Conflict and Internal Displacement in Sri Lanka: Concerns and Obstacles to Durable Solutions

S. Y. Surendra Kumar *

The highest tribute that can be paid to the war heroes is to provide the IDPs with basic facilities, to resettle them in their original native places and to restore their livelihoods.¹

– Basil Rajapaksa, Chairman, Presidential Task Force

In recent years, the fleeing of innocent people in search of a secure and stable environment has intensified. The phenomena is caused generally due to war, protracted conflicts, mass violation of human rights, repression of minorities, natural and technological disasters and so on. People who are displaced within a country due to any of the above reasons are known as ‘internally displaced people’ (IDPs) and the displacement to escape political violence is known as conflict-induced displacement.²

In fact, displacement of population due to the intensifying of armed conflicts in recent decades has become a common phenomenon around the world and remains a critical cause of vulnerability for people across the world. Moreover, displacement also creates logistical and humanitarian nightmare, threatens international security and risk the lives of displaced people, aid workers, and peacekeepers.

Initially, the international community neglected the IDP crisis as it was considered to be an internal problem of the country and was the responsibility of the national authorities to provide them with necessary assistance and protection. But the global crisis of IDPs finally caught the attention of the international community and aid agencies. This has been mainly due to three vital developments. Firstly, sharp increase in the number of IDPs over the decades. Second, the issue of internal displacement has emerged as one of the most pressing humanitarian, human rights, political and security issues facing the global community. Third, the national authorities are unable to provide necessary assistance due to resource constraints like in Afghanistan and Sri Lanka. However, despite the issue of IDPs being given top priority in the international arena, it still remains a daunting humanitarian challenge and a long way has to be traversed before the problem is fully addressed.

According to the Internal Displacement Monitoring Centre (IDMC), by the end of 2009, there were approximately 27.1 million people displaced due to conflict, generalised violence or human rights violations across the world. This figure was high compared to 2007 and 2008 figures.

¹ Spoke at the first meeting of task force in 2009. “Presidential task force on northern development”. www.slmfa.gov.lk/index.php?option=com_content&task=view&id=1730&Itemid=1
(25 and 26 million respectively). Most of the displacement was due to internal armed conflict, rather than international armed conflict. The most affected region was Africa (11.6 million), followed by South and South-East Asia, which saw an increase of 23 per cent from 3.5 million to 4.3 million.\(^3\) However, to certain extent the overwhelming majority have managed to return by the end of 2010. In South Asia, the largest displacement was in Pakistan, where three million people were forced to flee their homes owing to government forces’ operations against Pakistani Taliban militants in the north-western provinces bordering Afghanistan.\(^4\) Apart from Pakistan and Afghanistan, it is Sri Lanka which has been confronted with challenges of IDPs.

**Sri Lanka**

Decades of ethnic conflict in Sri Lanka is said to have left around 800,000 IDPs. Some estimates put the figure at more than one million people. On an average one in every 18 Sri Lankan is displaced, and in the Northern Province it is one in every three persons. Apparently, the majority of displaced people are mainly from the northern and eastern provinces. Displacement is not new to the nation as there have been series of displacements, especially of Tamils following the anti-Tamil riots in 1956, 1958, 1977, 1981, 1983 and so on. It also triggered the displacements of Muslims and Sinhalese, from predominantly Tamil areas. Of the total IDPs, Tamils comprise of 78%, Muslims13% and Sinhalese 8%. The IDPs were scattered mostly in the north and eastern parts of the island and to certain extent even in the south and were categorised into five groupings: the IDPs in government controlled areas in north and the east, especially in Jaffna and Vavuniya; Tamil IDPs in north and east territories held by rebels; internally displaced Muslims from the north.; IDPs in border areas between the Government and LTTE controlled areas. They are also known as ‘day and night’ IDPs concentrated mostly in the eastern province.\(^5\) They live within the district of the former residence and sometimes have access to their property during the day; then there are IDPs living with friends and relatives. However, with the end of war in May 2009, displaced persons are under government control and concentrated mainly in the north and eastern region.

The main cause for displacement was the prolonged war between the Sri Lanka security forces (SLSF) and the LTTE, which has affected the livelihood of the people. In the process, both the sides have been deliberately targeting civilians as part of their war strategies. Moreover, neither side took adequate safeguards to avoid civilian causalities. Frequent military operations by both sides also caused displacement, since those caught in the crossfire could not be sure of the nature and duration of the operation and chances of casualties were always high. From time to time, both rebels and security forces, to achieve their strategic interest, were involved in human rights violations such as arbitrary arrest, detention, torture, sexual harassment. Furthermore, the LTTE for long-term gains had forced the Muslim community living in the north to leave the area; sometimes within 14 hours like in 1990 around 90,000 Muslim residents were evicted by the LTTE from the north, who now live in Puttalam, Anuradhapura and Kurunegala areas. Unfortunately, a new generation has grown up in Puttalam and still continues to face poverty and difficult living conditions. In addition, the LTTE’s forced recruitment of women and children during successive ceasefires and particularly since the

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2002 peace process also led to displacement as people in order to save the lives of their family members were forced to flee.\(^6\)

The 2002 Ceasefire Agreement (CFA) between the GoSL and the LTTE facilitated by Norway kindled cautious hopes in hearts of the displaced people but they were always caught with the confusion as to how long the no-war situation would prevail. Nevertheless, 300,000 people returned and around 23,103 families were located in various welfare centres, while there were 75,891 families also living outside the welfare centers.\(^7\) Unfortunately, the peace talks euphoria did not last long or led to any meaningful conflict resolution in the face of frequent political uncertainty, particularly due to the unilateral pullout by the LTTE in April 2003 from the peace talks on the grounds that the resettlement of displaced persons would not be possible until the Sri Lankan Army relocated from the High Security Zones (HSZ) in Jaffna. Despite this, both the parties under the Norwegian facilitation continued to work toward an amicable solution by exploring various proposals. In the process, the LTTE also submitted its proposal to the GoSL in October 2003, popularly known as ‘Interim Self-Governing Authority’ (ISGA), which sought a complete autonomy in the political and economic life of the north-east people. It also called for separate institutions to be set up for the north-east in respect of police, judiciary, elections, taxation, local and foreign grants and loans and trade among others. President Kumaratunga called it a “blueprint for separation”.

The peace process was further derailed by President Kumartunga in November 2003, when she evoked the Executive Presidency’s enormous powers to declare a State emergency and took control of the three crucial ministries of Defence, Interior and Mass communication. In response to this, the Norwegian facilitator on 7 November 2003 formally put the peace talks on hold. Subsequently, in February 2004, President Kumaratunga dissolved parliament and declared elections. At the same time, for the first time LTTE’s claim as the sole representative of Tamils was seriously challenged from within its ranks by the most efficient military commander in eastern province, V. Muralitharan (Col. Karuna), in April 2004.\(^8\) He went one step ahead and launched a new political party, Tamiileela Makkal Vithithai Pulikal in October 2004. The 2002 CFA led to return of IDPs, however, they could not lead a peaceful life due to uneven political development which derailed the peace process.

**Post-Eelam War IV**

The advent of Mahinda Rajapakse as President in November 2005 marked a fundamental departure from previous governments in its approach towards the ethnic conflict. His strategy was based on a realist paradigm that military victory and deterrence forms the back bone of peace and security. Thus, in July 2006, Rajapakse declared the ‘War for Peace’ [Eelam War IV] against the LTTE. As a result, lakhs of innocent people were displaced. The first major displacement during the course of Eelam War IV took place in July 2006 as a result of the “Water War” when the LTTE closed the reservoir

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\(^8\) Col. Karuna stated the main reason for his revolt against the LTTE hegemony was the discrimination adopted by the LTTE leadership against the Tamils of eastern province. Since the revolt breakout, the LTTE has lost 72 cadres, the highest number since it signed the cease-fire in 2002. It is estimated that around 150 cadres from both sides of the LTTE divide have been killed. V. S. Sambandan, “The Stalemate in Sri Lanka”, *Frontline*, 31 December 2004, pp.52-54.
located in Mavil Ani near the Muslim majority town of Muttur and the naval base in Trincomalee. The SLSF then clashed with the LTTE over the control of reservoir used for irrigating the fields. This resulted in two weeks of violent battle leading to displacement of around 1.7 lakh people. This crisis was successfully resolved by Sri Lankan Monitoring Mission (SLMM), which persuaded the LTTE to remove the blockade. However, the Sri Lankan Army (SLA) continued to bomb the areas to gain military advantage over LTTE. The displacement of people further intensified as SLSF began to make inroad into LTTE controlled areas. However, major displacement took place between October 2008 and April 2009 as around 200,000 people fled to government controlled territory. By end of the war in June 2009, most of the people from Killinochchi and Mullaitivu were displaced and there were around 2.8 lakhs IDPs in Sri Lanka housed in 29 temporary camps and also military-run camps in the districts of Vavuniya, Mannar, Trincomalee and Jaffna. The camps were overcrowded and conditions failed to meet international standards with poor basic facilities such as sanitation, insufficient water for drinking and bathing, inadequate food and medical care.

Since the end of the war, the government along with the support and assistance from United Nations (UN), I/NGOs and donors initiated the process of speedy return and resettlement of IDPs to north and eastern province. As a result, the most vulnerable IDPs (elderly people, pregnant women and disabled people) were allowed to leave the closed camps. Some of those without specific vulnerabilities had also left the closed camps and had been taken to transit sites for further clearance before being released to rejoin family members, especially in the east. Apart from the government and international community initiative in speeding the return and resettlement process the Presidential election in January 2010 led to relaxation of closed camps and many people who were potential voters were shifted to transit camps. According to UNHCR, by August 2010 around 196,000 had returned to their place of origin and by December less than 30,000 IDPs remained in camps. Apart from this, many IDPs in Jaffna and Vavuniya districts were still reported to be living with host families and others may remain in emergency sites for some time yet.

Response of GoSL

The GoSL has made efforts to find durable solutions for the IDPs; however, lot more needs to be done. Initially, in response to the humanitarian crisis, Rajapakse government initiated measures like mobilizing international aid for providing basic amenities to displaced persons residing in various camps. The IDP return packages were initiated comprising of building materials, cash grants equivalent to $220 with additional subsidies for farmers, and a six-month food supply, including USAID/FFP commodities distributed by the U.N. World Food Program (WFP). The government assured the international community of resettling all the displaced within 180 days. In July 2009, the GoSL announced preparations to return approximately 75,000 IDPs to areas of origin in eastern and northern provinces. Subsequently, it was confirmed by the GoSL that more than 4,076 IDPs have

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11 IDMC, op.cit. 3, p.84.
returned from Vavuniya camps to areas of origin in Ampara, Batticaloa, Jaffna, Trincomalee districts and to other areas in Eastern Province. In addition, the UNHCR gave for those returned and resettled a cash grant for Rs 25,000 as onetime payment or Rs.5000 paid initially and remaining as installment depending on requirement of persons.

With the liberation of Eastern province in July 2007 from the LTTE, government under the *Nagenahira Navodaya* (Eastern Revival) programme had initiated return, resettlement, rehabilitation, rebuilding, and reconstruction. Under this programme (2007-2010) total of US $ 1.75 billion were used, of which 52 per cent was financed by foreign aid. As a result, many development plans are underway in the east like in Trincomalee the construction of roads, bridges and even ring road connecting Sampoor to Kantale have brought overall development of the region. Similarly, for the development of northern region, the GoSL in May 2009 established a 19 member Presidential Task Force (PTF) under the chairmanship of Senior Presidential Advisor Basil Rajapaksa, for resettlement, development and security in the Northern Province. Its mandate is to prepare strategic plans, programs, and projects to resettle IDPs and develop economic and social infrastructure of the province. In addition, the Ministry for Relief, Rehabilitation and Resettlement GoSL with assistances from I/NGOs and donors has initiated and executed programmes for infrastructure development in the north and east province so that the IDPs can restart their life:

<table>
<thead>
<tr>
<th>No of Districts in North and East province</th>
<th>Sector</th>
<th>Amount allocated (in Sri Lankan Rupee)</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 districts</td>
<td>water supply, provision of toilets and drainage facilities</td>
<td>16.02 million</td>
</tr>
<tr>
<td>6 districts</td>
<td>accessing road</td>
<td>74.93 million</td>
</tr>
<tr>
<td>6 districts</td>
<td>Power and Energy</td>
<td>9.82 million</td>
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<tr>
<td>9 districts</td>
<td>Education sector</td>
<td>67.44 million</td>
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<tr>
<td>11 districts</td>
<td>Community development</td>
<td>123.38 million</td>
</tr>
<tr>
<td>2 districts</td>
<td>Fishing and Agriculture</td>
<td>4.75 million</td>
</tr>
<tr>
<td>13 districts</td>
<td>Vocational training programmes for women, educated youth</td>
<td>46.11 million</td>
</tr>
</tbody>
</table>


However, the effectiveness of the government’s response has been limited by organisational difficulties. The Ministry of Resettlement and Disaster Relief is the nominated focal point, but the overlapping mandates and responsibilities of ministries and agencies have led to delays, poor coordination and duplication of activities. The Human Rights Commission of Sri Lanka, through its National Protection and Durable Solutions for Internally Displaced Persons Project, is responsible

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for coordinating the process of drafting a national IDP law, which would establish an Internally Displaced Persons Authority.

**Concerns and Obstacles**

The GoSL is confronted with challenges in finding an amicable solution to the problem such as:

**Displacement due to Army and Navy Occupation**

During military confrontation, the HSZ were not accessible to civilians and led to displacement, which was justified by the government in the name of security. It is estimated that in the period before 2006, more than 70,000 people were displaced as their home areas were declared part of HSZs. Many people are still living in transit camps which were meant as temporary before they could be resettled in their place of origin. During the height of Eelam war IV, Echchalavakkai and Pallamadu in Manthai west were displaced and were sheltered in Manik farm camps. With the end of war, they 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.

These, security zones create various problems for the returnees and resettled such as restrictions on fishing, cattle herding, firewood collecting and other traditional livelihoods. Muslims and Tamils argue that restrictions are relaxed or not applied at all to Sinhala fishermen and farmers displaying the government’s bias against minorities and paving the way for Sinhala domination in the region. The government has informed the IDPs that land cannot be given back but will be compensated or would be resettled elsewhere, which is yet to happen and IDPs who have received the compensation or resettled are not fully satisfied. As a result many IDPs have regularly carried out protests, sending letters to local military officials, local authorities and politicians, and even to presidential secretariat, Ministry of Resettlement. Muslims families carried out protest when minister Basil Rajapaksa visited the area on 27 May 2010. Moreover, it is unlikely that the army and navy occupation will come to an end, as many military and government officials have stated that HSZ in north will remain including the Defence Secretary, Gotabhaya Rajapaksa in July 2010 when he said that camps in the north will only house soldiers and officers and will not be used for settlements.

**Displacement due to Development**

With the end of war, government is implementing the Eastern Revival Programme, for the development of human settlement in urban areas, regional economy, economic infrastructure, strengthening of social services and public institutions. Although, these development projects are necessary, it has also prevented many returnees to restart their lives from the place of origin. In October 2006, Trincomalee was declared a special economic zone (SEZ) covering an area of 675

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19 Bhavani Fonseka, op.cit.20, p. 17.
sq.km (166,800 acres) for local and international investments.\textsuperscript{21} As a result, those returnees to areas like Sampoor, Muttur town do not have access to land and are forced to move elsewhere.

**Livelihood: Half-Glass Full?**

Generally, all returnee and resettled are not assured of successfully restarting their lives, as they are confronted with challenges such as the destruction of their houses and property, no access to their agriculture land either due to demining, military occupation and HSZs.

More than 200,000 housing units destroyed by the conflict in the north and east needed repair or construction. The GoSL under the North East Housing Reconstruction Program (NEHRP), which is co-financed by the International Development Association (IDA) and the European Commission (EC), have began the reconstruction of 46,000 housing units, while an Indian-funded programme is rebuilding 50,000 houses in north, east and central Sri Lanka. In addition, smaller housing projects by various agencies were also under way. Ironically, to receive NEHRP funding, potential beneficiaries must repair or construct the foundations of their houses on their own. This has effectively excluded the most vulnerable among the returnees.\textsuperscript{22}

As of October 2010, health care services were limited in some zones of Menik Farm because of fund crunch. This particularly affected health promotion, maternal and child health, environmental health and disease surveillance.\textsuperscript{23}

Land and property issues have constituted another major obstacle to the sustainable return of IDPs. For most of the returning IDPs, recovering the property they had left remains a difficult task since 80% of the national territory is owned by the state and private ownership can only be established if land has been occupied continuously for ten years or by land deeds. Most of the people displaced by decades of conflict have lost documentation related to land ownership. Others who possess permits to use state land are no longer able to access their land due to development projects or army occupation.

Presence of mines and UXOs (unexploded ordnance) are also a major problem for returnees and resettlement. In most cases, returnees are unable to start their livelihood due to contamination of land, waterways and wells and continue to remain a threat to the physical security of returnees. For example, in the north, as of August 2010, an area of more than 550 square kilometres was estimated to be still contaminated. Nevertheless, the government had set up Humanitarian Demining Unit (HDU) of the army and several international and national mine action organizations are involved in demining the areas.\textsuperscript{24} As a result, in the Eastern Province where the conflict had ended in 2007, most areas had been cleared by 2009 but some residual contamination remained.\textsuperscript{25}

Apart from the food, shelter, health services and assistance, the returnees need jobs to sustain their livelihood. In this regard, GoSL has made some efforts but a lot remains to be done. Government has made little efforts in promoting fishing in coastal region. According to the Jaffna University Academics, the northern region was responsible for 45% of fish production of the

\textsuperscript{22} Ibid, p.6.
\textsuperscript{23} Ibid, p.7.
\textsuperscript{24} Some the organizations are like Mine Advisory group, Swiss foundation for Demining, Danish Demining group, halo Trust, Horizon, Sarvatra, Milinda Morogoda Institute for People’s Empowerment and so on. Bhavani Fonseka, op.cit.20, p.10
\textsuperscript{25} IDMC, op.cit. 35, p.10.
country of which 25% was produced from Jaffna peninsula alone. However, due to decades of war and present HSZ, the northern fish production is less than 2%. According to Emergency food security assessment, around 35.6% household in the north are wage laborers and 17.1% are farmers. The government has not initiated any policy to provide employment for restarting the livelihoods.

**Fear of Sinhalisation**

Although the war has come to an end, the change in the mindset of the Sinhalese, Tamils and Muslims over the reconciliation process is slow. Tamils continue to fear intensifying of Sinhala domination in northeast region in absence of a strong force like the LTTE and the Muslims fear of being dominated both by the Sinhalese and the Tamils in eastern region. On the other hand, hardcore Sinhalese argue that with the end of LTTE, the Sinhala population can now make inroads in north and east region to end the numerical dominance of Tamils.

This fear seems to be coming true as many are of the view that there are government plans to settle Sinhalese in the east in an attempt to dilute the Tamil domination in Trincomalee district and Muslims in Ampara district and weaken their political power and claims to the land. This is regarded as the long-term plan of President Rajapakse to change the demographic pattern of east and to certain extent in north to ensure that Sri Lanka is for Sinhalese. These fears have been strengthened by government decisions like the choice of the Lion (representing Sinhalese) as symbol for the new flag of Ampara district where majority are Tamil speaking, the government regular reference to Nagenahira Natodaya rather than the English ‘eastern revival’, government’s overwhelming support for construction and renovations of new Buddha statues throughout the east leading to cultural colonization of Tamils and Muslims.

Another issue for Tamils in the north is the practice of replacing Tamil names with Sinhalese. For example, Kathirimalai was changed to Kadurugaoda. Another significant name change in Jaffna has been that of Thiruvadinilai to Jambukolapatune.

**Political Solution: Still a Long Way to Go?**

With the military victory, President Rajapakse was confronted with the challenge of evolving an amicable solution to the ethnic strife. India and the international community have been insisting Rajapakse to work towards a politically negotiated settlement acceptable to all sections of the Sri Lankan society within the framework of an undivided Sri Lanka. In this regard, President Rajapakse had established All Party Representative Committee (APRC) in mid-2006 to work for constitutional reforms to address the Tamils and Muslim grievance which submitted its report in August 2009. President Rajapakse during the course of Eelam War IV had assured India and the international community that he would work towards the implementation the 13th Amendment recommended by the APRC. However, the implementation has remained a difficult task since the main political parties such as UNP, JVP, SLMC and TNA were not part of the APRC deliberations. Further, managing the

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26 Melanie Manel Perera, op.cit.27, p.3. Also see N. Shanmugaratnam, *Forced Migration and Changing Local Political Economies*, (Colombo: Social Scientists’ Association, 2007)

27 Bhavani, Fonseka, op.cit.20, p.12.

ethnically and religious minded JVP and JHU and their break away groups is problematic. The election in the Eastern province shows that there is no separatism developing and the provincial administration is fully accepted by the local population.\textsuperscript{29}

With electoral victory in the Eastern Province, President Rajapakse had promised to implement the 13\textsuperscript{th} Amendment in both letter and spirit. However, even after a couple of years, power over policing and land issues has not been devolved in the eastern province.\textsuperscript{30} At present, several powers of the provincial councils such as health and education have been re-centralized by the central government. The flow of economic resources from the central government to the provincial councils has been abysmally poor. The funds allocated are inadequate for effective development work in the existing provincial councils.\textsuperscript{31} Only 6 per cent of the EPC’s operating budget has been passed by the Central government due to excessive delays on the part of the latter. This has led to the EPC being unable to implement even small development projects and has to depend on the central government or multi-lateral donors.\textsuperscript{32}

The Rajapakse government with military victory over LTTE, electoral victory in eastern and northern province and its own Sinhalese-supremacist notions and emphasizing on theory that economic development in north and east is what the people want and not political solution, it is unlikely that the government would evolve a political solution to the ethnic problem based on the 13th Amendment. No amount of Indian and Western pressure will make Rajapakse concede on this vital issue as it will merely make him seek refuge in evasive tactics. Nevertheless, political solution will go long way in addressing the aspiration of all section of the society, including the returned and resettled IDPs.

Overall, the immediate need is that the GoSL must address issues affecting the livelihood of returned and resettled IDPs, make efforts to involve full and active participation of displaced persons in the planning and management of their own return and resettlement, government agencies, divisional secretaries, grama sevikas, should play more significant role in implementing and formulating public policies rather than the military and PTF. The GoSL should adopt more people-centric development that promotes human security and reconciliation among diverse ethno-religious communities and seriously work towards evolving amicable political solution for long term prosperity of people and overall growth of the island.

\textsuperscript{29} Tisaranee Gunasekara, “Soft Anarchy “, Himal South Asian, September 2009.
\textsuperscript{30} V. Suryanaraya, Is it the End of the Struggle”, The New Indian Express, 19 May 2009, p.8.
\textsuperscript{32} Malathi de Alwis “The Eastern Equation”, 20 July 2009. Available at www.lines-magazine.org/?p=1197
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>APRC</td>
<td>All Party Representative Committee</td>
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<tr>
<td>CEB</td>
<td>Ceylon Electricity Board</td>
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<tr>
<td>CFA</td>
<td>Cease-fire Agreement</td>
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<tr>
<td>EC</td>
<td>European Commission</td>
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<tr>
<td>EPC</td>
<td>Eastern Provincial Council</td>
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<tr>
<td>EPDP</td>
<td>Eelam People’s Democratic Party</td>
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<tr>
<td>EPRLF</td>
<td>Eelam People’s Revolutionary Liberation Front</td>
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<td>EROS</td>
<td>Eelam Revolutionary Organization of Students</td>
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<td>GoSL</td>
<td>Government of Sri Lanka</td>
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<tr>
<td>HDU</td>
<td>Humanitarian Demining Unit</td>
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<td>HSZ</td>
<td>High Security Zones</td>
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<td>ICRC</td>
<td>International Committee of the Red Cross</td>
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<td>IDA</td>
<td>International Development Association</td>
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<td>IDCAM</td>
<td>Internal Displacement Monitoring Centre</td>
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<td>IDPs</td>
<td>Internally Displaced Persons</td>
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<td>ISGA</td>
<td>Interim Self-Governing Authority</td>
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<td>JHU</td>
<td>Jathika Hela Urumaya</td>
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<td>JVP</td>
<td>Janatha Vimukthi Peramuna</td>
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<td>LTTE</td>
<td>Liberation Tigers of Tamil Eelam</td>
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<td>MoU</td>
<td>Memorandum of Understanding</td>
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<td>MP</td>
<td>Member of Parliament</td>
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<td>NEHRP</td>
<td>North East Housing Reconstruction Program</td>
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<td>NEPC</td>
<td>Northeast Provincial Council</td>
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<td>NGO</td>
<td>Non-Government Organization</td>
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<td>NTPC</td>
<td>National Thermal Power Corporation</td>
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<td>PA</td>
<td>People’s Alliance</td>
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<td>PLOTE</td>
<td>People’s Liberation Organisation of Tamil Eelam</td>
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<td>PTF</td>
<td>Presidential Task force</td>
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<td>SLA</td>
<td>Sri Lankan Army</td>
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<td>SLAF</td>
<td>Sri Lankan Air Force</td>
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<td>SLFP</td>
<td>Sri Lankan Freedom Party</td>
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<td>SLMC</td>
<td>Sri Lankan Muslim Congress</td>
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<td>SLMM</td>
<td>Sri Lanka Monitoring Mission</td>
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<td>SLN</td>
<td>Sri Lankan Navy</td>
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<td>TEO</td>
<td>Tamil Eelam Liberation Organization</td>
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<td>TMVP</td>
<td>Tamileela Makkal Viduthalai Pulikal</td>
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<tr>
<td>TNA</td>
<td>Tamil National Alliance</td>
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<tr>
<td>TULF</td>
<td>Tamil United Liberation Front</td>
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<tr>
<td>UNHCR</td>
<td>United Nation High Commissioner for Refugees</td>
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<td>UNP</td>
<td>United National Party</td>
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<tr>
<td>UPFA</td>
<td>United Peoples’ Freedom Alliance</td>
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<td>WB</td>
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<td>WFP</td>
<td>World Food Programme</td>
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Conflict, Displacement and the Conditions for Sustainable Return: A Study from the District of Trincomalee, Sri Lanka

Fathima Azmiya Badurdeen *

Introduction

The issue of the ‘right to return’ represents a growing interest and need in the post conflict context of Sri Lanka. With the end of the war and the need for the provision of durable solutions for the internally displaced, there is a need to explore the issue of the right to return. Various debates have centered on this topic and there is an immense need to understand the context of ‘right to return’ in Sri Lanka and the conditions that would facilitate the sustainability of the process of return.

Sri Lanka suffered from an ongoing conflict between the Government and the Liberation Tigers of Tamil Eelam for approximately 25 years resulting in economic, social and political devastations. Since the inception of the conflict, several waves of displacement took place in North and East making at least 10,00,000 displaced throughout the history of the conflict. At present, there are about 400,000 people living in camps or with friends and relatives waiting to be settled. The expenditure on the welfare of the displaced by the government have been in millions as the internally displaced remain in the welfare camps or are in the process of being resettled in their native villages or relocated elsewhere.

In May 2009, the Sri Lankan conflict was officially declared as over. The military strategy employed by the government did enable to suppress the conflict. At present the government is progressing with settling the IDPs and bringing them back to normalcy. Having provided them a life with dignity through resettlement, rehabilitation or reconstruction the Government believes that they are well settled and these IDPs are no more IDPs. Yet, according to reported incidents and reports from monitoring teams it is proved that even after being settled in permanent residencies and fulfilling their basic rights, the grievances of the displaced community remains. Although the Government and authorities who provide “durable solution” for the IDPs have completed their task by providing settlement, they have not been successful in reconciling them and ensuring a normal life.

It is in this context, the conditions for sustainable return in the district of Trincomalee are explored. The situation in Trincomalee became normal in 2007 as it came under government control. At present, most IDPs have returned to their villages and are in dire need of amenities to settle into a normal life.

The key conditions for the sustainability of returnees are the need for employment, housing, and access to public and social services, education and public utilities. If access to basic necessities is unavailable, this can result in failure of the reintegration process (Black and Gent, 2004). The key to

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reintegrate the displaced that had fled from their homes during the peak of the war is rebuilding trust between communities. Some returnees said the main problem confronting them is adapting to the new environment. Returnees feel that their surrounding is not what they have been used to. This is natural after a severe destruction and in some cases new neighbours. Hence, reintegration and reconciliation must be accompanied by better living standards for everyone - this includes the returnees and other communities living in their locality (Gunerathna and Badurdeen, 2010).

Issues centered on durable solutions for the IDPs have resulted in complex and often politically sensitive issues around land and property. In some cases, IDPs have occupied land abandoned by those who fled the conflict. Some IDPs have settled in state-owned land and others on private lands. Further, over the years the IDP sites have grown into village-like settlements, where the IDPs have blended themselves with the local community (Brun, 2008, Badurdeen 2010, Hasbulla, 2001 and Shanmugarathnam, 2000). The statuses of the IDPs on these properties remain unclear and this has led to conflicts with original owners. Usually, returnees face the issue of unavailability of land mainly because it is occupied by the military or other IDPs (Fonseka and Raheem, 2010).

**Theoretical Framework of the Study**

It is true that displacement or involuntary movement requires different responses as solutions. Usually in the context of displacement, whether due to natural disasters or conflict-induced, the starting point can be established but the end is less clear. This brings us to the questions: does displacement end when certain types of services are provided, when livelihoods are restored or when people return to their original homes? (Fernando et al, 2009). As there is no precise measurement, the process has always been vague. Further, different displacement contexts also require different approaches.

The Guiding Principles on Internal Displacement state that Internally Displaced Persons are "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border" (Addressing Internal Displacement: A Framework for National Responsibility, 2005, pp. 29).

It is true that the responsibility of the IDPs lies within the national governments. As IDPs reside within the borders of their own countries and are under the jurisdiction of their governments, the primary responsibility for meeting their protection and assistance needs rests with their national boundaries (Addressing Internal Displacement: A Framework for National Responsibility, 2005). Usually, people are displaced because of the state and it is a moral obligation of the state to provide the necessities of the IDPs.

IDPs are citizens of Sri Lanka and entitled to all guarantees of international human rights and international humanitarian law subscribed to by the State or applicable as customary international law. Hence, as a consequence of their displacement they do not lose rights as other nationals of the country. Further, IDPs have needs and vulnerabilities distinct from the non-displaced population which must be addressed by specific protection and assistance measures. These rights are detailed in the Guiding Principles on Internal Displacement which, though not directly binding, reflect and are consistent with international human rights and international humanitarian law. They have been

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recognized by States as “an important international framework for the protection of internally displaced persons”, and are increasingly reflected in national laws and policies. (Kalin, W. 2008 p.5)

As stated in the GPID, “National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to IDPs within their jurisdiction”2. Moreover, encouraging IDPs in decision making empowers them to take steps towards a durable solution. The state has to provide equal protection. But the persons displaced due to the disaster are unable to exercise certain rights and enjoy certain benefits afforded under the existing laws, and are also subjected to certain impediments and disadvantages as a result of their inability to comply with certain existing legal requirements. The enacted laws, norms and regulations by the Parliament of Democratic Socialist Republic of Sri Lanka are good enough to ensure the protection and safeguarding of their rights and privileges. In the 3rd chapter fundamental rights and in the 4th chapter language rights are guaranteed by the Constitution of Sri Lanka. Resettlement Authority Act, No. 09 of 2007 of Sri Lanka was established with the objective of resettlement or relocation of IDPs in a safe and dignified manner and facilitating resettlement/relocation of IDPs and refugees in order to rehabilitate and assist them to enter the development process3.

As emphasized in the Guiding Principles on Internal Displacement, IDPs have the right to make informed and voluntary decisions on durable solutions. This includes the right to return to the place of origin, integrate in the present location where they found refuge or to relocate in another place (Section V of GPID). This is the cornerstone of the guiding principles.

It becomes important to determine the extent to which durable solutions are achieved. This includes the necessity to examine the processes through which the solutions are found and the actual conditions of the returnees. It is important to consider whether (i) the national authorities have established the conditions conducive to dignified return, (ii) displaced persons have the ability to assert their rights, (iii) international observers are able to provide assistance and monitor situations of the displaced and (iv) durable solutions are sustainable (Brookings-Bern, 2007).

The theoretical framework would be based on the framework of durable solutions for Internally Displaced Persons which includes the process through which durable solutions are achieved and the conditions that mark a durable solution to displacement (Ibid, 2007).

Methodology

The methodology used for this study is mainly through secondary data and case studies. Most of the second-hand information was gathered from the IDP project, Human Rights Commission of Sri Lanka.

The research methodology for the case study comprised of interviews that took into consideration the sensitivity of the issue that was being explored, thereby deciding on unstructured interviews. This includes interviews from respondents who are returnees to their origins (homes) after being displaced during the war. Respondents comprised of both men and women equally. While keeping the objective of the research study in mind, start-up questions were used to generate answers from the respondents. The unstructured nature of the interviews helped the researcher in the collection of complex information containing personal experiences.

A sample of six households was interviewed per GN division with two focused group discussions. The sample comprised of three GN divisions of Muthur. Key informant interviews were

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2 Article 3 of the Guideline Principles on Internal Displacement (GPID
conducted with selected NGO/CBO personnel and government officials, to substantiate the findings. The data analysis was done on the basis of field notebooks. All written interviews were carefully reviewed to identify various relationships and patterns.

The limitations of the study are that very few interviews have been conducted due to the time-frame of the study. Nevertheless the second-hand data was considerable in providing a clear analysis of the study. The DS Division of Muthur in Trincomalee was chosen because most of the returnees settled here in 2007. The GN Divisions are Ralkuly, Upporal and Seenavalli.

The Location, History, Conflict and the Displacement Context: Trincomalee District

This section outlines the geography, history, demographics and the socio-economic context of the District of Trincomalee to give an overall context of the area. The section also gives an outline of the macro-level conflict and the dimensions of the conflict in the District of Trincomalee and is further followed by the displacement context in the district. The displacement context takes into consideration the conflict-induced displacement and the Tsunami-induced displacement in the District of Trincomalee.

Geography, History, Demographics and the Socio-Economic Context of the District of Trincomalee

The district of Trincomalee is situated in the eastern province of Sri Lanka - in the northern part of the eastern province (see Figure 1 and 2). It has an area of 2727 Sq. Km. The district is bordered by the two districts – Anuradhapura and Polannaruwa to the west, Mullaitivu to the North, the Indian Ocean to the east and Batticaloa to the South. The district is divided into 11 administration units (Divisional Secretariats) and has 230 GN (Grama Niladhari) Divisions (Figure 3).
Historically, Trincomalee is known as the ‘sacred hill of the three temples’ with names such as Kona Malaim and Thiru Kona Malai. Early Tamil settlers, who date back to ancient times, built the enormous Hindu temple dedicated to God Koneshwaran as evident in the 7th century Sanskrit inscription in Tiriyaya. This temple was said to be renowned through India and had considerable influence of the Pallavas of South India. It was later destroyed by Dutch colonialists in 1624. Trincomalee is important to the Buddhists as well. 29 miles to the North of Trincomalee is a place of interest to the Buddhists. This includes the ruins of an ancient Buddhist Monastery. These historical facts are a pointer to the complex ethno-religious character of Trincomalee. The Trincomalee harbor has been of strategic importance through colonial times. Even today, it is a symbol of dominance in the Indian Ocean. The Portuguese, Dutch, French and British dominated it in succession from the 16th to the 19th century (Kataragama-Skanda website, 2011). The Trincomalee harbor was used as the British naval headquarters in the Pacific during World War II. It was also used as the United States air base for attacks on the Japanese in Burma and Malaysia. The geography and the history of the area that demarcated its strategic position became the key factors for the Liberation Tigers of Tamil Eelam (LTTE) to plan Trincomalee as their capital of the Eelam state. Areas such as Sampur and Eachchilampattu were under the LTTE until 2007 – when it came under the control of the government. Further the district location internally too did provide a location of strategic importance during the war as it became an area of intense fighting between the government and the LTTE. The district is bordered by the Mullaitivu district to the north which was one of the main strongholds of the Tamil guerrillas. The south was bordered to the District of Batticaloa that did provide most of the fighting cadres of the LTTE. Towards the west is the district of Anuradhapura and Polannaruwa, which comprised of mostly the Sinhalese population that provided a large number of fighting cadres to the Sri Lankan security forces (Narman and Vidanapathirana, 2005). Even today the strategic importance of Trincomalee’ is evident with the number of key military installations in the area such as the Sri Lanka Navy base and dockyard at the Trincomalee harbour, the Air Force base at China Bay and the Eastern Headquarters of the Sri Lanka Army in Trincomalee town.

Figure 3

Source: Department of Census and Statistics (2007), Sri Lanka
The Conflict and the Displacement Context

The core of the Sri Lankan conflict was found in the combination of communal politics that was practiced by the Sinhalese and Tamil political leaders and the deteriorating economic conditions that prevailed after the 1950s (LePoer, 2002). As stated in Korf and Engel (2006), the Sri Lankan civil war was a war from the ‘sons of the soil’, even though the ethnic conflict had a multidimensional nature as a result of the social and political cleavages that occurred at various levels along many lines of dissent. Nevertheless, the core of the macro-level conflict was the grievance between the Tamil minority and the Sinhala-Buddhist majority that escalated into a war between the Liberation Tigers of Tamil Eelam (LTTE) and the Sinhalese armed forces. As emphasized by Rajasingham (2003), this resulted in decades of armed violence with massive destruction.

‘……the war resulted in the disruption of multicultural and bilingual communities, as well as loss of life and property, displacement of people ‘ethnic cleansing’, violations of basic human rights including the freedom of movement, the erosion of democratic norms, and the attenuation of civil administration in the war zones. In the capital, the war exacerbated an already dysfunctional democratic process. Even though the conflict affected all ethno-religious communities in the country, residents of the north and eastern provinces suffered the brunt of the destruction. Many lost their livelihoods, and saw their families decimated by the violence…… (Rajasingham, 2003).

The first major discriminatory legislation was the Sinhala Only Act in 1956 – an aspect of the Sinhala – Buddhist nationalism that resulted in making Sinhala the sole official language. This policy was disfavored by the Tamils that did trigger the first inter ethnic riots in 1958 and a series of riots in 1978 and 1981 (de Silva, 1981). The Sinhala only Bill caused discontent, as linguistic nationalism created a division between communities. This Sinhala nationalism in turn, gave rise to Tamil nationalism (Sebastian). With Sinhala declared as the official state language, many Tamils were deprived with employment opportunities along with the access to higher education. With Buddhism gaining the status of a state religion and the resulting altering of ethnic composition in the north and east since 1940 as a result of large irrigation-cum-colonization schemes, the relationship between the Sinhalese and the Tamils were deteriorating. This along with discriminatory policies generated incidences of violence escalating into a series of riots in 1956, 1958, 1977 and 1981 (Schrijvers, 1999).

Another aspect was the turmoil created by the economic reforms in the 1970s. It further aggravated the violence that first spread from the rural areas (Richardson, 2004). In the 1970s, the government was facing Tamil unrest in the North and East, while the Sinhalese Marxist JVP waged a campaign against Tamils in the central and southern regions. This resulted in periodic rioting against Tamils in the late 1970s and early 1980s, culminating in the devastating communal riots of 1983. The 1983 riots marked a clear point in the conflict, which resulted in many Tamils fleeing the country to India or seeking political asylum in the North (Tambiah, 1986). The Sri Lankan conflict can be divided into four phases. Phase 1 from 1983-1990 was a period marked with confrontations between the Sri Lankan security forces and the Tamil militants. It is in this first stage of Eelam war that the LTTE stood out as the main militant group.

In 1987-1989, the IPKF (Indian Peace Keeping Force) was dispatched in the north-east of the island to monitor peace, which further aggravated the Sinhalese nationalist fear of Indian annexation (Uyangoda, 2007). When the IPKF withdrew in 1990, the LTTE commenced the second Eelam war with the Sri Lankan government. After an unsuccessful peace accord with the government in power in 1994, the third Eelam war broke out in 1995 (Schrijvers, 1999).

Four major attempts at a peaceful settlement ended in failure and further violence. A ceasefire agreement (CFA) brokered by the Norwegian government in February 2002 was formally
abrogated by the Sri Lankan government in January 2008. The Eelam IV commenced in 2006, when the Sri Lankan armed forces embarked on the military strategy that proved successful with the defeat of LTTE forces in May 2009 (Keerawella, 2010).

The Trincomalee Conflict Context

Trincomalee had been experiencing a high level of political violence due to suspicion and mistrust between different ethnic groups. In March 2004, the defection of ‘Colonel Karuna’ from the LTTE resulted in intra-ethnic tensions that were felt at the community level. Further, with the renewed war in 2006, tensions exacerbated between eastern Tamils and Muslims. Since the 1980s Trincomalee has experienced waves of displacement. In 2006 and 2007, major waves of displacement occurred. In April 2006, a bombing at Trincomalee town triggered communal violence and displacement. Later, mass displacement was followed in LTTE-controlled areas in Mutur and Eachchilampattu resulting from military operations of the government. In August 2006, the government launched a military attack in response to the shutting down of the sluice gates in the Serunuwara area by the LTTE where a massive population fled into the neighbouring districts (Lang and Knudsen, 2008).

Displaced Population

In a post-war context, figures of IDPs are controversial and politically sensitive. The information used in this paper is from the 2007 enumeration report by the Census and Statistics Department of Sri Lanka. The total population of Trincomalee is 334,363. The highly populated DS division is Towns and Gravets. The population distribution is depicted in Figure 4.

Ethnically, the highest population in the district is of Sri Lankan Moor (Muslims). The ethnicity of the population is depicted in Figure 5 and Table 1. As shown in Table 1, a steady increase in the Sinhalese population since 1921 (4.4%) to 1981 (33.6%) is noteworthy. The main reasons have been state-led development initiatives such as settlements under irrigation schemes such as Allai, Kantalai and Pathaviya irrigation schemes and settlements of Sinhalese fishing communities, etc. (Brun, 2003 and CPA, 2006). It has been difficult to get the exact numbers of the displaced people as the numbers have been constantly changing. The district of Trincomalee has not only generated IDPs but has also been receiving IDPs from other conflict areas. An unconfirmed source estimate reveals the total number of IDPs to be 50 per cent of the total population of the district (Narman and Vidanapathirana, 2005). According to the enumeration report of Census and Statistics 2007, the number of displaced people was 15,512. Out of which 11,473 was due to the conflict and 4,039 was due to the tsunami. The highest displaced people were reported from the Town and Gravets DS Division as shown in Figure 6 and Table 2.

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4 The figures might change specially after the end of the war in 2009, when the internally displaced would have moved in or out from the district.
Table I: Number and percentage of displaced population by DS division and reason for displacement, 2007

<table>
<thead>
<tr>
<th>DS division</th>
<th>Total population</th>
<th>Total displaced</th>
<th>Reason for displacement</th>
<th>Not displaced</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Due to conflict</td>
<td>Due to tsunami</td>
</tr>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>No.</td>
<td>%</td>
</tr>
<tr>
<td>Trincomalee District</td>
<td>334,363</td>
<td>15,512</td>
<td>11,473</td>
<td>74.0</td>
</tr>
<tr>
<td>Padavishirupura</td>
<td>10,666</td>
<td>16</td>
<td>16</td>
<td>100.0</td>
</tr>
<tr>
<td>Kuchchaveli</td>
<td>26,327</td>
<td>1,795</td>
<td>531</td>
<td>29.6</td>
</tr>
<tr>
<td>Gomarankadawala</td>
<td>5,879</td>
<td>6</td>
<td>6</td>
<td>100.0</td>
</tr>
<tr>
<td>Morawewa</td>
<td>5,563</td>
<td>886</td>
<td>886</td>
<td>100.0</td>
</tr>
<tr>
<td>Town and Gravets</td>
<td>89,046</td>
<td>6,919</td>
<td>5,391</td>
<td>77.9</td>
</tr>
<tr>
<td>Thambalagamuwa</td>
<td>27,572</td>
<td>486</td>
<td>476</td>
<td>97.9</td>
</tr>
<tr>
<td>Kanthale</td>
<td>42,661</td>
<td>302</td>
<td>287</td>
<td>95.0</td>
</tr>
<tr>
<td>Kinniya</td>
<td>61,558</td>
<td>1,166</td>
<td>379</td>
<td>32.5</td>
</tr>
<tr>
<td>Seruwila</td>
<td>11,142</td>
<td>809</td>
<td>787</td>
<td>97.3</td>
</tr>
<tr>
<td>Mutter</td>
<td>47,132</td>
<td>3,127</td>
<td>2,714</td>
<td>86.8</td>
</tr>
<tr>
<td>Verugal / Eachchalampattu</td>
<td>6,617</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Source: Department of Census and Statistics (2007), Sri Lanka
Even though the paper concentrates on the conflict-induced displacement, it is also important to understand displacement caused due to tsunami as it added to complexities. Further, there were differences between conflict affected IDPs and tsunami affected IDPs as emphasized by De Silva. Usually, war-affected IDPs were displaced every day during the war. Landmines and high security zones were issues in resettling them. There was difficulty in accessing IDPs and their plight was not highlighted by the media as it was considered unpatriotic. During tsunami, the people became IDPs within a matter of hours. IDPs in this case were accessible and their issues could be highlighted in the media without resistance.

<table>
<thead>
<tr>
<th>DS division</th>
<th>Total population</th>
<th>Sinhalese</th>
<th>Sri Lanka Tamil</th>
<th>Indian Tamil</th>
<th>Sri Lanka Moor</th>
<th>Burgher</th>
<th>Malay</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trincomalee District</td>
<td>334,463</td>
<td>64,766</td>
<td>25.4</td>
<td>95,652</td>
<td>28.6</td>
<td>490</td>
<td>0.1</td>
<td>151,692</td>
</tr>
<tr>
<td>Padaviyiripura</td>
<td>10,886</td>
<td>30,664</td>
<td>100.0</td>
<td>1</td>
<td>0.0</td>
<td>1</td>
<td>0.0</td>
<td>-</td>
</tr>
<tr>
<td>Kuchchaveli</td>
<td>26,317</td>
<td>412</td>
<td>1.6</td>
<td>6,646</td>
<td>25.2</td>
<td>1</td>
<td>0.0</td>
<td>16,691</td>
</tr>
<tr>
<td>Gomarankadawala</td>
<td>5,679</td>
<td>5,855</td>
<td>99.6</td>
<td>22</td>
<td>0.4</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Moraewala</td>
<td>5,663</td>
<td>4,065</td>
<td>73.1</td>
<td>544</td>
<td>9.8</td>
<td>-</td>
<td>-</td>
<td>954</td>
</tr>
<tr>
<td>Town and Gravets</td>
<td>89,046</td>
<td>16,833</td>
<td>18.9</td>
<td>58,966</td>
<td>66.2</td>
<td>80</td>
<td>0.1</td>
<td>12,174</td>
</tr>
<tr>
<td>Thambalagmorena</td>
<td>27,772</td>
<td>6,065</td>
<td>21.8</td>
<td>4,352</td>
<td>15.8</td>
<td>24</td>
<td>0.1</td>
<td>16,739</td>
</tr>
<tr>
<td>Kanthale</td>
<td>42,861</td>
<td>33,630</td>
<td>78.5</td>
<td>1,596</td>
<td>3.7</td>
<td>15</td>
<td>0.0</td>
<td>7,590</td>
</tr>
<tr>
<td>Kinniya</td>
<td>61,558</td>
<td>-</td>
<td>-</td>
<td>2,503</td>
<td>4.1</td>
<td>-</td>
<td>-</td>
<td>59,055</td>
</tr>
<tr>
<td>Seenuva</td>
<td>11,142</td>
<td>7,152</td>
<td>64.2</td>
<td>1,876</td>
<td>16.8</td>
<td>8</td>
<td>0.1</td>
<td>2,079</td>
</tr>
<tr>
<td>Muttai</td>
<td>47,132</td>
<td>140</td>
<td>0.3</td>
<td>12,529</td>
<td>26.6</td>
<td>361</td>
<td>0.8</td>
<td>34,090</td>
</tr>
<tr>
<td>Venugal / Fachchalamattu</td>
<td>6,617</td>
<td>-</td>
<td>-</td>
<td>6,617</td>
<td>100.0</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

* Including Indian Tamil

Source: Department of Census and Statistics (2007), Sri Lanka
Tsunami Displacement Context

Trincomalee was one of the worst tsunami-affected districts in which 6 of the 11 divisional Secretariats (Kuchchaveli, Town and Gravets, Kinniya, Seruwila, Muttur, Echchilampattai) were affected. The immediate impact of the tsunami was the displacement of 30,547 families (126,679 individuals, 24% of the district population) with 967 deaths. The damages caused were enormous with 4873 houses fully damaged and 3945 houses partially damaged. Of the displaced, more than 100,000 have been able to return to their homes or stayed with friends and relatives. The remaining population continued to live in temporary shelters including tents, schools, other government buildings, temples, etc. This also resulted in the damage of sectors such as fishing and agriculture, health, water supply and sanitation, other utilities, tourism, education, physical infrastructure (182 km of road were damaged including Trincomalee port, bridges, bus and train systems, etc), government and public facilities (ADB, 2005).

Social, Economic and Political Context

The main economic activities in the district of Trincomalee are agriculture, fisheries, animal husbandry and business. The economy of Trincomalee is based on agriculture with over 55,487 acres (2002 Census) of agricultural land. It has been a key paddy growing area well served by four reservoirs under major irrigation schemes such as the Mahaweli irrigation scheme. Fisheries are another major economic activity in the district. The presence of a 210 km long coastline has made the area a major fishing centre for many years. Many fishermen have relocated internally from the north western and southern coasts to Trincomalee during off seasons.

The tsunami in 2004 had a major impact in the fishing industry as the boats and fishing equipments were lost. 70 to 90 per cent of tsunami fatalities were fishermen. The resettlement of fishermen to the interior in the resettlement process resulted in some fishermen looking for alternative sources of employment (ADB, 2005).

The fishing industry was also affected during the conflict. The LTTE infiltration of the coastal waters of Trincomalee and military operations by the government restricted fishing. In 2007, when the eastern province came under the control of the government, some restrictions were relaxed but some remained as fishing was allowed only during 3 am to 6 pm and up to 3 km out to the sea. Usually, permission was needed from the military. Further security controls also limited the transportation of goods and made it difficult for fishermen to market outside their districts. With the end of the war and the relaxing of the restrictions there was scope for the fishing industry.

Tsunami and conflict were a limitation for the tourism industry. According to the proposed tourism development zone in the Nilaveli region, the area is envisaged as a main tourist destination in the island (development projects under the regaining Sri Lanka 2002 and Mahinda Chintanaya).

Conflict and tsunami were the main impediments in the development of an already weak economy of Trincomalee (Korf & Singarayer, 2002). The six divisional secretariats, namely Kinniya, Seruwila, Muttur, Echchilampathu, Kuchaweli and the Towns and Gravets have been severely affected resulting in loss of properties and jobs. The issues that challenge the economic recovery of the affected areas include unemployment (labor force participation rate was 4.6 per cent according to 2009 statistics), low productivity and poor transport services. Conflict and repeated displacement restricted many economic activities which resulted in the increase in unemployment. According to the Business and Economic Situation Report of the North and East (2008), the following potential solutions were put forth to rebuild the economy in the district of Trincomalee:
Increasing investments in factories: Factories for processing rice need to be built. Currently, the rice from this district is sent to Polonnaruwa or Kurunegalle for processing – adding to both transport and opportunity costs. Processing in Trincomalee would lead to reduced costs and greater levels of employment within the district. There is a need for farming machinery and the introduction of new varieties of rice.

There are no poultry feed factories in this district. Since raw materials are available for making poultry feed establishing factories would bring greater prosperity and employment opportunities. Since livestock farming plays a major role there is a need for milk processing factories. The absence of such facilities has resulted in a waste of milk.

Fishery could be expanded. The facilities for fishery are in place, but are not being used effectively. There is the opportunity for many who lost jobs in this area to be re-employed.

There is a need for a development bank for the East. Though the Sanasa Development Bank is functioning here, its services cannot fulfill the economic expectations of the district. More services from private banks are also required in order to develop the district.

Greater flexibility in the security arrangements and current restrictions would help the economy to flourish’. (BPA, 2008)

The district saw few infrastructure developments as a result of the long standing conflict. At present new development initiatives are emerging as a result of the Nagenahira Narvodaya or ‘Reawakening of the East’ programme of the government that intends to rebuild the eastern province. This includes the Trincomalee Integrated Infrastructure development Project (TIIP). The TIIP planned to upgrade the road network to all key areas of the districts, construct bridges, set up new power transmission lines and provision of safe drinking water. These initiatives are currently underway in the district. It also included mega projects such as the Trincomalee Special Economic Zone (SEZ). The SEZ aimed at encouraging export-oriented business with foreign investments and the 500 MW capacity power generation plant at Sampur (Eastern Revival, 2009).

There have been many controversies surrounding the context of the proposed SEZ (Special Economic Zone) in Eastern Trincomalee. Initially, the HSZ was established in May 2007 stretching across eleven GN divisions that prevented over 4000 families from returning to their homes and properties. Later, the HSZ was reduced to 4 GN divisions in 2008. The reduction favored some displaced persons to return to their lands but over 6000 IDPs from the HSZ still remained in transit camps and with host families. Added to this, Sampur was selected for the construction of a coal power station in favour of a Special Economic Zone (SEZ). The quest today lies on the relocation of these families while some of the displaced demand their right to return to their homes and communities.

The Context of Return

The paper analyzes the perceptions of the returnees on the conditions of sustainable return and public institutions.

The following issues are highlighted in this context:

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5 A Memorandum of Understanding was signed between the Government, Ceylon Electricity Board and the Government of India Enterprise NTPC to construct a 500 MW power plant in Sampur. The SEZ in Trincomalee is vast area which includes the HSZ in Sampur. Here the context of confusion has arose on whether the HSZ will ‘lapse’ in favour of a SEZ.
Land and Property of the Returnees

It is true that many of the displaced have returned to their own lands. Yet some do not have legal documentations. Due to continuous displacement, some have found it difficult to prove their legal ownership. As stated by Shivaneshan and in the NPDSIP Monitoring Mission reports:

“I have been a mason before and after displacement. I have four daughters. My land came under the HSZ and hence I lost my land. Instead I was given only 20 perches and a house by the UNDP. My children are still studying. This is not enough as I have daughters and need land when they get married. And this land cannot compensate for the land I had as I cultivated it and had enough space for livestock.” (Shivaneshan – Interview, 2010).

Ralkuly Returnee Area (Ralkuly, RN) is a typical village ravaged by war. The travel from the town of Muthur is tiring and the roads re-emphasize the dire need of infrastructure development.

Most of the villages in this part of the country have been terribly affected by the civil war. Being directly affected by 25 years of war, the land seems barren and in ruins. The local residents of this area have been constantly and repeatedly displaced during the various peaks of the raging war and have experienced various dynamics of displacement. Most of them were constantly displaced, experiencing waves of internal displacement. Their displacement began in 2006 at the peak of the armed conflicts between the Sri Lankan Forces and the LTTE.

In Ralkuly village, all houses and properties were damaged due to the conflict. After the government announcement of the High Security Zone (HSZ), many displaced returned to their native places. The displaced applied for deeds of their land in 2007 on the basis of annual permits that were provided to them by the government. According to the returnees, the Grama Niladhari of the area has stated that the deeds are available in the DS office but action has not been taken to give the deeds (NPDSIP Monitoring Mission report, 2010a).

Economic Conditions of the Returnee Areas

In all three GN divisions, the economic conditions have been deteriorating. Ninety per cent of the respondents stated that their means of livelihood have been hampered during displacement and there has been no change since return. Some of them have lost their lands as it has come under the High Security Zone (HSZ). As stated by Kumari, Anton, Shiva and Kalarani:

“I have three kids and my family depended on agriculture. We are given land (0.5 acre) but we cannot farm as there is no water. We need assistance because we have to start all over again.” (Kumari, Interview - September, 2010).

“I have been working on odd jobs since I have been displaced. I depend on daily wages and my family depends on my income. There are days when I find work and some days I do not. The days I do not get work I have no money. My family does get the ration package that is given to all displaced people. So we manage our lives with these. We are looking for a job that would provide us regular income.” (Anton, Interview – September, 2010)

“We have to walk a long distance even to sell vegetables because we cannot depend on the public transport system. I tried selling coconut but it was very difficult as I had to carry them and walk to the town.” (Shiva, Interview – September, 2010).

“My husband has no job. We depend on rations given by the government. He was a fisherman before displacement. He and his friends look for odd jobs on daily wages. Most days he cannot find work. Opportunities are minimal here.” (Kalarani, Interview – September, 2010).
Education

Poverty seems to be the main impediment for education. Dropouts were evident as many parents were not interested to send their children to schools. Most children were traumatized. Infrastructure such as school buildings is required. (Discussion at School - Al Taj Maha Vidyalaya)

Health

There was also a need for health services. Even though the health networks have been well established in Sri Lanka, these areas lacked such facilities. Most of the respondents complained about health facilities.

“The midwife does not come and the hospital is in the town.”(Kalarani – Interview, 2010).

Shelter

Each family was provided with a temporary shelter constructed by ZOA (INGO) on their return. Further, under the permanent housing scheme of the ministry of rehabilitation, Rs 250,000 was provided for 35 returnee families. Under the NEHRP housing scheme 35 returnee families received Rs 325,000. 175 families received houses. Fifty-eight families found it difficult to complete their houses as the money was given in installments and irregularly and for some the money received was insufficient to build a house (NPDSIP Monitoring Mission Reports, 2010a).

“My house is still incomplete. We do not have proper door and windows and the toilet is incomplete. The money was not enough to complete the house. Had we been given the money in lump sum we would have completed our house. I have no husband and I live with my daughter. We women need protection.” (Koneshwary, Interview – 2010).

Infrastructure Facilities

According to the respondents, lack of infrastructure hampered development in all GN Divisions which impeded livelihood. Some had to walk till Muthur to sell their products and the lack of proper transport and road made life difficult. Most areas lacked water and electricity.

Special Provisions for the Vulnerable

The need for special provisions stems from the needs of the vulnerable populations such as widows and the differently abled. There were 22 widows in the Ralkuly GN Division (NPDSIP Monitoring Mission Reports, 2010a), and 26 widows in Upporal (Grama Niladhari – Interview).

Political Participation

All areas that were surveyed enjoyed their voting rights without discrimination. They exercised their right without discrimination in the Presidential election (2009 December) and 7th Parliament Elections in 2010 (NPDSIP Monitoring Mission Reports, 2010a).

The returnees still face issues concerning personal documents. This includes birth, death and marriage certificates. Many families cannot apply for compensation without forwarding the death
certificate which is difficult to produce as their family members died during displacement (Gunaratna & Badurdeen, 2010).

Conclusion

Designing interventions for the return of IDPs, aimed at reintegration and reconciliation of IDPs should emphasize on reconstruction of houses and infrastructure. It should extend towards economic and social reintegration. Here the problem is not just about whether people return or not to a repaired house but about the quality of life in the place they have settled. This includes opportunities to generate income, public services, effective confidence building and peace building interventions which would facilitate the process of reconciliation. The last two aspects, confidence building and peace building, are the core for the reintegration and reconciliation process of the IDPs. These provide the platform for the conditions of sustainable return.

Recommendations: The Conditions for Sustainable Return

The key conditions for the sustainability of returnees are employment, housing, access to public and social services, education and public utilities. If access to basic necessities is unavailable it can result in the failure of the reintegration process. Rebuilding trust between communities is the key to reintegrate the displaced who had fled from their homes during the peak of the war. It is seen that official return figures of IDPs have increased. This seems to imply that many IDPs have exercised their right to return to their origin. Yet, the process towards re-integration of the IDPs is seemingly weak due to the following factors:

- Lack of basic infrastructure— It includes roads, electrification, schools, etc. It is true that rebuilding war-damaged infrastructure is a resource-intensive process where there is a need for international reconstruction support.
- Lack of access to public services including health care and education — There is need for health care facilities and sanitation. Existing mechanism should be effectively functioning so that it will help in the reintegration process. Discrimination in schools against IDPs/returnees impedes the education of children.
- Issues concerning land— Land is a critical issue for IDPs. It acts as an impediment on the building of trust between communities. Dealing with such issues is important to ensure economic security and the development of the people of the region. Issues of landlessness, land disputes, administrative confusions and restrictions are also evident. This entails a need to formulate a comprehensive scheme and policy by the government.
- Lack of economic opportunities — Lack of employment opportunities is an issue affecting the entire population. Returnees usually face discrimination in access to employment. This can be due to their past status as IDPs and lack of skills, etc.
- The need for trauma healing — Dealing with traumatized groups is important in the process of rehabilitation and reintegration. During the war, these IDPs have been witnessing violence,

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8 See Fonseka and Raheem (2010), for a comprehensive analysis of land issues and rights in the Eastern Province.
destruction and displacement. Some have gone through personal violence, while others have lost relatives and friends. They have continued to live in areas dominated by violence. Even after the war is over, the destruction of houses, presence of land mines, presence of armed forces do constantly remind them of their past. The condition is aggravated by poverty, lack of basic needs, unemployment, etc. An expertise in healing process and learning traditional systems of healing specific to particular groups is required. This process usually takes time and it is natural that trauma healing usually is a long-term process (Scherg, 2003).

- The need for different interventions especially for people with different needs – As stated in Protecting Internally Displaced Persons: Manual for Law and Policy Makers (2008), there are groups among the IDPs that need special attention. These include: single parents, particularly women-headed households, unaccompanied women, minors, older persons, persons who are differently abled or with chronic diseases, traumatized persons, pregnant or lactating mothers, members of ethnic or religious minorities and indigenous people.

- Women and children constitute the majority of the displaced population. Children have emerged as both victims and perpetrators of brutal acts. The youths have been robbed of the opportunity to grow up in an environment where they can learn the values of their communities. Hence, the youths have the following needs: rehabilitation and reintegration, resettlement, health care, education, leisure, employment and participation. This list is not exhaustive but reflective of the priorities that should be addressed in post-conflict settings.

The Role of the Government in the Reconciliation Process - The national and regional structure of the Government stabilizes the protection of conflict victims. For instance, the National Child Protection Authority has Psychosocial Officers and district coordinators for the purpose of protecting children in every district. For the IDPs, it has ministries such as Disaster Management, Resettlement, Relief and reintegration. All Divisional Secretariats have Women Development Officers, Youth Service Officers, Social Service Officers and Child Rights Promotion Officers. They have the responsibility of working for the protection and development of the vulnerable populations. Women and Children Desk at police stations are especially designed for the women and children. In IDP areas, the District Reconstruction and Rehabilitation Secretary is the focal point for all IDP-related issues and activities. Moreover, service providing agencies such as Vocational Training Authority, Coconut Board, Palmyra Board, etc., under the government are aimed at providing livelihood. The Independent Human Rights Commission investigates and inquires complaints on violation of fundamental rights. Through this potential structure it is easy to rebuild the lives of victims of conflicts. The need is for the proper implementation of these government systems that will address the civil, political, social, cultural and economic rights of the IDPs.

The Role of NGOs in the Reconciliation Process – NGOs play a vital role in the development of the country and have immense potential in reintegration and reconciliation for the IDPs. The role of NGOs as unofficial intermediaries is highlighted in their role as mediators, facilitators and in empowering, advocacy and economic and social activities (Rouhana, 1995).

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The Reconciliation Process Needs to take a Religious and Cultural Perspective – The role of religion can be vital in the process of reconciliation. The core values of all religions can help in bringing out values of truth, forgiveness, equality, kindness, etc., and can foster relationships and facilitate the reconciliation process (Montville, 2001). As evident among experiences on reconciliation, religion in reconciliation processes can help people to go beyond their religious identities and meet at a spiritual meeting point. This spiritual dimension allows them to move beyond the competitive and legalistic discussions and get to the core of the problems (Assefa, 2001).

Bibliography


Source: Department of Census and Statistics (2007), Sri Lanka