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SRI LANKA

IDPs and returnees remain in need of protection and assistance

In late 2010, over 320,000 people who had fled their homes due to the armed conflict before and after 2008 were estimated to remain internally displaced in Sri Lanka. Meanwhile, over 190,000 IDPs had returned to their homes, but were still in need of protection and assistance.

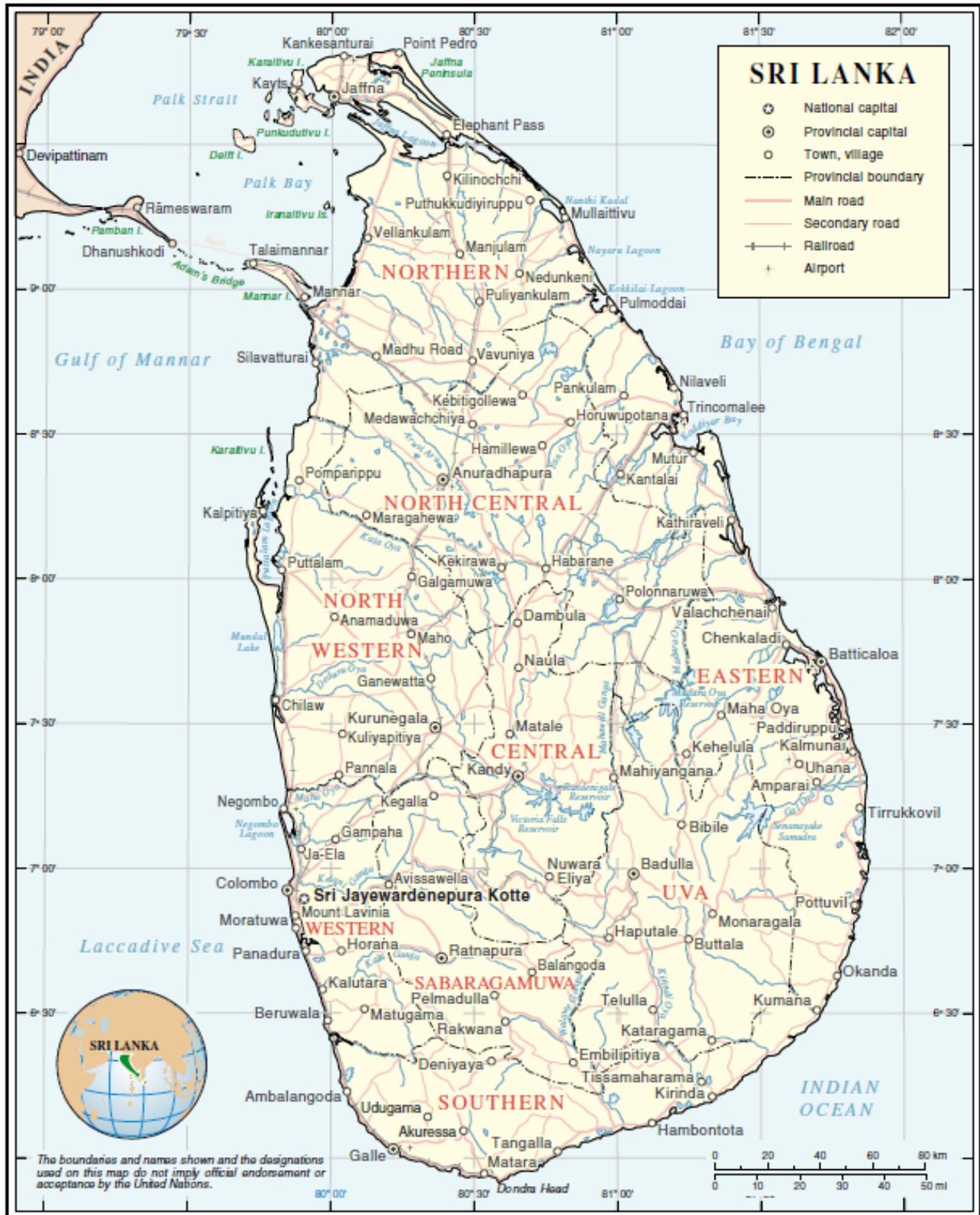
More than 280,000 people ("new" IDPs) had fled the conflict in the northern Vanni region between April 2008 and June 2009. As of October 2010, more than 100,000 among them remained in displacement, including 26,000 people staying in temporary camps in Vavuniya and Jaffna districts, 71,000 living with host families and 1,800 in transit camps in their districts of origin. 180,000 people who had returned to their homes remained in need of protection and assistance there. In addition, 8,000 people who had been separated from the IDPs because of alleged LTTE affiliation remained in detention and had not received due process.

Among people who had been forced to flee their homes prior to April 2008 ("old" IDPs), at least 227,000 remained in displacement. More than 70,000 of them had been displaced from areas that were declared High Security Zones. Also included in the category of "old" IDPs were at least 60,000 Muslims whom the LTTE had expelled from their homes in the north in 1990 and who have since been in protracted displacement in Puttalam district. More than 14,000 had returned to their homes in the Northern Province by October 2010.

Until humanitarian clearance operations started in earnest in late 2009, the contamination of conflict-affected areas with landmines and unexploded ordnance (UXO) was an important obstacle to IDPs' return. During 2010, lack of funding prevented clearance agencies from keeping up with the fast pace of returns since late 2009. Access to food, health services, sanitation facilities, livelihoods, education, and transport facilities was limited due to ongoing contamination with landmines and UXO of many areas surrounding return villages. In camps, sanitation was poor and there was a lack of health care and educational services. Lack of durable shelter and housing was a problem both in camps and in return areas, and there was no framework to resolve conflicting claims to the same land and property by different IDPs.

Many High Security Zones in the north and east remained in existence in spite of the defeat of the LTTE by government forces in May 2009, and people displaced from these areas had not received information as to when the military occupation of these zones would end. Military spending remained a priority in the government's budget, with only a small amount of money attributed to supporting IDPs and returnees. At the same time, humanitarian agencies providing assistance and protection were faced with funding shortages and access restrictions.

General Map of Sri Lanka



Source: UN Cartographic Section
More maps are available at www.internal-displacement.org

Background

Conflict and displacement

In May 2009, the 26-year-long armed conflict between the Sri Lankan armed forces and the Liberation Tigers of Tamil Eelam (LTTE) ended with the military victory of the government. Between early April 2008 and June 2009, more than 280,000 people had fled from the northern LTTE-controlled areas to government-controlled territory in Vavuniya, Mannar, Jaffna and Trincomalee districts, where most of them were interned in closed military-run camps (UN OCHA, 14 July 2010, p.10). The government asserted that this internment was necessary to screen these internally displaced people (IDPs) for affiliation with the LTTE and to demine IDPs' home areas in the north (ICG, October 2009). Only some older or otherwise vulnerable people were released before late 2009.

In December 2009, a pass system was introduced which allowed IDPs to leave closed camps such as Menik Farm for periods of up to 30 days. At the same time, large numbers of people began to be returned to their home districts prior to the presidential elections on 26 January 2010. However, many IDPs were unable to return to their homes in December 2009 and January 2010, as these were still contaminated with landmines and unexploded ordnance (UXO). Many sought shelter instead with host families and in transit camps in their home districts.

During 2010, the Government of Sri Lanka (GoSL) and humanitarian actors focused mainly on people displaced since April 2008. Among the 280,000 people displaced by the conflict between April 2008 and June 2009 ("new" IDPs), 100,000 remained in displacement as of October 2010, with 26,000 among them staying in temporary camps including Menik Farm, 71,000 living with host families, 1,800 in transit camps in their districts of origin and 1,300 in social care institutions. About 180,000 "new" IDPs had returned to their homes,

but remained in need of protection and assistance there (UN OCHA, 8 October 2010, p.1).

In addition, 44,000 people had been displaced from the Vanni (the mainland area of the Northern Province covering Mannar, Mullativu and Vavuniya districts as well as most of Kilinochchi district) between 2006 and April 2008 and at least 198,000 had been displaced from across the north and east of Sri Lanka before 2006. Among these "old" IDPs, a total of more than 227,000 remained displaced as of October 2010. 10,000 had returned to their homes in the Northern Province by May 2010 and another 4,700 by October 2010, but they too had outstanding protection needs (UN OCHA, 14 July 2010, pp.2,7 and 8 October 2010, p.1).

The pre-2006 IDPs included more than 70,000 people displaced because their home areas had been declared part of High Security Zones (HSZ), and at least 60,000 Muslims who were forced from their homes by the LTTE in 1990 and who have been staying in Puttalam district (Raheem, 4 November 2009; UNHCR, 31 March 2010, p.6; Raheem, 11 August 2010; NRC, 21 June 2010, p.2; GoSL, 5 December 2009). One source estimated the total number of "old" IDPs to be as high as 300,000 (Raheem, 11 August 2010).

In total, more than 327,000 people who had fled their homes due to the armed conflict before and after 2008 were still internally displaced as of October 2010. Meanwhile, more than 194,000 "old" and "new" IDPs had returned to their homes, but remained in need of protection and assistance.

Political developments

In presidential elections in January 2010, the incumbent Mahinda Rajapaksa was re-elected ahead of the challenger General Sarath Fonseka. Rajapaksa's United Peoples Freedom Alliance (UPFA) also won parliamentary elections held four months later (UN OCHA, 14 July 2010, p.v). In September, the Sri Lankan parliament passed the 18th Amendment to the Constitution with a large

majority. The Amendment allows for the president to be re-elected beyond his current second six-year term and gives him the power to appoint as well as remove members of previously independent commissions, including the Human Rights Commission of Sri Lanka (IDSA, 7 October 2010).

In May 2010, President Rajapaksa appointed a Lessons Learnt and Reconciliation Commission (LLRC) to report on the armed conflict during the period from February 2002 to May 2009 (GoSL, 17 May 2010). The LLRC received criticism for its mandate, which did not include an investigation into war crimes committed by either side; for its lack of independence; and for its lack of witness protection (AI, HRW and ICG, 14 October 2010).

In June 2010, the UN Secretary-General set up a three-member expert panel "to advise [him] on Sri Lanka's efforts to address violations of international humanitarian and human rights law that may have occurred during the conflict" (UN SC, 11 November 2010, p.19). The GoSL strongly opposed the UN panel, announcing that its members would not be allowed to enter the country. A government minister led a protest demonstration outside the UN office in Colombo, and the UN Resident and Humanitarian Coordinator was called to New York for consultations (BBC, 24 June 2010; VOA, 8 July 2010).

Protection and assistance needs of IDPs and returnees

Physical security

The contamination of land by landmines and UXO remained a threat to the physical security of returnees. In the Eastern Province, where the conflict had ended in 2007, most areas had been cleared by 2009, but some residual contamination remained (GICHD, August 2010, p.10). In the north, an area of more than 550 square kilometres (km²) was estimated to be still contaminated as of August 2010, and according to the Sri Lankan

Ministry of Economic Development, it will take 15 years to clear this area (UN OCHA, 8 October 2010, p.8; Le Temps, 18 November 2010).

Clearance operations suffered from a shortage of funds and failed to keep up with the pace of return movements from late 2009 (UN OCHA, 15 April 2010, p.2). Demining of residential areas was prioritised, and so people returned to areas where the land, streams and wells surrounding their homes were still contaminated and where agricultural activities were therefore impossible (GICHD, August 2010, p.13; UN OCHA, 8 October 2010, p.8; CPA, September 2010, pp.10-11; UN OCHA, 14 July 2010, p.13). The absence of public transport services in many areas (UN OCHA, 31 August 2010, p.6) also meant that livelihoods in more distant areas were often not accessible to them. Some returnees consciously took great risks to their own security by entering contaminated areas for livelihood purposes (IRIN, 28 October 2010).

Returnee women were exposed to particular security risks, as the absence of private toilet facilities in the return areas led them to protect their privacy by venturing into areas further away from return villages, which were more isolated and potentially contaminated with landmines and UXO (UN OCHA, 11 March 2010, p.5; GICHD, August 2010, p.12). The high presence of military personnel in the return areas was also perceived as a security threat by returnee women, many of whom were heads of household as they had lost their husbands in the war or because their husbands remained in detention for alleged LTTE affiliation. There were reports of gender-based violence involving military personnel in the return areas (CPA, September 2010, p.15; UN OCHA, 15 January 2010, p.6).

Freedom of movement

IDPs staying in camps such as Menik Farm were able to leave the camps temporarily under the pass system, but procedures were not always communicated clearly and the system was ap-

plied inconsistently between zones and camps. The validity of passes varied between one day and up to 30 days. In February 2010, the Sri Lankan authorities stated that passes were valid indefinitely, but there were subsequent reports that people had to leave a family member behind and that they could take only a limited amount of luggage when using the pass system (UN OCHA, 1 January 2010, p.4, 15 January 2010, p.5, 22 February 2010, p.5 and 21 May 2010, p.6).

During the months after the end of the conflict, the Sri Lanka Army (SLA) and two police investigation divisions screened the “new” IDP population and separated several thousand people from the IDPs because of their alleged association with the LTTE. The exact process of the screening remains unclear. As of September 2010, an estimated 8,000 of these “separates” or “separated IDPs” (UN OCHA, 8 October 2010, p.2), including “surrendees”, were still detained, with some of them undergoing “rehabilitation”. None of the “separates” had received due process, and the criteria for detention and release as well as the modalities of the “rehabilitation” measures remained unclear. In addition, more than 1,000 alleged former “hard-core” members of the LTTE were detained separately and were likely to be criminally prosecuted. Of these, about 700 had been sent to Omanthai detention centre by November 2010 without having received due process (Colombo Page, 23 October 2010; ICJ, September 2010, pp.5-8, 10; IDMC Interview, 29 November 2010).

Basic necessities of life

IDPs in camps received dry rations, and some reportedly sold part of their rations in order to buy fresh food as well as baby milk powder and other items not available to them otherwise. In May 2010, however, camp authorities put measures in place to prevent IDPs from selling their rations. IDPs were reportedly not allowed to bring items from outside the camp back with them into the camp, nor to take food rations outside camps in order to sell them there and to buy complementa-

ry food with the money earned. Because they had to sell food rations inside camps to middlemen at low prices, their earnings decreased and access to complementary food became more limited (BBC, 4 May 2010; UN OCHA, 21 December 2009, p.5, 1 January 2010, p.4, 15 January 2010, p.5, 22 February 2010, p.5 and 21 May 2010, p.6; IDMC interview, 29 November 2010).

Access to water in Menik Farm was limited to seven litres per person per day in early April 2010, but over the year the situation improved and in November each individual had access to between 26 and 53 litres of drinking water and between 69 and 107 litres for other purposes per day. However, in October and November 2010, IDPs in Ramavil camp still only received ten litres per person per day (UN OCHA, 15 April 2010, p.3 and 2 December 2010, pp.14-15).

Food rations for IDPs staying with host families were insufficient, and IDPs could not afford to pay for supplementary food themselves (UN OCHA, 8 October 2010, p.6).

Returnees were eligible to receive a standard return package consisting of dry food rations for six months, supplies for shelter and non-food items and a shelter cash grant of LKR 25,000 (\$220). However, due to funding and capacity gaps, not all returnee families received this package (UN OCHA, 14 July 2010, p.7). Many returnees had difficulty accessing livelihoods in the return areas, and those without regular income whose six-month rations had come to an end since April 2010 continued to receive rations for an additional three months as a result (UN OCHA, 31 July 2010, p.5). In November 2010, more than 280,000 IDPs and returnees in the Northern Province received food rations (UN OCHA, 2 December 2010, p.9).

As of November 2010, there was an urgent need for shelter improvements in camps and for shelter and housing in the return areas, particularly with

the beginning of the monsoon season. Shelters in camps had long passed their normal six-month lifespan and needed to be repaired or replaced, particularly in view of the monsoon season. IDPs returning in late 2009 and early 2010 had received tin sheets and cement donated by the Indian Government, but this did not suffice to cover the shelter needs of all returnees. In the return areas, more than 25,000 transitional shelters had been set up as of late October. Many returnees chose to use the shelter cash grant that was part of the return package for purposes other than shelter, including fresh food, bicycles, and tools for livelihoods. In addition, shelter assistance kits became increasingly unavailable (UN OCHA, 2 December, p.14; UNHCR, 31 March 2010, pp.3-5, 27; IDMC interview, 29 November 2010).

More than 200,000 housing units destroyed by the conflict in the north and east needed repair or construction. The GoSL's North East Housing Reconstruction Program (NEHRP), which is co-financed by the International Development Association (IDA) and the European Commission (EC), will cover the reconstruction of 46,000 housing units, while an Indian-funded programme aims to rebuild 50,000 houses in north, east and central Sri Lanka. Smaller housing projects by various agencies were also under way. To receive NEHRP funding, potential beneficiaries must repair or construct the foundations of their houses with their own means; this has effectively excluded the most vulnerable among the returnees (World Bank, 22 November 2010; UN OCHA, 8 October 2010, p.4). In the east of Sri Lanka, many beneficiaries could not afford to complete construction of houses under the NEHRP. Returnees have also reportedly tried to finance the completion of their houses by mortgaging their land, often at usurious interest rates, with many losing both their land and their house as a result (IDMC interview, 29 November 2010).

As of October 2010, health care services were limited in some zones of Menik Farm because

of funding shortages. This particularly affected health promotion, maternal and child health, environmental health and disease surveillance (UN OCHA, 8 October 2010, p.7). In the return areas, people living in remote areas had difficulties accessing health services, as roads were poor and transport services limited. There was a shortage of health professionals, and medical facilities lacked basic infrastructure, including communication, electricity and water supply. The situation remained difficult both in camps and in the return areas as of December (UN OCHA, 8 October 2010, p.7; WHO, 25 September 2010, p.2; UN OCHA, 2 December 2010, pp.9-10).

In temporary camps and in transit sites, sanitation and hygiene were poor. In Menik Farm, there was only one toilet for every 50 people (UN OCHA, 8 October 2010, pp.10-11 and 31 August 2010, p.1). In the return areas in the north, many people had to defecate in the open because there were not enough toilet facilities, a situation that was expected to encourage the spread of waterborne diseases during monsoon season. Sanitation facilities also needed improvement in areas where IDPs were staying with host families (UN OCHA, 31 August 2010, p.4 and 8 October 2010, p.11).

Land and property issues

Land and property issues have constituted another major obstacle to the sustainable return of IDPs. Most people displaced by the conflict lost documentation, including documentation related to land ownership. Others who possess permits to use state land may no longer have the documents to prove this after displacement, technically making them encroachers when they return. Damage to registry offices due to the conflict also led to loss of documentation in many cases, making it more difficult for IDPs to establish their claims to land and property. In Sri Lanka, land disputes can only be addressed through courts, with an average land case taking three to five years to resolve; courts in the northern districts of Mullaitivu and Killinochchi have been swamped with land cases

(IDMC interview, 29 November 2010; UN OCHA, 11 March 2010, p.2; CPA, 13 May 2010, p.64).

The Prescription Ordinance, which holds that someone who has occupied a plot of private land for at least ten consecutive years becomes the owner of that land, has reportedly not been applied in times of conflict by the Northern courts. However, it also has not been formally amended to codify its non-application in times of conflict (IDMC interview, 13 December 2010; CPA, 13 May 2010, p.76).

A national restitution and compensation scheme is urgently needed, in addition to a policy to deal with conflicting claims of returnees displaced in different periods, for example to land recently cleared of landmines and UXO. The status of land "titles" distributed by the LTTE also needs to be clarified (CPA, 13 May 2010, pp. 64, 76; CPA, September 2010, pp.22-23).

Livelihoods and education

Access to livelihoods is still insufficient in the north of Sri Lanka, and so IDPs and returnees have remained dependent on assistance. Livelihood opportunities have been limited by the continuing presence of landmines and UXO and the lack of transport services from remote return areas. In addition, one case was reported in which displaced fishermen were unable to obtain a fishing license in the area they had been displaced to (CPA, September 2010, pp.10-11; UN OCHA, 21 May 2010, p.5).

In October 2010, the Commissioner General for Rehabilitation (CGR) announced that loans for livelihood projects of up to LKR 250,000 (\$2,240) were available for "separates" who had undergone "rehabilitation", and that IDPs who returned to their homes were eligible to apply as well (GoSL, 14 October 2010).

In Menik Farm, there was a lack of teachers. School dropout rates were high due to pupils

going hungry, poor attendance by teachers and volunteer teachers lacking teaching experience. It was expected that children's education would be interrupted during the monsoon season because Temporary Learning Spaces (TLS) in camps were likely to be used as rain shelters, as they had been in late 2009 and early 2010 (UN OCHA, 2 December 2010, p.8; IDMC interview, 29 November 2010; UN OCHA, 8 October 2010, p.5).

In the return areas, several buildings of educational institutions were used as "separatee" sites or for military purposes. As of December 2010, this was the case of Omanthai Central College and the primary section of Tamil Maha Vidyalam school in Vavuniya district, as well as the Thunukkai Zonal Education Office and the Mankulam Maha Vidyalam school in Mullaitivu district (UN OCHA, 2 December 2010, p.8). Other school buildings were shared between a "separatee" site and a school during 2009 and 2010. As of August 2010, this was still the case for one school in Mullaitivu district. The sharing of facilities with "separatee" sites had a negative effect on children's education, with girls in particular not wanting to use the shared toilets and with facilities including water being diverted from the school to the "separatee" site (UN OCHA, 31 August 2010; UN OCHA, 11 March 2010, p.7).

Documentation and voter registration

Relatives of people killed in the conflict, including IDPs, were likely to have difficulties obtaining compensation and, for example, accessing inherited land. For the first 18 months after the end of the armed conflict, people were able to obtain death certificates only if they were eye witnesses to the death. Also, for political reasons linked to the GoSL's insistence that there were no civilian casualties during the final months of the armed conflict, it was expected that not many death certificates for people who died as a result of the conflict during that time would be issued (CPA, September 2010, p.9; IDMC interview, 29 November 2010).

In the run-up to the presidential election in January 2010, there were concerns about the process of registering IDPs and returnees to vote. A special registration process was introduced by the Election Commission for displaced voters, but as of December 2009, many IDPs in camps and especially those living with host families reportedly had not been informed about it. Others had not applied because they were expecting to return to their home areas in time for the election. In Jaffna, people displaced before 2008 did not appear on the 2008 voters' list, which was used as the basis for the 2010 presidential election, and were therefore not eligible to vote (CMEV, 30 December 2009, pp.3-6 and 22 January 2010, p.8).

During the parliamentary elections in April 2010, it was reported that identity documents given to IDPs in camps were sometimes not sufficient to enable them to register to vote. IDPs also did not have clear information on whether they were to vote in the camps or in their district of residence (IRIN, 12 April 2010). In June 2010, IDPs in camps and many returnees had not yet been included in ongoing surveys to amend the electoral registry (The Island, 23 June 2010).

Protection issues facing people displaced before April 2008

During 2010, people displaced before April 2008 from the north and east of Sri Lanka (or "old" IDPs) have benefitted from much less protection and assistance than the "new" IDPs. There is also less interest on the part of humanitarian donors, most of whom have reportedly been "reluctant to assist persons displaced before 2008" (NRC, 21 June 2010, p.3).

The GoSL has not carried out a systematic survey of "old" IDPs about which settlement option they would prefer to pursue: to return to their place of origin (provided it is sustainable), to integrate in the place of their displacement or to

resettle elsewhere in Sri Lanka. Available information suggests that many, if not most, would prefer to return. Muslim IDPs from Jaffna who are staying in Puttalam may be an exception; half of them preferred local integration and half return, according to a recent survey (NRC, 21 June 2010, p.18).

With "old" and "new" generations of IDPs returning to their homes, those displaced over a longer period are at a particular disadvantage. There is a strong need for a National Land Policy and a National Return Policy which could provide a framework for the settlement of overlapping land claims and other land issues. The participation of the different groups of IDPs as well as local communities and district and provincial authorities in such a process would be crucial.

People displaced from areas declared as High Security Zones (HSZ)

In Sampur in Trincomalee district, a High Security Zone (HSZ) has continued to prevent almost 6,000 IDPs from returning to their homes there. Most of them favour return over other settlement options, while some have chosen to be resettled in a third area. However, the land they received in compensation is of poor quality and has no access to the sea, meaning that the many fishermen resettled there could not fish (CPA, 13 May 2010, pp.46, 77-78; Economist.com, 19 August 2010; The Samosa, 20 September 2010).

The Sampur HSZ partly overlaps with a Special Economic Zone (SEZ) covering 675 km² of Trincomalee district (GoSL, 12 November 2010). Inside the area covered by the HSZ and the SEZ, the Indian National Thermal Power Corporation and the Ceylon Electricity Board have planned to build a 500-megawatt coal power station. The project, which was granted a 25-year tax exemption and concessions on customs duties, would make the return of IDPs to this particular area impossible (Express Buzz, 13 September 2010).

Unofficial HSZs such as the one in Perriyavelli GS division in Batticaloa district also continue to remain in place. The displaced from there were resettled in a third area and in May 2010 had not received any information about whether the HSZ was temporary or permanent (CPA, 13 May 2010, p.41). It was anticipated that additional HSZs may be created in Mullaitivu and Kilinochchi districts (UN OCHA, 14 July 2010, p.9).

In Jaffna district, the HSZs were not officially gazetted (CPA, 13 May 2010, p.39). In January 2010, the HSZs in Chavakachcheri DS Division, Eluthumadduval and Mirusuvil were opened for the return of people displaced from there in 2006 (UN OCHA, 15 January 2010, p.2). Between April and October 2010, 4,700 "old" IDPs were able to return to their homes located in released areas inside a High Security Zone (HSZ) in Tellipalai DS Division in Jaffna district (UN OCHA, 8 October 2010, p.1).

However, over 60,000 "old" IDPs from Jaffna HSZ had not been able to return as of October 2010. Many of them were landless and working as casual labourers. With 95 per cent of the land in Jaffna being private and more than 190 km² of land within an HSZ, there was little state land to distribute to returnees. It was reported that these "old" IDPs often host "new" IDPs, which renders them even more vulnerable because they do not receive assistance (IDMC interview, 29 November 2010).

18 months after the end of the armed conflict, it remains unclear why large areas of the north and east need to remain as HSZs or otherwise occupied by the armed forces. Military occupation should be an exceptional and temporary measure, but the GoSL did not provide the displaced with sufficient information on the duration and extent of HSZs or on their plans for these areas. Where return is not possible, those displaced should receive adequate compensation (CPA, 13 May 2010, pp.49-50).

Displaced northern Muslims

Muslims make up about eight per cent of the total population of more than 20 million (IRIN, 22 March 2010). Between 60,000 and 100,000 Muslims who were forced by the LTTE to leave their homes in the north of Sri Lanka in 1990 were in 2010 still living in protracted displacement in Puttalam district. In 2007, the World Bank launched a \$34-million project to facilitate the local integration of more than 7,800 displaced northern Muslim families that possessed a land title and a temporary or partly completed house in a "welfare centre". But by June 2010, only a small minority appeared to have locally integrated in Puttalam (NRC, 21 June 2010, pp.2-3).

With the end of the conflict in May 2009, return became a realistic possibility for the Puttalam IDPs. IOM provided transport to 50 returning families in November 2009, and in December 2009 the Minister of Resettlement announced that organised returns would start in earnest within the month. However, no such process happened. People did however return using their own funds. As of November 2010, the GoSL was planning to support the return of two large groups of Puttalam IDPs in the near future (NRC, 21 June 2010, pp.2-3; GoSL, 5 December 2009; IDMC interview, 24 November 2010).

It was generally believed that the older generation of Muslim IDPs staying in Puttalam would tend to prefer to return, while the younger generation would tend to prefer to integrate locally. However, a recent survey conducted among Muslim IDPs from Jaffna who were staying in camps in Puttalam shows that about half prefer return and half prefer local integration, with the old and the young generations both roughly equally divided between the two options. The main reason for respondents to prefer local integration appeared to be ownership of property in Puttalam, while the main reason for preferring return was the perception of Jaffna as home (NRC, 21 June 2010, p.18).

According to the survey, the GoSL had not systematically informed Muslim IDPs staying in Puttalam about different settlement options to enable them to make an informed choice. Recent “go-and-see” visits to Jaffna were organised by the IDPs themselves or by community organisations. The GoSL had not put in place any measures to facilitate local integration or sustainable return for this group of IDPs. Ownership of property in Puttalam may be one factor favouring local integration, but as long as IDPs do not also have access to other rights such as voting rights in the same way as the local population, they will be unable to fully integrate locally (NRC, 21 June 2010, pp.6, 18-19).

Moreover, there had been no organised return movement for those who prefer that option, and IDPs returning spontaneously generally did not receive the same return package as “new” IDPs. According to unconfirmed reports, Muslim IDPs returning to Mannar received a LKR 20,000 (\$180) cash grant, while those returning to Mullaitivu received five tin sheets for shelter and those returning to Jaffna received nothing (IDMC interview, 24 November 2010). Given the difficult situation in the return areas, even for returnees from the “new” caseload who are receiving a return package, similar assistance to Muslim IDPs – as well as other “old” IDPs – would be essential if they are to achieve sustainable return and not face discrimination (NRC, 21 June 2010, pp.19-20).

National and international responses and humanitarian access

Since late 2009, the speedy return of “new” IDPs to their home areas in the north of Sri Lanka has appeared to be the priority of the GoSL. However, it did not prioritise the provision of information to IDPs about the conditions in the return areas or efforts to take into account IDPs’ own preferences. The process to put in place conditions for sustainable return in the north, in particular the clear-

ance of landmines and UXO first from residential areas and subsequently from the surrounding areas, has lagged behind the pace of returns. Landmine and UXO contamination of return areas will remain a major obstacle to the sustainability of returns in the coming months and years (IDMC interview, 5 January 2011).

The budget published by the GoSL in October 2010 allocates LKR 215 billion (\$1.9 billion) to defence and only LKR 1.7 billion (\$15 million) to return and resettlement of IDPs. Compared to the previous budget, the defence allocation has increased, while the allocation for return and resettlement has decreased. Given the widespread military presence in the north and reports on new military installations there, this seems to confirm a trend towards militarisation at the cost of the enjoyment of rights of people displaced by the conflict before and since 2008 (The Island, 25 October 2010).

IDPs’ and returnees’ access to protection and assistance was hampered by GoSL restrictions on the access of humanitarian agencies to certain areas. UN agencies needed permission from the Ministry of Defence (MoD) to access the Northern Province. In 2010, they were granted access for periods from one to three months at a time. The current clearance for the UN Head of Office and field teams to access the Northern Province covers the period up to February 2011 (UN SG, 11 November 2010, p.24; UN OCHA, 31 August 2010, p.2 and 31 July 2010, p.2; IDMC interview, 24 November 2010).

All humanitarian projects in the return areas in the north needed approval from the Presidential Task Force for Resettlement, Development and Security in the Northern Province (PTF). As of December 2010, PTF-approved projects had to be submitted to the District Coordination Committee for approval. In addition, international staff as well as vehicles needed clearance from the MoD to access the Northern Province, with access granted

for three months at a time (UN OCHA, 31 August 2010, p.2; IDMC interview, 24 November 2010; UN OCHA, 2 December 2010, p.2).

Note: This is a summary of IDMC's internal displacement profile on Sri Lanka. The full profile is available online [here](#).

The PTF was reportedly not transparent about the reasons for granting or denying approval. For example, most agencies providing assistance for returnees, in particular in the area of livelihoods, were denied access to the Vanni in July 2010 without reasons being given. The PTF did not grant approval to any projects focusing on issues essential for durable solutions, such as protection, gender, capacity-building, documentation, or legal assistance. No approval was granted for assessments (CPA, September 2010, pp.11-12; IDMC interviews, 24 and 29 November 2010).

The International Committee for the Red Cross (ICRC) did not have access to most areas where IDPs and returnees were living, nor did it have access to "separates" in detention. In November 2010, the GoSL asked the ICRC to close its offices in Jaffna and Vavuniya and to continue its operations exclusively from Colombo (CPA, September 2010, p.8; ICJ, September 2010, p.5; IRIN, 23 November 2010).

The difficult access situation complicated humanitarian agencies' planning of activities and the delivery of services to IDPs and returnees in the north. Funding shortages during 2010 may have been due to reluctance on the part of international donors to fund programmes that were dependent on short-term approval and could be called off on short notice. It was also problematic that the GoSL did not endorse the UN's Common Humanitarian Action Plan (CHAP) for 2010 (UN OCHA, 14 July 2010, p.41). If it expects donors to cater to the needs of IDPs and returnees, given that its own budget has made return a very low priority, the GoSL must facilitate continued access for humanitarian actors to the areas where IDPs and returnees live. This is crucial if new grievances among this population are to be avoided and if these people are to achieve durable solutions.

Sources:

Amnesty International, Human Rights Watch and International Crisis Group (AI, HRW and ICG), 14 October 2010, Sri Lanka: International inquiry needed to address alleged war crimes (Joint Letter to the Lessons Learned & Reconciliation Commission (LLRC) on Sri Lanka from Amnesty International, Human Rights Watch & International Crisis Group)

BBC News, 4 May 2010, Long struggle for displaced Sri Lankan Tamils

BBC News, 24 June 2010, Sri Lanka says UN panel 'will not be allowed' to enter

Centre for Monitoring Election Violence (CMEV), 30 December 2009, Presidential Elections 2010: Field Visit Report, December 2009

Centre for Monitoring Election Violence (CMEV), 22 January 2010, Presidential Election - 2010: Field Visit to Jaffna, Killinochchi & Vavuniya

Centre for Policy Alternatives (CPA), 13 May 2010, Land in the Eastern Province: Politics, Policy and Conflict

Center for Policy Alternatives (CPA), September 2010, Commentary on Returns, Resettlement and Land Issues in the North of Sri Lanka

ColomboPage, 23 October 2010, Sri Lankan government to release 23 former female LTTE cadres today

Economist.com, 19 August 2010, Sri Lanka's post-war recovery: Rebuilding, but at a cost

Express Buzz, 13 September 2010, Tax waiver for Indian power plant in Sri Lanka

Geneva International Centre for Humanitarian Demining (GICHD), August 2010, Landmines and land rights in conflict-affected countries: Case Study Sri Lanka

Government of Sri Lanka, 5 December 2009, Displaced Muslims to be resettled - Minister Bathiudeen

Government of Sri Lanka, 17 May 2010, President appoints Lessons Learnt and Reconciliation Commission

Government of Sri Lanka, 14 October 2010, Ex-combatants to get loan up to Rs 250,000 for livelihood projects

Government of Sri Lanka, 12 November 2010, Eastern Revival: Investment Opportunities

Institute for Defence Studies and Analyses (IDSA), 7 October 2010, 18th Amendment: Making a Mockery of Democracy in Sri Lanka

Integrated Regional Information Networks (IRIN), 22 March 2010, Sri Lanka: Difficult homecoming for Muslim IDPs

Integrated Regional Information Networks (IRIN), 12 April 2010, Sri Lanka: Very low voter turn-out among IDPs

Integrated Regional Information Networks (IRIN), 28 October 2010, Sri Lanka: Education defuses mine threat

Integrated Regional Information Networks (IRIN), 23 November 2010, Sri Lanka: ICRC to close in north

International Campaign to Ban Landmines (ICBL), 18 October 2010, Landmine and Cluster Munition Monitor: Sri Lanka

International Commission of Jurists (ICJ), September 2010, Beyond Lawful Constraints: Sri Lanka's Mass Detention of LTTE Suspects

International Crisis Group (ICG), October 2009, The situation in Sri Lanka,

Le Temps, 18 November 2010, Le Sri Lanka et les terrains minés de l'après-guerre

Norwegian Refugee Council (NRC), 21 June 2010, Protracted Muslim IDPs from Jaffna in Puttalam and their Right to Choose a Durable Solution

Raheem, Mirak, 4 November 2009, The Other Half of the IDP Problem: The Old IDPs

Raheem, Mirak, 11 August 2010, The End of Displacement? In: Daily Mirror (Sri Lanka)

The Island, 23 June 2010, Electoral Registry not carried out properly in Mullaitivu, K'nohchi

The Island, 25 October 2010, Challenge to good governance posed by budget

The Samosa, 20 September 2010, The Sri Lankan Tamils locked out of their homeland

UNDP Sri Lanka, 31 October 2010, Email communication received from Floor Beuming, UNDP Sri Lanka, 31 October 2010

United Nations High Commissioner for Refugees (UNHCR), Policy Development and Evaluation Service (PDES), 31 March 2010, Banking on solutions: A real-time evaluation of UNHCR's shelter grant programme for returning displaced people in northern Sri Lanka

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 21 December 2009, Sri Lanka: North East Joint Humanitarian Update #15

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 1 January 2010, Sri Lanka: North East Joint Humanitarian Update #16

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 15 January 2010, Sri Lanka: North East Joint Humanitarian Update #17

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 22 February 2010, Sri Lanka: North East Joint Humanitarian Update #19

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 11 March 2010, Sri Lanka: North East Joint Humanitarian Update #21

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 15 April 2010, Sri Lanka: North East Joint Humanitarian Update #23

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 21 May 2010, Sri Lanka: North East Joint Humanitarian Update #25

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 14 July 2010, Sri Lanka: Common Humanitarian Action Plan Mid-Year Review 2010

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 31 July 2010, Sri Lanka: North East Joint Humanitarian Update #26

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 31 August 2010, Sri Lanka: North East Joint Humanitarian Update #27

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 8 October 2010, Sri Lanka: North East Joint Humanitarian Update #28

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 2 December 2010, Sri Lanka: North East Joint Humanitarian Update #29

United Nations Security Council (UN SC), 11 November 2010, Report of the Secretary-General on the protection of civilians in armed conflict

Voice of America (VOA), 8 July 2010, UN Closes Sri Lanka Office After Days of Protests

World Bank (WB), 22 November 2010, Sri Lanka: North East Housing Reconstruction Program

World Health Organisation (WHO) - Country Office for Sri Lanka, 25 September 2010, Sri Lanka Health Cluster Bulletin

About the Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre, established in 1998 by the Norwegian Refugee Council, is the leading international body monitoring conflict-induced internal displacement worldwide.

Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

At the request of the United Nations, the Geneva-based Centre runs an online database providing comprehensive information and analysis on internal displacement in some 50 countries.

Based on its monitoring and data collection activities, the Centre advocates for durable solutions to the plight of the internally displaced in line with international standards.

The Internal Displacement Monitoring Centre also carries out training activities to enhance the capacity of local actors to respond to the needs of internally displaced people.

In its work, the Centre cooperates with and provides support to local and national civil society initiatives.

For more information, visit the Internal Displacement Monitoring Centre website and the database at www.internal-displacement.org.

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