

Commentary on
Returns, Resettlement and
Land Issues in the North of
Sri Lanka

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CENTRE FOR POLICY ALTERNATIVES
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Map of Sri Lanka



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Introduction

The North and East of Sri Lanka were the worst affected provinces during the ethnic conflict. Both areas witnessed death, destruction and displacement and are presently going through phases of rebuilding, reconstruction and development. Although Sri Lanka has faced numerous disasters and crises, both man made and natural, and experienced several phases of return, resettlement, rehabilitation and reconstruction with the conflict and tsunami, this paper highlights that there are shortcomings in the planning and response to disasters, which are repeated multiple times.

A key issue highlighted in the paper is how the Government and other stakeholders handle return and resettlement. According to international standards, the term return is used to imply the return to one's home and land. Resettlement on the other hand is generally used to mean being located to a place other than one's place of origin. The Guiding Principles of Internal Displacement differentiates the two terms. Principle 28 provides for internally displaced persons (IDPs) "to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country." In the Sri Lankan context many Government officials use the terms 'return' and 'resettlement' interchangeably without much thought to what this means in accordance with international standards. This has resulted in a situation where upon returning to the district of origin, regardless of whether a person has returned to one's own home and land, there is an assumption that return is complete. This paper demonstrates that this use of terms results in a misrepresentation of ground realities. It stems from a deliberate political decision to demonstrate the significant decrease of IDPs in camps and the supposed transition of the ground situation from the humanitarian to the developmental.

Addressing grievances of all citizens of Sri Lanka and giving special attention to the minorities and affected communities is essential for genuine reconciliation and moving forward after a bloody conflict. The inability or unwillingness to address these issues immediately may lead to the possible scenario of discontent among the communities and future disputes. If not addressed, it will continue to discriminate a community that has borne the brunt of the conflict. It is therefore crucial that the Government, United Nations (UN), International and National Organisations (I/NGOs), donors and others take immediate steps to address the discrepancies and obstacles for a voluntary and informed return in line with international and national standards and for durable solutions for those returning.

A brief profile of the East, North and displacement since 2007

The Eastern Province was 'liberated'¹ by the Government forces in July 2007 and since then has gone through stages of return, resettlement, rehabilitation, rebuilding, reconstruction and is presently being developed under the 'Nagenahira Navodaya' (Eastern Revival) programme. Although there has been wide publicity given to the economic development of the area, questions about the process and the impact of development on the people, remain.

More than three years have passed since the 'liberation' of the East in 2007 and much has been said about the revival and rebuilding of the East, but there are concerns regarding the quality of life of those living in the Province. Several thousand still remain in displacement due to the High Security Zone (HSZ) and Special Economic Zone (SEZ) located in Sampur, Trincomalee district and other 'ad hoc'² high security zones and military occupation throughout the Province.³ Transit camps which were meant as temporary sites for a few weeks or months, have housed IDPs for several years in cramped and poor conditions. Land also continues to be a contested topic in the area with continued militarisation and politicisation, reports of land grabbing supported by political actors, new settlements and boundary disputes.⁴ Further, those who have lost loved ones, homes, property and livelihoods are yet to be compensated in a systematic, uniform and transparent manner.

Fifteen months after the end of the conflict, attention has shifted from the East to the North. Government actors and the UN now state that 90% of the IDPs have been resettled.⁵ At the outset it must be stated that returning a significant percentage of IDPs to their districts of origin in a short time frame needs to be commended but closer examination of the problems faced by those who return to their districts raises several questions including that of Government policies and programmes, durable solutions for IDPs and the reasons behind the speedy return and resettlement.

¹ 'Liberation of the east' is a term used by the government to describe the defeat of the LTTE in the East in 2007. "Terror cannot liberate Tamil people - LTTE destroying Tamil children; Tamil culture - President Rajapaksa", 19 July 2007. <http://www.president.gov.lk/news.php?newsID=243>

² This paper makes reference to 'ad hoc' HSZs, which are those that have been established in an ad hoc manner by the military without following legal processes such as land acquisition and gazetting.

³ "Trincomalee High Security Zone and Special Economic Zone", Bhavani Fonseka and Mirak Raheem, CPA, September 2009

⁴ "Land in the Eastern Province: Politics, Policy and Conflict", Bhavani Fonseka and Mirak Raheem, CPA, May 2010

⁵ "90% IDPs Resettled in North, says UN", Daily Mirror, 20 August 2010, "90% IDPs resettled in North- Buhne", www.defence.lk, 20 August 2010

Over 300,000 were displaced as a direct result of the conflict and according to UNHCR data as at 12 August 2010 around 196,909 had returned to their place of origin, although questions remain as to the nature of return and durable solutions. According to the same UNHCR figures it is estimated that 34,370 still remain in the Manik Farm camps in Vavuniya and 2,239 in Jaffna -a total of 36,609 IDPs now remain in camps. Another 70,949 persons live with host families in Jaffna, Mannar and Vavuniya districts.⁶ Although the Government and the UN state that 90% have been resettled in the North, due to the confusion in the use of the terms 'return' and 'resettlement' there are questions as to the real situation in the area, especially of those who have returned to their district of origin but are re-displaced, stranded or have to live in sub standard conditions.

For those remaining in camps, there is no time frame or plan that has been made public as to whether and when they would be able to return home. This needs to be taken into account in a context where funding for humanitarian work has reduced, with limited funding for those in displacement and for the upgrading of camps, resulting in poor conditions of government run camps.

⁶ The figures of IDPs living with host families do not take into account those who have been displaced post returns and living with host families in Killinochchi and Mullativu districts which is discussed later in the paper.

The Numbers Game

Although there are official IDP figures approved by the Government, there are many who are not registered within the official government system or falling through the cracks of what is recognised as displacement. These include some IDPs who live with host families, the night-time IDPs and those who are stranded after returning to their districts of origin. Therefore to understand the true nature of displacement, one needs to look beyond the official numbers provided by the Government and consider the living conditions of those returning to the districts of origin, and as to whether they are able to return to their homes and land or resettle.

Numbers have been used by the Government to demonstrate a situation that is far from ground realities. During the last few months of the conflict, the numbers of those trapped in the 'safe zone' were severely contested by the Government, the UN and human rights groups.⁷ It is unlikely that exact figures of those trapped in the zone will ever be known, due to the contestation by different actors and the inability to have an independent investigation. Although figures will be contested, the reality of families losing loved ones, the death and destruction and the humanitarian crisis in the zone and elsewhere in the North and parts of the East cannot be ignored. Stories of the situation in the zone that are now coming out from those who were trapped paint a picture where basic services such as shelter, food, water, sanitation and medicine were limited as well as being bombarded and shelled on a regular basis. This paper is not attempting to reconstruct the events of the last few months, weeks and days of the conflict nor is it attempting to verify stories of those who were eyewitnesses. But it needs to be recognised that at the height of a humanitarian crisis, rather than attempting to provide much needed humanitarian assistance and create a genuine safe zone respected by both parties, the Government, the LTTE, Diaspora and other stakeholders failed in the task of respecting and protecting civilian life. What most were interested in was a numbers game, where figures of those trapped and killed were contested, blaming each other for the breakdown of the protection mechanism and the violation of international laws.

Over fifteen months after the end of the conflict, the situation of those who made it to government camps and hospitals has not significantly improved. The figures of those having left the camps is high but a look beyond the actual number and at the life in the districts of return and resettlement paints a dire situation (discussed below).

Many of those who made it to government camps and hospitals in 2008 and 2009 have a common link. Most if not all have lost loved ones, either during the conflict or soon after. These stories are a stark reminder that the search for loved ones will continue, regardless of official numbers or the end of the war. Those who are searching for loved ones cling to a hope that one day they will find them. Those searching are mothers, fathers, wives, husbands, siblings, children and other family members. They carry a photo or NIC or birth certificate or other such document of a missing person, approaching all those who they come across for some hope and assistance to locate a lost loved one. Those who have the expertise of tracing such as the International Committee of the Red Cross (ICRC) do not have access to most areas where IDPs, returnees or detainees are located. In the current context where the discussion of events of

⁷ For more information, refer to- "War Crimes in Sri Lanka", ICG Asia Report No 191, May 2010; "Let Them Speak: Truth about Sri Lanka's Victims of War", University Teachers for Human Rights (Jaffna), Special Report No: 34, December 2009.

the last months of the war is non-existent and viewed as a sensitive topic, it is unlikely that the Government will initiate a comprehensive process for finding the truth and for providing compensation to those who are affected in the near future. It is to be seen whether the present Lessons Learnt and Reconciliation Commission (LLRC) established by the Government in May 2010 will explore this aspect.

There is no public recognition by the authorities nor is there a public document that acknowledges the significant numbers of persons missing. Official reports of successful returns, resettlement and development in the North miss this issue. Defence Secretary Gotabhaya Rajapaksa, the person most consider to be the architect of the military victory, speaking at the LLRC stated that the fighting was for a 'humanitarian mission' and that it was a 'zero casualty conflict'.⁸ His version is in contrast to the experiences of those who were trapped in the zone, lost loved ones and those who are still searching for the missing.

As a result of the contestation of the numbers, it is unlikely that majority of those killed will be issued death certificates. The issuance of death certificates may result in a surge in applying for documents which at some point will be used to establish casualties of the conflict. The lack of basic documentation such as death certificates will lead to practical difficulties, including obtaining compensation, since proof of the death will be required to avoid false claims. The Government is reported to introduce legislation similar to what was introduced in the aftermath of the tsunami to speed up the issuing of death certificates. Unlike the tsunami where legislation was introduced within a span of a few months, there is still no legislation or policy fifteen months after the end of the conflict.

A genuine effort is needed to address what transpired during the different phases of the conflict including the recognition of the casualties. This is critical for affected communities and families, to know the status of their loved ones and be compensated. Unfortunately the present numbers game, the insistence of 'zero casualties' and reduction of IDPs from camps, leaves no space for discussion or debate. The politics of numbers is an indicator of the thinking behind the present administration, using the numbers as a justification of successful government policy rather than to examine the human stories and ground realities. The section below demonstrates that although majority of IDPs have been returned to their districts of origin or resettled, the numbers belie the ground situation where many continue to live in displacement and face severe hardships in their attempts to rebuild lives.

⁸ LLRC, 17 August 2010

Status of Return and Resettlement in the North

Return and resettlement in the North commenced in 2009 and has been steadily moving forward. Over 300,000 new IDPs were living in camps, with host families and other places for several months, creating a huge financial burden for the Government, UN, I/NGOs and donors. With IDPs trickling in from the Vanni since 2008, the Government created closed camps and depended on the UN and I/NGOs for assistance.⁹ A combination of issues including the global economic crisis, other conflicts and natural disasters and the inability for many internationals to work in Sri Lanka due to stringent bureaucracy resulted in funding being slashed for humanitarian work. The expenses in maintaining and upgrading camps and providing assistance to IDPs had to be factored in by donors and agencies who were facing funding cuts. This coupled with the Government's inability to provide comprehensive care for all affected communities, resulted in speedy return and resettlement. Another key political development that impacted speedy return and resettlement in the North was the Presidential elections in January 2010. The sudden relaxation of the closed camp model combined with return and resettlement drives in December 2009 raised questions as to whether it was politically motivated, with the politicians having a sudden change of heart to reach out to potential voters. The combination of the above resulted in thousands suddenly being moved from closed camps to their districts of origin or being resettled.

Those who returned to Manthai West in Mannar district in 2009 have been able to harvest one season. The situation of most of those who have returned to or resettled in Mannar and Jaffna districts is different to that in Killinochchi and Mullativu. Although there still remains displacement in Mannar and Jaffna and though there are also cases of resettlement, many have been able to return to their lands, rebuild their homes and restart their livelihoods. There are exceptions to this such as the situation of Muslim returns to Silvathurai where around 220 families are not able to return to their homes due to Navy occupation or the other cases of IDPs who are unable to return to their homes due to occupation by army of their lands (discussed below). In Jaffna district, only 2,239 IDPs remain in camps with the majority having returned to their own land or living with host families. This does not factor in the old IDPs¹⁰ who are unable to return to their lands due to the High Security Zone (HSZ) in Tellipallai.

A key impediment to returns is the presence of mines and UXOs. The priority identified by the Government for demining work has been to residential land. Subsequently, concentration has shifted to the clearance of land for livelihood purposes. Therefore those carrying out demining work including the humanitarian demining unit (HDU) of the army and the several international and national mine action organisations¹¹ have been provided residential land for clearance. The concept of land use being the

⁹ For more information, refer to "[A profile of human rights and humanitarian issues in the Vanni and Vavuniya](#)", CPA, March 2009

¹⁰ Old IDPs are those who were displaced prior to 2008. Those displaced since then are considered 'New IDPs'.

¹¹ These include organisations such as Mine Advisory Group (MAG), Swiss Foundation for Demining (FSD), Danish Demining Group (DDG), Halo Trust, Horizon, Sarvatra, Milinda Morogoda Institute for People's Empowerment.

decisive factor for demining, where residential land is given priority over lands for livelihood purposes, has resulted in a situation where those returning to their homes are in most cases unable to restart livelihoods due to contamination of land, waterways and wells. In Mannar large pockets of agricultural land, waterways and wells have been cleared with many returnees able to harvest their first cultivation and restart other livelihoods such as home gardening and grazing of cattle.

Those returning to the North face several problems upon return, including the destruction of their houses and property, no access to their agriculture land either due to demining work, military occupation and HSZs (discussed below). Those who are unable to access land for livelihoods face severe hardships and are dependent on food and other assistance. This raises the issue that although around 196,909 IDPs have left camps, significant numbers of returns are still dependent on assistance and live in displacement upon returning to their districts of origin. There are others who leave camps with the hope of returning to their land, but upon returning to their districts of origin discover that their land and houses are occupied by the military and created into ad hoc HSZs. These factors highlight that leaving camps does not guarantee the end of displacement and dependency on assistance and that there is a complex situation where IDPs returning to their districts of origin continue to live in some form of displacement, even though they may not be officially identified as an 'IDP'.

The classification of displacement and the criteria to be identified as an IDP need examination. Those leaving camps and host families and returning to their districts of origin are considered as those returning and are deregistered as IDPs. Although official figures demonstrate that there is a significant drop of IDPs in Sri Lanka since the beginning of 2010, with both the Government and the UN saying that 90% have been resettled in the North, in reality those returning to their districts of origin continue to live in displacement and/or are dependent on assistance.

Returns and resettlement to the North are dynamic. This is largely due to the ongoing demining activities and land being handed over to the government for returns and resettlement on a regular basis by demining agencies, and regular returns taking place to the districts of origin. Although return and resettlement is taking place, this in itself does not guarantee return to one's land and home. The bottlenecks in return are varied from demining, occupation by military and others and the creation of ad hoc HSZs. There is also the issue of limited information publicly available on government plans for returns and resettlement and the future of those returning. Those who have returned to their districts of origin and are stranded due to military occupation in Mannar and Mullativu districts stated that they were unaware as to why their land was occupied, whether the lands would be returned or whether they would be compensated and provided alternative lands. The lack of information is largely attributed to the centralisation of return, resettlement, reconstruction and development work where district and other local officials such as the Government Agent (GA), divisional secretaries (DSs) and Grama Sevakas (GSs) are least informed of government plans. Most local actors state that decision making related to most issues in the North is done in Colombo by the Presidential Task Force for the North (PTF) and others.

Humanitarian agencies assisting in return, resettlement and livelihood projects in the North state that previous practices of obtaining approval from the respective GAs of the districts have in most cases been replaced with instructions to send everything to the PTF in Colombo.¹² Even small amendments to

¹² This is also a dynamic situation. At the time of writing, it was reported that for Vavuniya district approval for projects could be obtained by the GA though the situation was different in other districts in the North where PTF was more closely involved. There is uncertainty as to how long the present practice will remain and whether there will be changes in the future.

projects that are already approved by the PTF need to go through the same process which is time consuming, lacks transparency and leaves the applicants uncertain as to whether approval will be granted. For example, a partner who has received approval to build 10 toilets in a village will have to go back to the PTF if the number of toilets is increased by even one unit.¹³ Similar to the difficulty in obtaining approval for projects, agencies working in the North operate in a context of uncertainty and as a consequence are not able to plan for long term work. In July 2010, the majority of the agencies assisting with returns and livelihood work were refused access to the Vanni, with no reason given. Subsequent discussions resulted in them having to negotiate for short periods of time with the uncertainty of whether access for one week would guarantee access for the next. As a result many of the agencies were unable to assist the returnees. This incident is one of many that agencies have had to face with the creation of the PTF and the centralisation of powers related to work in the North.

Experienced and knowledgeable local government officials who have worked in disaster situations including the conflict and know the terrain best, are sidelined and presently have to revert to a new entity with wide powers. The PTF that was appointed by the President in May 2009, is the most influential and powerful entity that is presently overseeing activities. However, the exact mandate and powers of the PTF are not publicly known.¹⁴ The role of the PTF not only raises issues of transparency and accountability, but also of the centralisation of power and the undermining of local decision making bodies.

¹³ Interview with humanitarian worker, Vavuniya, June 2010.

¹⁴ Attempts to find the gazette that created the PTF have been unsuccessful so far.

Status of Assistance to Rebuild and Restart Lives and Livelihoods

Assistance provided to those returning and resettling: CPA spoke to several people who were returned to their district of origin, with some being able to return to their land and others living in displacement even after being returned to their districts of origin. Although the Government and UN state that 90% have been resettled, this paper highlights the difficulties faced by those who are no longer classified as IDPs, but may continue to live in displacement and are dependent on assistance. An issue both civilians and humanitarian agencies raised were the discrepancies in assistance. Those being returned and resettled are eligible for a cash grant of Rs. 25,000 (Rs. 5,000 is paid initially with the remainder in instalments), dry rations, tin roofing and non food relief items (NFRIs). CPA was informed that the cash grant was not provided to all those returning and resettling. There were several cases of returnees who were either only paid the initial payment of Rs. 5000 or not provided any of the money.¹⁵ Several stated the difficulties in obtaining funds including a bank account and necessary documentation. With documentation such as birth certificates, identity documents and land documents lost or destroyed as a result of the conflict, there were many who did not have basic documentation to open bank accounts, resulting in them not being able to receive the assistance that is due to them.

Dry rations were provided by the World Food Programme (WFP) through the Government and included rice, flour, dhal, oil and sugar.¹⁶ Those returning and resettling usually are provided dry rations for a six-month period. CPA was informed that in some areas such as Thunukkai this assistance was extended for a further three months.¹⁷ There were others along the A35 road who stated that there were discrepancies in obtaining assistance, with some families not getting any assistance including dry rations. According to a recent Emergency Food Security Assessment (EFSA) done by the World Food Programme (WFP) and the Hector Kobbekaduwa Agrarian Research and Training Institute and the Ministry of Nation Building and Estate Infrastructure Development¹⁸, only 11% of the returnees were involved in food production during the last Maha season in 2009/10 and therefore majority of returnees will be dependent of assistance. According to the same assessment 47% households interviewed stated that they intend to farm in the 2010 Yala season, depending on access to water and land and assistance with such as obtaining seeds. Close examination of available data and ground realities leads to the

¹⁵ Interviews with returnee communities and humanitarian agencies, Killinochchi, Mannar and Mullativu, June 2010

¹⁶ CPA was informed that though this is the standard package, there have been instances where IDPs and returnees are not provided all of the items. Interview with humanitarian agency in Vavuniya, June 2010

¹⁷ Interview with humanitarian agency, Vavuniya, June 2010

¹⁸ Emergency Food Security Assessment Report Vanni Districts, Sri Lanka, WFP and Hector Kobbekaduwa Agrarian Research and Training Institute, April 2010

conclusion that it is most likely that many of those who have returned to their districts of origin will only be able to cultivate in the 2010/11 Maha season.

None of the returnees interviewed were aware as to how long they would continue to receive assistance, including dry rations, although many stated that due to the inability to restart livelihoods, a significant number would be dependent on external assistance for a long period.

Several returnees in Killinochchi and Mullativu stated that although there has been considerable attention and many VIPs including Government politicians have visited the area, the assistance provided and living conditions of the people have yet to improve. The cabinet meeting which was held in Killinochchi on 14th July generated much publicity and gave the impression to most of the public that normalcy was being returned to the area more than a year after the victory. Locals have a different tale, some continuing to live in displacement, with fear and uncertainty with regard to future plans.

Livelihood Assistance and Concerns: A brief mention of the status of livelihoods is also necessary to understand the ground realities in the North. According to the EFSA most households (35.6%) were dependent on wage labour, followed by 17.1% for farming. 18.5% did not have any livelihood due to various problems. As discussed elsewhere in the paper, those reliant on their land for livelihood purposes face difficulties due to access being curtailed and other problems.

CPA met a former carpenter in Killinochchi town who is now reliant on daily labour to earn a living.¹⁹ The former carpenter mentioned that he had a thriving workshop in which he employed several persons. However at present he said that he had no carpentry work. He further mentioned that the military and civilian administration brought in carpenters from outside for work in the area and therefore locals such as him were unemployed and had to resort to other forms of livelihoods. This sentiment was shared by others who felt that outsiders were being brought into work in the North, taking work away from the locals. Several locals stated that Sinhalese were brought in to do work resulting in the locals having no choice but to resort to other forms of livelihood or be dependent on assistance.²⁰

The **employment of workers from outside** including from other ethnic groups is a contentious issue. Locals fear that due to economic and military activities there will be a surge of actors coming into the area possibly resulting in changes to the ethnic demographics. The statements made by key Government actors regarding the creation of military bases add to these worries. The new market in Killinochchi is also a cause of concern where several of the traders are from outside the area, some not even speaking the Tamil language which is used by most if not all of the locals.²¹ While many of the locals interviewed were happy with development in the area since the end of the war, many voiced concerns as to the cost of such development and the long-term implications it may create.

In addition to the above issue and that of access to land and water and its impact on agriculture that have been raised, there are also issues relating to access to adequate equipment to restart livelihoods. According to the EFSA, there are 10.9% households who are dependent on fishing related activities for

¹⁹ Interview with returnee, Killinochchi, June 2010

²⁰ Interviews with returnees and humanitarian agencies, June and August 2010

²¹ Interviews with returnees and humanitarian agencies, Killinochchi, June 2010

livelihoods but even though the ban on fishing has eased somewhat, most faced problems as they did not have boats and nets.

Many of the returnees agreed that finding work was extremely difficult in the areas of return. Although there seems to be cash for work programmes initiated in some of the areas, these too are short term. For example, According to the EFSA World Bank cash for work projects, which are implemented in collaboration with the Government are for a maximum of 50 days though some extensions have been provided.

Security and impact on vulnerable groups: In addition to the discrepancies in assistance, return and resettled communities have security concerns. The high militarisation is a cause of fear among people, especially among female-headed households (FHH).²² Women fear that the high military presence and proximity to where civilians reside could lead to problems. Several FHH stated that they moved to a common area in the night as they feared staying alone in their homes.²³ There are reports of cases of gender based violence (GBV) in the areas of return although many are too scared to speak in public and therefore very few investigations have been undertaken. The incident on 6th June in Vishvamadu where four soldiers raped two women in the area received publicity due to local media and the four perpetrators are now in the custody of the Killinochchi magistrate. This is a rare case where perpetrators have been held accountable, but it is uncertain whether other cases will be investigated in a similar manner. In this case, the Killinochchi magistrate has taken a strong stand on accountability, and needs to be commended for his position. It is uncertain whether others will take a similar stand, especially in light of recent developments where judges in the North and East have been transferred when hearing a sensitive case.²⁴

There is an increase of single headed households (SHH) including FHH as a direct result of the conflict. FHH face severe hardships and are considered one of the most vulnerable due to security and economic reasons. In many cases land has been registered under the man's name and therefore FHH face problems in not only accessing and controlling land but also obtaining housing assistance and loans. Agencies who insist on seeing legal documentation to prove ownership need to take on board the practical issues of FHH where land is still in the name of the male partner or where the documentation is lost.

The **vulnerability of local communities** is not always factored in by agencies and donors when providing assistance. With the stringent regulations governing work in the North, agencies need to demonstrate several factors to obtain approval and pay limited attention to the needs of the communities. In some instances agencies disregard vulnerabilities in their enthusiasm to obtain PTF and other government approval. For example, there is limited attention on the needs of SHH including FHH although there is a significant number in return areas. The levels of vulnerability and methods of factoring this in when planning and implementing projects is critical. Donors need to ensure that basic standards are met and that assistance should be provided factoring in vulnerability, equity and the do no harm principle.

²² Interview with returnees, Killinochchi and Mullativu, June 2010

²³ Interview with returnees, Mullativu, June 2010

²⁴ "Judiciary In Jeopardy", Sunday Leader, 20 June 2010

Equity is a crucial factor when providing assistance. CPA has received reports that IDPs living with host families are often times marginalised compared to those in camps. It is also reported that host families who provide and care for the IDPs are in most cases not provided assistance. With ongoing returns and resettlement, there are also issues of assistance to those who have returned and resettled including to those who are unable to return to their land and are stranded or re-displaced but not considered an IDP by the authorities. These issues need to be factored in to ensure that assistance is provided in an equitable and non-discriminatory manner taking on board the needs and vulnerabilities of the communities.

It is important in this regard to take note of people's perception of the present situation in the North. Although images used in certain media of development and reconstruction work in the North, of having a cabinet meeting in Killinochchi, of large numbers of tourists from the South may convey a picture of normalcy and prosperity in the area, the lives of the affected communities presents a very different and difficult one. Although many are happy with the end of the war, questions were raised as to why over fifteen months later many still lived in some form of displacement and dependency. A general feeling among many who had returned to their places of origin or resettled was that they are yet to experience a significant improvement in the quality of their lives and that there was a great uncertainty as to the future.

Military Occupation and the Impact on Returns

Occupation of land by the military and police and the establishment of ad hoc HSZs are key impediments to the return to one's land in the North. Since May 2009 an increase in militarisation in the area has been witnessed. New military posts and camps have been established in the former LTTE controlled areas cleared of mines, including on residential, agricultural and jungle lands.²⁵ With returns speeding up in 2010, there are many who are returning to their areas of residence to find their land occupied or used for an ad hoc HSZ, resulting in further displacement or of being stranded in their district of origin. According to the EFSA, more than half of the households did not have access to their paddy lands and 60% did not have access to their highland crop fields.

Case study: Ad hoc HSZs in Mannar District

In Mannar district, there were reports that a large navy base has been created in the coastal belt between Mannar and Puttalam districts which would include the villages of Silvathurai and Mullikulam, affecting both Muslim and Tamil returnees and private, state and church land. Discussions with affected persons indicated there was no space for discussion with the military authorities. The affected communities had been informed that they would not be able to return to their land and that alternative land would be provided in the area. Around 220 families were affected in Silavathurai, involving both state and private land. Many of those interviewed in June 2010 had returned from Puttalam in September and October 2009 and early 2010 after decades of displacement but were displaced yet again as their land was not accessible.²⁶ Several had land deeds dating back decades and others had permits for state land, which were issued in the 1970s and 1980s. The affected communities in Silvathurai raised the question as to why such a large tract of land is required for a navy base with the end of the war and requested that their land be returned to them and for the navy to relocate their camp to bare land.

The Silvathurai group are Muslims who were expelled in the 1990s by the LTTE, displaced to Puttalam where they lived till the end of the conflict and commenced returns recently to their original land. This group is keen to return to their land but face obstacles due to the navy occupation of their land. This case was highlighted by a protest, which took place when Minister Basil Rajapaksa visited the area on 27 May 2010.²⁷ Several of the Muslim returnees protested the navy occupation and seven persons were arrested and later released. After the protest, a meeting with the navy was held on 30 May where the navy informed those affected that the land will be acquired and that alternative land will be provided.

²⁵ Interviews with IDPs, returnees, local Government officials and humanitarian agencies, January, June and August 2010.

²⁶ Interview with returnees, Silavathurai, June 2010

²⁷ Interview with local in Silavathurai, June 2010

Those who attended stated that there was no space for discussion. It appeared to them that the decision had already been taken by the authorities. This issue had also been raised with local politicians including with Minister Rishard Badurdeen who was previously the Minister for Resettlement. He had promised to look into the issue prior to the April 2010 General Elections but there has been no movement since the Elections. In Mullikulam, around 200 Tamil families are affected and are living with host families.²⁸ With this case too the navy had set up camp in 2009 and is now refusing to move the camp elsewhere. In both these cases, the authorities cite the need to have navy camps on the coastal belt for security reasons. Locals who have been displaced due to the navy occupation question the necessity of taking over these areas for security reasons over a year after the end of the war. They also raise the issue as to why such camps cannot be established on bare land in the area, which is not used or occupied.

There are other areas in Mannar district where those returning to their places of origin are unable to return to their land and are re-displaced and need resettlement. In the village of Echchalavakkai and Pallamadu in Manthai West there are those who were displaced to the Manik Farm camps and were brought back to the area of origin with the promise of returning to their land in March 2010. Upon return it was discovered that an army camp had been erected on their land. Unable to return to their land, the people were displaced yet again, live in tents with no livelihood and are dependent on assistance from agencies. Around 60 families affected have been told that they would be relocated elsewhere, including to land in Sannar.²⁹ At the time of writing, it has been reported that many have been resettled in Sannar, although some others still continue to live in displacement.³⁰ Those who have been resettled have been given a plot of state land. They are dependent on assistance and have been able to put up a tent till a permanent shelter is set up.

Many of these people have no land documents, with some living on encroached land. This community was displaced from Jaffna in 1984 and had moved to Manthai West soon after and occupied state land. Although documentation was promised in 2007, due to the conflict, those in the two villages were displaced and therefore never received the documentation. Although most had received the Rs. 25,000 and dry rations, it was reported that around 40 families in this area were yet to receive the cash grant. There are other places where military occupation has continued displacement such as in Periyapandivirichan in Madhu DS where due to military occupation and demining work around 350 families either remain in Manik Farm or with host families.³¹

There are also other areas in the coastal belt of Mannar that may not be open for return or for accessing the sea for livelihoods of fishermen. Areas such as Mullankavil have been occupied by the navy since 2009. In the 1980s locals living in the Iranativu South and Iranativu North islands were displaced to Iranamadanagar village near Mullankavil due to the conflict. The islands were then occupied by the LTTE and people remained in the Iranamadanagar village. With the last phase of the war they were displaced yet again. At present 120 families have returned to the area although navy occupation and restrictions in

²⁸ Interview with locals and humanitarian agencies, Mannar, June 2010

²⁹ Interview with returnee communities, Echchalavakkai and Pallamadu, June 2010

³⁰ Interview with humanitarian agency, August 2010

³¹ Interview with humanitarian agency, Mannar, June 2010

movement have affected their return and livelihoods.³² CPA was informed by locals and humanitarian agencies in Mannar and Mullativu of unconfirmed reports of the coastal strips of both areas continuing to be closed to locals but to be occupied and used by the military for security purposes. It is unlikely that any explanation will be given as to why such large areas will be closed off to the locals.

Case study: Ad hoc HSZs covering Indupuram, Murukkandi and Shanthapuram

Large areas of land have been taken by the military for camps and ad hoc HSZs in Murukkandi, Shanthapuram and Indupuram (covering both Mullativu and Killinochchi districts) where around 1000 families are unable to return to their land.³³ As a result those returning to the districts of origin are displaced yet again and living in transit centres and with host families. All the groups that are displaced yet again due to occupation of land by the military have very few options for livelihoods. Farmers and others who are unable to use their land for livelihood purposes have had to resort to other forms of livelihoods and are dependent on assistance. The area in question was reportedly to have been controlled by the LTTE for military purposes. The area consists of the Iranamadu tank and was previously used as the LTTE airfield. It is also reported to be the area where several high-ranking LTTE persons were located.

Although no justification is provided for creating an ad hoc HSZ in the area, the military use of the area and its close proximity to the Iranamadu tank makes it a strategic location. There are unconfirmed reports of the area being presently developed to have an airstrip and to be used as a possible tourist site. Such reports though unconfirmed, are creating apprehension and fear among the local population as to whether they will be able to continue occupation and control over their land and may result in possible disputes in the future if the authorities do not provide reasons for the land use in the area. In the North the land issue is further complicated due to the previous role of the LTTE in the area and rights of the land owners. Present decisions relating to land in the North need to factor in the past history of the land. An understanding of this will provide insights into why certain areas are accorded special attention. The area coming under Indupuram, Murukkandi and Shanthapuram is reportedly to have been of strategic importance in the past.

Several IDPs in these areas have had discussions with the local military officials, GA, GS and local politicians, writing letters to local and Colombo level actors requesting the return of their land. CPA was informed that many of the affected left the Manik Farm camps in December 2009 and January 2010. They have not been able to see their land and continue to live in displacement.³⁴ With no movement on the status of their land, the affected community wrote a letter to various actors including the GA, Presidential Secretariat, Ministry of Resettlement and local politicians on 20th May 2010. A few days later, another letter was sent to the local military commander of the area and on the same day the

³² Interview with humanitarian agency, August 2010

³³ Interviews in Vavuniya, Killinochchi and Mullativu, June and August 2010. The situation is dynamic in that some areas recently opened up in Shanthapuram with a few families being able to access their land. With IDPs living in several places including at transit centers and with host families, it is difficult to get exact numbers of those affected and the number cited is what was used by the affected communities, agencies and locals in the area.

³⁴ Interview with returnee communities in the Vanni, June 2010

community was visited by the military for a discussion. In several discussions with the local military officials, the IDPs have been informed that they will not be able to return to their land as the land has been taken for military purposes and they were awaiting further instructions. The civilian administration in the area including the GA was unaware as to why the land was taken by the military and had informed the people that they had no powers to change decisions made by the military and at the Colombo level. Since the letters were written in May, there have been several developments including advocacy on the issue and media coverage resulting in some areas being opened up and people being taken back to their land. This though has also been ad hoc and planning has not been shared by the military with the local civilian administration and affected communities. CPA was informed on 8th August that around 70 families had been informed the previous day by the military that they were able to return to their land.³⁵ Although returns are taking place to some areas in an ad hoc manner, large areas still remain closed with no concrete information given as to why particular land is not accessible to those who own it.

Advocacy by various actors on this particular case has recently resulted in some of the lands in Shanthapuram and Indupuram being released. Incidents have been reported where IDPs have been taken to their land but within days returned to the transit centres. On 29th July, several IDPs were taken to their lands by the military but were forcibly returned to where they were temporarily residing in Shanthapuram.³⁶ All of the above events have been driven by the military in the area, with local civilian officials being sometimes the last to find out about new developments. This is an example of the decision making in some of the return areas where the military is taking the lead, on the instructions from Colombo actors, with limited coordination and information sharing with the local civilian administration.³⁷ Although there are instances where the local civilian and military officials work together and share information as seen with some of the returns that have happened in the last few months, there are cases such as the above that demonstrates room for improvement.

Although CPA was informed that some are able to return to their land in areas of Shanthapuram and Indupuram, there is no information as to the status of the remaining land in these two areas and the Murukkandi area.³⁸ The lack of information coupled with worries of possible new settlements and the establishment of a permanent HSZ have all contributed to frustration, apprehension, anger and uncertainty among the people. Reports point to statements made by the Commander of the Army that land in the North will be used to settle military personnel and their families.³⁹ In addition, Minister Keheliya Rambukwela has gone on record saying that HSZs in the North will remain.⁴⁰ These all come at a time when the Government and some of its senior cabinet ministers have stated that HSZs in the North will be removed. On 17th August, Defence Secretary Gotabhaya Rajapaksa speaking at the LLRC stated that camps in the North will only house soldiers and officers and will not be used for settlements. The Defence Secretary's statement indicates that there are plans to continue the occupation of large areas for

³⁵ Interview with returnee communities in the Vanni, August 2010

³⁶ Report of the visit of Members of Parliament of the Tamil National Alliance (TNA) to Santhapuram and Vavunya, 29 July 2010

³⁷ Interview with IDPs, returnees, humanitarian agencies and others, June and August 2010

³⁸ Interview in Killinochchi, August 2010

³⁹ Report of the visit of Members of Parliament of the Tamil National Alliance (TNA) to Santhapuram and Vavunya, 29 July 2010

⁴⁰ "Not a Phenomenon to Sri Lanka alone", 18 July 2010, http://www.news.lk/index.php?option=com_content&task=view&id=15905&Itemid=44

military purposes. Such conflicting reports and statements create confusion among the people, with many not knowing what can be done to obtain more information and whether to challenge decisions.

The above cases demonstrate that those returning to their districts of origin are unable to return to their land and are displaced yet again. CPA was informed that there were areas in Mullativu district such as some areas in Pudukuduirippu (PTK) and parts of the coastal belt of Mullativu which witnessed some of the fiercest fighting during the conflict in 2009, which may never be open for return and resettlement or will only be open after a considerable delay.⁴¹ There is no public information provided as to the reasons for only opening up certain areas and not others, nor is there information yet as to the future of those who are from areas which will remain closed for civilian occupation and as to whether they will be compensated and provided alternate land. Several locals informed CPA that there is still a fear among the military establishment that certain areas may contain weapons and evidence of its use during the LTTE period as well as contain evidence of what transpired during the last phases of the conflict.⁴²

Those returning to their places of origin also are unable to move freely due to high militarisation and the presence of mines and UXOs. Cases have been reported where movement is restricted by the military and returnees have to regularly report to the military. CPA was informed that in the village of Redbarnar in Mullativu there was a pass system implemented by the military and that those living in the village and nearby had to obtain a pass to move in and out of the area.⁴³ Locals informed in June that the SLA had informed them of a relaxation which would be implemented within a few weeks, but uncertainties remained whether there would be complete freedom of movement and whether such practices would be repeated in other areas.

In many areas in Killinochchi and Mullativu districts, those who had returned to their homes stated that there was regular checking by the military. CPA was informed that in some villages such as Sundikulam, tokens were issued by the military to have a count on the civilians residing in the area and that this was checked regularly, in some areas on a daily basis.⁴⁴ CPA was informed that such restrictions and control of movement are due to multiple reasons. There are credible fears of the presence of mines and UXOs in some areas in the North. There are also fears that if civilians are allowed to move freely in the area, there is a possibility that they may come across evidence that may confirm violations that occurred during the last phase of the conflict by either party.

⁴¹ Interview with humanitarian agencies, August 2010

⁴² Interview with returnees and humanitarian agencies, August 2010

⁴³ Interview of returnee communities, June 2010

⁴⁴ Interview of returnee communities, June 2010

Other Problems in Accessing, Owning and Controlling Land in the North

As stated in the previous section, the history of the land and its use, ownership and control during the period of LTTE occupation is vital to understand the strategic importance given to the land by the authorities and also to understand security issues such as mines and UXOs. The dynamic ground situation and the complexities involved with return, resettlement and land issues require further examination and study. This section briefly lists out several impediments to the full ownership, control and enjoyment of the land by civilians.

Military occupation and ad hoc HSZs are not the only impediments to return to one's land. The presence of **mines and UXOs** is a problem in the North and there are several actors that are currently carrying out mine action work. Demining work in the North commenced in 2009⁴⁵ with priority given to residential land. Land for livelihood purposes was to be cleared later. The main reason for this is the Government's plan to return and resettle IDPs speedily, reducing numbers in camps and reducing the financial burden of managing camps. With the intention of taking people back to their land, residential land was cleared first and over 196,909 returned to their districts of origin. Although many have been able to return to their land, the return has not been durable with those returning unable to restart livelihoods as lands for such purposes are contaminated. Agricultural land in Mannar district is now being cleared and some returnees have been able to harvest in the last season. This success though is not replicated in other districts where those returning are reliant of food assistance and have not been informed when they will be able to use their land for livelihood purposes and be able to use wells and waterways, which are contaminated and need clearance.

There is also the problem of **secondary occupation** in parts of the North, where civilians occupy land and homes belonging to others. Secondary occupation is due to several reasons including **landlessness**, one's own home being occupied by others or being destroyed. Secondary occupation may be temporary (this is when the occupiers move to their land as soon as its cleared) or long term (several cases have been reported where IDPs have occupied abandoned lands and homes belonging to others for long periods). Due to prescription laws in Sri Lanka⁴⁶, those having occupied private lands for over ten years without any payment being made to owners are eligible to claim ownership if the occupation of the land has been uninterrupted. A few IDPs living in Manik Farm stated that they visit their land in Viswamadu regularly, by obtaining permission, so that they can ensure that no one else occupies

⁴⁵ Demining work in Sri Lanka commenced during the CFA period and there were several actors carrying out demining work in the North previously. Present reference is to activities that commenced since 2009 in the North.

⁴⁶ For more information refer to- "Land in the Eastern Province: Politics, Policy and Conflict", Bhavani Fonseka and Mirak Raheem, CPA, May 2010

their homes and land and to avoid further looting.⁴⁷ Many who had returned to their homes indicated that their homes were looted when they fled the area, and feared that leaving homes unoccupied would result in further looting, occupation or other problems.

Contestation of land ownership has also been raised as another problem. With the conflict many have been displaced from their lands for years, if not decades. With time, some areas have been occupied by others. With returns now taking place, in some cases original owners return to their land to discover that their land is not only occupied by others but in some cases ownership of the particular land is contested by others. This has been reported both with state and private land, where ownership of the land is contested. In some cases the later occupants even have documentation to prove their ownership. With state land, several cases have been reported where new permits have been issued by the DS for land occupied by others.⁴⁸ In some cases there have been sales of permit land, an illegal act since there is an established legal process for the alienation of state land. This is further complicated by the role played by the LTTE in the area. Several cases have been reported where LTTE provided land for the landless, which was owned by private individuals living overseas. With the end of the conflict and people returning to examine the status of their land, such issues are expected to increase.

There are also cases of the sale of private land by persons who are not the legal owners. Such issues of contested ownership, illegal sales and transfers are bound to arise in more areas and will need further attention. This is further complicated when armed actors and other local groups are involved. In parts of Vavuniya districts such as Thandikulam and Kovikulam villages, CPA was informed of the distribution of state land by paramilitary and other groups.⁴⁹ There were reports of state land being redistributed and of private land belonging to IDPs being given to others by local groups. Although many in the area were aware of the situation, they were afraid to challenge this practice because they feared reprisals and the power wielded by some of these groups.

Lack of documentation or destruction of documentation is another impediment in accessing, owning and controlling land. The war that spanned several decades in the North and the tsunami of 2004 both had an impact with many people losing their documentation. These disasters also destroyed and damaged land registries in the area, government officers that kept copies of land transactions and documents. As a result a new system needs to be introduced to provide necessary documentation to all in the area, thereby avoiding disputes in the future.

With the war and the resulting destruction, the landscape in the area changed including **boundaries demarcating land**. Many areas, which were abandoned are contaminated with mines and UXOs or are jungle. Although clearance is ongoing, a challenge of post clearance is to establish boundaries. With the destruction of documentation and neighbours having migrated to other areas, this is a challenging task, which if not carefully addressed can lead to problems in the future.

In addition to possible issues and disputes related to boundary disputes of private and state land discussed above, there are concerns about the **changes to administrative boundaries** in Killinochchi and Mullativu districts. CPA was informed by locals that there were disputes regarding which division and

⁴⁷ Interview with IDPs and others, Mullativu, June 2010

⁴⁸ Interview with humanitarian agency, Vavuniya, June 2010

⁴⁹ Interview with humanitarian agencies, June 2010

district some villages belonged to. Boundaries are contested by the locals, civilian administration and the military. For example, those returning to Viswamadu area were informed by the military that Kumarasandipuram village comes within Mullativu district and therefore original residents are not allowed access.⁵⁰ This is contested by the civilian administration, which maintains that the village belongs to the Killinochchi district. Similarly there was contestation over which division and district Ambalnagar village belonged. Such confusion raises multiple issues. There is a lack of coordination and information flow between the civilian and military actors. Further, this issue raises larger political questions of whether there are attempts to change administrative boundaries by key actors, with no information being made available on the reasons behind such a move.

Land disputes and conflict must be addressed immediately to ensure that return, resettlement, rebuilding, reconstruction and development can commence without any unforeseen obstacles. This includes returning land to its owners, providing restitution and compensation, ensuring that those returning have their basic documentation and establishing mechanisms to resolve land disputes. Shelter, which is cited as an immediate challenge in the North⁵¹, will not progress if there is no proper land titling and dispute resolution mechanism. Experiences from previous years of how the land task forces worked in the North need to be revisited to decide on the best framework for resolving land disputes. Further, national legislation and policies need to be introduced or existing ones amended to address the problems created due to the conflict such as the Prescription Ordinance.

⁵⁰ Interview with returnees and humanitarian agencies, June 2010

⁵¹ According to the EFSA most of the shelters that returnees lived in were substandard with only 9.4% of the shelters being built with durable material. 54% were built with non-durable material and 31% lived under tents or plastic sheeting.

Stranded, Forgotten and the Politics of Displacement

There are different dimensions to the issue of return and resettlement. At present those returning to their districts of origin in the North are not guaranteed the ability to return to their own home and land. Due to the poor conditions in camps and the desire to want to reside in one's own home, many IDPs opt to return to their land. But the decision to return is not informed. There is no systematic 'Go and See' visits where IDPs are taken from camps to assess the situation of their lands before returning. There is now a concept of 'Come and Talk' where authorities are encouraged to talk to IDPs in camps to inform them on returns and conditions in the areas. Such measures will inform IDPs on whether they are able to return to their own lands. Instead in most cases, IDPs whose lands are cleared are bussed to the districts of origin.

Upon returning to the districts of origin, there is a significant number who are unable to return to their homes and land. They either reside in tents on their plot of land or reside with host families. Some are housed in transit centres such as the Killinochchi Central College or Shanthapuram Central College. Although the transit centre concept was initially introduced to house persons for short periods such as 2-3 days, several hundreds have remained there for months, living in poor and unhygienic conditions. There are also those stranded in Mannar including in areas such as Silavathurai and Echchalavakkai, which are discussed elsewhere in this paper. The duplicity of returns, where many are re-displaced upon return and have to live in transit centres, host families and elsewhere needs to be addressed by the Government, donors, UN and agencies working in the area.

The rush to return IDPs and reduce IDP figures is a political one. By reducing displacement, the Government is able to demonstrate that there is a transition from humanitarian assistance to early recovery and development. The fewer IDPs in camps and the ability to state that significant numbers have returned is used as a tool by the Government to demonstrate success since the war ended. Government ministers continuously refer to the success in returns and reduced numbers of IDPs, both at national and international forums, thereby painting a picture of return to normalcy to the war affected communities. At the recent Humanitarian Day event held at the UN compound in Colombo, the UN Resident Coordinator Neil Buhne is cited as saying that 90% of the resettlement is complete.⁵² What is left out is the true nature of return, where many are displaced yet again after leaving the camps but are not considered IDPs and do not receive the same assistance. The status of land in the North is also left out, with returnees being unable to return to their homes and land due to various reasons listed in this paper. The above statements do more harm than good since it provides the impression that the North is no longer in need of humanitarian assistance and donor funds may be directed to other areas or disasters. Local actors who face difficulties providing basic services for IDPs and returnees are unable to secure much -needed funds when such statements are made, not just by the Government, but also by

⁵² "90% IDPs Resettled in North, says UN", Daily Mirror, 20 August 2010, "90% IDPs resettled in North- Buhne", www.defence.lk, 20 August 2010

the UN. One needs to question the UN as to how they made such an assessment when many are re-displaced and stranded, and can hardly be categorised as resettled. Subsequent to the statement on Humanitarian Day, the UN appealed to the donors for more funds for the returns and resettlement work,⁵³ raising the question as to why within a space of few days different messages emanate from the UN in Sri Lanka, confusing the real situation and the needs of the affected communities in the North.

Finances are also an issue that directly impacts displacement and returns. Maintaining and upgrading camps is costly. Although many donors stepped in to provide and support camps at the initial stages, the funding has reduced in 2010 due to a variety of reasons. With limited funding available for maintaining and upgrading camps coupled with the political reasons of resettlement, the returns surged ahead regardless of the nature of return areas and the views of those returning.

The lack of planning, information and other discrepancies in return and resettlement is not a new issue. In the East, there were reports of force being used to return IDPs from Batticaloa to Trincomalee, where some IDPs were moved from camps to transit centres since their lands were located in the HSZ in Sampur.⁵⁴ The violations and discrepancies have been reported numerous times but little has been done to correct mistakes and do things differently. The present phase of return and resettlement in the North proves that rights of the affected communities and their durable solution is of little regard to the authorities who are obsessed by political and financial considerations.

⁵³ "Buhne Appeals", Daily Mirror, 26 August 2010

⁵⁴ "Trincomalee High Security Zone and Special Economic Zone", Bhavani Fonseka and Mirak Raheem, CPA, September 2009

Conclusion

This paper attempts to capture the ground realities of return and resettlement in the North, highlighting several obstacles to successful return and resettlement. The list of problems of return and resettlement is varied, from land and security issues to discrepancies with assistance and livelihoods, all needing immediate attention to ensure successful resettlement, reconstruction, development and co-existence of communities. These are not new problems, but ones that have been present for decades; issues reemerging due to lack of attention and adequate planning by the successive Governments and various stakeholders.

Over fifteen months after the end of the war, Sri Lanka is in an unprecedented situation of being able to move forward, choosing to either take note of the grievances of the affected communities and taking necessary steps to address the problems or move ahead disregarding the problems and sweeping them under the carpet.

This paper documents disturbing trends of playing a numbers game to address the humanitarian situation, disregarding ground realities and problems of the communities, but opting to use figures for which criteria is set by the Government and can be manipulated by the Government. The space for debate on the humanitarian situation in the North is extremely limited, due to the various obstacles imposed on the humanitarian community and also due to fatigue and frustration by the donors, UN and agencies, who regularly have to battle to obtain permission to work and defend their programming. It is unfortunate that although it has been a difficult context to work in, the UN has failed in its leadership to question and contest the discrepancies related to return and resettlement and the shrinking humanitarian space. Equally unfortunate has been the inability of donors to take a strong collective position on humanitarian space and assistance in Sri Lanka.

Although the public messaging by the Government seems to indicate that the humanitarian needs are limited and that attention should be shifted towards reconstruction and development, caution needs to be used in shifting positions speedily without taking note of ground realities. The fact that many are re-displaced and stranded, continue to face security threats and are dependent on assistance raises questions of the effectiveness of return and resettlement drives and the durable solutions of these communities.

Centre for Policy Alternatives

The mandate of CPA, identified at its inception, is to strengthen the civil society contribution to opinion and decision making in public policy in the areas of peace and governance within a rights based framework. Accordingly, the objectives of CPA are:

1. To contribute to public accountability in governance through strengthening of the awareness in society of all aspects of public policy and implementation
2. To make inputs into the public - policy making and implementation process in the constitutional, legislative and administrative spheres to ensure responsible and good governance
3. To propose to the government and parliament and all other policy – making bodies and institutions, constructive policy alternatives aimed at strengthening and safeguarding democracy, pluralism, the Rule of Law, human rights and social justice
4. To contribute towards the conflict resolution process in Sri Lanka and the South Asian region, so as to strengthen institutions and capacity building for democratic governance in multi-ethnic and pluralist societies
5. To focus attention of the social and political consequences of development

In pursuit of the above objectives, CPA is pledged to carry out the following activities:

- Programmes of research and study and the establishment of a documentation centre on public policy
- Dissemination of research and study through seminars, conferences, publication and exchange of ideas, including the use of the print and electronic media
- Advocacy of constructive policy alternatives, lobbying of decision makers and the shaping of public opinion
- Monitoring of the executive, legislature, judiciary, media and other public institutions
- Forging linkages with local and foreign institutions with similar aims and objectives