

**MOVEMENT OF VANNI IDPS:  
RELEASE, RETURN and TRANSFERRED DISPLACEMENT  
November 2009**

**1. Introduction**

The release and return of Internally Displaced Persons (IDPs) from the Vanni is a critical humanitarian issue. By the end of the conflict in May 2009 there were approximately 280,000 'new' IDPs who had been placed in closed IDP camps in Vavuniya, Jaffna, Trincomalee and Mannar with no freedom of movement. In June 2009 the Government announced a number of 'releases' and 'returns' as a part of the Government's '180 Day Plan'. However, in a number of cases the movements of Vanni IDPs described as 'releases' and 'returns' have not resulted in a durable solution for them, and in some cases, there are ongoing restrictions on their freedom of movement.

In an effort to improve the protection and assistance provided to these IDPs, the IDP Protection Working Group (IDP PWG) in Colombo has put forward this paper in order to provide an overview of the various types of movement currently being undertaken by the Government. It categorizes the various forms of movement that have taken place between July and November 2009, identifying cases of actual return as well as cases of continuing displacement.

**2. Categories of Movement**

From 05 August to 07 November, a total of 103,000 IDPs returned to their districts of origin from the closed camps in Vavuniya, Jaffna, Mannar and Trincomalee. The majority of these movements were organized in the month of October. Starting in early October, and gaining added momentum from October 22, the Government has initiated what appears to be an accelerated and larger-scale movement of IDPs out of the Vavuniya camps (Menik Farm primarily). Information from local authorities, OCHA and UNHCR indicates that 49,212 IDPs were moved out of the Menik Farm sites throughout the month of October – in contrast to only 9,687 during previous months. Of the 103,000 IDPs who returned to their districts of origin, 65,000 IDPs returned to Jaffna. In addition, 25,000 were released to host families and institutions but remain in displacement.

The complexity and fluidity of the current categories for 'new IDPs' alone is reflected in UNHCR's 'Categorisation of UNHCR's Caseload in Sri Lanka (Draft) 15 October 2009' which includes 10 categories of IDPs and 4 categories of returnee IDPs.<sup>1</sup> In most categories the number of affected persons is unknown due to the lack of statistical information from the Government or security forces in charge of administering the camps.

This paper is using three basic categories for IDP movements which will be outlined below: release, return and transferred displacement.

**a. Releases**

The release of IDPs has become a central advocacy and protection issue due to the severe restrictions on their freedom of movement in the camps. Globally, and historically in Sri Lanka, the first shelter preference for IDPs during displacement is with host families. The Government announced a series of 'releases' to host families or institutions for very specific categories of, mostly vulnerable, IDPs (such as elderly, separated/unaccompanied children and persons with disabilities). As of early November, 25,000 releases had occurred<sup>2</sup> :

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<sup>1</sup> See Annex 2

<sup>2</sup> New Arrivals Statistics Updated on 05.11.2009, UNHCR

- 19,529 IDPs released, primarily People with Specific Needs (initially elderly IDPs and pregnant women, but later expanded to students, priests, etc).
- 3,197 PWSNs released from camps in Mannar and 2,248 released from the Trincomalee site.

In September the Government also publicly announced a shift in policy towards the host family option. IDPs and host families were asked to apply for release, and those who were provided security clearance by the authorities would be released. In such cases the host family, in addition to the displaced family, have to fill out forms which have to be approved by the relevant Government and military officers. This move by the Government suggested that release was an option not just for PWSNs but also for other IDPs. With regards to the Vanni IDPs the term 'release' is understood to mean granting the displaced the right to stay with host families or alternative accommodation of their choosing. There has been no movement on converting existing camps into, or creating, open welfare camps, hence the host family option is the only option for IDPs who cannot return to their original homes and communities to secure their freedom of movement.

Not all persons eligible for release under this category have chosen to do so, or have been allowed to do so, for unknown reasons. There is also a general lack of information or clarity from the government on the process and criteria for approval for release. IDPs 'released' to institutions such as elderly homes have periodically had restrictions imposed on their freedom of movement outside of those institutions, together with delays or suspension of their eventual transfer to the homes of family members. For reasons that are unclear, the Government no longer includes IDPs released to institutions in the official statistics. There is also no official assistance program for the 'released' thereby putting significant burdens on the host families. During the displacement in the East 2006-2007 displaced persons staying with host families were recognized as IDPs and were provided assistance as such.

There have been problems relating to the process in which releases have been carried out, including of PWSNs. A group of 1,547 pregnant women and their families were amongst the PWSNs released during October. The process was disorganized, without transport or transit accommodation provided, and the first women released did not have any official documentation authorizing their release. It was reported that 23 husbands of pregnant women were taken away on buses following interviews in Vavuniya camps with CID, and that no information has been provided regarding their current location. The women subsequently had to choose whether to leave the camp alone or wait for their husbands. The most recent category of PWSNs to be released has been families with children below the age of two, however the policy has not been applied uniformly throughout Menik Farm.

## **b. Returns**

The Government has committed itself to speedy return and, as a part of the 180 day plan, it had originally announced that it would return 80% of all the Vanni IDPs by the end of 2009. More recent statements indicate that 31 January 2010 is now considered as the end of 180-day period. Return is taken to mean a durable solution where a displaced person goes back to their place of origin.

There are currently a number of obstacles to return including:

- Place of origin not yet cleared for return by Government
- IDPs not been screened for return
- Conflict-related damage to homes and infrastructure
- Lack of access to land and property in High Security Zones (Jaffna, including the Islands)

In early August the first Government facilitated 'returns' commenced with some 5,100 IDPs moved from camps in Jaffna (3550), Vavuniya (1,450) and Mannar (100) to the East and Jaffna. This was undertaken without the involvement of humanitarian agencies. Post release protection

monitoring by agencies in Jaffna revealed that many of these 'returned' IDPs had not actually returned home but were 'transferred displaced,' as they were either staying with host families or in old welfare centres. In the East, where fewer IDPs had returned, they were mostly living in their original homes or with host families.

The bulk of the movements in September were to new closed camps in the district of return (Jaffna, Mannar, Trincomalee, Batticaloa and Ampara). These movements were billed as 'resettlement,' but it soon became clear that these IDPs would not be allowed to go to their homes or host families, at least in the short term. Stay at those closed sites lasted from a few days to a few weeks but, by the end of October, the majority of IDPs had been permitted to leave these closed transit sites, except for some remaining ones in Mannar and Jaffna.

IDPs reported to agencies that they did not know they were going to be taken to 'closed transit camps' and that they had been told that they were going to return home. A number of returnees have been 'rearrested' from closed transit camps in the East<sup>3</sup> and in Mannar and sent to the separate camps in Vavuniya as LTTE suspects.

The recent movements have taken place to all districts in the north and east, although by far the majority has been to Jaffna, with approximately 65,000 returns to that district. According to the Government, all IDPs from the eastern districts have already been moved out of the original closed IDP sites in Vavuniya.

Returns are also ongoing into the Vanni. The first area to be opened by the Government for return was Musali, Southern Mannar, in April 2009.<sup>4</sup> Since then, approximately 3,500 individuals were returned and granted a resettlement package which included: a six-month food ration (WFP), a NFRI package, and in required cases transitional shelters, in addition to livelihood assistance. The returns took place in line with national and international standards, with 'go-and-see visits' and consultations of IDPs who consented to return. The resettlement process for those who did go home was mostly in line with the Guiding Principles on Internal Displacement, including on the return being voluntary and informed. There have also been a few returns of 'old' IDPs to Northern Vavuniya from some of the old welfare centres in Vavuniya.

Since mid-October the Government has carried out further returns to Manthai West (Mannar District) Thunakkai (Mullaitivu District) and Killinochchi. Return monitoring by UN agencies in some of these areas indicate several serious problems with the current process. The returns to some areas of Mullaitivu and Killinochchi are not meeting the basic minimum standard of safety and security. De-mining surveys in these areas have not yet been completed and there have already been at least 4 incidents with unexploded ordinances in return areas. Lack of public transport and medical evacuation plans are exacerbating the mine and UXO threat as injured IDPs will be unable to access healthcare in a safe and efficient manner.

Many of the returns to the Vanni are also to isolated areas where basic infrastructure and public transportation have not been established. Lack of public transport combined with restrictions on movement of agencies in return areas (because of lack of de-mining) mean there may be no guarantee of receiving humanitarian aid, in particular food. This is of particular importance given that livelihood areas may not be accessible and will take some time to bear sustenance. It is not yet known whether or not returnees to the Vanni will be permitted to travel freely in and out of return areas as well as within Sri Lanka. Besides the freedom of movement concern in and by itself, this raises secondary concerns as to whether or not IDPs will be able to engage in barter and trade to supplement any humanitarian aid.

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<sup>3</sup> Acting military spokesperson Prasad Samarasinghe confirmed to the BBC Sinhala Service on 25 October. "Released IDPs rearrested" [www.bbc.co.uk/sinhala/news/story2009/10/091025\\_tmvp\\_idp.shtml](http://www.bbc.co.uk/sinhala/news/story2009/10/091025_tmvp_idp.shtml)

<sup>4</sup> 'New' meaning those displaced in September 2007.

Returnees in the Vanni have also reported heavy military presence in return villages and have expressed concern over what they perceive as an elevated risk of SGBV due to the relatively small number of returnees in certain locations;

At present only UN agencies are allowed access to the Vanni. This poses a major challenge to UNHCR and Unicef who, alone, will be unable to carry out adequate protection monitoring in areas of return without support from I/NGO partners.

### **Transferred Displacement**

While there have been a large number of IDPs moved from the 'closed camps' particularly from August to October, which has been referred to by the Government of Sri Lanka as 'return' protection monitoring by agencies in the districts of return reveal that a significant proportion of those IDPs have not been able to return to their original homes.

In Jaffna, it is estimated that the number of actual returns in August was less than 15% (of approximately 3,500 IDPs). More recent UNHCR monitoring of returnees in Jaffna concludes that some 70% of returnees are staying with host families or even, in some cases, in long-term open IDP camps ('Welfare Centres') – 'hosted' by other IDPs sometimes in extremely poor and overcrowded shelters. Some IDPs reported they were unable to return to their place of origin due to their homes being either in High Security Zones or in parts of Jaffna or the Vanni, which remain off limits to civilians. Some families are landless and others reported that they own houses but they cannot move back immediately because of damage to properties. In some cases in the East, individuals who have been released have to report to security forces on a weekly basis, and there are protection concerns as both the released individuals and the host family are identified within the community.

Host families face a significant economic strain in providing assistance for IDPs who live with them. In general, the assistance being offered to these IDPs who have been released seems to be identical to that of 'return' ie WFP 6-month rations and Rs 25,000 shelter grant. In the past in Sri Lanka IDPs staying with host families continued to be recognized as IDPs and were provided some assistance until a durable solution could be found. However, so far in the context of this new resettlement phase, neither Government nor humanitarian agencies have distinguished between these categories.

### **3. Protection Concerns**

As noted above there is a great degree of confusion as to whether IDPs who have been moved have actually returned or remain in displacement, particularly due to the lack of information to humanitarian actors on the current location of 'releases' and 'returnees.' The lack of information and clarity about the current categories of movements means the potential to monitor protection issues and promote **durable solutions** to displacement is seriously weakened. Moreover, it is difficult for humanitarian agencies and other actors to assess the type of assistance required.

Three types of durable solutions to internal displacement exist:

1. Return to the place of origin (referred to as *resettlement* in Sri Lanka);
2. Local integration in the areas in which IDPs initially take refuge; or
3. Settlement in another part of the country (referred to as *relocation* in Sri Lanka)<sup>5</sup>

The Aide-Memoire on Resettlement (UN Office of the Resident Co-Ordinator, 20 August 2009), states that the preferred durable solution is return to the place of origin once the conditions conducive to return are in place – without ruling out the possibility of other durable solutions where IDPs are not able or willing to return. Displacement ends when one of the three durable

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<sup>5</sup> The latter two options – local integration and settlement in another part of the country – are both termed as 'resettlement' by the Guiding Principles on Internal Displacement.

solutions occurs and IDPs no longer have specific protection and assistance needs related to their displacement, and can enjoy their human rights in a manner no different to Sri Lankan citizens who were never displaced.<sup>6</sup> Internal displacement does not end suddenly. It is a process through which there is a diminishing need for assistance and protection. It is important to undertake an analysis of individuals' access to rights as part of regular protection monitoring and programmatic review.<sup>7</sup>

The distinction between transferred displacement and actual return is a critical one, and requires different protection and assistance strategies, with a view to supporting and promoting durable solutions as the ultimate objective. Transferred displacement – albeit in an area closer to their place of origin – does not mean that IDPs are necessarily closer to a durable solution. While the right to freedom of movement may be obtained (if they move to host families), other protection and assistance needs related to their displacement remain. Categorizing such IDPs as 'returns' risks compromising their right to receive ongoing humanitarian assistance and minimises the government's obligation to seek durable solutions.

Specific current protection concerns include:

- Distinction between 'return' and 'continuing displacement' either with host families, in welfare centres or in closed transit camps: There is a need for clarity on the part of the Government of Sri Lanka as it has multiple implications including on the decision making of IDPs and assistance packages for those being moved.
- Pre- and Post- Release and Return Information for IDPs and humanitarian agencies: IDPs do not have enough information regarding the return and release process. This is a basic issue which needs to be addressed by the Government. Humanitarian agencies have insufficient information on 'returns' and 'releases,' making planning and provision of assistance difficult and increasing protection concerns related to the movement of IDPs. There is a need for go-and-see visits and humanitarian pre-return assessments. Agencies currently do not have information on the whereabouts of returnees and releases, which seriously hampers assistance provision and protection monitoring.
- Assistance packages: The assistance provided should depend on the category of movement and the status of the group. While one-off assistance may be suitable for genuine returnees, a longer term approach is needed for those in continued displacement. A policy decision needs to be made by the Government so as to ensure assistance is provided for continuing displacement and a basic standard resettlement package is provided for returnees.
- Family separation and Tracing: Some families reported they had been separated during the movements from the camps. In some cases this was due to one family member not yet being 'cleared' for movement due to continuing security concerns. In other cases families reported that some members had provided an address to facilitate their release to a district of return while others had remained in the camps in order to preserve their claim to property in Kilinochchi or Mullaitivu. In the case of elderly homes and orphanages it is still not clear whether all 'releases' have living family members or not. Priority should be given to establishing a system for family tracing for separated and unaccompanied children to avoid unnecessary institutionalization and ensure their prompt return to their families and

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<sup>6</sup> In order to be considered 'durable', they must be based on three elements: 1) long-term safety and security; 2) restitution of or compensation for lost property, and 3) an environment that sustains life under normal economic and social conditions.

<sup>7</sup> Positive signals towards a durable solution would include: Adequate standard of living, including shelter, food, health care and water; Access to livelihood; Access to information; Access to justice (including documentation and mechanisms for property restitution or compensation; Acceptance by host/resident community and participation in community affairs; Availability of and access to public services including education and health services

communities. A full assessment should be conducted with systematic tracing and family reunification efforts.

- Claims to housing, land and property restitution: In addition to the basic assistance packages, there has to be an effort to review entitlements as part of an overall process to provide information to IDPs. The issue of documentation both for persons (national ID, birth, marriage and death certificates) and property is critical. There have to be efforts to ensure that IDPs understand the implications of the options they have to claim their legal rights. It is unclear what are the implications of return for families who may originate from other districts but have lived in the Vanni for a number of years and may even claim and own property in the Vanni. There are concerns among IDPs that in opting to return to the original place of origin, rather than recent habitual residence, these persons may not be able to move back to the Vanni.
- Medical assistance follow up: Some IDPs are receiving individual specialized medical treatments in the IDP camps including by humanitarian organizations. In Jaffna, upon their return children in need of therapeutic feeding were quickly identified and screened through a household visit and follow up on their condition is being provided. These positive examples need to be replicated in other areas of return and information on the return of vulnerable persons currently receiving specialized attention should be made available to humanitarian organizations to ensure ongoing treatment/intervention.
- Mine Action: Land that has undergone survey, battle area clearance and demining is not free from a residual threat. The Land Release Certificate does not guarantee 100 % clearance. People who were resettled recently have provided Mine Risk Education (MRE) agencies and village volunteers with information on suspect UXO and AXO. In the first 6 months of 2009 150 explosive items were reported this way. Significant efforts have been made by the government on de-mining with international support, and MRE has only recently been accepted as a life-saving or at least as a protective approach in the resettlement and recovery process.
- Return of 'Old IDPs': There are currently more than 214,000 'old' IDPs, with the largest case loads being the evicted Northern Muslim and Jaffna High Security Zones populations. There is a lack of information and reference to the 'old' IDPs in Government plans for resettlement, including in the 180 day plan.

#### **4. Recommendations**

##### **Returns**

- All Returns need to take place in line with the Guiding Principles on Internal Displacement and should be voluntary, fully informed and take place in safety and dignity and with respect for family unity.
- De-mining certification must be in place prior to return and Mine Risk Education should be provided prior to return as well as in return areas.
- Protection monitoring should be carried out pre-movement, during movement and post movement.
- Return is the preferred durable solution, which requires access to rights including property restitution, shelter and livelihoods.
- The Government should provide information to IDPs on the movement process, their rights, their entitlements to assistance and what they can and cannot expect in their places of origin. At a minimum information on the presence of civilian authorities in areas of return, the extent of available healthcare and how to access such healthcare, the extent of available transport,

the provision of other assistance including food and how to access such assistance, should be provided to IDPs prior to return.

- 'Go and See Visits' need to take place in order for IDPs to make voluntary and informed decisions on return.
- IDPs and returnees should be empowered to make decisions about their life and future and they should participate in all decisions taken by the Government and humanitarian agencies that may affect their well-being and rights.
- There should be full freedom of movement in and out of emergency IDP sites and all areas of return

### **Assistance**

- The distinction between return and transferred displacement needs to be recognized. As such the Government, complemented by humanitarian agencies, should devise policy guidelines and implement differing yet equitable assistance, monitoring and protection programs to IDPs, returnees and host communities.
- Durable solutions should continue to be pursued for those who remain displaced.
- The Government should share information with humanitarian agencies about the final destination of IDP movements for programming purposes and humanitarian agencies should be allowed to carry out pre-return assessments.

**Annex 1**

**Movement of Vanni Displaced from closed camps to Districts**

Month	Population	Ampara	Batticaloa	Jaffna	Trincomalee	Mannar	Vavuniya	Mullaitivu	Killinochchi	Polonaruwa	Total Departures
Aug	Family	43	75	105	168	-	-	-	-	-	391
	Individual	142	145	342	556	-	-	-	-	-	1,185
Sept	Family	105	483	1,634	407	100	1	-	-	-	2,730
	Individual	333	1,383	5,297	1,229	267	3	-	-	-	8,512
Oct	Family	271	670	9,140	1,497	1,418	2,040	612	-	1	15,648
	Individual	1,835	1,835	27,706	4,778	4,417	6,593	2,048	-	1	49,212
Total	Family	419	1,228	10,879	2,072	1,518	2,041	612	-	1	18,769
	Individual	2,310	3,363	33,345	6,563	4,684	6,596	2,048	-	1	58,909



## Annex 2

### UNHCR's 'Categorisation of UNHCR's Caseload in Sri Lanka (Draft) 15 October 2009'

Categories	Description	Location	UNHCR Assistance
IDPs in closed camps and school sites	Menik Farm zones, closed schools	Vavuniya, Trinco, Mannar, Jaffna	Emergency assistance
IDPs in open camps	No case yet		Scaled up assistance
IDPs released not in camps	PWSN, Hospital cases	Jaffna, Vavuniya, Trinco (?),	
IDPs in institutions	Elderly homes, childrens homes etc	Vavuniya	Shelter/ NFI support to the homes
IDPs in Collection Centres	IDPs in transit while waiting for movement to their district of origin	Vavuniya	Minimum emergency assistance
Transferred IDPs from closed camps to closed transit sites/ camps	IDPs who are being re-screened in district of origin	Jaffna, Mannar, Trinco, Batt	No assistance
Released IDPs to open transit sites/ camps	No case yet. IDPs who cannot return (mines, High Security Zones)		Enhanced humanitarian assistance
Released IDPs in host families in district of origin	Number of cases unknown	Vavuniya, Mannar, Jaffna, Trincomalee	Shelter grant and NFI package, QIPs
Released IDPs in host families but not in their district of origin	Number of cases unknown	Vavuniya and other areas	Shelter grant and NFI package, QIPs
IDPs in host families	IDPs who arrived before Menik Farm times and were allowed to stay with host families.	Vavuniya	Assistance only to PWSN upon approaching UNHCR office.
Return to house of origin in Vanni and Jaffna	Number of cases unknown for Jaffna. No case in the Vanni yet	Vanni, Jaffna	Shelter grant and NFI return package, QIPs
Return to house of origin in non-Vanni	Number of cases unknown	Non-Vanni parts of Vavuniya, Mannar, and East	Shelter assistance and NFI return package, QIPs
Return to place of origin but temporarily living with nearby host family in Vanni and Jaffna	Number of cases unknown for Jaffna	Jaffna	Shelter grant and NFI return package, QIPs
Return to place of origin but temporarily living with nearby host family in non-Vanni	Mostly for PWSN. Number of cases unknown	Vavuniya, Trincomalee, Batticaloa and Ampara	Shelter assistance and NFI return package, QIPs