

Genocide against the Tamil People

# STATE AIDED SINHALA COLONISATION

**Convention on the Prevention and Punishment of the Crime of Genocide:**

Article 2

*c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part”*

## **Introduction**

Before the armed resistance of the Tamil people took the centre stage, three major processes could be identified aimed at the marginalization and destabilization of the Tamil nation. The first was the state sponsored *colonisation schemes*, which under the pretext of development, settled depressed peasants and later lumpen elements of the Sinhala nation alongside military garrisons within the traditional homeland of the Tamil people. It was aimed at disrupting the demographics and geographical contiguity of the Traditional homeland of the Tamil people. The colonization process, to a considerable extent, resembled the Israeli state aided settlements which brought pockets of Jewish majority areas and subsequently disrupted the continuity of Palestinian settlements, bringing about the disjuncture of Gaza and the West Bank.

Secondly there have been numerous *laws* and constitutional amendments passed, which legalised and thereby legitimized the structural violence against the Tamil nation. A number of these laws provided the legal justification for atrocities perpetuated against Tamils while strengthening a culture of impunity for crimes orchestrated by the state. (This section will be explained in a separate document.)

Thirdly there have been major *anti-tamil pogroms* orchestrated by the state, mainly in 1956, 1958, 1974, 1977, 1981 and 1983 which saw thousands of Tamil civilians massacred. Besides such pogroms, the Tamil people have been slaughtered or forcibly transferred in order to set the grounds for state enacted colonization schemes. (A separate paper will be submitted on the detailed history and the consequences of the state orchestrated pogroms.)

In this paper, we will be presenting consequences of the state aided colonization schemes and their destructive impact on the collective national life of the Tamil people.

## **Colonisation: Destruction of the national pattern**

In his monumental study on Nazi occupation in Europe, published in 1944, Raphael Lemkin famously wrote: “*Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the **destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves.***”

Unlike the process of drafting the United Nations Convention on Genocide which was governed by pragmatic concerns and realpolitik in the UN, Lemkin’s understanding and conceptualisation was guided by ideals and principles and hence provides a broader scope to comprehend the true nature of the crime. Elaborating further, he defined that “*Genocide has two phases: one, destruction of the national pattern of the oppressed group; the other, the imposition of the national pattern of the oppressor. **This imposition, in turn, may be made upon the oppressed population which is allowed to remain, or upon the territory alone, after removal of the population and the colonisation of the area by the oppressor's own nationals.***”<sup>1</sup>

Internal colonisation schemes, within given national frontiers, can be implemented either by evicting a sizable population from a certain territory through the use of brute force and violence or by acquisition of land through quasi legal means. The tactic of physical elimination is just one among many other methods that can be utilised to achieve such aims. Which ever method is used, losing land is detrimental to a national existence of a population as it effectively obstructs their unhindered growth and natural distribution. One of the primary objectives of such a policy is to destroy “*the foundations of the economic existence of a national group*” which would necessarily ‘bring about a crippling of its development, even retrogression.’<sup>2</sup>

Therefore, state aided colonisation is designed to deprive the physical space which is a fundamental necessity for any population’s group existence. Such schemes are set up to

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<sup>1</sup> Lemkin, R. (2005). *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress.* (p. 79). New Jersey: The Lawbook Exchange, Ltd.

<sup>2</sup> Ibid - p.85

manipulate and alter the existing demographic patterns while aiming to disintegrate the economic, cultural and social existence of the oppressed population in the long run. While referring to Lemkin, Dirk Moses rightly points out that '*genocide is 'intrinsically colonial'*' and stresses that the '*basis of this conclusion is the aim of the colonizer to supplant the original inhabitants of the land.*'<sup>3</sup> But generally, what is hardly visible is the structural aspect of violence that accompanies such schemes because the perpetrators often conceal their plans with the façade of '*developmental schemes or agrarian reforms*' as in the case of Sri Lanka. While analysing the Israel/Palestinian conflict, Haifa Rashed and Damien Short borrow the opinions of several scholars in order to expose the absurdity of such interpretations: "*...the motives of the colonisers may be 'muddled and obscure'. It could be argued that such destruction of indigenous peoples cannot be described as 'genocide' since they are not intentionally being targeted for who they are, but rather are simply in the way of the colonisers and the land they seek to possess.....Many scholars have sought to counter that argument, including Cé'saire who declared that 'no one colonizes innocently' and Curthoys who concluded that: 'to seek to take the land whatever the consequences.....is surely a genocidal process'.*"<sup>4</sup>

We shall see how the evolution of the state aided colonisation projects in Sri Lanka, from the early colonial days to the present, has effectively destroy the essential foundations of the life of the Tamil people.

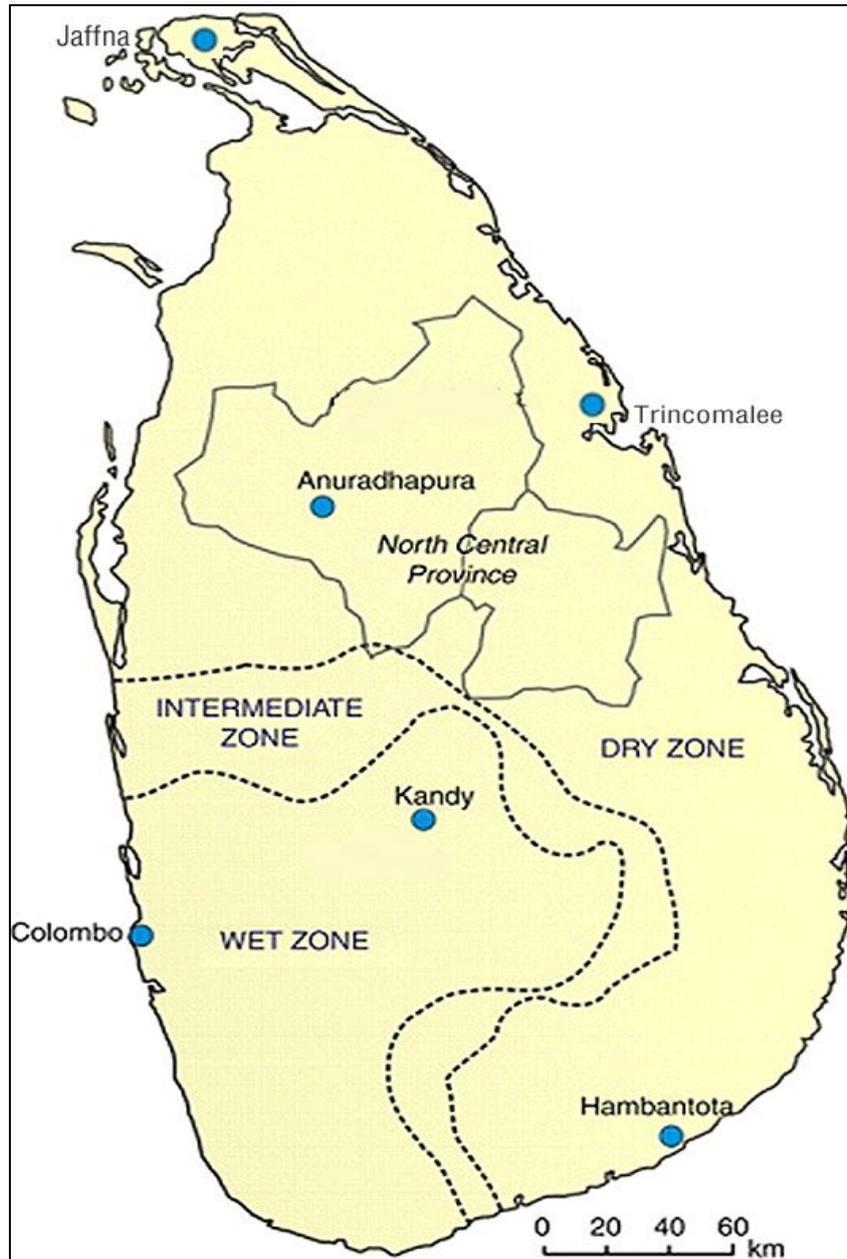
## **From Colonial Experiments to 'Post-independence' Practices**

Sri Lanka has three main climatic zones divided into Wet Zone, Dry Zone and an Intermediate Zone which separates the first two. The Wet Zone includes the south-western region and the central highlands of the island, while the Dry Zone predominantly covers northern and eastern part of the country. These two zones are separated by an Intermediate zone, circling the central hills except in the south and the west.' (See Map:1)

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<sup>3</sup> Moses, A. D. (2004). *Genocide and Settler Society: Frontier Violence and Stolen Indigenous Children in Australian History*. (p. 27). New York:Oxford: Berghahn Books.

<sup>4</sup> Rashed, H., & Short, D. (2012). *Genocide and settler colonialism: Can a Lemkin-inspired Genocide Perspective aid Our Understanding of the Palestinian Situation?*. *The International Journal of Human Rights*, 16 (8), 1142–1169. Routledge



As we have already discussed at length, the British colonial efforts made in the latter half of the nineteenth century to ‘discover’ the ‘glorious civilisation of the Sinhala race’ had its primary focus on the Dry Zone, which was located in the sparsely populated areas mostly existed within the former boundaries of the north and eastern provinces. Even though several attempts were made in the nineteenth century, mainly during the time of Governor Henry Ward (1855 -1860), the experiments did not end up in success. But he was instrumental, to a considerable extent, in arousing the interests of the colonial

administration in restoring and improving the ancient irrigation system in the area, which later became known as the North Central Province. However, until the dawn of twentieth century, no major drive was initiated with the objective of opening large scale peasant colonisation schemes.

*“Resettlement of the Dry Zone began in earnest in the twentieth century, Government expenditures on irrigation had dwindled by 1905, but the revitalization of the Dry Zone then became a matter of particular urgency for Sinhalese nationalist politicians. It was particularly important for the Low-Country Sinhalese elite, for whom it was a means of appealing to the Kandyan (or upcountry) Sinhalese, the people identified a s suffering most from the landlessness.”*<sup>5</sup>

As Sinhala historian K.M.de Silva points out, ‘Sri Lanka’s ‘rate of population growth was one of the highest in Asia in the nineteenth century’<sup>6</sup> unlike in India where millions of people starved to death. The population boom also created an emerging Sinhala land-owning class which in turn created an impoverished Sinhala peasant class due to the scarcity of land in the south. In response the colonial government and the Sinhala bourgeoisie representatives of the legislative structure preserved the feudal system in order to facilitate for colonial interest, and turned to colonization of the dry zones making up the Tamil Homeland.

In 1927 the appointment of Land Commission under the direction of Governor Hugh Clifford need to be seen as one of the most significant developments as far as the peasant colonisation schemes are concerned. It is worth noting that, among other members in the commission, D.S.Senanayake, who was then a member of the Legislative Council was also present. As K.M. de Silva reveals: *“It [the commission] unhesitatingly adopted the then current notion – that the preservation of the peasantry as a social group should form the basis of the new land policy.”*<sup>7</sup> This policy of ‘preservation of peasantry’ was in fact a way of preserving and reinforcing the feudal structures which ensured that loyalty of the rural Sinhala population to the colonial interest would remain intact through their

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<sup>5</sup> Peebles, P. (Feb 1990). *Colonization and Ethnic Conflict in the Dry Zone of Sri Lanka*. The Journal of Asian Studies, 49(1), 30-55.

<sup>6</sup> De Silva, K. M. (1981). *A History of Sri Lanka*. (p. 292). New Delhi: Oxford University Press.

<sup>7</sup> De Silva, K. M. (1981). p. 406

feudal ties to the Sinhala land owning bourgeoisie. D.S Senanayake, for example, epitomised the interest and thinking of this class.

The irrigation and development experiments became formalized and accepted policy in the backdrop of granting universal suffrage in 1931 under the Donoughmore Commission. Thereby it also laid the foundation to capitalize on settlers in terms of political gains and by turning Tamil areas into Sinhala dominant constituencies. The Land Development Ordinance in 1935 and Crown Land Ordinance of 1947 defined the system of permits and grants regulate individual's access to state land and provided a legal mechanism to implement colonization. Noteworthy as a leading figure of this section of the native elite was D.S. Sennayake who became the Agricultural Minister in the legislative council and later became the first Prime minister of an Independent Ceylon. "...[T]he state council, under D.S.Senanayake's leadership planned colonisation schemes in the Dry Zone in which landless Sinahlese peasants were to become independent peasant proprietors." <sup>8</sup>

In addition to distributing state owned land, infrastructure facilities including irrigation systems and road networks were also provided by the state. But most striking and important thing, more than the economic success or productivity of such schemes, was the willingness of the state to bear the high capital cost, even though the '*return on investment was absolutely minimal*'. Highlighting the enormity of the state expenditure, reputed economist Sachi Ponnambalam writes: "*Even before independence, as minister of Agriculture in the State Council, Senanayake had started many peasant colonisation schemes at high cost and with hardly any impact on agricultural output. By 1947, there were already 12 major Dry Zone colonisation settlements established at a cost of over Rs.30 million and having 3,000 settlers. The cost was therefore some 10,000 per settler.*"<sup>9</sup>

Therefore, the link between the state and peasant colonisation schemes needs to be understood in strategic and ideological terms rather than in economic terms. Even before independence was granted the traditional Tamil leadership realised the underlying danger

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<sup>8</sup> Peebles, P. (Feb 1990). p.37

<sup>9</sup> Ponnambalam, S. (1980). *Dependent Capitalism in Crisis: The Sri Lankan Economy, 1948-1980*. (p. 22). London: Zed Press.

and interpreted the move as a calculated policy of confiscating the traditional homeland of the Tamils' in order to transfer them to the Sinhala settlers. While submitting their proposals for the constitutional reforms to the last colonial commission, the Soulbury Commission, the Tamil leaders pointed out the preferential treatment meted out to the new Sinhala settlers in the eastern province against the native Tamil population who had been living in the area. The fears were not unfounded. The planned settlements was in fact used to whip up the Sinhala nationalist sentiments as it was interpreted as a move to regain the ancient Sinhala glory. As one scholar points out, D.S. Senanayake was responsible for *'infusing Sinhalese nationalism with the vision that the colonisation of the Dry Zone was a return to the heartland of the ancient irrigation civilisation of the Sinhalese.'*<sup>10</sup>

After the independence, in 1949, D.S. Senenayake inaugurated the most grandeur of the colonization projects, the Gal Oya Multi-Purpose Project in Paddipalai (renamed in Sinhala as 'Inginiyagala') in the East. The nationalist project underlying the colonisation schemes became largely evident while he was addressing a crowd of settlers in Padaviya, another new settlement located in North-Eastern corner of the North Central province. The newly elected Prime minister vividly elucidated the motives of state aided colonizations in the Tamil homeland: *"Today you are brought here and given a plot of land. You have been uprooted from your village. You are like a piece of driftwood in the ocean; but remember that one day the whole country will look up to you. The final battle for the Sinhala people will be fought on the plains of Padaviya. You are men and women who will carry this island's destiny on your shoulders. Those who are attempting to divide this country will have to reckon with you. The country may forget you for a few years, but one day very soon they will look up to you as the last bastion of the Sinhala."*<sup>11</sup>

Despite the cleverly hidden anti-Tamil rhetoric in his speech, he epitomised the thirst of the Sinhala ruling class to drive the Tamils out while providing a glimpse into strategic thinking that governed the entire colonisation drive. It was not by accident his book on the peasant question bore the title *'Agriculture and Patriotism'* in which he wrote the

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<sup>10</sup> Moore, M. (1985). *The State and Peasant Politics in Sri Lanka*. (p. 45). Cambridge: Cambridge University Press.

<sup>11</sup> Gunaratne, H. M. (1988). *For a Sovereign State*. (p.201). Colombo: Sarvodaya Publications.

importance of 're-establishing rural gentry on the land'. The intensity of the colonisation drive can be understood by looking at the difference between the numbers of settlements established before and after independence. As one research reveals, even though 'between 1931 and 1947 only 13 colonies involving 3,145 settlers had been established', 'between 1948 and 1953, 16 colonisation schemes were inaugurated and 10,426 colonists settled.'<sup>12</sup>

The rising number of Sinhala colonisation in the predominantly Tamil east compelled the Tamil Federal Party to move a resolution during their Fourth Annual Convention held in August, 1956 stating that "*the colonisation policy pursued by successive Governments since 1947 of planting Sinhalese population in the traditional homelands of the Tamil speaking peoples is calculated to overwhelm and crush the Tamil speaking people in their own national areas*" and also called for "*immediate cessation of colonising the traditionally Tamil speaking areas with Sinhalese people.*"<sup>13</sup> But the newly arrived Sinhala settlers were already indoctrinated with anti Tamil sentiments which dominated the political discourse behind the colonisation schemes. Therefore it didn't come as a surprise when these settlers actively participated in rape, massacres and other forms of violence when the first anti Tamil riots broke out in June 1956 – during when 150 Tamil civilians were massacred within a matter of 5 days. But it was just a starting point. Since then, the participation of Sinhala settlers in anti Tamil violence became a permanent trend in the east, at least until the country was forced into a full scale civil war in the '80s.

However, within the first two decades since independence, colonisation schemes massively changed the existed ethnic composition mainly in the Eastern Province which initially comprised two districts – namely Trincomalee and Batticaloa – which were predominantly Tamil. But by the beginning of 1960s, accelerated Sinhala colonisation schemes had laid the conditions to carve out a new Sinhala District out of the southern part of Batticaloa District, thus creating a rupture in the territorial contiguity of the Tamil homeland. The strategy laid the conditions for Ampara to be administered as a Sinhala district and further enhance Sinhalisation. Today Ampara is displayed as an exclusively

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<sup>12</sup> Sanderatne, N. (2004). *Agricultural Development: Controversial Issues*. In S. Kelegama (Ed.), *Economic Policy in Sri Lanka, Issues and Debates* Colombo: Vijitha Yapa Publications.

<sup>13</sup> Peebles, P. (Feb 1990). p.38

Sinhala district with the Tamil population rendered as a minority. Similarly colonization schemes were also unfolded in Trincomalee and Batticola in the east. Looking at the population census table provided below from Batticola, Amparai and Trincomalee, from 1921 to 1971, an idea emerges of the dramatic increase in the Sinhala population whereas the Tamil and Muslim populations are in decrease or stagnation.

	Trincomalee %				Batticaloa & Amparai %			
	Sinhala	Tamil	Muslim	Other	Sinhala	Tamil	Muslim	Other
1921	3.0	55.2	38.1	3.5	4.5	53.3	39.7	2.3
1946	20.6	44.5	30.5	3.7	5.9	50.3	42.2	1.6
1971	28.8	38.2	32.0	1.0	17.7	46.4	35.1	0.6

**Source:** Michael Roberts (1979) *Collective Identities, Nationalisms and Protest in Modern Sri Lanka* (p.75) Colombo: Marga

Highlighting the rapid changes occurred in the population figures, Peebles writes: *“Colonisation...has contributed to a spectacular transformation of the Dry Zone. Anuradhapura and Polonnaruwa districts (in the North Central Province) had a population density of 14 persons per square kilometre in 1946; in 1986 they had densities of 94 and 91 persons per square kilometre, respectively. Batticaloa and Amparai districts [in the Eastern Province] increased from 29 (combined) to 141 and 101 (respectively) and Vavunia district [in the Northern Province] from 6 to 55 persons per square kilometre, over the same period. For the purpose of this article, it is not just the growth that is significant; it is that the growth resulted primarily from the settlement of Sinhala Buddhists and their increase.”*<sup>14</sup>

The geographical localities were tactically chosen to lay a wedge between strategically crucial areas interlinking the Tamil homeland between the Amparai, Batticola, Trincomalee in the East and the Vanni region in the North. The nationalistic logic and appeal, the strategic calculations and the Israeli inspiration underlying the colonizational

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<sup>14</sup> Peebles, P. (Feb 1990). p.38

drive are lucidly illuminated by Malinga Gunaratna, a writer and planter by profession, whom in the 1980's used to occupy important administrative positions in the Sri Lankan state:

*“DS Senanayake, Prime Minister of Sri Lanka identified this threat even before the first gun-shot in the quest of the separate state, was fired. He proceeded to strengthen Trincomalee and the hinterland. Padaviya which lies north of Trincomalee was resettled with Sinhala people. Seruwila and Ampara which are on the periphery were developed with bustling townships.....He played his cards very close to his chest: not even his son Dudley who later became Prime Minister fully understood his father’s mind. DS Senanayake’s chief confidante was RG Senanayake – his brother’s son.....**These two stalwarts are to Sri Lanka what David Ben Gurion and Yigal Allon are to Israel.**”<sup>15</sup>*

By the late 1960s the government had alienated more than 300,000 acres of land to 67,000 allottees in major colonization schemes. These state aided processes ensured growth of the Sinhala population that was unprecedented in the islands history: *“The Sinhalese population of the eastern Dry Zone increased about five times from 1946 to 1959 and nearly doubled from 1959 to 1976, a tenfold increase in thirty years. ...from 1946 to 1959 Sinhalese had increased from 19 percent to 54 percent. In 1976 they constituted 83 percent of the population. The Dry Zone has been transformed since independence from a plural society to a homogeneous Sinhalese Buddhist one. The Government of Sri Lanka was implementing the "millennial visions" of the Sinhalese nationalists.”<sup>16</sup>*

But a more precise picture was provided by Tamil scholar, late Professor Chelvadurai Manogaran, whose tireless research helped to expose the nature of the grand strategy designed by the Sri Lankan state aimed at gaining ‘*Lebensraum*’ for the Sinhala nation at the expense of Tamils. *“An analysis of ethnic composition of Tamil-majority districts indicates that between 1953 and 1981 Sinhalese population in the Trincomalee District increased by 465%, while the Tamil population increased by only 149% during the same*

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<sup>15</sup> Gunaratne, H. M. (1988) pp. 244 - 245

<sup>16</sup> Peebles, P. (Feb 1990). p.40

*period. Moreover, the Sinhalese population in the Eastern Province, as a whole, increased by 435% while the Tamil population increased by a mere 145% during the same period. In the Northern Province, Sinhalese population increased by 137%, while the Tamil population increased by only 92% during the same period. Moreover, the Tamil population did not exceed 10% of the total population in any of the Sinhalese-majority districts in 1981, whereas the Sinhalese population in the Tamil-majority districts of Vavuniya, Trincomalee, and Amparai are as high as 16.55%, 33.62%, and 37.5%, respectively..... It is estimated that almost a quarter of the island's population was moved from the Wet Zone to the Dry Zone between 1946 and 1971, under peasant colonization schemes.”<sup>17</sup>*

### **The Mahaweli ‘Development’ Project and the Military occupation of the North and East**

In the 1977 parliamentary election, the United National Party headed by seasoned Sinhala politician, J.R. Jayewardene, who remained as a close confidante of the first Prime Minister D.S.Senanayake, gained a landslide victory securing more than 5/6 of the parliament, while the Tamil United Liberation Front (TULF) – a coalition of the Tamil political groups who contested the election appealing for a democratic mandate for a separate state - attained the position of main opposition through an unprecedented victory in the Tamil homeland. One of their biggest concerns was the unfettered state aided and foreign funded colonization of Tamil speaking areas with Sinhala settlers.

The UNP government initiated a process of economic liberalization and unveiled an ambitious ‘development plan’ to irrigate and further colonize the dry zones in the North and East. The new projects were based on the plans accorded in the Water Resources Development Plan envisaged in 1968 by the same UNP. Following their massive electoral victory in 1977, the UNP claimed that the new government would implement a six year development plan, instead of the 30 year one which proposed in the 60s. With massive foreign funding the UNP government began the processes of the ‘Accelerated Mahaweli Programme’ which was based on water resources of Mahaweli River (the longest river in

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<sup>17</sup> Chelvadurai , M. (2010, October 25). *Sinhalese Settlements and Forced Evictions of Tamils in the North-East Province* . Retrieved from <http://tamilnation.co/forum/manogaran/000601settlements.htm>

the island) and allied six river basins. In order to implement the project the state was also dependent on foreign consultants from the USAID, UNDP and FAO. Four major dams were built, and around 390,000 acres of land were to be settled by around 140,000 families. According to official figures the state's ambitious six year plan was initially to settle around 700 000 individuals in the region. Mahaweli Master Plan identifies 13 Systems (named as B,C, H, G, L. etc) in the Dry Zone to be developed as massive new settlements. The ethnic composition of the settlers was almost exclusively Sinhalese, as one can allude from former colonization schemes and the underlying Sinhala nationalistic logic as explicated by D.S. Senenayake in his 1949 speech. This strategy of appealing to the Sinhala constituencies can also be aptly illustrated by the measures taken by the state in the aftermath of the 1984 floods in the areas adjoining the Victoria Dam in the capital city in hill country, Kandy. The state evacuated around 5,925 affected families numbering a total of 35 000 people. (*Ceylon Daily News*, April.7, 1984 :4). Approximately 85% were Sinhala Buddhist, 6% were Tamil Hindus and another 7% were Muslim. Most of the Sinhalese were resettled in the newly developed Mahaweli region whereas the Tamils were left in Kandy.

The project was from its inception incorporated into the Sinhala nationalistic ideological discourse and processes. Rhetorically and symbolically the project was propagated as a realization of the ancient Sinhala irrigation civilization, and the President J.R. Jayewardene was likened to the mythical kings from the Sinhala origin myth heralding their assumed Aryan origins: *"The early political advocates of irrigation projects, United National Party leaders D.S.Senenayake and his son Dudley, claimed descent from ancient Dry Zone kings like King Parakramabahu; their successor, President J.R.Jayawardane, posed as the Boddhisattva, claiming that like 'the kings of old' he would bring "water prosperity, and justice to the people."*<sup>18</sup>

Meditation centres were built and books distributed under the pretext of promoting spirituality. The following description published by the Government Ministry of Mahaweli Development Affairs reveals the Sinhala Buddhist ideological thinking that

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<sup>18</sup> Deckard, S. (2010). *Jungle Tide, Devouring Reef: (Post) Colonial Anxiety and Ecocritique in Sri Lankan Literature*. In B. Roos & A. Hunt (Eds.), *Postcolonial Green: Environmental Politics and World Narratives* (p. 44). Virginia: University of Virginia Press.

governs the entire 'developmental project.' *"The Mahaweli authorities. .. will not only lead the settlers towards material prosperity, but also provide them with spiritual guidance to make them morally up-right.... On Poya days (Full Moon day) every family has been advised to go to temple, offer flowers, perform other rites, listen to sermons and observe Buddhist precepts...Their engagement in rituals, ceremonies and reciting of Pali stanzas is only the first step in their spiritual ascent, as this only attunes the minds for higher and more important religious exercises."* (Mahaweli Projects and Programme, 1985: Ministry of Mahaweli Development 1984:93-5).

Alongside with the settlers being formally allotted land in the colonization schemes there were also those Sinhala settlers who encroached land under the patronage of high level government officials. Up until the 1982 there were few new official colonists in the Mahaweli areas. In fact encroachers from other colonies and people from other parts of the island settled in through non-official colonization schemes outnumbered the officially sponsored settlers. (*The Island* Dec.6, 1983:7).

Apart from bringing in the landless Sinhala peasants and lumpen elements, under the Mahaweli scheme there was deliberate policy of forcibly chasing away the Tamil people who used to live in the areas that were designated as new settlements. For example, as a result of the anti-Tamil pogroms of 1977 and 1981 in the hill country Tea Plantation areas, a substantial amount of Plantation Tamils were driven out of their homes and land in southern, central and eastern Sri Lanka. To accommodate the tens of thousands of refugees, Tamils of North and East organized some form of rehabilitation. Some leading Tamil social activists took the lead in forming an NGO which became known as the Gandhiyam Movement which got involved in settling 80'000 Tamil victims from the central highlands, in areas within Vauvuniya district in the North. During the Mahaweli scheme the military cracked down on the Tamil rehabilitation process and movement, brutalizing the resettled Tamils which resulted in the coerced expulsion of Tamils from the area (Wijesinha 1986 :59-66). The then Minister for National Security Lalith Athulathumudali was notorious for his involvement in the militarization and colonization of the Mahaweli region. He was responsible for deploying military raids to drive away Tamils living in the areas designated for colonization. He was also responsible for the

systematic arming of Sinhala settlers and "illegal" colonizers as vigilantes and home-guards.<sup>19</sup> It is to be noted again that the processes described henceforth allude to the coordinated nature of the diverse practices aimed at the destruction of the basic foundation of the Tamil nation. Land and water resources were alienated from the Tamils both officially and unofficially, through military means as well as through means of new colonization schemes. Their life, liberty and property were subjected for destruction in the processes while the national patterns of the oppressor were forcibly imposed on them.

### **Example Case: The Mahaweli ‘L System’ and the onset of Militarized Colonization and destruction of Tamil Villages**

For the purpose of illuminating the coercive tactics that were used to gain land for new settlers, we wish to use the summarised information extracted from an report based on extensive research work carried out by a acclaimed human rights documentation group consisting Tamil university teachers from Jaffna – University Teachers for Human Rights (UTHR). The report, which was initially released in November 1993, titled as Special Report 5: From Manaal Aru to Weli Oya,<sup>20</sup> provides a detailed description that helps to understand what went within the traditional Tamil areas under the pretext of accelerated development work.

The area designated as the Mahaweli L system (See Map 2) was locally known as Manal Aaru in Tamil, but was renamed as Weli Oya in Sinhala. Even though the plan was officially put into operation in April 1988, the colonization schemes started unofficially in 1984. It was meant to irrigate 86,000 acres as a proposed Northern Province Canal was intended to bring water from the Mahaweli dams to the area. As the proposed plan for the canal was abandoned by the state, the Weli Oya was left without much water and it was made clear that it could not serve its projected purpose as a farming scheme. Ancient irrigation system such as the Tannimurippu Kulam in Mullethivu (in the Northern Province) had traditionally served the Tamil settlements and their agricultural prospects in the Weli Oya area. Prior to April 1988, Tamils living in numerous villages in the area

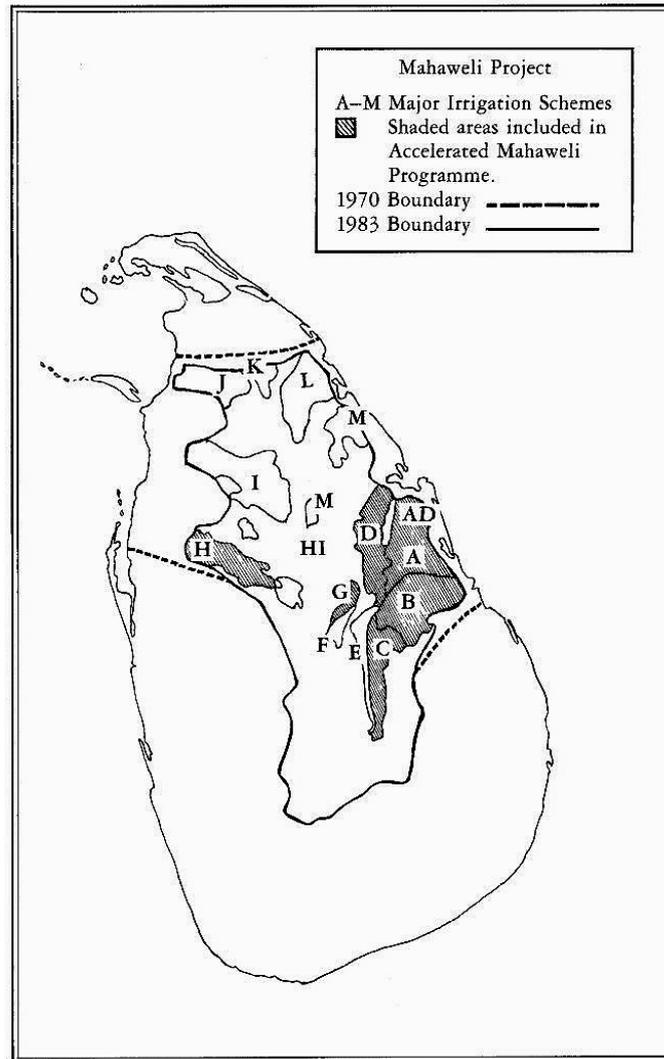
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<sup>19</sup> Peebles, P. (Feb 1990). p.45-46

<sup>20</sup> UTHR - J. (1993, November 15). *Special Report 5: From Manal Aaru to Weli Oya and the Spirit of July 1983*. Retrieved from <http://www.uthr.org/SpecialReports/spreport5.htm>

had been driven out by the military. By 1985 it was reported that Tamils living in the ancient Tamil village of Thennamaravady in the Trincomalee district (in the East) had also been driven out.

Map:2



The agricultural lands were either held by Tamil villages or leased to Tamil individuals or business activities. There were 16 commercial farms in the areas holding 1000 acres each and run by Tamils such as the Navalar Farm, Kent Farm, Dollar Farm, Ceylon Theatres Farm, Railway Group Farm and Postmaster Group Farm. Many of the Plantation Tamils affected by the 1977 anti Tamil pogroms in the central highland, were settled in the Kent

and Dollar farms. The deliberate and coordinated attacks on the Tamil villages and settlers began in the aftermath of the 1983 pogrom.

On September 1st 1983, led by a Buddhist Monk and facilitated by the Mahaweli Authority of Sri Lanka (MASL) five thousand Sinhalese were transported into the Batticola district, the Sinhala colonists later increased to a number of forty thousand. They proceeded to the areas designated for System B system (Madu Oya) and forcefully drove away local Tamil and Muslim Villagers who were settled in the Vadamunai area.

In May 1984, alleging the Tamils as terrorists the Superintendent of Police in Vauvuniya Arthur Herath raided and drove away the residents of Kent and Dollar Farm. Subsequently Sinhala ex-convicts and prisoners were settled there and armed. In December 1984 the Sri Lankan army arrived attacking and announcing that several villages were to vacate within 24 hours. Entire villages in the region such as Kokkilai, Kokkuthuduvai, Karnaddu kerni and Koddai Keri amongst others were ordered to vacate within a day's time. It is to be noted that the remaining Tamil villages were subjected to harassment, theft and attacks from the armed colonists which resulted in the Tamil guerrillas attacking the settlement occupying Kent and Dollar Farm killing dozens of Sinhala colonists and home guards.

To legalize Sinhala colonization the state devised an administrative unit to control, regulate and utilize the land and water which were designated to under the Mahaweli project. In 1979 the Mahaweli Authority Act No.23 was passed, which declared that the land within the designated area of the Mahaweli project was declared property of the state and the MASL Director General was empowered to determine use of the land. The MASL was created as a mechanism to enable the Minister of Mahaweli to alienate land from Tamil and Muslims and to settle Sinhala colonists. The Director General was N.G.P. Pandiaratne who also held the post of Chairman of the UNP. T.H.K. Karunatillake who was then the General Manager of Planning in the MASL was another civil servant who was instrumental in the colonization processes.

To coordinate military assistance in colonization efforts the government institutionalized the Joint Security Service Operation (JOSSOP) and based it in Vauvuniya. The JOSSOP

was in fact a military command delegated the power to oversee security and allied affairs in the Tamil districts of Vavuniya, Mannar, Mullethivu and Trincomalee. It was headed by a former Navy commander with Additional Secretary to the Ministry of Mahaweli Development being the second in command. This particular Secretary of the Ministry was instrumental in the colonization processes in Weli Oya. In the 1970s he was posted as the Government Agent (GA) of Trincomalee district during which he supervised large scale semi-legal colonization in Trincomalee. As an effect of the Indo-Lanka Peace accord signed in 1987, he was promoted to the post of Secretary to the Ministry of Rehabilitation. It becomes evident that the state sponsored colonization efforts using civil servants was aligned with the Ministry of Defence and army through overlapping jurisdiction, posts and power. In Weli Oya it was the military which in practice administered the affairs, with assistance from the MASL and Ministry of Mahaweli Development.

Due to well organized protests in the Madura Oya basin by the original inhabitants, the state was compelled to remove or relocate the large amount of Sinhala colonists settled in the Batticola district during August 1983. The MASL executive head delegated one of his subordinate officers to find a suitable location in the Tamil areas of Mullethivu and Vavuniya district. In his report submitted on 12.10.1983 he identified the presence of traditional Tamil settlements in the south of Mullaithivu (in the North) as illicit and argued that it encouraged anti-state activity and hampered the expansion of the Sinhala colonists towards the north. He was in effect legitimizing the destruction of ancient Tamil villages in order for the Sinhala colonization efforts to penetrate further into the Tamil homeland. For this the JOSSOP took command, and there was strong coordination between the JOSSOP and MASL in this regard. "Development" was in the North and East a matter of military cum political administration and colonization of Tamil areas. The Weli Oya became a focal point for attacks on Tamils and Tamil militant attacks on colonists and the army. The army was using the settlers as an auxiliary force to execute the motives and agenda of the Sinhala political elites. A report from the Jaffna based English daily, Saturday Review 17th January 1986, based on the numbers provided by records of civilian committees through North and East, stated that the Sri Lankan forces from 1980-85 had on an average killed 7 Tamils per day which amounts to 233 per

month. By 1985 Tamil militant attacks on military garrisons and Sinhala colonial settlements had resulted in around the death of 200 Sinhala colonists.

The processes which alienated land from and perpetuated violence upon Tamils in order to enable Sinhala colonization of Tamil areas were systematically executed and coordinated between the Ministry of Defence, the Minister of Mahaweli Development, the Ministry of Rehabilitation and Lands. Such inter-ministry coordination alludes to the fact that these genocidal processes were a result of intentional planning with clear motives. Its motivations are to be understood in the context of the Sinhala nationalistic considerations which was over and over stated by successive rulers. The Sinhala nationalists and the Buddhist clergy have long advocated colonizing the Tamil areas to restore Sinhala rule in the North and East. The state with growing Tamil political resistance identified the need to colonize as imperative for its survival. Thus the multiple agents of the state aimed at destroying life, lives and liberty of the Tamil people by pursuing a plan of coordinated actions to alter the Tamil demographic majority and destroy the territorial contiguity of Tamil settlements in the North and East.

But as the war escalated after mid '80s and the Tamil armed resistance evolved into a formidable force, the state aided settlement programs suffered a set back as the Sinhala peasants as well as anti-social elements became more and more reluctant to move into Tamil areas, even with the armed protection, as they had realised that they would have to end up by becoming a human buffer between the armed forces and the Tamil guerrillas. Therefore, new plans had to be laid strategies had to be re-formulated in order to acquire traditional Tamil lands. As a result of this, much overt methods were employed instead of covert operations concealed as developmental projects. Hence, to increase the reliance on military designated High Security Zones (HSZ) was seen as the best alternative to acquire vast tracts of land belonging to the Tamils.

### **High Security Zones and Militarized Processes of Land Alienation and Occupation**

Throughout the 1980s and 1990s, the advancement of the militarization of the North-East was characterized by the central role of the armed forces in bolstering land alienation among Tamils and implementing Sinhala colonization. The military involvement has to

be considered in the context of national oppression and counter insurgency through which the Sri Lankan state attempted to curb the collective resistance of the Tamils. In fact, the armed resistance emerged towards the end 70s, was a clear manifestation of widespread frustration and accumulated desperation among the new generation of Tamils, who grew up while witnessing continuous failure of the non violent agitations and vigils in the 50s and '60s which were met with extreme forms of state violence.

Most of the state sponsored colonization drives into Tamil and Muslim lands until the late 1970s had been largely carried out using non-military coercive means. But by 80s, the state became more and more dependent on its military might to occupy Tamil lands and the coordination between the government ministries and the armed forces became an institutionalized practice. This was commonly used under the Mahaweli project. Welioya was cleared of its Tamil villages and converted into a military garrison town with army cantonments, auxiliary forces and armed settlers.

The Mahaweli plan was followed by a Government devised strategy of declaring vast areas as military High Security Zone (HSZ) to facilitate the military acquisition of Tamil land. The administrative technique evolved out of the Buffer Zones declared around military instalments throughout the North and East in the 1980s. Once again the Sri Lankan state's oppression of Tamils has resemblance to the Israeli strategies of colonization in Palestinian land, (the practical involvement of Israelis during the '80s will be explained in separate paper) with the HSZ resembling the Israeli policy of Zoning around "sensitive areas". The HSZ dispossessed the original owners of their land and water resources denying all civilian access as those "trespassing" could be subjected to detention, fines or even shot. The first HSZ was deployed in Jaffna district, in which the area known as Vaalickamam HSZ is the largest. It is to be noted that the HSZ in Jaffna were not gazetted thereby there is no legal framework to assess the affairs and legally delineate the areas appropriated.<sup>21</sup> To grasp the magnitude of the HSZ one needs to

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<sup>21</sup> COHR 2009. *High Security Zones and the Right to Return and Restitution in Sri Lanka : A case study of Trincomalee District*. Centre on Housing Rights and Evictions. Geneva, Switzerland. April 2009

illuminate the total areas which are under military occupation in the district. The total area of Jaffna district amounts to 660 sq.km of land, out of which an estimated 190-220 sq.km of land is reported to be designated as HSZs under military control and inaccessible to the locals.<sup>22</sup> One of the main implications of large swathes of land and coastal areas being military occupied is that a large portion of the district population are denied access to their homes and livelihood practices, in effect rendered as Internally Displaced Person (IDP). The abundance of IDPs lodging with relatives or friends additionally exacerbates difficulty in terms of livelihood prospects and cost of living on the large section of the Tamil population who provide shelter. Thus these processes target and affect the Tamil population collectively, as entire villages are subjected for similar processes of violence and whole communities are dispossessed and displaced.

### **The Valikamam North HSZ**

Of the numerous HSZs in Jaffna, the Valikamam North HSZ is the biggest and one of the longest sustained military zones in the island. The establishment can be divided into two major phases. The first phase commenced in 1983 and lasted till the arrival of the Indian Peace Keeping Force (IPKF) in 1987, following the signing of the Indo-Lanka Peace Accord. Subsequently with the return of the Sri Lankan Army to the Northern Province in 1990 and the escalation of war, the second phase took place from 1990 to 1993 until the area fell under the control of the Liberation Tigers of Tamil Eelam (LTTE). Prior to 1983 there were a total of 83,618 Tamils living in the area settled as 25,351 families, where livelihoods were 30 % dependent on fishing and 60 % dependent on farming.<sup>23</sup>

The expansion of the Palali Air Base and Kankesanthurai (KKS) Naval Base began in the first half of 1983, and appropriated an additional 6000 acres of land from surrounding villages.<sup>24</sup> The armed forces banned fishing and proceeded to shell during nights

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<sup>22</sup> COHR 2009.

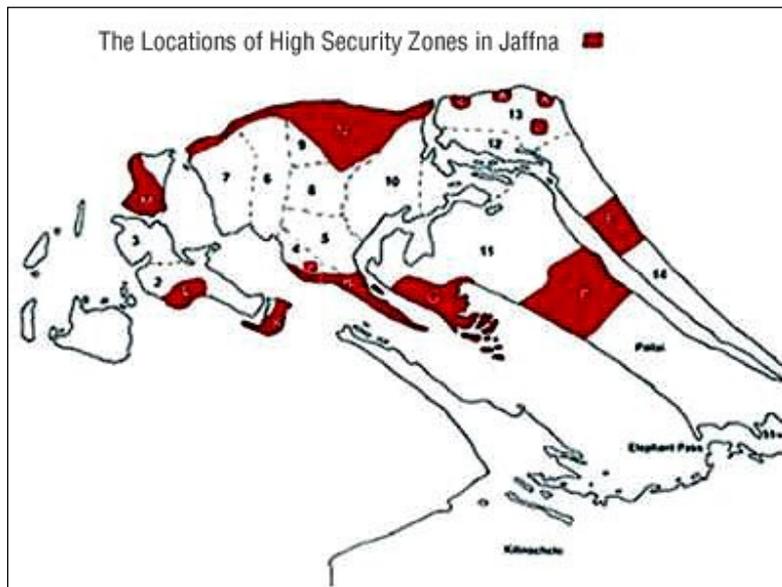
<sup>23</sup> By a Special Correspondent. (2003, January). *Jaffna High Security Zone*. 'Hiru' Sinhala newspaper, p. 32.

<sup>24</sup> Bastians, D. (2013, October 30). *Military demolishes homes in former HSZ in Valikamam*. Daily FT. Retrieved from <http://www.ft.lk/2013/10/30/military-demolishes-homes-in-former-hsz-in-valikamam/>

terrorizing the people into leaving the area (Hiru:2003). The Indo – Lanka Accord did not pave the way for people to return, as a result of the IPKF violence which collectively targeted the Tamils in the process of fighting the LTTE.

In 1990, the Sri Lankan armed forces resumed fighting the LTTE as the Indian Army completed their evacuation from Jaffna. During this second phase the war, remaining

MAP 3



Tamil villagers who were forced to leave their residences were rendered IDPs. The guerrilla forces of the LTTE captured the area from the army in 1993 and the civilians were temporarily able to return. In December 1995 the state army re-captured the Jaffna peninsula and consequently the Valikamam once more came under military control. The special Gazette notification issued on 08.06.1999 under Article 5 of the Land Acquisition Act declared that the government would acquire a further 217,365 hectares for the Valikamam HSZ (Hiru 2003). On the very day the army arrived with bulldozers razing houses to the ground and displacing those who were still remaining.

### **HSZ: 20 years after**

The practice of establishing and running the HSZ has continued throughout the Tamil homeland even today, over four years since the official end of the last war. It has since

the 1990s constituted the government's prime mode of land alienation in the Tamil Homeland. The Tamils rendered as IDP' in 1990 due to the Valikamam HSZ are still denied their return despite cases filed in the court and amidst the ER laws being officially denounced.<sup>25</sup> The Sri Lankan government has claimed they have initiated resettlement procedures and that IDPs have returned to Valikamam.

In an interview Mr Shanmugalingam Sajeevan, the head of the Valikamam North Displaced Peoples Association and the Vice Chairman of the Valikamam North Pradeshiya Sabha, accounts the real fate of those claimed to have been resettled by the government: *“There is no re-settlement in Valikamam North as the government claims. The re-settlement areas are called ‘Restricted Areas’, and only 1/3 of these areas have been actually utilised for re-settlement. There are almost 23 GS (Village Divisions) where re-settlement is yet to be carried out. While this is so, the houses that are situated in the High Security Zones are being demolished by the security forces. Government statements have revealed that the reason to demolish these houses is for the purpose of expanding the airport. .... Even today there are, in this area, 7203 families, that is over 26,200 people, who are yet to get permission to be re-settled. These people who ought to have been re-settled by now are still waiting for their permits.”*<sup>26</sup>

The resettlement of these families is in effect impossible as the army has built a barbed wire fence from Ottakappulam in Valikamam North through Vayavilan to Thelipalai junction which in total encompasses 23 GS divisions or Villages.

Subsequently in the late October of 2013, the government bulldozed around 200 partially damaged houses in Kattuwan village, claiming it was within their rights to do so for the purpose of development. An MP of the Tamil National Alliance (TNA), the main Tamil party in the parliament - and the local village heads protested the illegal act. These houses were within the fenced area which prevented the "resettled" IDPs from returning to their shelter and livelihood. The bulldozing indicates the army's intent in establishing

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<sup>25</sup> Bastians, D. (2013, October 30). Retrieved from <http://www.ft.lk/2013/10/30/military-demolishes-homes-in-former-hsz-in-valikamam/>

<sup>26</sup> Thiyagarajah, N. (2013, February 14). *Non-resettlement in Valikamam – North and impact of 20 years in IDP camps*. Retrieved from <http://vimarsanam-vimansa.org/report/non-resettlement-in-valikamam-north-and-impact-of-20-years-in-idp-camps/>

permanent structures to prevent IDPs from returning.

The continued denial of IDPs' return to their lands is surprising if one accepts the pretext for the existence of such restricted areas as based on national security. Considering the historical trajectory of state sponsored colonization of Tamil lands and the underlying nationalistic logic it becomes evident that these processes are accelerated in an unhindered manner in the so called 'post-war era' to accomplish the ambitions set by the state. As with the Valikamam case, the armed forces are clearing the grounds to convert their entrenched occupation into a permanent one through bulldozing villages and building military instalments and fences under the pretext of development. HSZs and land alienation are flexible in terms of being legitimized as they are now perpetuated in the name of "development", resembling the pre-war era of state sponsored colonization of Tamil areas.

As mentioned earlier, HSZs were specifically designed by the state to deny Tamil civilians access to their traditional land and water resources, as well as destroying livelihood. The state has legitimized their use of this mechanism by claiming they also exist in the South, but it is to be noted that in those regions civilian movement is not prohibited and there is no intent to appropriate crucial fishing and agricultural resources.

Apart from the northern HSZs, there is another example from the Eastern province of the island where massive areas in Trincomalee district have been designated as HSZs. The Sampoor and Muttur (East) High Security Zone have been declared as out of bounds to the original inhabitants of the area since 2007. The HSZ was announced through Gazette Extraordinary no.1499/25 of May 30.2007. The HSZ was announced after the displacement of the villagers due to the renewed war between the Government and the LTTE in 2006. The HSZ were situated within and overlapped with an already existing Special Economic Zone (SEZ) declared on the 06.10.2006.<sup>27</sup> The dual existence of the HSZ and SEZ has complicated the clarity regarding the case and the confusion enhances the difficulty for resettlement. Despite a new gazette declared in 2008, the reduction of

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<sup>27</sup> COHR 2009.

the HSZ from covering initial 11 entire village divisions to 4, the state has appropriated new lands citing SEZ for the Sampoor Coal plant, a joint venture between the Sri Lankan state owned Ceylon Electricity Board (CEB) and the National Thermal Power Corporation (NTPC) of India.<sup>28</sup> There have also been reports that the HSZ in Trincomalee East is being converted into a SEZ with special legislative provisions. Such measures enable authorities to practice the oppression inherent in denying people their land and livelihood such as in the case of an HSZ.

The existence of HSZ and the centralized control of SEZ indicate the state's persistence with the practice of alienating land from Tamils. It also implies that there is a longstanding political intent behind these government acts which perpetuate Sinhala colonization as a means to subjugate the Tamil people and crush Tamil political demands. With such diversion taken to continue land alienation, there seems to be no end in the oppressive onslaught meted out against the Tamil people.

## **Conclusion**

In Lemkin's words, *'the techniques of genocide....represent a concentrated and coordinated attack upon all elements of nationhood.'*

Spanning a period from the 1940s till the 1980s we have seen the growth of state actions which marginalizes Tamils with the aim of disempowering and disintegrating the foundations of the Tamil nationality on the island. Therefore, the fact that the Sri Lankan state has conducted coordinated plans of various actions aimed at the destruction of the essential foundations of the Tamil nation remains obvious and undeniable. As Lemkin claimed: *"The objectives of such a plan would be the disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups."*<sup>29</sup>

Territorial contiguity was obstructed through the alienation of land by military force and

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<sup>28</sup> Fonseka, B and Raheem, M. 2009. *Trincomalee High Security Zone and Special Economic Zone*. Centre For Policy Alternative. Colombo. September 2009

<sup>29</sup> Lemkin, R. (2005). p. 79

state sponsored colonization. The political and democratic rights were suppressed through over four decades long military occupation and discriminatory laws. Moreover organized military and mob violence brought the physical destruction of property, economic prospects and livelihood opportunities of the Tamil people. As militarized violence and persecution of Tamils commenced under the pretext of counter insurgency it entailed the physical and social destruction of the Tamil nation.

Analysing the character of the Third Reich, Lemkin wrote, that “*to the doctrine of National Socialism, the nation, not the state, is the predominant factor. In this German conception the nation provides the biological element for the state.*”<sup>30</sup> Since the 1930s there has been an integral link between Sinhala Buddhist nationalism, the state and its practice of colonization and settlement and the subsequent oppression of Tamils. In these regards the state’s actions were informed, legitimized and motivated by Sinhala Buddhist ideological agenda and its’ belief.

The steps towards militarization of these processes were also facilitated by the Sinhala nationalist consciousness and the politically active members of the Buddhist clergy who are openly promoting the colonization of Tamils lands in the Dry Zone by citing - - echoing the words of the old Colonial master - that the region was ‘originally’ populated by Sinhalese who were consequently dispossessed by ‘Tamil invaders’. This nationalistic logic legitimized the state actions and oppression of Tamils. However these state actions also materialized the Sinhala nationalist discourses and aspirations. In this spirit one time Buddhist high priest Rev. Pannaseeha urged "the Prime Minister to send a permanent detachment of the Army to the North and East together with the settlement of colonies of Sinhala people there".<sup>31</sup> Thereby use of the military might in this process was legitimized and advocated by the Sinhala nationalists who manned the state, the civil society, the military and the clergy, thus enabling a well coordinated plan of destruction and dispossession towards the Tamils.

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<sup>30</sup> Lemkin, R. (2005). p. 80

<sup>31</sup> Pannaseeha, M, Maha Nayake Thero. 1979. *Eelam According to the Political Tamils*. Colombo: Swastika Press

As we have seen from the 1980s a systematic approach to the project of colonization of Tamil areas was adopted by the state through the establishment of HSZ all over the areas considered as traditional homeland of the Tamil people. It is thus important to frame such coordinated processes targeting a people on the basis of their national, religious, territorial and political characters in the spirit of Raphael Lemkins conceptualization of Genocide.

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