupied by the Army, hampering resettlement and economic activity
- Army requires proof of ownership before allowing IDPs to enter HSZ, which, in many cases, IDPs cannot provide due to the loss of documents.
- Payment of rent for occupation of property by the Army appears to be ad hoc.

"A substantial land area is occupied by the Sri Lankan Army (SLA) and the Police in the North-East, in particular in Mannar and Jaffna Districts. The Ceasefire Agreement requires parties to the conflict to list their High Security Zones. In practice, however, the SLA continues to occupy areas which are not listed as HSZ. There are also concerns that the Army has been expanding or creating new High Security Zones. In addition to HSZ, a high number of Army and Police posts located on people's properties have still not been vacated.

A Sub Committee on De-Escalation and Normalisation (SDN) was set up following the second session of the first round of the Peace Talks with a mandate to look into the issue of, *inter alia*, High Security Zones. Following the fourth session of the first round of peace talks, the SDN was deactivated, leaving the issue in limbo. The parties agreed, however, on an Action Plan for the Accelerated Resettlement of the Jaffna District, which will look into the vacating of areas in the vicinity of High Security Zones. Disputes over occupation by the Armed Forces is presently resolved at District Level.

As a consequence of Army occupation, many IDPs are unable to return. Some IDPs remain stranded in camps located a few hundred metres from their properties, such as in Point Pedro. No solutions have been devised to assist these people through relocation or compensation. A number of IDPs whose property is situated in the vicinity of Army-occupied areas also mentioned that they were not returning out of fear for the security of female family members.

In Mannar District, Army and police occupation of property is a serious impediment to resettlement. The Navy continues to occupy the Western-most area of the island in Thalaimannar. The Army also occupies

areas on both sides of the Vavuniya Mannar Road, a section of which runs parallel to the Forward Defence Line. Pockets of the coastal areas are also occupied.

A group of families displaced from Ganeshapuram/ Uliyankulam, on the road which runs parallel to the Forward Defence Line, were forcibly brought back in 1999 from Madhu, where they had taken refuge. They currently occupy their neighbours' land, as their property is on the other side of the road and used by the Army or mined.

In Jaffna, an estimated 30% of the peninsula is occupied by the Army. Army presence is not only an impediment to the resettlement of IDPs but also to economic activity in the peninsula, in particular fishing.

In Batticaloa, the SLA occupies between 200 and 342 houses, according to the Government and the LTTE respectively, mostly in so-called Border Areas, coastal areas and the airport. In addition, the SLA occupies numerous public buildings, including the Kachcheri. A meeting of the SDN took place in Vanaitivu in late 2002, which yielded some results. While both parties understand the need to maintain camps at this stage of the Peace Process, they exchanged their main concerns and agreed to re-open a number of roads to the Public. In a few cases, in the Jaffna Peninsula, the Army has been conciliatory and has either reduced the extent of its HSZ or allowed owners to check on their property. It must be noted, however, that the Army requires proof of ownership before allowing IDPs to enter HSZ, which, in many cases, IDPs cannot provide due to the loss of documents (see section 6). In Batticaloa, no access is granted to IDPs.

With regard to payment of rent for occupation of property, the policy of the Army appears to be *ad hoc*. Business owners whose premises are occupied by the SLA appear to be paid rent while only certain house owners are paid rent. Due to insufficiency of funds, rent pledged is not always forthcoming. Owners whose houses are located within HSZ but are not occupied by the Army are not paid rent." (CPA February 2003, pp. 49-50)

About 14,000 internally displaced Tamils in northern Jaffna can not return to their homes (February 2004)

- In the northern Jaffna district, the Army refuses access for internally displaced to home areas due to security concerns
- About 14,000 families from the minority Tamil community still to get their land and houses back

"Government troops in Sri Lanka's war-ravaged Northern Jaffna district are caught in a cleft stick between security concerns and demands from Internally Displaced People (IDPs) for the return of their homes.

While about 14,000 families from the minority Tamil community have still to get their lands and houses back, last weekend, the army gave back nearly 70 houses to IDPs.

Significantly, this action forced the military to pull back its Forward Defense Locality (FDL) in the strategically important Chavakachcheri division, by 400 meters.

A few days later, on February 11, the army moved to bring the FDL back to the original border, encompassing the released houses, only to be stopped by IDPs who had just got their homes back.

This has created a piquant situation, with a senior military analyst confessing that, "The army is in a dilemma. Apparently, it pulled back from the FDL without a proper reconnaissance."

He adds that, "There appears to be a division of opinion among officers in Jaffna over the wisdom of the decision to pull back from the forward defense line or not."

The soldiers fear the LTTE will infiltrate the released areas, taking advantage of the prevailing truce. The rebels have traditionally done this in the past - a practice which poses a major security threat to the government troops.

[...]

There are reports that the army plans to release part of the remaining lands presently occupied by it. The release of 70 houses was cited as the first step towards this move.

But now there are doubts on whether the troops will proceed with the plan.

The release of the houses follows a fast-unto-death campaign by the IDPs demanding that the army should vacate their lands.

[...]

For their part, military veterans advise that till permanent peace is achieved, the army should remain cautious." (OneWorld, 13 February 2004)

Jaffna: internally displaced seek compensation for the loss of hundred of thousands of coconut and Palmyra trees (August 2003)

- According to civil groups, the SLA has been cutting down hundred of thousands of coconut trees and used them for construction and checkpoints and bunkers.
- IDPs have sought to assess their losses and ask for compensation.
- SLA has informed the displaced that only limited areas could be visited for assessment and only during a specific time

"The Sri Lanka Army Friday said they would permit displaced persons to enter their lands in a section of Nagarkovil and Eluthumadduval forward defence position for the explicit purpose of inspecting the damage caused to their Palmyra and coconut plantations by the Sri Lankan security forces, but placed stringent conditions on their entry, sources said.

The displaced people plan to assess their losses in a bid to seek compensation from the Plantations Department of Sri Lanka, which has called for such assessments before the department could provide compensation.

Civil groups say that hundreds of thousands of coconut and Palmyra trees in Thenmaradchi division and other areas had been cut down by the Sri Lankan security forces and used for constructing checkpoints and bunkers, including, sources say, those on a road from the Point Pedro-Maruthankerni road up to a place where an LTTE military camp called "Gajan" was located in Kilali.

The displaced people who sought compensation for their losses have been informed by the Plantations Department to send in their assessment reports regarding their losses, and the required forms have been sent to them through respective village level officials (Grama Sevaka), sources said.

However, the SLA has informed the owners of the plantations that they could visit to inspect and assess the damage to their lands within the period from August 12 to August 18, and only in the areas of Kilali, Muhamalai, Eluthumadduval North and South, Mirusuvil and a section of Nagarkovil.

In addition, the SLA has said that they should be accompanied by Coconut Development Authority Officials and they should produce a letter of authorization from the Chavakachcheri assistant government agent to the Mirusuvil SLA officer-in-charge, civil sources said." (TamilNet 8 August 2003)

Law and policy

Policy changes encouraging privatization may hinder resettlement of internally displaced (February 2003)

- Development and land use policy pursued by the Government may hinder the sustainable resettlement of internally displaced
- In line with the World Bank recommendations, the Government plans to decrease its support to farmers and favor privatization

"The current development and land use policy pursued by the Government may hinder the sustainable resettlement of displaced communities, in particular in the case of small land holders.

A number of legal and policy changes which confirm the Government's aim to encourage privatisation and rural to urban migration, in line with the World Bank recommendations have been, or are in the process of being, introduced. These changes emphasise the shift in Government policy towards a decrease in state subsidies for, and assistance to farmers and a greater role of the private sector, including in reconstruction and rehabilitation of the North East. Returnees, however, in particular farmers, need the assistance of the State to restart their economic activities in the form of subsidies, land grants, etc. Reforms and amendments of concern include amendments to the Land Development Ordinance and land titling, the Agrarian Law, which endangers the rights of share croppers, the possible introduction of water property rights and of a Seeds Act which aims at privatising the sector." (CPA February 2003, p. 13)

State land and displacement (February 2003)

- With the exception of case of special relocation or resettlement programmes, state land can only be granted to persons who settled on the land before 15 June 1995.
- If IDPs who were in the process of applying for a permit prior to their displacement can prove that they had settled on the land prior to 15 June 1995, they may have their 'encroachment' regularised by a Permit.
- Persons who have lost their Permits may apply for certified copies at the Divisional Secretariats. However, many District and Divisional Secretariats, in particular those of Mullaitivu and Kilinochchi Districts, were seriously damaged during the conflict, as a consequence of which land documents were lost.

"An estimated 82% of the land mass in Sri Lanka is owned by the State.

Under the Land Development Ordinance (LDO), certain families may be granted State land vested with the Land Commissioner. State land can only be granted to persons who settled on the land before 15 June 1995, except in the case of special relocation or resettlement programmes.

[...]

State Land of IDPs

A Circular issued last year forbids the cancellation of the Permits of displaced persons. According the North East Land Commissioner, Permits of IDPs were not cancelled prior to the Circular. It appears, however, that to reinstate the land, enquiries will be made as to whether the claimant was genuinely displaced due to the conflict.

A number of displaced persons interviewed were in the process of applying for Permits when they were displaced. According to the North East Province Land Commissioner, if such persons can prove that they were settled on the land prior to 15 June 1995, they may continue with their application and have their 'encroachment' regularised by a Permit. Proof includes election registers, electricity and water bills and

other official documents. The North East Province Land Commissioner also has a list of “encroachers” prior to 1995 and may check that the claimant is on the list. It has to be noted, however, that the list is not comprehensive as the survey was not carried out in some areas due to the conflict. In addition, by virtue of the unlawfulness of their occupation of State land it is unlikely that “encroachers” have been registered on the voters’ list or have had any official documents. The North East Province Land Commissioner will not accept statements by Grama Niladharis or neighbours as evidence in favour of a claimant.

It is unclear what the policy will be for IDPs who were living on leased land. Where their lease expired, they may have wanted to but been unable to renew it. The same applies to leases for business or agricultural purposes.

Obtaining copies of Permits, Grants and Leases

Persons who have lost their Permits may apply for certified copies at the Divisional Secretariats. After 1989/1990, Divisional Secretariats were required to keep copies of all Permits, Grants and Leases. District Secretariats, which had kept documents until then, were required to hand over all documents to the Divisional Secretariats, though even at the time of writing, not all documents had been transferred. Many District and Divisional Secretariats, in particular those of Mullaitivu and Kilinochchi Districts, were seriously damaged during the conflict, as a consequence of which land documents were lost. This is particularly problematic for Permits as no other copies are available in other State bodies.

According to the North East Province Land Commissioner, plans from the Survey Department may assist in determining whether a claimant is the genuine Permit holder of a plot of land. Neighbours who have kept copies of their Permits may also assist claimants in proving ownership, as the plan in the Grant documents mentions the ownership of neighbouring lands.

Persons who have lost their Grants may apply for certified copies at the Land Registries and the Divisional Secretariats. Only State land granted or leased under the State Land Ordinance is recorded centrally at the Land Commissioner’s Office in Colombo." (CPA February 2003, pp. 55-57)

No clear stance on the issue of prescription by either the state or the LTTE (November 2002)

- Current Sri Lankan law regarding claims to land and property is based on the principle of prescription, which offers a defendant to acquire property after ten years of uninterrupted possession
- For lawyers in the LTTE area, the applicability of the law of prescription depends on the reasons for leaving the land

"The Sri Lankan law as it stands today under the Prescription Ordinance offers the defence of prescription when defending claims to land and property. Where a defendant can prove enjoyment of uninterrupted and undisputed possession of immovable property for a period of 10 years or more that person may stand to acquire the right to the property though lacking formal title. In the situation at hand where owners have been forced to stay away for over 20 years prescription as a defence could be freely raised when staking a claim to other people’s land.

There is no clear stance on the issue of prescription by either the state or the LTTE. Despite the legal position as it stands there are informal understandings among different stakeholders. Certain lawyers practicing in the regions have come to the understanding that they will refrain from employing prescription as a defense. The lawyers practicing in the LTTE controlled areas are ambiguous on this issue. There is the view among them that the prescription period will be extended to 20 years from the existing 10 years. However this 10 year extension is insufficient. Further according to the lawyers practicing in the LTTE controlled areas the applicability of the law of Prescription also seem to depend on the reasons the owners

left. For example if the owners have left the shores of the country seeking greener pastures the prescriptive period applicable will be 10 years, whereas if the owner has left to escape the war a 20 year period will apply.

Another important point that needs attention at this stage is the Tesawalami Law (Tesawalami is a customary law applicable to those who fall within the description of Malabar inhabitants of the province of Jaffna. This law also has a territorial application in that it is applicable to land that is situated within the Northern province regardless of the race or nationality of the owner.) that has been modified by the LTTE. Tesawalami law imposes severe restrictions on women even when dealing with their own property. Such discriminatory provisions of the law have been made inapplicable by the LTTE in areas under their administration.

These are but a few legal issues that figures prominently at present. There lies a whole gamut of issue that need to be resolved if normalcy is to be restored. (Premaratne, Eranthi November 2002, pp. 11-12)

Institutions

Government institutions and NGOs assisting IDPs in the restitution of property in government-controlled areas (February 2003)

- There are a number of government institutions and NGOs involved in assisting IDPs regain their properties, including District Courts, the Bar Association of Sri Lanka, the Legal Aid Foundation, the Human Rights Commission, Mediation Boards, the Legal Aid Commission and the Police
- 20 years of war have changed the distribution of, and access to, land and resources in conflict affected areas. Therefore, flexible and informal initiatives that factor in the experiences of both occupiers and title holders to amicably resolve property issues are important
- There is a concern that these institutions lack the capacity or the mandate to respond to the rising demand for redress as the return of people increases

At present, a number of State institutions and NGOs are involved in assisting in the restitution of property of the internally displaced. These include District Courts, the Bar Association of Sri Lanka, the Legal Aid Foundation, the Human Rights Commission, Mediation Boards, the Legal Aid Commission and the Police. While some of these institutions have adopted a strictly legal approach to resolving issues concerning land and property, others have been creative and applied principles of conflict resolution that factor in the experiences of both occupiers and title holders to amicably resolve property issues.

Such flexible and informal initiatives are to be encouraged. Twenty years of conflict have changed the distribution of, and access to, land and resources in conflict affected areas. Such changes must be taken into account in resolving land and property disputes. Principles of law applicable in peace times may result in substantial injustice if applied uncritically to disputes arising as a direct result of the conflict. The situation of landless or displaced occupiers is a case in point. A legal redress mechanism which simply restores an occupied property to its legal owner without assessing the situation of the current occupiers and providing alternatives or sustainable solutions for all concerned would exacerbate local conflicts and result in injustice. Furthermore, access to land and resources has been at the centre of the conflict itself. Redistributing land and property along the identical ethnic and class lines as before the conflict would also engender grievances and injustice.

With regard to formal dispute resolution mechanisms, existing institutions or organizations often lack the capacity to respond to the demands that may be made on them as the movements of people increase. Aside from problems of capacity, these institutions may not have an adequate mandate or sufficient flexibility to

perform these functions. What follows is a brief description of institutions currently involved in formal dispute resolution.

District Courts

District Courts deal with cases relating to ownership of land, actions by landlords to eject tenants and actions to recover debts in excess of Rs 1,500. A person faced with a problem with regard to land and property can file a case in a District Court to vindicate his/her rights, recover property, enforce a legally binding obligation, obtain compensation for an injury done or for a threatened wrong. However, litigation is expensive and time consuming, and the results, which are based on principles of law, are never wholly predictable. The Courts also recognise the unrestrained right of appeal, which often means that it could take many years before the issue at hand is resolved and redress obtained.

Bar Association of Sri Lanka, Legal Aid Foundation

In 2001, the Bar Association of Sri Lanka, with the assistance of UNHCR, launched a legal aid programme to assist internally displaced persons. IDPs earning less than Rs 6,000 a month are eligible for assistance. While the Association has a field presence in Jaffna, Mannar, Puttalam, Trincomalee, Vavuniya, Anuradhapura, Polonnaruwa and Batticaloa, it has no presence in the LTTE-controlled parts of the North. Further, the Association is represented by only one lawyer in each of these areas, raising questions as to their capacity to deal with problems that might arise in areas where there are large concentrations of IDPs and possibly large movements of people in the foreseeable future. At present the Association attempts to resolve issues through means of litigation.

Human Rights Commission

The Human Rights Commission (HRC) is a statutory body that was established by Act No 21 of 1996. Its powers and functions are enumerated in the Act. Accordingly, the Commission can accept complaints about violations of Fundamental Rights enshrined in the Sri Lankan Constitution. The Commission is empowered to resolve such issues through mediation and conciliation. The Commission can engage in research, monitor welfare of detainees and carry out human rights education. The Commission is also empowered to inquire and investigate into procedures of State bodies to ensure their compliance with fundamental rights enshrined in the Constitution and to advise and assist the government in formulating legislative and administrative directives and procedures to promote and protect fundamental rights.

The HRC's capacity and mandate to deal with complaints of land and property is limited. For instance, in Jaffna, the Commission attempts to find a solution when the complaint is against the State. When the complaint is against a private individual, it is forwarded to the (BASL) Legal Aid Foundation. The Commission states, however, that it is unable to intervene when the complaint is against the LTTE.

In the Jaffna peninsula the HRC regional office mediates between the owners and the SLA in a bid to get the army to vacate property. On complaints being lodged by the owners, the HRC liaises with the Commanding Officers to facilitate a quick return of property. However the HRC regional offices do not have the mandate to mediate in instances where the LTTE is the party occupying. Complaints are then referred to the HRC Head Office.

Mediation Boards

Mediation Boards were set up by Act No 72 of 1988. Boards can accept complaints to be resolved through mediation with regard to movable or immovable property, contracts, or issues that would amount to a cause of action in a court of law not exempted by the Act. Potential litigants cannot institute complaints against the State or public officers executing a public duty involving recovery of money or other dues and in cases where the Attorney General is the prosecutor.

The objectives of the Mediation Boards are to make parties resolve disputes by reaching an amicable settlement. On reaching a settlement, the Board issues a certificate of settlement. When a settlement is forwarded to a court, the court enters a decree in accordance with the settlement. On failure to reach a settlement, the Board will issue a certificate of non-settlement and disputants can appeal to a court of law.

The time limit for concluding a complaint is 30 days from the date the Board was formed. The Mediation Board system is not operative in the North. In the East, there are twenty-one Mediation Boards, with five in Batticaloa and sixteen in Ampara.

Legal Aid Commission

The Legal Aid Commission is a state-funded body established by Act No 27 of 1978. Its objectives are to provide legal aid to deserving persons. To be eligible for legal aid, the litigant's income must be less than Rs 5,000 a month. The head office of the Commission is in Hulftsdorp, Colombo. The Commission has five branches, located in Galle, Anuradhpura, Kandy, Kurunegala and Trincomalee. The Commission also has representatives in Hamabatota, Ampara, Monaragale, Kegalle, Chilaw, Matale, Batticaloa, Mt. Lavinia, Moratuwa and Nuwara Eliya.¹²² In 1999, the Commission established a Bureau to assist women and children. The Legal Aid Commission does not have a presence in the North East.

Police

The duty of the police is primarily to maintain law and order and preserve peace. As such, the main mandate of the police is to ensure compliance with the criminal law of the country. With regard to civil complaints, however, the police can record complaints, which can later be used as evidence in courts.

In Jaffna, the police attempts to assist in resolving disputes over land and property. Police officers state that when they receive complaints that persons are in occupation of an owner's house, they advise such persons to leave. In some instances they suggest that the owner pay the occupiers a sum to leave. Their intervention is not always successful, particularly as occupiers are aware that they do not have a mandate to intervene in such matters and are therefore not bound to abide with agreements entered into with the police in this regard." (CPA February 2003, pp. 57-59)

In LTTE-controlled areas land and property issues come under the purview of both government and LTTE administration (February 2003)

- In the LTTE-controlled Vanni, land occupation is an issue resolved by the Government administrative structures along with the Tamil Eelam Police Force.
- IDPs occupying property are permitted to remain until the owners make a claim for the property.
- If improvements have been made to the property, the claimant will be expected to pay the occupiers some compensation.
- It is unknown whether or what type of redress will be afforded to owners by Tamil Eelam Courts in cases where land has been taken over by the LTTE.
- Prescription may not be applicable for displaced persons and refugees or when the occupant is paying rent to the LTTE

"The LTTE has set up a parallel administrative structure and runs its own Judicial system. Land and property issues come under the purview of both the Government and the LTTE administration.

In the LTTE-controlled Vanni, land occupation is an issue resolved by the Government administrative structures, namely the District Secretaries and Grama Niladharis, along with the Tamil Eelam Police Force.

Reportedly, IDPs occupying property are permitted to remain until the owners make a claim for the property. Claimants first approach the Village Committees, which operate in LTTE-controlled areas. The Tamil Eelam police also attempts to resolve property disputes, failing which cases are filed in Tamil Eelam Courts. The lawyer's fee is reportedly Rs 150 per appearance.

If the occupiers have made improvements to the property, such as clearing forest or farming, the claimant will be expected to pay the occupiers some compensation.

Without further research on the link between the judiciary and the executive in LTTE controlled areas, it is unknown whether or what type of redress will be afforded to owners by Tamil Eelam Courts in cases where land has been taken over by the LTTE. In one instance in Killinochchi, the LTTE took over approximately 70 acres of coconut land from a private individual and is refusing to return it. The owner has been left with no choice but to file action in the District Court which is under the LTTE administration.

According to lawyers in Kilinochchi Courts, with regard to the application of prescription, the practice in LTTE-controlled areas appears to be that, if for a period of 20 years from the time of leaving a property, the owner has made no inquiries about, or visits to, the property in question, the person occupying should be able to claim prescription. Prescription will be applied in the case of economic migrants, however, prescription may not be applicable for displaced persons and refugees or when the occupant is paying rent to the LTTE." (CPA February 2003, p. 60)

Restitution

Many discover upon return that their houses are occupied by other internally displaced people (February 2003)

- Many IDPs have no choice but to occupy other people's premises.
- The disputes appear to be generally settled amicably, with payment of rent or time given to leave.
- However there are also examples, as in Jaffna town where illegal occupation is used by some to earn money or settle old scores

"An issue which has arisen and is likely to come to the fore as more IDPs return is the occupation of both private and state owned property by displaced persons who often have no choice but to occupy other people's premises.

The relationship between returnees and occupiers often seems to be cordial and it appears that, at least for the time being, conflicts will be resolved amicably. In some instances the occupiers have been given a time period to move out by displaced owners who now wish to return. In other cases the occupiers have been asked to buy the property or to pay rent. Since the signing of the CFA, some Sinhala owners in Trincomalee have been paid Rs 1,000 per acre for their land, which is currently occupied by Tamil farmers.

At times, occupation is with the consent of the owners who have moved and settled in other parts of the country or abroad. For instance, many of the returnees in the Kaaraitivu and Kayts islands are living on and cultivating their former neighbour's land with the latter's consent. Consent is often given with conditions attached, such as that the occupiers will leave on request by the owner or as soon as they have rebuilt their own dwellings.

Some Sinhalese IDPs in Morawewa, Trincomalee District, are now occupying land and buildings belonging to the Tamil people of the area. Occupation appears to be with the consent of the owners and so far has been without any conditions attached. None of the occupiers have been requested to leave or pay rent.

On the other hand, there are certain instances where disputes have arisen with regard to illegal occupation. This appears to be the case when the occupiers cannot return to their own properties or when they have worked on the land or house which they are occupying and now consider it to be their own. Some demand payment before handing over the property or raise legal defences such as prescription (see section 8.1).

There is also evidence that, in Jaffna town, illegal occupation is used by some to earn money or settle old scores. When news of the return of the owners is received, some people start occupying the particular property and demand money in return for vacating." (CPA February 2003, p. 48)

Muslim internally displaced who were evicted in 1990 ask for restitution and compensation (February 2003)

- The property left behind by Muslim IDPs from the northern province in 1991 is estimated at \$110 million.
- Compensation currently paid to the Muslim IDPs is reportedly inadequate. CPA recommends compensation be increased from Rs. 65,000 to Rs. 200,000.
- Freedom of movement is reportedly not complete in the North East and entry to the Vanni is still difficult with long delays at check points.

"THE Muslim Rights Organisation's MIM Mohideen told a seminar on 10 February in Colombo on IDPs that Muslims had left behind property worth \$110 million when evicted from the northern province in May 1991 by the LTTE. He urged that the property in the hands of the Tigers should be returned to the rightful owners and compensation paid for losses.

Seminar participants stressed that the compensation currently paid to IDPs was inadequate for any meaningful resettlement. Colombo-based Centre for Policy Alternatives said that most IDPs had lost all means of livelihood and compensation should be increased from the current Rs 65,000 to Rs 200,000 (\$2060), in addition to assistance to resume occupations. Seminar participants also urged the Army and the LTTE to allow IDPs more freedom of movement in the north-east to enable them to identify their lands.

Passengers continue to face long delays at LTTE checkpoints to enter the Vanni. Vavuniya businessmen made representations to Vanni Army commander Susil Chandrapala on 12 February on restrictions faced in their trades. Lorries with commodities to southern Sri Lanka are checked at Eeratperiyakulam Army camp between 9am and 8pm. Maj. Gen. Chandrapala assured that the checkpoint would be open for 24 hours a day. The commander said that resettlement of IDPs had been allowed in 33 villages in high security zones (HSZ) of Vavuniya." (BRC February 2003)

Many displaced have lost their property documents making it difficult to prove ownership (February 2003)

- Many IDPs have lost property documents during displacement.
- Obtaining copies of the property documents is made difficult by the fact that the institutions which keep copies of such documents, have lost volumes and records as a consequence of the conflict. Most affected residents are in the North while the East has been relatively spared.
- With the return of IDPs, it is unclear whether Land Registries or Divisional Secretaries have the capacity to respond to the number of demands for certified copies.
- Also, many IDPs have lost proof of identity, such as National Identity Cards or Birth Certificates, which would be necessary to obtain copies of property documents.

"While the law protects property rights, proving ownership may be problematic, as many IDPs have lost property documents during displacement.

As is detailed below, obtaining copies of property documents is complicated by the fact that in the North East, Government institutions, such as the Land Registries and Divisional Secretariats, which keep copies

of such documents, have lost volumes and records as a consequence of the conflict or of natural disasters. Copies of private deeds as well as State Permits and Grants are not kept centrally. Residents of the North are all the more affected as public buildings of Northern Districts were severely damaged during the conflict. Most property documents of the Eastern Province are intact.

Even when documents are available, it is unclear whether Land Registries or Divisional Secretaries have the capacity to respond to the number of demands for certified copies. The volume of demands has sharply increased since the signing of the Cease Fire Agreement and the subsequent return of IDPs to their property, and demands are likely to increase further. In the Musali Division of Mannar District, there is currently no Divisional or Assistant Divisional Secretary, and 15 key administrative posts are vacant in the District. The Mannar Government Agent notes that “even retired persons are not available in the District for recommendation to the RRR Secretariat.” Similarly, there are no Divisional or Assistant Divisional Secretaries in Vavuniya North Division.

Moreover, many IDPs have lost proof of identity, such as National Identity Cards or Birth Certificates, which would be necessary to obtain copies of property documents. Legal claims to property inheritance may also be impeded by the loss of Marriage or Death Certificates.

Lastly, many displaced persons do not appear to be aware of the importance of, and the procedure for, locating or obtaining copies of their documents.

" (CPA February 2003, pp. 51-52)

Restitution of land and property to Muslims in LTTE-controlled areas might be problematic (February 2003)

- Most abandoned lands in the LTTE-controlled areas have been taken over by LTTE. It is believed that some LTTE camps are situated on IDP land.
- Many Muslim lands, houses and business premises were taken over by the LTTE
- It appears that Muslim IDPs in Kilinochchi have not been allowed to resettled.
- There are rumours that Muslims will not return to Mullaitivu.
- During the third session of the peace round the LTTE has indicated that it was be prepared to hand over Muslim lands, however Tamil occupiers and the LTTE have not vacated the properties so far.

"Most abandoned lands in the LTTE-controlled North East have been taken over by the LTTE, in particular the properties of Muslims evicted in 1990, refugees in India and emigrants. The land has been subsequently either rented, given to the families of LTTE cadres or used by the LTTE to host their administrative structures. Though CPA could not gather any evidence of this, it is to be assumed that some LTTE camps are also located on the land of IDPs. The LTTE has also allowed IDPs to settle on other people's lands. In Batticaloa, some Muslim lands are being farmed by, or with the knowledge of, the LTTE.

Restitution of property of Muslim IDPs in LTTE-controlled areas

Following the eviction of Muslims from the North, many Muslim lands, houses and business premises were taken over by the LTTE. The properties were subsequently either used by the LTTE, as in Kilinochchi, or rented to others. It appears that the LTTE has instructed occupiers of Muslim lands to vacate the properties. In many cases, Muslim families who had visited their former homes stated that the occupiers had agreed to leave when they returned and/or would pay rent. In Veppankulam, where a number of Muslim men have

returned to work on their lands, the Tamil occupiers who were farming Muslim lands left the properties without any problems. It is noteworthy however that the former occupiers are now unemployed and that no arrangements have been made to cater to their needs. In other cases, the occupiers have agreed to pay rent.

In the LTTE-controlled Vanni, the movements of Muslims appear to be closely monitored; in Kilinochchi, there are indications that they may not be allowed to resettle. It is noteworthy that while a handful of Muslims entered into agreements to receive rent from persons occupying their business premises in Kilinochchi town, none are expected by the occupiers to return permanently. There are rumours that Muslims will not return to Mullaitivu.

A number of Muslim lands have been used to build LTTE administrative or other structures and it appears unlikely that the land will be returned to the owners. For instance, the grounds of the newly completed LTTE guesthouse, Kamathenu, belongs to Muslim IDPs.

According to the Northern Muslims' Rights Organisation, even though the LTTE has stated it would give Muslim lands back, Tamil occupiers and the LTTE have not vacated the properties. The Organisation stated that it favoured peaceful informal solutions rather than resorting to the judicial system.

Following the third session of the first round of the Peace Talks held in Oslo, the LTTE reiterated that it was be prepared to hand over Muslim lands. The LTTE had however asked that a list detailing the particulars, names, locations and extent of land be submitted to them. The Muslim Rights Organisation has been charged with this task." (CPA February 2003, pp. 50-51)

PATTERNS OF RETURN AND RESETTLEMENT

General

Local authorities scale down food rations to force people back (February 2003)

- IDPs have been "strongly" encouraged to return to their areas of origin through threats of stopping food rations, closure of camps and other facilities.
- Scaling down of food rations is interpreted as a policy to incite IDPs to return home.
- The Madhu Church Welfare Centre was closed in September 2002 and IDPs told to leave. A UNHCR truck was used by the Government Agent to "drop" the IDPs in Kilinochchi

"A number of strategies have been used at the local level to compel, or strongly encourage, IDPs to return to their areas of origin. These have included threats of stopping dry food rations or closure of camps and camp facilities, such as schools. In November 2002, there appeared to be plans to close Pesalai and T-Madhu 'Welfare Centres'. The Government Agent, Vavuniya, and TRO have been providing transport to spontaneous returnees, while the scaling down in the distribution of dry ration is interpreted by some as a national policy to incite IDPs to return to their areas of origin. In November 2002, in T-Madhu, IDPs complained to CPA that 'foreigners' had asked them to vacate the camp by January.

At the end of September 2002, 1,600 families returned to Manthai West and Kilinochchi from Madhu Church. The Madhu Church Welfare Centre which once hosted some 8,455 persons, was reportedly closed by the Church authorities. The Government Agent used a UNHCR truck to transport IDPs to Kilinochchi where they were left in the District Secretariat grounds. IDPs were told to go as their rations would be stopped and no transport would be arranged for them at a later date if they remained. The Kilinochchi Government Agent was given no notice of the arrival of those families. Following protest by UNHCR, the use of the truck to forcibly resettle IDPs has been stopped. While the Government states that IDPs from Madhu Church ORC wished to return to their areas of former origin, it remains the case that the centre was closed, leaving no choice to the residents but to return. A handful of families remain in the centre as they are unable to return or are employed there. The school is not functioning and their rations have been stopped. They have also been asked to leave." (CPA February 2003, pp. 34-35)

47% of IDPs from Polonnaruwa, Anuradhapura and Puttalam wish to return to their places of origin (May 2003)

- Most IDPs in Puttalam are Muslims evicted from their places of origin in Mannar, Jaffna, Kilinochchi and Mullaitivu.
- IDPs in Anuradhapura are divided between Sinhalese and Muslims who came from Vavuniya, Mannar, Trincomalee and Batticaloa.
- Polonnaruwa District contains approximately 2,000 IDP families, half of whom are Sinhalese, and the other half Muslim.
- 47% of registered IDPs from Polonnaruwa, Anuradhapura and Puttalam Districts indicated their preference to return to their places of origin. 23% of the IDPs registered indicated that they would prefer to remain in their present locations.

"22. Most IDPs in Puttalam are Muslim. These men, women and children were evicted from their places of origin in Mannar, Jaffna, Kilinochchi and Mullaitivu. IDPs in Anuradhapura are divided between Sinhalese and Muslims who came from Vavuniya, Mannar, Trincomalee and Batticaloa, as well as some who were displaced within the district itself. Polonnaruwa District contains approximately 2,000 IDP families, half of whom are Sinhalese, and the other half Muslim.

23. Earlier, Moneragala had a very small number of IDPs, but today they are virtually none. Therefore, no programme activities in relation to resettlement or protection is advanced for Moneragala District.

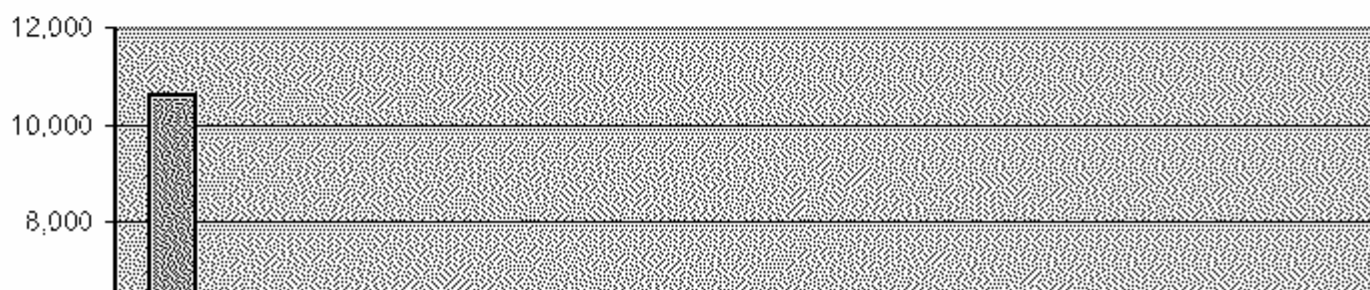
24. According to the IDP survey conducted in 2002,³ 47% of registered IDPs from Polonnaruwa, Anuradhapura and Puttalam Districts indicated their preference to return to their places of origin. 23% of the IDPs registered indicated that they would prefer to remain in their present locations. The latter group comprises mainly Muslim IDPs in Puttalam. Most of the IDPs who expressed a preference to remain in their current locations are of a younger generation and a number of them run small businesses or have other means of livelihood in the places where they are currently living. For them it is less attractive to return to the North East, even after normalcy is restored, than firmly settling into their place of displacement. For those indicating that they would like to return to their places of origin, the guarantee of safety and assistance are pre-requisites. Of the remaining registered IDPs, 26% indicated that they were undecided on whether to move or stay in their current locations, in the future and only 2% expressed an interest to be relocated to another destination." (ADB, UN & WB 9 May 2003, p. 6)

Return

UN return figures as of the end of November 2004

SUMMARY OF RETURNS OF INTERNALLY DISPLACED PERSONS WITHIN SRI LANKA

District of Return	Year	Month											
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Jaffna	2002						61,298	21,853	17,839	16,283	14,886	6,510	6,311
	2003	5,667	4,661	6,468	4,645	1,438	1,449	1,148	1,352	1,752	1,097	914	1,011
	2004	936	555	339	308	249	629	739	124	377	199	207	1,011
	Total	6,603	5,216	6,807	4,953	1,687	63,376	23,739	19,315	18,412	16,182	7,631	7,332
Kilinochchi	2002						32,943	840	146	6,710	5,494	5,214	3,111
	2003	4,515	2,721	1,458	651	585	398	783	716	717	1,579	952	1,011
	2004	8,867	973	2,379	193	1,875	453	206	308	229	480	231	1,011
	Total	13,382	3,694	3,837	844	2,460	33,794	1,829	1,170	7,656	7,653	6,007	3,132
Mullaitivu	2002						23,966	5,430			1,168	809	1,011
	2003	236	233	396	31	621	608	265	362	214	414	156	1,011
	2004	197	233	113	115	80	285	414	158	285	233	138	1,011
	Total	432	466	509	146	701	24,859	6,109	520	499	1,815	1,103	2,032
Mannar	2002						6,064		2,237	889	533	372	1,011
	2003	317	68	166	423	211	539	442	560	913	352	475	1,011
	2004	202	170	361	1,181	297	138	527	484	456	561	287	1,011
	Total	519	238	527	1,604	508	6,741	969	3,281	2,258	1,446	1,134	2,032
Vavuniya	2002						12,687			377	1,764	689	1,011
	2003	522	330	1,863	428	1,245	524	837	343	491	574	530	1,011
	2004	146	285	178	223	165	105	112	127	111	140	58	1,011
	Total	668	615	2,041	651	1,410	13,316	949	470	974	2,478	1,237	2,032
Trincomalee	2002						4,149	704	788	691	629	185	1,011
	2003	432	991	443	166	345	238	285	129	399			1,011
	2004	191	266	315	358	139	168	876	540	522		79	1,011
	Total	623	1,247	758	524	484	4,555	1,868	1,457	1,602	629	264	2,032
Batticaloa	2002												1,011
	2003	280	21	1,198	81	1,776	894	100	43		64		1,011
	2004	28				23	11						1,011
	Total	308	21	1,198	81	1,799	895	100	43		64		2,032
Ampara	2002												1,011
	2003	8							5	7	22	21	1,011
	2004	8									42	42	1,011
	Total	16							5	7	64	63	2,032
Puttalam	2002												2,032
	2003						421						2,032
	2004												2,032
	Total						421						2,032
Anuradhapura	2002												1,011
	2003												1,011
	2004	56											1,011
	Total	56											2,032
Polonnaruwa	2002												1,011
	2003	232	548	264	391	305	552	437	432	209	134	129	1,011
	2004												1,011
	Total	232	548	264	391	305	552	437	432	209	134	129	2,032
Total	2002						141,107	28,827	21,010	24,940	24,474	13,779	14,811
	2003	12,208	9,563	12,255	6,816	6,526	5,613	4,297	3,942	4,702	4,236	2,787	3,132
	2004	10,631	2,482	3,685	2,378	2,828	1,789	2,873	1,741	1,980	1,655	1,042	1,011
	Total	22,839	12,045	15,940	9,194	9,354	14,509	35,997	26,693	31,622	30,365	17,608	18,954



Policy

Government relocation policy threatens freedom of movement of landless IDPs (February 2003)

- A Government relocation policy currently threatens the right to freedom of movement of landless IDPs.
- The vast majority of landless IDPs interviewed expressed the wish to be granted land in the area where they are currently residing, in particular in Mannar island and Vavuniya town.
- However, a Government policy stipulates that IDPs cannot be relocated on State land in any District other than that of their origin.
- The majority of IDPs, regardless of how long they have resided in a District, are not considered by the local authorities as permanent residents and therefore are disentitled from benefiting from current “resettlement” programmes.
- Relocation policy will compel landless IDPs to either remain in camps or return to an area against their will.

"A considerable number of IDPs do not own land to which they could return. A Government relocation policy currently threatens the right to freedom of movement of landless IDPs. There are different categories of *de facto* and *de jure* landless persons:

Upcountry Tamils who settled in the North and worked primarily as tenant farmers prior to displacement.

Following independence, migration of Tamils from the Sinhalese-dominated South, in particular the Hill Country, occurred due to periodic anti-Tamil riots. It is estimated that 40% to 45% of the families in ‘Welfare Centres’ in Vavuniya are of Up Country origin. They fled the Up Country, *inter alia*, in 1971, 1977, 1981 and 1983 and settled in Northern Districts working as tenant farmers or occupying vacant State land, and were subsequently displaced due to the conflict.

The new generation of displaced persons who reached adulthood during displacement and are property-less.

Many IDPs have married following displacement or grown up in their areas of displacement and do not own land. This is particularly true in the case of the Muslims who have been displaced for more than 12 years, but also in the Eastern Province where some IDPs have been displaced since 1985. For instance, the number of Muslim displaced families in Puttalam has increased from 14,000 at the time of displacement to 17,000 at present due to population increase. RDF estimates that 50% of the new generation in Puttalam has no land to return to and no wish to settle in the North.

Illegally or temporarily relocated landless persons.

In some cases, local holders of State Permits or Grants (see section 6.3) have fragmented and sold their land to IDPs for relocation purposes, even though State land cannot be legally sold. Thus in Puttalam, it is estimated that 60% of the land on which IDPs were relocated as part of a State-sponsored programme in 1995 is state land illegally transferred (see section 5.4 on illegal alienation). In Vavuniya, political parties/paramilitary groups have settled landless IDPs in 8 colonies on land which belonged to others. IDPs

from Mannar District who were temporarily relocated, such as those relocated on Church land as part of the 100 Housing Scheme, are also uncertain about their future. Some IDPs have been relocated in various areas in the Vanni by the State or NGOs. Many of the relocation villages appear to be temporary measures and no documents have been handed over to the residents.

Settlers without documentation and so-called “encroachers,” some of which were in the process of regularising their situation when they were displaced.

Landless IDPs who were previously occupying State or private land fear to return as they are uncertain of regaining the land they were occupying. Some landless persons had been in the process of applying for Land Development Ordinance Permits for the land they were occupying when they were forced to leave. These people hope that they will be given the opportunity to continue with the application process from where they stopped (see section 5.3) or be given alternative land.

While some landless IDPs wish to return to their area of former residence, the vast majority of those interviewed by CPA expressed the wish to be granted land in the area where they are currently residing, in particular in Mannar island and Vavuniya town. This is confirmed in Vavuniya by UNHCR. According to a Government policy, however, IDPs cannot be relocated on State land in any District other than that of their origin. This policy, which originates from the 13th Amendment³⁰ to the Constitution, appears to be motivated by the wish not to alter the ethnic ratios of Northern and Eastern Districts. In the case of multi-ethnic Vavuniya this would imply not increasing the number of Tamil residents.

In the 13th Amendment to the Constitution, this principle applies to displacement caused by irrigation and development projects and not to conflict induced displacement. While the principle may have been devised to protect communities from politically motivated population settlements, it is discriminatory towards landless persons displaced due to the conflict and inadequate to address the particular situation facing them at present. In Vavuniya, a number of relocation programmes have been carried out for landless IDPs from the District. The latter have been granted between $\frac{1}{4}$ and $\frac{1}{2}$ an acre of State land under the Land Development Ordinance. According to the Vavuniya Project Director for Rehabilitation, however, there are no relocation programmes planned for this year. It appears that the authorities have renamed the process of relocating landless IDPs from the District as “resettlement.” Six hundred and four landless families from Vavuniya District have indeed been relocated as part of special “resettlement” programmes within the District.

In Puttalam, since the 1995 relocation programme, it appears the policy has been to not issue state land to IDPs. There are allegations that this policy is applied in a discriminatory manner as 35 Sinhalese displaced families were granted state land to relocate. Furthermore, in Kalpitiya, people from outside the Puttalam District, but not from the North, were issued Permits for State land.

The majority of IDPs, regardless of how long they have resided in a District, are not considered by the local authorities as permanent residents and therefore are disentitled from benefiting from current “resettlement” programmes. Proof of residency in a District is determined by whether or not the name of the person has been included in the electoral register of the said District. Most IDPs, however, have not been included in the voting lists of their District of displacement since they were considered to be only temporary residents.

While the Government remains officially committed to respecting the choices of IDPs, this relocation policy will compel landless IDPs to either remain in camps or return to an area against their will.

A further argument put forward by the authorities to justify this policy is the dearth of State land in Sri Lanka. It is noteworthy, however, that CPA was unable to obtain even estimates of land already alienated by the State, land privately owned and available State land from any department under the Ministry of Lands or any District officials. While there is available State land for relocation purposes in Vavuniya District, there are no statistics as to the number of people requiring relocation and the extent of available

land. In Mannar District, due to the absence of survey maps and statistics, it is similarly unclear how much State land would be available for relocating landless displaced persons. According to one lawyer, the landless in the LTTE-controlled Vanni will be given ¼ acre up to a maximum of 1 acre, depending on the purpose for which the land is to be used." (CPA February 2003, p. 32-34)

Obstacles to return and resettlement

UNHCR informal surveys in welfare centres indicate that obstacles to and willingness to return vary greatly between districts(April 2004)

- Of the 613,220 who voluntarily registered in an IDP survey by the UNHCR and the Ministry for Rehabilitation, Resettlement and Refugees in 2002, 390,000 (63%) wanted to return home, 20,300 (3%) preferred to move to a new place, 155,400 (25%) wanted to remain where they were
- UNHCR has since undertaken informal surveys of welfare centres to map main obstacles to return and willingness to return

"How many of these remaining 373,079 IDPs want to return home? The best available guide comes from a survey of IDPs conducted in mid-2002 by UNHCR and the Ministry for Rehabilitation, Resettlement and Refugees. Of 613,220 IDPs surveyed, 155,372 – or a quarter of all those surveyed – said they did not intend to return home. A further 20,293 said they wanted to move elsewhere. Together, that makes 175,665 IDPs who indicated they did not wish to return to their place of origin.

[...]

However, it is likely that the preferred solution to displacement for some IDPs has changed since mid-2002. To gain a greater understanding of the causes of ongoing displacement, UNHCR has been conducting informal surveys of welfare centres. Such a survey was completed recently in Mannar District, with five of the six welfare centres in the District covered.

A similar survey conducted last year in welfare centres in Vavuniya District identified "landlessness" as the main reason for people not to return home. The same conclusion was reached in Mannar, where 30 per cent of respondents cited landlessness in their place of origin as the key obstacle to return, followed by "House in High Security Zone or occupied by the Security Forces" (19 per cent) and "Joblessness in place of origin" (17 per cent). However, only 36 per cent of those who cited landlessness and 18 per cent of those who cited joblessness said they would be willing to return home if that problem were resolved. These results suggest that people are far less willing to return home if they had little prior to their displacement.

[...]

obstacles to return and willingness to return differ greatly from one District to another. For IDPs from Mullaitivu and Kilinochchi, landlessness in place of origin is clearly the main obstacle to return – and most of those citing landlessness said that even if this problem were resolved, they would still not be willing to return home. One possible explanation is that many IDPs originating from the Vanni were already IDPs in that region, having been displaced to the Vanni from upcountry and Colombo following the communal riots of 1977 and 1983. As IDPs in the Vanni, they were often without land or stable jobs.

But of those IDPs originating from Vavuniya and Mannar who cited landlessness as their main obstacle to return, most said they would be willing to return if this problem were resolved. Indeed, in these Districts, the problem of land being occupied by High Security Zones or by the Security Forces was considered an obstacle of equal, if not greater, significance as landlessness, and one that if resolved should lead to people returning home. By contrast, of those IDPs who cited joblessness as their primary obstacle to return, almost none said they would be willing to return if this problem were resolved." (UN Inter-Agency IDP Working Group, 29 April 2004)

"In recent months, UNHCR has been conducting a number of informal surveys of IDPs residing in

welfare centres. The aim is to assess the needs of these people and to explore why, at this stage, they have not returned home.

One such survey, completed in Vavuniya District, identified lack of land as a key obstacle to return.

There are many causes of landlessness, including lack of documentation and property disputes (see case study later in this Bulletin). In addition, a significant number of the landless people in the welfare centres in Vavuniya are up-country Tamil families who fled to the Vanni in the 1970s.

As well as landlessness, commonly cited reasons for not returning included:

concern about children's safety;

not wanting to leave behind family and friends;

lack of education facilities in return areas;

female head of house;

old age, health problems and disabilities;

houses or property occupied by the army or police, or located within high security zones;

lack of job opportunities in return areas." (UN IDP Working Group, 10 November 2003)

Landlessness, High Security Zones, landmines and unemployment are some major factors hindering large-scale return (January 2004)

- Many find that houses and surrounding areas are either destroyed or occupied by armed forces or paramilitary groups or by other displaced persons
- Many areas are contaminated by landmines and unexploded ordnances
- Lack of humanitarian assistance and continuing human rights violations are other major factors affecting returns
- The breakdown in peace negotiations has engendered uncertainty in the whole peace process and a sense of insecurity discouraging return
- Return also depend upon the restauration of damaged or destroyed infrastructure in war-affected areas
- A May 2003 study by the Asian Development, UN and the World Bank concluded that conditions are not yet conducive to large-scale, organised resettlement of IDPs and refugees, mainly because of high security zones, mine contaminated areas, land and property rights issues including landlessness and the lack of infrastructure and basic services.
- Difficulties in accessing key documents, such as birth certificates, national identity cards, marriage certificates and death certificates continues to present problems.

"There are, however, a number of impediments for other IDPs and Sri Lankan refugees outside the country to return home in the near future. Many displaced people are unable to return because their houses and surrounding areas are occupied by armed forces or paramilitary groups or by other displaced persons or because their homes are partially or fully destroyed. Many areas are contaminated by landmines and unexploded ordnances. Lack of humanitarian assistance and continuing human rights violations are major factors affecting returns. Some of the prevailing situations affect minorities and vulnerable segments of the displaced population, preventing their early return. In brief, the present situation of the war-affected areas is not yet conducive for large-scale return of IDPs and refugees. [...]

[...]

- The majority of the remaining IDPs have expressed willingness to return home. But they are unable to do so immediately because their homes and surrounding areas are affected by one or more of the following: They are (a) in the High Security Zones (HSZ) of the Sri Lankan armed forces where civilians are not permitted to enter; (b) occupied by the Sri Lankan armed forces or paramilitary groups or by other displaced persons; (c) contaminated by an estimated 2 million landmines and unexploded ordnances; (d)

partially or fully destroyed or overgrown by jungle and populated by wild animals; (e) the main places for the presence and activities of the armed forces or the LTTE or other militant groups, resulting in insecurity.

- Most recent returnees face many problems in re-integrating in the places of origin because a) they have not been assisted financially or otherwise; b) they cannot regain assets and properties; or c) they are unable to resume economic livelihoods.
- The planned immediate humanitarian and rehabilitation work has been terminated because of the suspension of the peace talks and is affecting the returnees and IDPs who wish to return.
- Following the signing of the ceasefire agreement, large-scale killings and destruction have stopped. However, killings, abduction, harassment, recruitment of children, illegal taxing, extortion and other forms of human rights violations and violations of fundamental rights have continued. These violations are widespread especially in the north-east in the areas where the displaced have returned.
- Those who have not yet returned face continuing problems of displacement and uncertainty about their future. There is a discernible lack of interest in their situation from the state and other agencies. They also continue to experience hostility from host communities.
- Ethnic violence, which erupted in the Eastern Province during the ceasefire period, resulted in the displacement of nearly 40,000 people belonging to Tamil and Muslim communities and the ethnic tensions continue to affect the normal lives of the people in these areas.
- The Sri Lankan government has declared that its priority is the resettlement of IDPs and then the return of Sri Lankan refugees from India. The government has also stated that once peace is established it expects the economy to boom and that the resultant large-scale development in the infrastructure will lead to the return of Sri Lankan refugees from abroad through voluntary assisted return programmes.
- The present situation and current conditions of the country warrant planned and managed movement of the return of IDPs and refugees to their places of origin. Mass, sudden and unplanned returns will bring great pressure on the available infrastructure, such as schools and hospitals, and will in turn affect local communities, particularly in view of the lack of capital, personnel and expertise needed to revitalize local economies. The resulting tensions may have an impact on the peace process itself." (The Refugee Council, September 2003, p. 8)

"Displaced persons cited a number of reasons why they have not been able to return to their homes. First, the government has designated large areas of the north, especially around the city of Jaffna, as "high security zones" controlled by the army where civilians are not permitted to reside. Fishermen are especially affected as many of the "high security areas" encompass coastal areas. Second, about a million landmines over broad expanses of former battlefields prevent farmers from returning to their lands, and although various agencies are working to demine these areas, the work will not be completed prior to 2006. Third, new residents often occupy the former homes and lands of the displaced. The problem of determining ownership of lands and houses is not being addressed. And fourth, many of the displaced were landless at the time of their displacement and have no place to return to; they remain in the welfare centers because they have no alternative. The government insists that displaced persons return to their district of origin as a condition of aid, thus discouraging any relocation or local integration of displaced persons who do not wish to return to their district of origin.

Another factor discouraging many displaced persons from returning to their former homes is that many of the displaced are from areas under LTTE control or influence. Living standards and economic opportunities in LTTE-controlled areas are lower than in the rest of Sri Lanka, and the poor quality of schools in those areas is another factor keeping many families from returning. Spoken of only obliquely is the fear of many families that their sons, including teenagers, will be induced to join or will be impressed into the LTTE's army. The use of child soldiers by the LTTE is well documented and, according to some observers,

recruitment has increased since the ceasefire. Many of the displaced may have fled in the first place to keep their sons out of the ranks of the rebel army. UNICEF, which has a program to demobilize child soldiers, is appropriately taking a hard line with the LTTE about the recruitment and use of child soldiers." (RI 6 January 2004)

"55. Conditions are not yet conducive to large-scale, organised resettlement of IDPs and refugees, though the situation is evolving rapidly. Security concerns, high security zones and mine contaminated areas, and land and property rights issues including landlessness, are notable impediments, as are the lack of infrastructure and basic services.

56. Progress towards attaining full respect for the rights of the individual, including the right of access to basic necessities, will be reached principally through progress in the peace talks. This, in turn, should permit the authorities and other actors to more effectively undertake work in development sectors. In the interim, however, there will be a continuing need for humanitarian assistance, particularly among IDPs and communities, in areas where returnees can be expected to integrate or to resettle, and attention must be given to immediate protection concerns and near-term integration/ reintegration assistance.

57. Difficulties in accessing key documents, such as birth certificates, national identity cards, marriage certificates and death certificates continues to present problems. The physical destruction of housing and other property is the most visible consequence of the conflict. Problems and disputes are arising out of destruction of boundary lines, loss of ownership and other land related rights as a result of non-occupation/non-use due to displacement, loss of property deeds, secondary occupation, transfers made under duress and landlessness. The special concerns of second-generation IDPs regarding integration or return to their ancestral district, and succession and inheritance related issues, will need to be addressed if sustainable IDP and refugee return is to become a reality. Situations where minority ethnic communities have been collectively displaced and their land subsequently occupied by another ethnic community pose particular challenges, which need to be addressed urgently to ensure that these people can also exercise their right to return in safety and dignity." (ADB, UN & WB May 2003, pp. 11-12)

Internally displaced women face numerous difficulties upon return (February 2003)

- Upon return, women face many problems including security threats lack of infrastructure, health care, education opportunities for their children.
- Women and femal-headed households returning have to take on tasks that are typically for men, like clearing and rebuilding on the land, farming and maintaining structures.
- Income generation projects provided by NGOs not only serve as a source of income, but also to empower women.
- In Vavuniya District it was mentioned that 65-70 percent of employed women are self-employed in the non-traditional sphere.
- However, major livelihood and employment problems remain for women affected by displacement.
- There are limited options available for wage labour in general and for wage labour for women in particular.
- Salaries given to men and women for the same work is different.

"Beyond these issues relating to property acquisition and ownership, women IDPs face numerous difficulties upon return to their land, with human rights and security questions intertwined with needs relating specifically to property and land.

Security

One element preventing women IDPs and their families from returning to their land is the issue of security. When families send the men to clear the land, the women fear the separation because of the large number of disappearances in the past. Returning to land in LTTE-controlled areas raises fears of child recruitment. When women travel back and forth between their lands and the 'Welfare Centres', they face potential harassment and the threat of sexual violence at checkpoints.

Infrastructure

Another problem facing women is the destruction of infrastructure in the war-torn areas. This often disproportionately affects women, as they generally bear the responsibility for child care and accessing health care. Without schools and medical facilities, women would have to handle these responsibilities at home. Female headed households would be responsible for these duties in addition to financial support. Many IDPs reported that they will not return until infrastructure is developed and facilities have been rebuilt. The lack of influence of women, especially women IDPs, in shaping policy priorities means they are less able to propose how and when infrastructure will be rebuilt.

Landmines, Land Clearance and Rebuilding

Once families resettle on the land, women generally and FHH in particular face the challenge of clearing and rebuilding on the land. Men have traditionally taken responsibility for farming and maintaining structures on the land. Women who have lost spouses and other male family members must decide how they will farm their land and use it to support their family. One person interviewed by the Centre for the Study of Human Rights for its report on displaced women said, "Who is going to clear the land and build for the women? There would be so much gossip if a woman engaged labour from men, even if she could afford it."

Livelihood and Employment

Some positive developments have been made in the areas of employment and livelihood. The non-traditional sphere is expanding, and women are finding employment through various income generation projects and activities. NGOs are training women in jobs tailored for their needs and skills, both in the traditional sphere of women's activities (sewing, weaving, animal raising, cooking) and in jobs not traditionally held by women (mechanical work). Where infrastructure requires development, women are using new skills to help to set up and manage various facilities. In these situations, women often face fewer prejudices and stereotypes because of the overwhelming need. Generally, income generation projects not only serve as a source of income, but also to empower women. One person interviewed mentioned how, before displacement, women did not come out and were afraid to speak, whereas now they have organisations and are involved, working in government factories, NGOs, and shops and going to meetings and seminars. Another person interviewed in the Vavuniya District mentioned that 65-70 percent of employed women are self-employed in the non-traditional sphere.

Despite these positive developments, major livelihood and employment problems remain for women affected by displacement. Where male spouses have been lost, women become the principal income generators in a household, adding to their traditional duties of sustaining and supporting the welfare of children and extended family. One of the main problems is that there are limited options available for wage labour in general and for wage labour for women in particular. For instance, in Vavuniya, men were employed for an average of 5-15 days per month; the figures were lower for women. The Trincomalee District reports declining fish production from 1980 through 1998, a reduction in the cultivation of paddy land, and declining milk production from 1981 through 2001. Where wage labour options are available, they generally go to men. In addition, many people interviewed reported that salaries given to men and women for the same work is different. One NGO in the Puttalam District said that IDPs receive the same as the local salary, but women are paid less for the same work. Thus men receive on average Rs 170 per day and women Rs 90 per day. Women residents of a resettlement village in the Vavuniya District stated that women were paid only Rs 100 per day where men were paid Rs 200 per day." (CPA February 2003, pp. 46-48)

Manna and Jaffna districts: occupation of land by government forces and LTTE hampers return of the displaced (February 2003)

- Many people in the North remain IDPs because their property has been taken over by the LTTE or government forces.
- In addition, property owners are not allowed to live within the vicinity of areas declared as High Security Zones (HSZ)
- Rent is sometimes paid by the military to the owners.
- In the Jaffna peninsula the HRC regional office mediates between the owners and the SLA, however the HRC regional offices do not have the mandate to mediate in instances where the LTTE is the party occupying
- LTTE pays rent to some owners while some property has been taken over by force.

" [...] a substantial land area is occupied by the Sri Lankan Army (SLA) and the Police in the North-East, in particular in Mannar and Jaffna Districts. There are also concerns that the Army has been expanding or creating new High Security Zones (HSZ). In addition to HSZs, a high number of Army and Police posts located on people's properties have still not been vacated.

As a consequence of Army and police occupation, many IDPs are unable to return. At the time of writing no solutions had been devised to assist affected IDPs through relocation programmes or compensation packages. The policy of the Army with regard to the payment of rent for occupation of property appears to be *ad hoc*, with only certain affected IDPs being granted rent.

A Sub Committee on De-Escalation and Normalisation (SDN) was set up following the second session of the first round of the Peace Talks with a mandate to look into the issue of, *inter alia*, High Security Zones. Following the fourth session of the first round of peace talks, the SDN was deactivated, leaving the issue in limbo. The parties agreed, however, on an Action Plan for the Accelerated Resettlement of the Jaffna District, which will look into the vacating of areas in the vicinity of High Security Zones. Disputes over occupation by the Armed Forces is presently resolved at District Level.

LTTE occupation

Most abandoned lands in LTTE-controlled areas have been taken over by the LTTE, in particular the properties of Muslims evicted in 1990, refugees in India and emigrants. The land has been subsequently either rented, given to the families of LTTE cadres or used by the LTTE to host their administrative structures. The LTTE has reportedly allowed IDPs to settle on other people's lands. It is also to be assumed that some LTTE camps are located on the land of IDPs. The LTTE has reportedly instructed occupiers to vacate the lands of returnees.

The return of the property of Muslim IDPs is an issue which has come to the fore. Whilst the LTTE leadership has reiterated its commitment to returning the land of Muslims, Muslim IDPs remain suspicious of their good intent. A number of Muslim lands have been used to build LTTE administrative or other structures and it appears unlikely that the land will be returned to the owners. It is noteworthy that while a handful of Muslims entered into agreements to receive rent from persons occupying their business premises in Kilinochchi town, none are expected by the occupiers to return permanently.

At the time of writing, the LTTE had asked the SLMC to hand over a list detailing the particulars, names, locations and extent of land of Muslims. " (CPA February 2003, pp. 10-11)

North-East: destruction and overgrowth make identification of land and property difficult upon return (February 2003)

- War and looting has left North-East's properties and infrastructure considerably damaged.
- The destruction and severe shortage of personnel is hampering the return of internally displaced
- Upon return, identifying land boundaries has become a problem for some property owners because of the overgrowth and the destruction. Documents prove to be little assistance in identifying boundaries
- Disputes over land boundaries are likely to rise with the increasing return of internally displaced

"Damage to property and infrastructure in the North East caused by fighting, looting and neglect, is considerable.

In the LTTE-controlled Vanni, cement or brick structures are a rare sight, usually situated in town centres. Most inhabitants live in cajan huts set up temporarily. Certain towns have been razed to the ground. In Government-controlled areas, more buildings are still standing, though the majority have been damaged and most non-occupied buildings have no roofs.

Building materials, drinking wells, household items and any movable property left behind by IDPs have been looted or have decayed due to neglect. In some instances, even the foundations of buildings have disappeared. Overgrowth has taken over the land.

[...]

Infrastructure, including schools, hospitals, community centres, local administration buildings, power and water supply, telecommunications and roads, has also been devastated and is impeding the return of IDPs. Where infrastructure is intact, the severe shortage of personnel and resources hinders service delivery."

[...]

"Upon return, identifying land boundaries has become a problem for some property owners. The overgrowth, coupled with the destruction of property, means that identifying the land and its exact boundaries is a difficult process. This is especially so for returnees whose property is located in areas where mass destruction occurred as well as for the poorer owners who only had temporary structures which may not be visible any longer. Most IDPs use the trees as landmarks for identifying their land.

Many Muslim houses have been destroyed by shelling and bombing. Building materials were also looted following the sudden eviction of Muslims from their properties in 1990. In certain cases, foundations of houses have been removed. One displaced person explained that while cement foundations were still visible, stone foundations may have been looted because the stone is more valuable.

Unfortunately, documents prove to be little assistance in identifying boundaries, as survey maps or plans have not been automatically included in either private deeds or state Permits and Grants. Furthermore, both deeds and Permits/Grants under the LDO define the boundaries of a property by the ownership of the adjoining North, South, East and West lands. This may prove problematic in cases where the property of a returnee as well as those adjoining are not identifiable due to the overgrowth and the lack of foundations.

Though this is at present a relatively minor issue, disputes over land boundaries are likely to rise with the increasing return of IDPs. Identifying property will be all the more problematic for the second generation of IDPs, where the owner is deceased and the heirs unfamiliar with the land." (CPA February 2003, pp. 38-39)

Muslim and Sinhalese internally displaced: ethnic tensions hampers return (February 2003)

- Ethnic tensions remain high and impedes return and access to land and property.

- Ethnic tension is often articulated as real or perceived discrimination, both past and present, in the allocation of state resources and assistance as well as real or perceived security threats.
- In the East there is a long standing perception that Tamils have been discriminated against in the allocation of land and resources in favour of Sinhalese and Muslims.
- Sinhalese and Muslim IDPs, victims of forced displacement at the hands of the LTTE in the North and East, remain distrustful of the LTTE's commitment to peace.
- Sinhalese IDPs whose land is situated in LTTE-controlled territory expressed fear to return and might need to be relocated elsewhere

"Tension among IDPs and returnees of the three main communities of Sri Lanka remains high and impedes return and access to land and property. All three communities have been displaced as a result of the conflict and human rights violations committed by both parties to the conflict.

Ethnic tension is often articulated as real or perceived discrimination, both past and present, in the allocation of state resources and assistance as well as real or perceived security threats. Such perceptions are numerous and we give instances of only a few concerns voiced to CPA regarding return and the land issue.

In the Eastern Province, there is a long standing perception of discrimination against Tamil residents in the allocation of land and resources by the State, interpreted as an attempt to alter the ethnic ratio of the Province. Thus, Government colonisation schemes in the past mostly benefited Sinhalese landless persons. Furthermore, it is perceived that Sinhalese displaced communities were assisted by the State and the Sri Lankan Army and benefited, for instance, of special relocation programmes. There are also allegations that the Eastern Ministry, traditionally headed by a Muslim politician, has favoured Eastern Muslims over the Tamil population in the allocation of resources and turned a blind eye to occupation of Tamil lands by Muslim persons.

Sinhalese and Muslim IDPs, victims of forced displacement at the hands of the LTTE in the North and East, remain distrustful of the LTTE's commitment to peace, despite repeated assurances by the movement's leadership. The LTTE has reportedly instructed occupiers to hand over land belonging to Muslims. Following complaints that this instruction was not being applied on the ground, the LTTE demanded that the SLMC provide a list of the particulars of Muslim property owners in the North East (see section 5.3). Mistrust is exacerbated by continuing reports of harassment and extortion of Muslims in the Eastern Province.

The majority of displaced or relocated Muslims whom CPA interviewed in Puttalam strongly wished to return to their areas of origin, for the most part in Mannar and Jaffna Districts. However, as of October 2002, except for Mannar Island, where 325 Muslim families have resettled, only a handful of Muslim families have returned to the North.⁴⁴ As of October 2002, 34 families out of 2,837 had returned to Jaffna town; 20 to 30 families to Mullaitivu. The main reason for Northern Muslims' reluctance to return appears to be fear for their security. Most require a permanent solution to the conflict and a security guarantee before considering returning permanently.

CPA did not encounter any Muslim IDPs in Puttalam who were ready to return unconditionally. Since the signing of the Ceasefire Agreement, however, many Muslim IDPs have undertaken visits to check the state of their land and property, in both government and LTTE-controlled areas. In some instances, Muslim men have gone back to their properties on their own leaving their families behind in Puttalam. CPA met Muslim male returnees in Musali Division, Mannar District who were clearing their lands and rebuilding their houses aiming at restarting income generating activities prior to resettling their families.

CPA did not meet any of the Sinhalese IDPs evicted from the Northern province in 1990 though as far as we have ascertained, none of those displaced families had returned in December 2002. In the Eastern

Province, however, Sinhalese IDPs whose land is situated in LTTE-controlled territory expressed fear to return and might need to be relocated elsewhere. Those IDPs who have suffered at the hands of the LTTE are refusing to return until the LTTE lays down their arms permanently. Sinhalese IDPs currently in the Mihindupura camp, Trincomalee District, require security guarantees before they return. Of approximately 300 families in the Thamalagama area only about 125 had returned as of December 2002; others are waiting for the conditions to stabilise." (CPA February 2003, pp. 35-36)

Jaffna: the most important factor hindering return is the existence of the military High Security Zones (April 2004)

- The majority of IDPs now living in refugee camps in Jaffna were originally displaced from High Security Zones (HSZs)
- As of June 2003, a government report said that 94% of those IDPs who were displaced from their homes within the HSZs and currently live in welfare centres, were unable to return to home areas
- The security forces are also occupying many houses belonging to IDPs outside the HSZs
- The existence of landmines is another factor that prevents the return of IDPs within the Jaffna peninsula
- Other factors include damaged and destroyed assets and properties, no access to livelihood and no access to medical and other facilities upon return

The most important reason for the inability of the IDPs to return is the existence of the military HSZs. In fact, the majority of IDPs now living in refugee camps in Jaffna were originally displaced from HSZs. An IDPs information report of the Jaffna Government Agent [...] on 1 June 2003 says that 94% of those IDPs who were displaced from their homes within the HSZs and currently live in welfare centres, are unable to return to home areas (Table 7). In addition, IDPs living within half a kilometre radius of a HSZ, are not permitted to engage in any economic activity within that area. The security forces are also occupying many houses belonging to IDPs outside the HSZs.

Table 7 IDPs in Jaffna welfare centres whose homes are in HSZs

District Secretariat Division	Number of welfare centres	Families in HSZs	Families in other areas	Total families
Nallur	3	30	0	30
Sandilipai	15	197	89	286
Chankanai	19	452	0	452
Uduvil	11	291	27	318
Thellipalai	5	253	0	253
Kopay	5	164	0	164
Karaveddi	1	16	0	16
Point Pedro	15	592	18	610
Maruthankerny	6	91	8	99
Total	80	2,086	142	2,228

Source: Jaffna Government Agent's report of 1 June 2003

The existence of landmines is another factor that prevents the return of IDPs within the Jaffna peninsula, an area formerly largely occupied by the people or used for economic activities. The following areas of the peninsula are contaminated by landmines:

1. Jaffna and Nallur Divisional Secretary's Division (DSD)[...]- most of the Muslim areas of Jaffna Town, Ariyalai and Columbuthurai.
2. Uduvil DSD - concentrated around security structures erected during the fighting and mainly found in Erlalai North, Kuppilan North and Punnalaikadduvan North. Around 50% of the total area of this DSD is identified as dangerous.
3. Thellipalai DSD - out of 17 Grama Niladhari (Village Headman) Divisions (GND), 13 are known or suspected to have areas contaminated with mines.
4. Chankanai and Sandilipai DSDs - 15 GNDs of these areas are suspected to have landmines.
5. Kopai, Karaveddy, southern region of Thenmaratchi (Chavakachcheri) and other areas where military bases were established are also known to have mines.
6. In the islands west of the Jaffna peninsula, mines have been placed by both parties.
7. Point Pedro in north-eastern Vadammaratchy.

During the war and in the prevailing period of peace, it is the civilians who have been most affected by mines. While the scale of the problem of landmines is not known, it is estimated that 20 sq km in the Jaffna District are affected by over 500,000 landmines.

Apart from the above-mentioned reasons, there are other factors which prevent the return of IDPs and refugees to their homes in Jaffna. They are the following:

1. Damaged or destroyed assets and properties: In areas of intense fighting, no permanent structure has been spared. Along the A9 road and roads leading to Palaly Airport and to the sea port such as Kankesanthurai and in parts of Jaffna town facing Mandativu Island and large areas of north-eastern Vadammaratchy, most of the permanent structures (houses, schools, hospitals and factories, etc.) have suffered severe damage or destruction. People displaced from these areas cannot return for the reason that they will have no shelter.
2. Access to agricultural areas occupied by armed forces: Large tracts of agricultural land are occupied by the security forces, particularly in north-western Valikamam and southern Thenmaratchy areas.
3. Restrictions on fishing: The armed forces do not allow fishing in areas near HSZs. In March 2003, the perimeter of the Army camp at Ariyalai in Thenmaratchy was extended, affecting some 1,000 fishermen.[...]. In almost all the areas, fishermen must obtain permits from the armed forces to go to sea for fishing. Apart from these restrictions, the LTTE have decreed that some types of fish can only be sold through middlemen appointed by them.
4. No access to education, medical and other facilities on return. Because of lack of access to these basic facilities, IDPs continue to live in the areas where they have been displaced.
5. Slow process of resettlement allowance. Due to red tape and lack of funds, many returnees were not able to obtain government assistance on return. This situation has forced some people to go back to the places of displacement and has discouraged those who intend to return home.
6. Discrimination in resettlement allowance. Complaints have been made that current returnees receive a higher resettlement allowance than those who returned before February 2002. [Those who returned before February 2002 were paid the Rs 25,000 housing allowance in instalments and have received only a part of the total allowance and were unable to complete their houses. Returnees after February 2002 are entitled to Rs 75,000 based on current costs]. Further, many returnees have not been provided any assistance and in Jaffna those returnees from the Vanni are given the allowance while some people

displaced within the Jaffna peninsula are denied. Government officers in some areas of the north-east are also not accepting letters proving residence of the IDPs, issued by *Pradeshiya Sabha* (Regional Council) secretaries outside the north-east region. [...] (The Refugee Council, September, p.30)

"In a positive development in efforts to achieve durable solutions for Sri Lanka's displaced, the Sri Lanka Armed Forces in early April released 51 houses in the High Security Zone near Chavakachcheri, Jaffna District. The original residents of the village have been displaced throughout the Jaffna Peninsula since 1999. The village remains some 700 metres inside the HSZ. However, under the "restored village" pilot scheme, residents will receive a special pass from the Security Forces to enter the released area, which includes both residential land and paddy field. Various agencies have been working with the Security Forces and the villagers to ensure the area is suitable for resettlement."

Read also:

[Muslim families allowed to resettle in Thenmaradchchi HSZ](#)

Vanni: Lack of security and humanitarian assistance discourages return (September 2003)

- Proper relief assistance by the government or NGOs is still not available in potential return districts
- Dangerous diseases including malaria are prevalent in many places
- The infrastructure is damaged or destroyed, as well as private houses and properties
- Many internally displaced are affected by the LTTE undeclared high security zones in territories under their control, as everyone entering the Vanni must obtain LTTE passes
- A large area of the Mannar District in the Vanni region has been demarcated by the security forces as High Security Zones (HSZs) and many places have been identified as containing landmines

"In an interview at a welfare centre in Vavuniya, IDPs who are originally from Kilinochchi and Mullitivu expressed grave concern about returning to their homes. In the Vanni districts, the IDPs continue to live in extremely poor conditions and proper relief assistance by the government or NGOs is still not available, exacerbating serious health and other problems. The infrastructure is damaged or destroyed and relief agencies are unable to reach them, particularly at times of emergency. Homes are destroyed or home areas are covered by jungle, populated with wild animals. Dangerous diseases including malaria are prevalent in many places of potential IDP return.

The field survey identified a number of other problems which prevent or discourage IDP return in Vanni. Similar to the HSZs of the armed forces, the LTTE maintain undeclared high security zones in territories under their control, which affect many IDPs, as everyone entering the Vanni must obtain LTTE passes. This pass system is strictly enforced by the LTTE and affects both Tamil and Muslim returnees. However, in the case of Muslim returnees the LTTE exercise stricter control. Houses and agricultural land belonging to Muslims have not been released to the original owners/occupiers by the LTTE and no reasons have been adduced. This action of LTTE has prevented the return of a large number of Muslim IDPs and has further strengthened the feeling of uncertainty over the whole peace process.

Similar to the Jaffna peninsula, a large area of the Mannar District in the Vanni region has been demarcated by the security forces as HSZs and many places have been identified as containing landmines." (The Refugee Council, p. 31)

Puttalam, Anaradhapura and Polonnaruwa: land and property issues compound return and resettlement for internally displaced (May 2003)

- Land issues need to be addressed in order to find durable solutions for internally displaced in Puttalam, Anaradhapura and Polonnaruwa
- Land and property rights issues for the displaced population include landlessness, availability or non-availability of land to purchase, inadequate documentation of ownership.
- Many actual or potential returning displaced who own land or properties find their properties occupied or destroyed. These problems are most pronounced for internally displaced returning to Jaffna and Mannar.
- In many of the welfare centres and the villages where internally displaced are accommodated, living conditions are very poor. Malnutrition among children is reportedly a serious concern.
- Competition for resources and means of livelihoods between internally displaced and the local population have led to tensions and violence.

"25. In order to find durable solutions for IDPs in the three Districts, various land issues need to be addressed. New approaches to solutions may be required to accommodate IDPs whose land and property disputes cannot be resolved.

26. The range of land and property rights issues for IDPs include landlessness, availability or non-availability of land to purchase, inadequate documentation of ownership (land deeds for temporary occupation of

land, or proof of ownership). For second generation IDPs, there is an issue of limited chances of inheritance. Many actual or potential returning IDPs who do own land or properties find their properties occupied. A number of Muslim IDPs from Jaffna, have their houses occupied by Tamil IDPs who are themselves unable to return to their own houses located in the high security zones. In addition many of the properties of returning IDPs are damaged, many beyond habitually. These problems are most pronounced for IDPs returning to Jaffna and Mannar. In addition, nearly all Muslims originating from Mullaitivu have their land occupied by others, and land and property restitution is of serious concern.

27. Other noteworthy situations include the very poor and sub-standard living conditions in many of the welfare centres and the villages where IDPs are accommodated on land provided by the Government or by private landowners. Food security, particularly the problem of malnutrition among children, is also a serious concern.

28. Competition for resources and means of livelihoods, are surfacing as a contentious problem. This has led to incidences of tension and violence, particularly in the district of Puttalam, particularly between the IDPs and the local population. Irregular food distribution, inequitable access to schools including due to lack of birth certificates, and difficulties in obtaining deeds can sometimes be perceived by IDPs as discriminatory. The presence of IDPs in Puttalam and Anuradhapura also had an effect on competition in the labour market, as IDPs would often accept lower wages, and this has had the effect of decreasing the price of labour for other local residents. The poorest people among the IDPs and host communities become the most vulnerable in such situations." (ADB, UN & WB 9 May 2003, p. 7)

HUMANITARIAN ACCESS

General

NGOs report difficulties in taking essential food items and other relief to Tamil villages in the Kinniya division (December 2003)

"Community unrest, hartals and violent attacks between Muslim and Tamil Communities in Muttur and Kinniya were frequent, sometimes daily, in recent months. Unknown and unidentifiable groups are suspected of inciting the two communities against each other creating a volatile atmosphere in the Trincomalee district.

[...]

NGO Activities – At a meeting held at the Trincomalee UNHCR office on December 2nd the representatives of non-governmental organizations brought to the notice of the authorities of the difficulties they had been facing in taking essential food items and other relief to the Tamil villages of Alankerni and Eechantivu in the Kinniya division. The conference focused its attention on the supply of humanitarian assistance to displaced families, especially of the Tamil community in the Kinniya division who have been displaced following threats from Muslim groups in the area." (CHA December 2003)

NATIONAL AND INTERNATIONAL RESPONSES

National and international assistance to internally displaced in Sri Lanka

The Sri Lanka Government

The Sri Lanka Government never ceased to function during the conflict and has since the signing of the peace process been a central player in planning of relief and longer-term assistance to internally displaced.

Three ministries have a direct bearing on assistance to IDPs:

the Ministry of Rehabilitation, Resettlement and Refugees (MRRR),
the Ministry of Eastern Development and
the Ministry for Assisting Vanni Rehabilitation

The MRRR is responsible for IDPs island-wide. However, the Ministry has channelled much of its rehabilitation, return and relocation programmes onto the Northern Province through a Rehabilitation and Reconstruction Authority of the North (RRAN) (CPA February 2003, pp.71-73). Durable solutions for Muslim IDPs from the Northern areas currently residing in Puttalam, Anuradhapura and Kurunegala in the Eastern and Vanni districts must be found through cooperation between the three ministries. A Rehabilitation, Resettlement and Refugees (RRR) secretariat has been established at the Prime Minister's Office.

Assistance by non-state actors

An overview of humanitarian and development assistance projects by the LTTE and local NGOs in LTTE-controlled areas can be found at the [webpage](#) of the LTTE Peace Secretariat. In addition, [sub-committees](#) with equal membership by the Government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE) were established during the peace talks between October and December 2002. The Sub-Committee for Immediate Humanitarian and Reconstruction Needs in the North and East (SIHRN) is seen as a major co-operation partner for international organizations.

International presence and co-ordination with national authorities

The UN Country Team (UNCT) in Sri Lanka consists of: [UNHCR](#), [UNDP](#), [UNICEF](#), [UNFPA](#), [WHO](#), [WFP](#), [FAO](#), [ILO](#), [IOM](#), [World Bank](#), [IMF](#) and the [Asian Development Bank](#) (ADB). [ICRC](#) also has several offices in Sri Lanka.

There is no formally appointed Humanitarian Coordinator in Sri Lanka with an overall responsibility for IDPs, but UNHCR was appointed by the Government to be the lead-agency in the provision of protection, relief items and emergency shelter to displaced families returning to their home areas. A UN consolidated appeal process for Sri Lanka has never been undertaken, partly because the government did not want to internationalize the conflict.

There are several mechanisms for co-ordination of assistance activities – all concerning the shorter or longer-term needs of internally displaced.

Where several government entities and/or UN agencies are involved in the same project or topic, the prioritization and the assignment of detailed responsibilities is managed by the Prime Minister's Office,

A UN-RC co-ordination unit organizes regular co-ordination meetings between ministries, donor representatives and NGOs.

A UN Inter-Agency Working Group, (see [reports](#)), meets periodically in Colombo to discuss and coordinate responses to IDP returnees with national authorities.

SIHRN has become a major coordination mechanism and is used by all UNCT members to plan humanitarian activities and rehabilitation activities. In February 2003, the World Bank and SIHRN established the North East Reconstruction Fund to finance the resettlement of IDPs.

Wide cooperation is taking place both related to the demobilization and reintegrating of child soldiers (the [Action Plan for Children Affected by War in Armed Conflict](#)) and [Mine action](#).

Since June 2004, mainstreaming of human rights is also reinforced by a Senior Human Rights Advisor who works with the Resident Coordinator and UN agencies to advise and support strategies to protect human rights and build the human rights capacity of local institutions, civil society and UN itself.

[UNIFEM](#) provides an overview of the UNCT gender programming in Sri Lanka as well as an overview of women's peace-building activities.

Regarding the transition from relief to development assistance, Sri Lanka is one of four pilot countries where a transition strategy for the war affected areas (4Rs) is being developed by the World Bank, UNDP and UNHCR in cooperation with other stakeholders. The Multilateral Group, consisting of the UN, ICRC, IOM, and the financial institutions, has developed a detailed joint plan of action. To read more about the *Repatriation, Reconciliation, Recovery and Reconstruction (4Rs) concept*, see the [report](#) by UNDG-ECHA Working Group.

NGOs

A list of NGOs delivering humanitarian assistance in Sri Lanka is available through the membership list of the [Consortium of Humanitarian Agencies](#) (CHA). No overview is available over who does what for IDPs, but the [Knowledge Center](#) of CHA is currently creating a NGO directory including both member and non-member NGOs, including information about ongoing activities. Activities and contact details for the Sri Lanka Red Cross are available at the internet page of the [IFRC](#).

Donors

[Japan](#) is Sri Lanka's largest donor government, followed by the [ADB](#), the [World Bank](#), [Germany](#) and the United States ([USAID](#)). The World Bank and the [IMF](#) also provides multi-year loans to support the Government of Sri Lanka's poverty reduction strategy and macroeconomic reforms. Almost all donors provide assistance related to peace building and humanitarian assistance. Japan, the World Bank, and the ADB provide loans and grants in the areas of infrastructure, reconstruction and rehabilitation, industrial development, agriculture, health, human resources, transportation, and power sector reform. In the area of democracy and good governance, the World Bank has a project supporting legal reform. Most donor governments support projects related to conflict, human rights, civil society and media development.

National and International Response after signing of the ceasefire

The signing of a peace agreement in February 2002, enabled access to previous conflict zones and the start of programmes for humanitarian relief, protection and longer-term reconstruction projects.

During the conflict, assistance to internally displaced in the conflict areas was heavily influenced by military considerations, for example with regard to how much relief should reach the conflict areas (Gomez July 2002, pp.8-11). With international assistance, the Government provided limited humanitarian aid to some 42,000 families in government-run welfare centres and provided food rations to some 142,000 families living with friends and relatives. Still, thousands in welfare centers suffered immensely from lack of food, overcrowding and lack of education and medical facilities.

After the signing of the peace agreement, several joint initiatives were launched addressing the needs of returning IDPs. The first major post-conflict planning document was “GoSL & UN: Joint Strategy to meet the Needs of Returned IDPs” July 2002-July 2003, which was launched by the Government. This document was the result of an inter-agency effort and was also inspired by recommendations from the then UN Coordinator for IDPs. Main areas of focus was returning IDPs, mine action, food, agriculture, fisheries and emergency employment, health and nutrition, water and sanitation, education, protection and non-food items.

A major nation-wide vulnerability analysis was also conducted during 2002. On the basis of the findings it was decided to organize a reconstruction conference in Tokyo, co-chaired by Japan, the EU and Norway. In the meantime, a preparatory donor conference addressing immediate needs was organized in Oslo in November 2002 where USD 60 million were pledged.

Between January and March 2003, under the auspices of SIHRN, the UN agencies, World Bank and Asian Development Bank (the Multilateral Group) conducted a more in-depth nationwide needs assessment in 2003 that extended its focus beyond IDPs and looked at longer term needs of the of the war affected districts. This report became the major pledging document for the Tokyo conference during which donors pledged USD 4.5 billion towards the rehabilitation and reconstruction of Sri Lanka. Disbursement of these funds was made contingent upon the resumption of negotiations between the Government and the LTTE, along with satisfactory progress against benchmarks related to human rights, security, and democracy.

Proper relief assistance by the government or NGOs is still not available in potential return districts in the LTTE-controlled Vanni region. During 2003, [the Brookings Project on internal displacement](#) commissioned CHA to undertake an [assessment](#) of risks and vulnerabilities facing IDPs in this region.

The situation as of October 2004

While all agree that there is a pressing need to restore damaged or destroyed infrastructure in conflict-affected areas, the stalled peace process has frozen most development projects in the north and east, pending resumption of the peace talks. Humanitarian assistance programs continue, although funding for humanitarian programs seems to be declining. In the meantime, internally displaced and returnees continue to face serious problems such as lack of shelter and lack of means to re-establish livelihoods.

Concerning individual assistance to returning refugees and IDPs, the Government offers individual rehabilitation assistance through a Unified Assistance Scheme (UAS) of Rs 25,000 to families who earn less than Rs 2,500 a month and who have returned to land/property that they either own or have been granted by the authorities. The UAS is also available to displaced who have “demonstrated a clear intention to remain in the location in a permanent capacity”. The World Bank finances the UAS component as part of a North East Emergency Reconstruction Program (NEERP), which as of May 2004 had been paid to more than 68,000 internally displaced families (UN IAWG, 29 April 2004). Some 78,000 families had received such assistance as of September 2004 (Kunasingham, 27 September 2004). The amount should cover purchase of basic tools, temporary shelter and expenses linked to the start-up of productive livelihood.

Thousands of families have still not been able to claim any such assistance as they are awaiting decisions on access to their properties that are either occupied by other families or are in High Security Zones. There have also been regular complaints that many families have not been paid any UAS upon return due to both lack of funds and administrative delays. In addition, government housing assistance of Rs 150,000 was to be provided to each permanently resettled refugee/IDP family. In reality, only very few received this

amount due to fiscal constraints and the World Bank has been requested to assist with housing for about 50,000 - 60,000 returning families from the end of 2004.

Also, dry ration relief which between 1996 and 2004 has benefited more than 70,000 families has been drastically cut. In the Jaffna Peninsula, only 27 percent of the original recipient families will continue to receive such assistance according to [local media](#) (Tamil Eelam News Services, 25 May 2004).

One general criticism against UN initiatives as well as Government documents has been from the LTTE, who demands to be closely involved in strategy making from the onset. Also, several of the policies and procedures for distributing aid and compensation are inequitable in their application to women, according to a [report](#) by the Sri Lanka based Center for Policy Alternatives (CPA).

Reference to the Guiding Principles on Internal Displacement

Known references to the Guiding Principles as of April 2004

- Reference to the Guiding Principles in the national legislation
- Other References to the Guiding Principles (in chronological order)
- Availability of the Guiding Principles in local languages
- Training on the Guiding Principles

Reference to the Guiding Principles in the national legislation

None

Other References to the Guiding Principles (in chronological order)

"The Resident Representatives of UNDP, UNHCR, UNICEF and WFP today [1 April 2004] expressed their joint concern over recent reports of the displacement of northern Tamils from Batticaloa District, either as a result of fear of persecution, or as a result of threats. These threats include those reportedly directed at businessmen and included in a flyer that ran in the local Tamil Alai newspaper published on 31 March 2004. This at a time when so many other persons displaced by two decades of conflict have seized the opportunity to return to their homes - some 356,000 people since the ceasefire agreement was signed in February 2002.

All citizens of Sri Lanka, including residents of Batticaloa District, have a right to life, liberty and security of person under Article 3 of the Universal Declaration of Human Rights, and a right to own property under Article 17. The UN agencies strongly condemned any abuse of these rights, which are also in contravention of the United Nations Guiding Principles on Internal Displacement, and urged the authorities of all parties to ensure protection, to hold accountable anyone who violates those rights, and to maintain law and order."

Guiding Principles on Internal Displacement at the foundation of UNHCR's protection programme

"14. Over the past four years, UNHCR staff in Sri Lanka have engaged in a rigorous process of analysis, self-evaluation, consultation and planning, making considerable effort to re-orientate the programme so as to focus more directly on the organisation's statutory tasks of protection and the pursuit of durable solutions for those in its care. They have developed a programme which is clear in its objectives and strategy, as set out in the 2001 Country Strategy for Sri Lanka and the 2002 Country Operations Plan. A central plank of this is the use of the UN SG's Representative on Internally Displaced Persons' Guiding Principles on Internal Displacement as the foundation for the protection strategy of the programme.

[...]

21. The UNHCR programme in Sri Lanka is rigorously based upon UNHCR's statutory tasks of protection and the pursuit of solutions. UNHCR's systematic use of the Guiding Principles as the basis for its protection, advocacy, training, planning, programming, project implementation, monitoring and situational analysis in Sri Lanka is perhaps unique in a situation of internal displacement worldwide. In particular, UNHCR Sri Lanka has re-orientated its approach to microprojects, ensuring that protection, social and economic rights are fully taken into account in the process of project identification, design and implementation. All implementing partners and field staff questioned had a clear idea of their individual roles in the wider protection strategy and were also well aware of the importance of 'protection by presence'. They were all familiar and comfortable with the Guiding Principles and their practical application. This may well be the result of UNHCR Sri Lanka's efforts, in association with the Consortium of Humanitarian Agencies (CHA) in Sri Lanka, to develop a 'toolkit' guide for humanitarian personnel, offering practical guidance on the implementation of the Guiding Principles. All project proposals have to be drawn up with specific reference to the Guiding Principles, which also greatly increased field workers' familiarity with them." (UNHCR May 2002, pp. 7-9)

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Date: 2002

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UN Guiding Principles on Internal Displacement, Tamil [Internet]

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Training on the Guiding Principles

CHA/Brookings-CUNY Project/UN Toolkit Project: The Guiding Principles on Internal Displacement Project also known as the 'Toolkit Project' was launched in 2000 by the Consortium of Humanitarian Agencies (CHA) with the aim of adopting a set of universal standards in core areas of humanitarian protection and assistance for Internally Displaced Persons in Sri Lanka. The Toolkit highlights fundamental areas of importance and attempts to put across a structured and practical approach to the issues.

The Toolkit is a compilation of extracts from:

- 1) The Guiding Principles on Internal Displacement, presented in 1998 to the United Nations by the Representative of the Secretary-General on Internally Displaced Persons, Francis M. Deng ;
- 2) Modules on Internal Displacement, developed by the Norwegian Refugee Council (NRC) and the Office of the UN High Commissioner for Human Rights (OHCHR), based on the Guiding Principles on

<p>Internal Displacement;</p> <p>3) Guiding Principles on Internal Displacement: Annotations, by Walter Kalin (American Society of International Law and Brookings Institution Project on Internal Displacement, 2000); and</p> <p>4) Handbook for Applying the Guiding Principles on Internal Displacement (UN Office for the Coordination of Humanitarian Affairs (OCHA) and The Brookings Institution Project on Internal Displacement, November 1999).</p> <p>During 2002, the Consortium of Humanitarian Agencies, with financial support from the Brookings – CUNY (present Brookings – SAIS) Project on Internal Displacement, conducted a series of Training and Assessment Workshops in Trincomalee (25 July 2002), Vavuniya (Aug 2002), Mullathivue, Killinochchi and Jaffna (13-14-15 October 2002) and Mannar, Batticaloa and Ampara (3, 5, 8 November 2002).</p>
Sources: CHA/Brookings-CUNY Project/UN
Date: 2001
<p>Documents:</p> <p>"What You Can Do", UN Guiding Principles on Internal Displacement, A Toolkit for Dissemination, Advocacy and Analysis, pdf 1 Mb [Internet]</p> <p><u>Training Reports</u></p> <p>Training and Assessment Workshop Report – Trincomalee, Sri Lanka, CHA, July 2002 [Internet]</p> <p>Training and Assessment Workshop Report – Vavuniya District, Sri Lanka, CHA, August 2002 [Internet]</p> <p>Training and Assessment Workshop Report for 3 programmes in Mullathivue, Killinochchi and Jaffna, CHA, October 2002 [Internet]</p> <p>Training and Assessment Workshop Report for 3 programmes in Mannar, Batticaloa and Ampara, CHA, November 2002 [Internet]</p>

Recommendations

Recommendations by the IDP Unit (April 2002)

Recommendations regarding national policies and practices:

The MRRR, and its counterpart authorities at the district and local levels, need to have their capacities strengthened if they are to effectively address the needs likely to arise as the peace process gains momentum. UNHCR's capacity-building of the ministry should be supplemented by other partners, including those addressing community development and economic recovery. Donors must be encouraged to support this.

The international community should assist the MRRR in its objectives to relocate people from welfare centers, providing that IDPs move voluntarily and that provisions are made for the attainment of basic self-reliance.

It is important that members of the IDP community, especially those representing women and children, be given adequate opportunity for inputs into the design of the MRRR's IDP policy. Further, a public awareness campaign should be undertaken to ensure that all IDPs participate in the registration so that an accurate picture of the IDP situation is obtained to underpin future planning." (IDP Unit April 2002, p. 6)

Recommendations regarding Protection:

"Projects and activities aimed at fostering reconciliation and peaceful co-existence between the different ethnic groups must be conceived and decisively supported.

The international community, as part of its overall engagement with the LTTE, must mount and sustain pressure on the LTTE to allow IDPs to leave the Vanni to return or relocate to where ever they wish to.

The GSL must be strongly encouraged to sign the Ottawa Land Mine Treaty in order to gain further support by the donor community for de-mining. This should be accompanied by a clear commitment by both the SLA and the LTTE to stop laying mines and to cooperate in the de-mining process, including the provision of all relevant maps.

Full commitment to the agreement not to conscript children is required from both parties to the conflict. This commitment must be accompanied by the release of those conscripted prior to the cease-fire. Similarly, cases of persons previously detained under the Prevention of Terrorism Act should be reviewed and, where appropriate, detainees be released.

Particular efforts need to be made to address the needs of vulnerable women, especially those who are heads of households, in order to enhance their capacity to be self-sufficient. Similarly, specific activities to protect and assist unaccompanied or otherwise vulnerable minors need to be undertaken.

Measures to legitimize and capacitate the police and judicial structures in LTTE-controlled areas should be initiated in tandem with the establishment of the Interim Council so as to ensure that effective protection and conflict resolution mechanisms are in place.

Effective monitoring mechanisms and forceful intervention when and as required, are necessary to ensure respect of basic human rights, including the voluntary nature of return movements. The establishment of an office of the UNHCHR, working in conjunction with the proposed Interim Council that will administer the LTTE-controlled areas, would be a much valued development." (IDP Unit April 2002, pp. 8-9)

Recommendations regarding durable solutions:

"Given the dearth of national resources available at this time for sustainable interventions for rehabilitation, reintegration and recovery, the UN system must work with the donor community to ensure that investment in such activities is recognized as an integral part of a peace building process and cannot wait until a peace agreement is concluded.

The development actors should make every effort to include relocated and returned IDPs into their area-based programming in order to accelerate their full integration.

Psychosocial support should be increased to especially vulnerable welfare centre populations, especially women-headed households, to build confidence and reduce dependency in order to achieve self-reliance once relocated or returned.

Because the pace of de-mining invariably lags behind the rate at which IDPs return, it is essential that mine-awareness interventions in at-risk areas of return be heightened, especially among children, and that minefields within areas of return be clearly marked with durable markers.

A detailed analysis is required of the nature and extent of problems likely to be faced in recovering land and property in order to establish adequate and timely mechanisms to deal with this issue. Also, an amendment is required to the ten years land tenure Act to protect IDPs who have been displaced for longer periods from being unable to recover their land and houses.

Since many IDPs want to return to land currently designated as SLA high security zone, the GSL must be encouraged to accelerate its release of such lands for returnees. Likewise, security restrictions on offshore fisheries should be regularly reviewed in order to promote the re-establishment of sustainable livelihoods for returning fishermen.

As the GSL policy transitions from humanitarian support for IDPs to medium-term relocation or return, it is incumbent upon the international community to also make this transition in their support of national authorities, especially at the district and local levels." (IDP Unit April 2002, p. 12)

Recommendations regarding coordination

"An IDP Working Group should be entrenched under the umbrella of the RC charged with an oversight function of the UN system's and its partners' response to IDP needs. Such team should include the ICRC, representatives of relevant non-IASC actors, and appropriate national counterparts.

The Country Team assists, where possible, UNHCR's efforts in capacitating the MRRR and its district-level counterparts, as well as with strengthening inter-ministerial coordination mechanisms, and that the IDP Unit provides support for such training.

The donor community must be encouraged to also coordinate its support to ensure that IDP needs are addressed in a comprehensive and holistic manner.

UNDP should make every effort to strengthen its field presence in war-affected areas. Where possible, common premises should be sought with other agencies in order to facilitate coordination and realize economies.

The Country Team and donors should work towards adapting existing trust fund arrangements to facilitate rapid disbursement of resources for urgent IDP needs.

That information sharing mechanisms be strengthened between all actors and between HQs and the field." (IDP Unit April 2002, pp. 14-15)

ABBREVIATIONS AND ACRONYMS

ACF	Action contre la Faim
AusAid	Australian Agency for International Development
BRC	British Refugee Council
CARE	Cooperative for Assistance and Relief Everywhere
CBO	Community Based Organization
CHA	Consortium of Humanitarian Agencies
CFA	Cease Fire Agreement
CGES	Commissioner General of Essential Services
CIUAH	Committee to Inquire into Undue Arrest and Harassment
DRC	Danish Refugee Council
DSS	Department of Social Services
ECCD	Early Childhood Care and Development
ERRP	Emergency Rehabilitation and Reconstruction Plan
ESC	Essential Services Commissioner
FDL	Forward Line Defence
GA	Government Agents
GOSL	Government of Sri Lanka
HSZs	High Security Zones
ICRC	International Committee of the Red Cross
IFRC	International Federation of the Red Cross
IHL	International Humanitarian Law
INGO	International Non-Governmental Organization
IPKF	The Indian Peacekeeping Forces
IRB	Immigration and Refugee Board
JRRP	Jaffna Resettlement and Rehabilitation Programme
JVP	Janatha Vimukthi Peramuna (People's Liberation Front)
JTH	Jaffna Teaching Hospital
LTTE	Liberation Tiger of Tamil Eelam
MIRJE	Movement for Inter Racial Justice and Equality
MOD	Ministry of Defence
MOE	Ministry of Education
MOH	Ministry of Health
MRRR	Ministry of Rehabilitation, Resettlement and Refugees
MSF	Médecins Sans Frontières
NFRI	Non Food Relief Items
NGO	Non-Governmental Organization
NIB	National Intelligence Bureau
NHRC	National Human Rights Commission
PA	People's Alliance
PLOTE	People's Liberation Organization of Tamil Eelam
PRRO	Protracted Relief and Recovery Operation
PTA	Prevention of Terrorism Act
QIP	Quick Impact Projects
RH	Reproductive Health
RRAN	Rehabilitation and Reconstruction Authority of the North
RRTG	Relief and Rehabilitation Theme Group

Rs.	Rupees
RSG	Representative of the Secretary-General, Mr. Francis Deng
SLRCS	Sri Lanka Red Cross Society
SCF-UK	Save the Children-UK
SIC	Special Identity Cards (military-issued)
SIHRN	Sub-Committee for Immediate Humanitarian and Rehabilitation Needs
SLA	Sri Lankan Army
SLMM	Sri Lankan Monitoring Mission
TNA	Tamil National Army
TRO	Tamils Rehabilitation Organisation
UAS	Unified Assistance Scheme
UNCRC	United Nations Convention on the Rights of the Children
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNOPS	United Nations Office for Project Services
UNP	United National Party
UXO	Un-Exploded Ordnance
USCR	U.S. Committee for Refugees
WC	Welfare Centers
WFP	World Food Programme

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