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**Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General**

### **Written statement\* submitted by Society for Threatened Peoples, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2019]

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\* Issued as received, in the language(s) of submission only.

## Sri Lanka: Civilian Land under Military Occupation

In October 2015, the Government of Sri Lanka (GoSL) co-sponsored Resolution 30/1 on promoting reconciliation, accountability and human rights in Sri Lanka. Even though the GoSL has engaged with the Office of the UN High Commissioner for Human Rights and Special Mandate Holders, most of the commitments have not been fulfilled. With the adaptation of Resolution 30/1, the GoSL committed itself to accelerate the return of land to its rightful civilian owners, end military involvement in civilian activities and support the resumption of livelihoods. This process has been painfully slow to date. In this statement, Society for Threatened Peoples (STP) will focus on the military occupation of civilian land in the Northern and Eastern Province of Sri Lanka. STP together with their local partners, the National Fisheries Solidarity Movement (NAFSO), collected information from nine affected communities (see table below).

| Community       | Occupied Land (in acres) | Released Land since March 2018 (in acres) | Number of Displaced Families | Number of Resettled Families | Comments  |
|-----------------|--------------------------|---|------------------------------|------------------------------|---|
| Mullikulam      | 1550                     | 77  | 350                          | 3                            | In the released land only 3 families are currently constructing houses with the support of the government.  |
| Silawathurai    | 42                       | None                                      | 220                          | None                         | The community of Silawathurai was 1990 evicted by the Liberation Tigers of Tamil Eelam (LTTE). In 2002 they were able to return, but due to the war they left again in 2005. When they tried to return in 2009, the Sri Lankan Navy (SLN) has occupied their land. Furthermore, the number of families has increased since 1990 to 657. |
| Pallimunai      | 2.2                      | None                                      | 24                           | None                         | The community has filed a case against the SLN. So far 34 court hearings haven't been taken place. But there hasn't been a court order yet.   |
| Iranaitivu      | Unknown                  | 500                                       | None                         | 336                          | Navy continues to occupy a small plot of land (including a sports ground) to maintain their camp.   |
| Valikamam North | Around 3200              | Unknown                                   | Around 5000                  | Unknown                      | 495 families continue to live in Welfare Centres on the Jaffna Peninsula.   |
| Pilakudiyirippu | 4                        | None                                      | 8                            | None                         | 42 acres of land belonging to 54 families have been released in 2017  |
| Keppapulau      | 174                      | None                                      | 104                          | None                         | 133.34 acres of land belonging to 85 families have been released in January 2018.   |
| Ashraff Nagar   | 150                      | None                                      | 65                           | None                         | The GoSL claimed to release 39 acres in January 2019. However,  |

|         |      |      |     |      |   |
|---------|------|------|-----|------|---|
|         |      |      |     |      | according to local authorities in 20 acres out of the 39 acres the Sri Lankan Army (SLA) will continue to maintain their camp. Furthermore, 111 acres will be handed over to the Department of Wildlife Conservation. |
| Paanama | 1220 | None | 350 | None | The cabinet of ministers decided in February 2015 to release 340 acres back to the people. However, this decision was never implemented.  |

### Continued Militarization

The militarization of Tamil-dominated areas in Sri Lanka continues largely unabated and remains a key obstacle to a return to regular life. The continued militarization stands in significant contrast to the government's promise of democratization and openness towards Tamil concerns. Although military checkpoints have been reduced over recent years, the armed forces remain heavily involved in public life. In this context, surveillance, harassment and intimidation of civil society, human rights activists, NGO workers and journalists are still widespread.

The militarization must moreover be seen in relation to its economic dimension. Since the end of the war, the military has established itself as a major player in the local economy. Its forces are involved in a range of commercial activities, such as agriculture, catering and tourism. These economic activities by the military deprive the local population of important sources of income. Particularly in farming, they put the security forces in direct competition with the local population for scarce resources, such as water.

While housing schemes were provided to several displaced communities in alternate locations, this does not mean that the allocated housing and associated land were adequate compensation for the lost properties. Furthermore, 495 families still live in Welfare Centres (Internally Displaced Peoples Camps), rented houses or with friends and relatives. They continue to be dependent on the support of their host communities.

In most resettlement areas, there is not enough water or fertile land for farmers to engage in agriculture, while fishers face problems in reaching their traditional fishing grounds. On occupied land, access to several beach seine sites has also been prohibited. Subsequently, the beach seine fishers have lost their traditional livelihood. The lack of basic infrastructure, such as drinking water wells and sanitary facilities, as well as restricted access to education and medical care, amplifies the situation further. In addition, alternative wage-earning opportunities, in contrast to traditional forms of livelihood, remain scarce, as the local economy in the Northern Province has not yet recovered since the end of the war. There is an ongoing lack of employment opportunities compared to the rest of the country.

Moreover, the loss of a plot of land, cultivated for generations, not only threatens the prospects for a self-determined life without hunger, but also robs people of their cultural roots and social networks. Several displaced people stress the emotional value of their lands, which were formerly cultivated and formed by their ancestors. Hence, displacement goes far beyond economic hardship, as it causes emotional and social effects that take a heavy toll on the lives of the displaced.

### Released Land and Resettlement

The return of the people to their traditional land is generally viewed as a possible means to escape from poverty, as it provides an opportunity to re-establish their traditional livelihood. Yet, the communities who won back their land as a result of their protests have encountered difficulties in resettling in their place of origin. On the released land, many houses and most of the infrastructure were either damaged or destroyed by bomb attacks during the war, or later on by the military. Going back often entails settling in makeshift shelters or damaged houses in overgrown villages, with hardly any support or acknowledgement from the government. In some rural areas, essential health services and schools are not available on the released land. The return in different phases also creates tensions within the communities.

### **Conclusion**

Currently, there is a significant gap between the government's rhetoric on transnational justice and the reality on the ground. Furthermore, the GoSL has failed to accelerate the return of land to its rightful civilian owners, end the military involvement in commercial activities and support the resumption of traditional livelihoods.

### **Recommendations**

Society for Threatened Peoples calls on the Government of Sri Lanka:

- to ensure land rights for all displaced people by releasing all military occupied areas to the public and resettling all displaced families
- to compensate the affected people in the resettlement process, and provide displaced and resettled families with sufficient basic facilities, such as drinking water, electricity and sanitary facilities, and access to essential health services and education
- to immediately demilitarize the North and East of Sri Lanka by reducing the military presence, as well as ordering the military to cease all of its commercial activities
- to ensure unrestricted access to land and water for local communities and support the resumption of their traditional livelihood
- to fully implement Resolution 30/1 on promoting reconciliation, accountability and human rights in Sri Lanka

Society for Threatened Peoples calls on the UN Human Rights Council:

- to demand from Sri Lanka to put forward a time-bound and specific implementation plan to ensure progress of the implementation of the UNHRC Resolution 30(1) and if Sri Lanka does not fulfil its obligations, sanctions must be imposed.
- to offer technical assistance and provide adequate financial support to Sri Lanka to deliver on the commitments made in 2015.

### **Reference**

- Society for Threatened Peoples, "Our Land Our Life". Short report on military land occupations in the North and East of Sri Lanka, March 2019.
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