

4 February 2014

## SRI LANKA

# Almost five years of peace but tens of thousands of war-displaced still without solution

As of February 2014, four-and-a-half years after the end of Sri Lanka's internal armed conflict, there were thought to be as many as 90,000 people still living in internal displacement as a result of it, most of them with host communities. Of more than 480,000 internally displaced people (IDPs) registered as having returned to their places of origin in Northern and Eastern provinces, the situation of tens of thousands also remains a cause for concern.

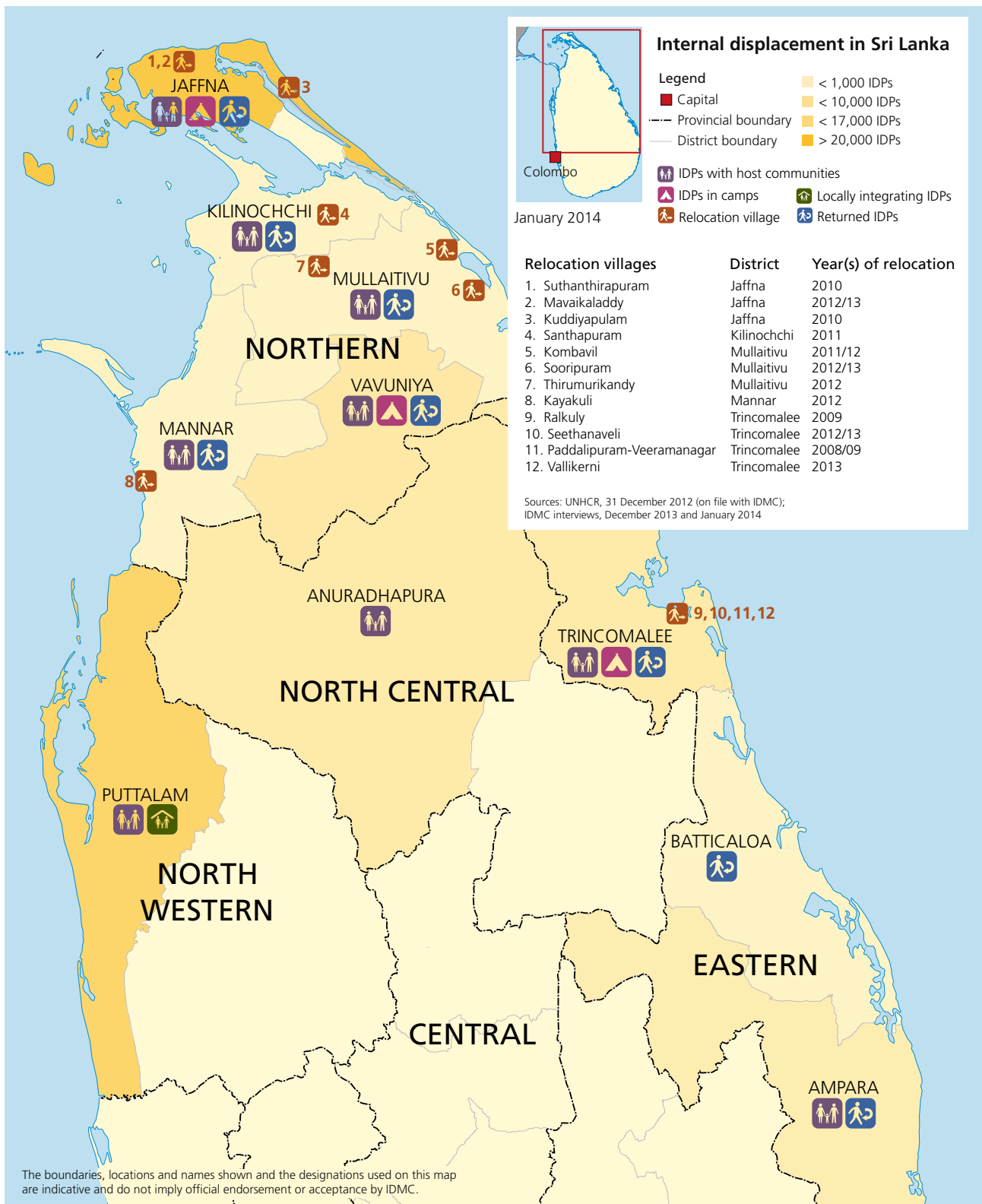
Independent and comprehensive figures on internal displacement in Sri Lanka are increasingly hard to come by. Official numbers have fallen since the end of conflict as the government has deregistered IDPs, but no comprehensive assessment has been carried out to determine whether or not they had achieved a durable solution.



Returnee woman with two grandchildren in front of her damaged house in Kilinochchi district (IRIN, November 2012).

Both current and former IDPs face a number of obstacles in their search for a durable solution. These include the military occupation and state acquisition of land, other land issues, the militarisation of civilian life, and gaps in the areas of housing, water and sanitation, livelihoods and food. It is hoped that the joint needs assessment the government plans to undertake in early 2014 with its humanitarian and development partners will go some way to documenting progress towards durable solutions.

Sri Lanka has no legislation or policy on internal displacement. A draft policy currently under development contains useful elements, but it has significant shortcomings too. Revisions are needed so that it addresses not only conflict-induced displacement, but also that caused by natural disasters and development projects. All phases of displacement should be included, and stakeholders including IDPs, host communities, civil society organisations and local authorities should be consulted and participate in the revision process. The policy should also put the Guiding Principles on Internal Displacement and other relevant international standards into practice in the Sri Lankan context. Previous and more comprehensive Sri Lankan documents and processes such as the 2008 draft bill on IDPs' protection and the 2008 national consultation on their status are still relevant in this sense and should be built upon.



Map by: IDMC  
 More maps are available at [www.internal-displacement.org/maps](http://www.internal-displacement.org/maps)

## Background to displacement

### *A 26-year conflict*

Between 1983 and 2009 Sri Lanka's armed forces were engaged in an internal armed conflict with the Liberation Tigers of Tamil Eelam (LTTE). Several Tamil armed groups had formed in Jaffna in the 1970s in response to a number of political decisions that discriminated against the Tamil minority, and the killing of 13 Sri Lankan soldiers in the district in July 1983 triggered reprisal attacks by the security forces. They also stood by as Sinhalese mobs killed as many as 1,000 Tamils and destroyed their homes and property. More than 100,000 people were displaced as a result, both within the country and also to India. Led by Velupillai Prabhakaran, the LTTE emerged as the dominant armed group claiming to represent the Tamil minority. Its aim was to establish an independent Tamil homeland in the north and east ([ICG](#), 28 November 2006, pp.2-3; [Global IDP Database](#), 7 March 2005, p.17).

An Indian peacekeeping force (IPKF) deployed to the area from 1987 to 1990 was unable to stop the fighting. In 1990 the LTTE walked away from peace negotiations initiated by President Ranasinghe Premadasa, took control of most of Jaffna and large areas of the north and east, and expelled the entire Muslim population of 75,000 people from Northern province ([ICG, Sri Lanka's North I](#), 16 March 2012, p.3; [ICG](#), 28 November 2006, pp.3-4; [BBC News](#), 23 October 2012).

The conflict continued over the next decade and the LTTE began to use suicide bombers, including in the assassinations of the Indian prime minister, Rajiv Gandhi, in 1991 and Premadasa in 1993. The government violated the human rights of large numbers of Tamil civilians, and many were killed or disappeared. A 1994 peace initiative launched by Premadasa's successor, Chandrika Kumaratunga, was unsuccessful, and the following year the Sri Lankan security forces took control of Jaffna. The LTTE continued to carry

out attacks, however, including those on the Sri Lankan central bank in Colombo in 1996 and the Buddhist Temple of the Tooth in Kandy in 1998. The rebels wounded Kumaratunga in a 1999 attack, and in 2000 they destroyed half of Sri Lankan Airlines' fleet at Colombo's international airport ([ICG](#), 28 November 2006, pp.4-5).

A ceasefire brokered by Norway was signed in 2002. It was overseen by the Sri Lanka Monitoring Mission (SLMM), but was soon violated by both parties, with the LTTE recruiting children and carrying out political killings. Peace negotiations broke down in April 2003, and in 2004 the Tamil Makkal Viduthalai Puligal (TMVP) broke away from the LTTE. Under Vinyagamurthy Muralitharan, alias Colonel Karuna, it sided with the government and in 2007 helped the security forces take control of the east of the country ([ICG](#), 28 November 2006, pp.5-6; [ICG](#), 15 October 2008, p.8; [ICG](#), 17 May 2010, p.3).

The final phase of the conflict began in January 2008. The government formally called off the ceasefire agreed in 2002 and launched a military offensive in the north that resulted in the LTTE losing control of more and more territory (Weiss, *The Cage*, 2012; [ICG](#), 17 May 2010, pp.3-5,39; [BBC News](#), 23 October 2012).

In early 2009 the government unilaterally declared "no fire zones" or "safe zones" in LTTE-held areas north and east of Puthukkudiyiruppu in Mullaitivu district to which people had fled. There were reports, however, of both sides attacking, killing and wounding civilians, and of army attacks on hospitals and humanitarian convoys. Tens of thousands of Tamil civilians are thought to have been killed during the final months of the conflict, before the government declared its military victory in May 2009 (Weiss, *The Cage*, 2012, p.180; [LLRC](#), 16 December 2011, Chapter 4; [UNSG](#), 31 March 2011, pp.23-36,57-58; [ICG, Sri Lanka's North I](#), 16 March 2012, pp.5-6; [AFP](#), 18 May 2009).

### *Causes of displacement*

The armed conflict forced hundreds of thousands of people, most of them from the ethnic Tamil and Muslim minorities but also some Sinhalese, to flee their homes. Many were displaced more than once. The largest number of IDPs recorded was 800,000 in 2001. Causes include the deliberate targeting of members of a particular ethnic or religious group with the aim of driving them from their homes, as was the case with the anti-Tamil riots in 1983 and the LTTE's expulsion of the Muslim community from Northern province in 1990. Hundreds of thousands also fled fighting in or near their home areas between the LTTE, other Tamil armed opposition groups, and government and paramilitary forces.

From September 2008, when Colombo ordered all international humanitarian and UN staff except those with the International Committee of the Red Cross (ICRC) out of LTTE-controlled territory, more than 300,000 civilians found themselves unable to leave an ever shrinking area where they were exposed to forced recruitment by the rebels. Fighting forced them to flee their mostly temporary shelters repeatedly, and they were unable to meet even their most basic humanitarian needs (Weiss, *The Cage*, 2012; [ICG](#), 17 May 2010, pp.3-5,39; [BBC News](#), 23 October 2012).

More than 280,000 civilians were internally displaced from LTTE-held areas to government territory between April 2008 and June 2009, and most were interned in closed military-run camps in the districts of Vavuniya, Mannar, Jaffna and Trincomalee ([UN OCHA](#), 14 July 2010, p.10; [ICG](#), 17 May 2010, p.6). By the end of September 2009 around 15,000 IDPs, including the elderly, the ill, university students and pregnant women, had been allowed to leave ([UNHCR](#), 29 September 2009). Three months later, the government introduced a pass system for the IDPs still detained in the camps. In parallel, it began returning large numbers of people to their home districts ahead of the January 2010 presidential elections. Some,

however, were unable to go back because of the threat of landmines, or because the military had not authorised return to their home areas. They went instead to live with host communities or in transit sites (IDMC interview, October 2012; [ICG](#), 11 January 2010, p.4).

Natural disasters have also led to internal displacement in Sri Lanka, most notably in December 2004 when the Indian Ocean tsunami forced a million people to flee their homes ([IDMC](#), 1 September 2005, p.8). Between 2008 and 2012 Sri Lanka was among the 15 countries most affected by disaster-induced displacement in terms of absolute numbers, and came fifth relative to the size of its population. Natural disasters displaced around 129,000 people in 2012 ([IDMC](#), 13 May 2013, pp.31, 34, 46). The country's Northern and Eastern provinces, which suffered some of the worst ravages of the conflict, are also among the areas most affected by natural disasters ([IRIN](#), 11 January 2013).

### *Post-war political context*

Since the end of the war, Sri Lanka's political system has reinforced the powers of the executive branch. In September 2010, only months after President Mahinda Rajapaksa's re-election, parliament passed the 18th Amendment to the Constitution. Among its provisions are the abandonment of a two-term limit on the presidency; the granting of presidential powers to appoint and remove members of a number of commissions, including the country's human rights commission, which were previously independent; and the reining in of the judiciary's independence ([IDSA](#), 7 October 2010; [CPA](#), 20 April 2013, p.5; [IBAHRI](#), April 2013).

The Prevention of Terrorism Act (PTA) gives the executive far-reaching emergency powers and considerably skews the balance of power between the different state structures. The country's emergency regulations were ended in August 2011, but PTA remains in force ([HRW](#), 7 September 2011; [CPA](#), 9 May

2013). There have been reports of recent arbitrary arrests under the Act in areas of the north that were affected by the conflict ([Sri Lanka Guardian](#), 19 December 2013). Following several Supreme Court rulings that went against the government, Chief Justice Shirani Bandaranayake was impeached with effect from 13 January 2013 ([ICG](#), 20 February 2013, pp.5-7; [CPA](#), 20 April 2013, pp.5-6).

The killing, disappearance and threatening of human rights defenders and journalists has continued with impunity since the end of the conflict ([AI](#), 29 August 2013). A presidential commission has recently been set up to investigate complaints about missing persons, but its independence under the 18th Amendment has been questioned, and it will only look into disappearances that took place in the north and east between 1990 and 2009. Any that have taken place since, or in other areas of the country, are excluded ([Groundviews](#), 30 August 2013; [UNGA](#), 25 September 2013).

The government has generally been cracking down on dissent ([AI](#), 29 August 2013). In August 2013, the army killed three unarmed Sinhalese demonstrators and injured others at a rally calling for clean drinking water in Weliveriya, near Colombo ([ICG](#), 13 November 2013, pp.20-21). Some media, including the state-owned Sri Lanka Broadcasting Corporation, have been accused of complicity in the intimidation of dissenters by airing defamatory statements and death threats ([Colombo Telegraph](#), 19 November 2013).

There have also been a series of attacks by Buddhist extremists, including the Buddhist Power Force (Bodu Bala Sena, BBS), on Muslim religious sites and businesses in different parts of the country. The first target was a shrine in Anuradhapura in September 2011 ([BBC](#), 15 September 2011). The police have generally not intervened and the government has been accused of supporting and encouraging the attacks ([ICG](#), 20 February 2013, pp.23-24; [ICG](#), 13 November 2013, pp.27-30; [UNGA](#), 25 September 2013).

The Northern Provincial Council elections held on 21 September 2013 resulted in a landslide victory for the Tamil National Alliance, which won 78 per cent of the vote. Turnout was around 68 per cent. The central government had delayed the elections and tried to weaken provincial councils' powers before they were held, but the vote has still been read as a message from the overwhelmingly Tamil voters in Northern province, a large majority of whom have experienced internal displacement, that they are unhappy with the government's "model of militarised development in which economic and infrastructure improvements substitute for political progress and human rights protection" ([ICG](#), 13 November 2013, p.2). Despite the outcome of the election, the local authorities appointed by Colombo are still in place and the new council reportedly has little space in which to operate ([ICG](#), 13 November 2013, pp.3-4; IDMC interview, December 2013).

A Panel of Experts appointed by the UN Secretary General found credible allegations of war crimes committed by both sides to the conflict and recommended they be investigated ([UN SG](#), 31 March 2011, p.vii). The UN Human Rights Council also passed a resolution in March 2013 calling on the government "to conduct an independent and credible investigation into allegations of violations of international human rights law and international humanitarian law" ([UN GA](#), 19 March 2013, p.3). The government's Lessons Learnt and Reconciliation Commission (LLRC) set up in May 2010 was not, however, given a mandate to investigate war crimes allegations, and there have been no such investigations so far ([AI](#), [HRW](#) and [ICG](#), 14 October 2010; [UNGA](#), 25 September 2013).

LLRC's final report, published in December 2011, contained many useful recommendations, including on situations involving IDPs. The government's subsequent action plan, however, provided for the implementation of only some of them, and its provisions were not matched by action on the ground ([LLRC](#), 16 December 2011; [ICG](#), 20

February 2013, pp.3-4). Following the August 2013 visit to Sri Lanka by the UN High Commissioner for Human Rights, Navanethem Pillay, the government added 53 recommendations from the LLRC report to its national action plan. In September, Pillay called for public consultations on the plan and the involvement of national and international NGOs in its implementation and monitoring ([UNGA](#), 25 September 2013).

The Commonwealth heads of government meeting was held in Colombo in November 2013. Human rights organisations had opposed the summit being held in Sri Lanka given the country's human rights record, and Canada, India, and Mauritius boycotted the event ([AFP](#), 14 November 2013). Sri Lanka will now chair the Commonwealth for the next two years ([Groundviews](#), 17 November 2013).

## Displacement patterns and figures

Humanitarian and government entities in Sri Lanka commonly refer to people displaced before April 2008 as "old", and sometimes "protracted", IDPs. Those displaced between April 2008 and June 2009 are referred to as "new" IDPs, despite the fact that they having been living in displacement for up to five years. The latter are all Tamils and most experienced multiple displacements, while "old" IDPs – some of whom fled their homes as long ago as the 1980s and 1990s – include Tamils, Sinhalese and Muslims.

### *Lack of independent and comprehensive data*

Independent and comprehensive figures on internal displacement are increasingly hard to come by. The last profiling of IDPs was undertaken in 2007, before the last phase of the conflict and the large-scale displacement it caused. As of the end of 2011, IDPs whose areas of origin were authorised for return were no longer included in the government's count, despite the fact that many were believed not to have achieved a durable so-

lution ([IDMC](#), 31 October 2012, p.5; [ICG](#), 16 March 2012, p.5).

From the end of the war until the end of 2012, the monthly compilation of government statistics by the UN Refugee Agency (UNHCR) provided current numbers of IDPs and figures for those who had returned since April 2009. UNHCR stopped its compilations at the end of 2012 because of the increasing difficulties it faced in gathering data on IDPs from local authorities ([CPA](#), 17 September 2013, pp.27-28). A survey of pre-2008 IDPs started by UNHCR, the UN Office for Project Services (UNOPS) and the government in August 2011 was also abandoned in December 2012 because the Presidential Task Force for Resettlement, Development and Security in the Northern Province (PTF) was obstructing it ([IDMC](#), 29 April 2013, p.72).

More recent figures for current IDPs, such as the 38,000 compiled by civil society organisations in May 2013 and the 23,568 quoted by the Ministry of Resettlement for December 2013 are likely to be too low (DSPG, September 2013, p.2, on file with IDMC; [MoR](#), 27 January 2014). This is because they exclude some locations and groups of IDPs, and because no figures have been made available since December 2012 for those who have reached a durable solution by returning, integrating locally or settling elsewhere in the country (DSPG, September 2013, p.2).

### *Current displacement*

UNHCR figures at the end of 2012 put the number of IDPs at just above 93,000, and based on available information it is thought that the figure as of February 2014 could still be as high as 90,000. They are living in the districts of Jaffna, Kilinochchi, Mullaitivu, Vavuniya and Mannar in Northern province; Trincomalee, Batticaloa and Ampara in Eastern province; Puttalam in North Western province; and Anuradhapura in North Central province. Of the last UNHCR total, more than 82,000 were living in host communities

(UNHCR, 31 December 2012, on file with IDMC). It is not known how many among them have since returned or chosen another settlement option (IDMC interview, November 2013).

As of September 2013 there were also still more than 7,000 IDPs living in camps: more than 4,000 in Jaffna, at least 2,600 in Trincomalee, and several hundred at the sites of two former camps in Vavuniya. All of them were displaced before April 2008, and most have not been able to return because the state continues to occupy their land. Infrastructure has recently been repaired in some camps, but not in others. Some are due to close because the land on which they are sited has been claimed by the owners or other returning IDPs and refugees (DSPG, September 2013, p.2, 4; IDMC interview, December 2013).

#### *Return*

As of the end of 2012, more than 480,000 IDPs, both "old" and "new", had registered as having returned to their areas of origin in Northern and Eastern provinces since April 2009. Tens of thousands, however, went back without adequate shelter, water, sanitation and other infrastructure being in place, and their fate remains a cause for concern. They are thought not to have been able to achieve a durable solution, mainly because they have not received enough assistance to help them rebuild their homes, access basic services and restore their livelihoods or secure new ones. In order to be eligible for any humanitarian assistance at all, they were required to move back to their places of origin. Despite having done so, many are still to receive any (IDMC interview, November 2013).

#### *Relocation*

The government is thought to have moved several thousand people to permanent relocation sites. As such, they are no longer officially counted as IDPs, even though relocation has reportedly not always been the result of a voluntary or fully informed settlement choice. Relocation sites include:

- Suthanthirapuram, Mavaikaladdy and Kuddiyapulam in Jaffna district;
- Santhapuram in Kilinochchi district;
- Sooripuram, Kombavil and Thirumurikandy in Mullaitivu district;
- Kayakuli in Mannar district;
- Ralkuly, Seethanaveli, Paddalipuram-Veeramanagar and Vallikerni in Trincomalee district (IDMC, 31 October 2012, pp.9-12; IDMC interviews, November 2013 and January 2014).

#### *Northern Muslim IDPs*

In 1990 the LTTE expelled the entire Muslim population of Northern province, or around 75,000 people, from the districts of Jaffna, Kilinochchi, Mullaitivu, Mannar and Vavuniya ([Citizen's Commission](#), November 2011, p.1). Around 60,000 found shelter in Puttalam district in North Western province (UNHCR, 2004, on file with IDMC). Over more than 20 years in displacement, second and third generations have been born, and their number had risen to around 86,000 when return movements began in late 2009 ([HRC SL](#), no date).

Despite the fact that conditions for sustainable return were not in place in their areas of origin, community leaders and politicians reportedly put pressure on northern Muslim IDPs to register as having gone home (IDMC interviews, 2012). More than 73,000 (or 85 per cent) had registered as returned as of August 2011, but a year later only an estimated 21,500 (or 25 per cent) were living permanently in the return areas. At least 51,600 (or 60 per cent) were registered as returned but were commuting between Puttalam and their areas of origin in the north (IDMC interview, October 2012).

Some communities who have wished to integrate locally in Puttalam district have had their wish respected and have been able to register as residents and voters there, but others have not (IDMC interviews, February and December 2012).

## Obstacles to durable solutions

The government highlights the large numbers of IDPs who have returned and equates this with an end to displacement. Experience from other countries, however, has shown that the mere physical movement of IDPs back to their homes does not mean that return is sustainable (IASC, April 2010, p.5). In Sri Lanka, the infrastructure, assistance and administrative conditions needed to achieve durable solutions have not always been in place. The closure of camps and IDPs' deregistration have also obliged some to return or relocate without having made a voluntary and informed choice to do so (IDMC interview, November 2013).

### *Land issues*

In January 2013 the government introduced Land Circular 2013/1 ([Land Commissioner General's Department](#), January 2013). Entitled the Accelerated Programme on Solving Post Conflict State Lands Issues in the Northern and Eastern Provinces, it is relevant in the context of internal displacement and useful in that it provides for the collection of complaints related to state land tenure - including secondary occupation by civilians and the military, border disputes and multiple claims - and the administration of a response to such complaints.

The circular, however, has a number of shortcomings (CPA, March 2013), most notably in that it reinforces the country's Prescription Ordinance by giving secondary occupants priority over original owners ([Sriskandarajah, Karunakaran and Sumanthiran](#), January 2003, p.9). The ordinance recognises the right to ownership of someone who has occupied another's private land for more than 10 years. In the context of a 26-year-long conflict and the protracted displacement it caused, this is problematic and contradicts the right to restitution as expressed in the Guiding Principles on Internal Displacement (GP 30) and the Pinheiro Principles (PP 17.2) (DSPG, September 2013, p.6). LLRC recognised this and

recommended the ordinance be amended, suggesting that it should be suspended for the duration of the armed conflict in the areas it affected (LLRC, 16 December 2011, p.241). The recommendation has not been implemented.

Neither is the circular a mechanism to deal with conflicting claims on land, as it leaves the resolution of complex issues to the discretion of the administrators in charge of its implementation. Such a mechanism is needed, however, if tensions such as those between returning Tamils and Muslims over rival claims to the same land in Mannar district are to be addressed (CPA, 28 March 2013). It remains to be seen whether the comprehensive framework that the Ministry of Justice is currently developing for land mediation in the north and east will fill this gap (UNGA, 25 September 2013).

IDPs in some relocation sites have been provided with housing but have not been given documentation, nor have they received compensation for their original land and property (DSPG, 4 June 2013, p.2, on file with IDMC). Many staying with host communities had been tenants and became homeless as a result of their displacement, but neither have they been compensated for their losses (IDMC interview, November 2013). The loss of their land and homes is also an issue for IDPs who were property owners before they were displaced, and the longer displacement goes on, the more likely the issue is to arise. Second and third generation IDPs are particularly vulnerable to being left without land.

### *Northern Muslim IDPs*

A number of the benchmarks set out in the Inter-Agency Standing Committee (IASC) Framework on Durable Solutions have not been met in areas of Northern province where Muslim IDPs have returned, or in areas of Puttalam district where they have tried to integrate locally. Gaps remain in terms of livelihoods, as well as housing, land and property (IDMC interviews, January, February and December 2012). Many have been left landless be-



cause families have outgrown the small plots they owned before they were expelled, and generations born in displacement need their own land and houses (IDMC interviews, May 2013). Secondary occupation and lost documentation also hamper northern Muslims' efforts to recover the land and property they left behind when they fled.

Tensions over land between members of different communities are also of concern, particularly in return areas. In Mullaitivu district, for example, the government allocated state land to landless Muslims born in displacement, but in April 2013 this led to friction with the Tamil community. Tamils resented the fact that the allocation increased the percentage of Muslim inhabitants in the area beyond first-generation returnees, and felt that the government was giving them preferential treatment (DSPG, September 2013, pp.4, 7).

This is a highly sensitive issue as the Muslims concerned were originally expelled from the north by the LTTE in 1990 with the aim of instituting demographic change to the contrary (ICG, 29 May 2007). It also shows the urgent need for true reconciliation between the country's Sinhalese, Tamil and Muslim communities based on LLRC's recommendations (LLRC, 16 December 2011).

#### *Militarisation*

The Sri Lankan military continues to maintain a significant presence in the north of the country and to a lesser extent in the east. As of September 2012, more than three years after the end of the conflict, the ratio of military personnel to civilians was estimated to be 1:5 in Mullaitivu and 1:10 in Kilinochchi, significantly higher than the 1:20 to 1:25 that might be expected during active counterinsurgency operations worldwide (IDMC, 31 October 2012, p.7). Fifty-seven per cent of respondents in a recent UNHCR survey on durable solutions for IDPs said there was a military camp or checkpoint less than a mile from their home (UNHCR, June 2013, p.13, on file with IDMC).

The military also continues to occupy land, mainly in Jaffna, Trincomalee, Mannar and Mullaitivu, but also in other districts. As of June 2013 more than 20,000 IDPs unable to return to military-occupied areas were living with host families near their areas of origin. More than 6,600 were living in camps in Jaffna and Trincomalee and several thousand in relocation sites for the same reason (IDMC interview, November 2013). Eighty-one per cent of respondents in the UNHCR survey who were unable to access their own land said this was because the military or police had occupied it (UNHCR, June 2013, p.33).

In April 2013 the government began acquiring land under the Land Acquisition Act. The process concerns more than 6,000 acres of private land occupied by the military in Jaffna, the vast majority of which belongs to IDPs displaced by the conflict (CPA, 19 November 2013, p.11). The Act allows the government to acquire private land for "public purpose", but the legality of this acquisition has been questioned (CPA, 19 November 2013, p.45). Acquisition notices refer to the establishment of military bases and the creation of a military-run holiday resort, and more than 2,000 IDPs have challenged the government's move, both at the Court of Appeal and the Supreme Court. No rulings have yet been made (CPA, 19 November 2013, p.45; Colombo Telegraph, [15 May 2013](#), [25 May 2013](#), [28 May 2013](#), and [12 June 2013](#)). If IDPs are to be relocated as a result of the state acquisition of their land, the procedures set out in the National Involuntary Resettlement Policy should be followed ([Ministry of Lands](#), June 2003, pp.33-36).

The military has also been carrying out activities that should belong in the civilian realm in a post-conflict society, including economic activities and local administration (UNGA, 25 September 2013). Its involvement in agriculture and tourism has hampered returnees' livelihood efforts because they find it difficult to compete (IDMC, 31 October 2012, pp.7-8).

The military presence in the north has contributed to feelings of insecurity among civilians, including current and former IDPs, and especially in the districts of Kilinochchi and Mullaitivu. A third of the respondents to the UNHCR survey felt negatively about the military presence in their area, with the figure rising to more than 50 per cent in Kilinochchi, and 40 per cent in the case of relocated IDPs across the north and east (UNHCR, June 2013, p.12). Eighty-seven per cent of respondents said they had been registered by the military and a third said they had also been visited and interviewed by troops or members of the Criminal Investigation Department (UNHCR, June 2013, pp.13, 14).

The military monitoring of civilians, including returnees, has been particularly problematic given the high number of female-headed households in conflict-affected areas, which is put at 40,000 in Northern province according to one estimate ([Vasudevan](#), May 2013). There have been reports that women and girls are increasingly vulnerable to gender-based violence, by members both of the security forces and their own communities ([UNGA](#), 25 September 2013; OCHA, 14 May-2 June 2013), and 40 per cent of respondents in the UNHCR survey said that women did not feel safe at home (UNHCR, June 2013, p.10). Current and former IDPs have also experienced restrictions on their freedom of peaceful assembly, freedom of movement and other civil rights ([IDMC](#), 31 October 2012, p.7).

#### *Other obstacles*

Of more than 140,000 houses damaged in Northern province during the conflict, at least 44,000 have been repaired or rebuilt: 10,000 of 50,000 pledged under an Indian housing project, and 34,000 of 55,000 pledged under other projects. That still, however, leaves 61,000 families or 200,000 people who stand to benefit from the projects living in temporary or damaged housing or staying with host families. Up to 37,000 families or 120,000 people not covered by the projects

have no housing solution in sight ([GoSL](#), 2 January 2014; [IFRC](#), 9 January 2014, p.3). The lack of sanitation facilities and access to drinking water have been cited as serious concerns in conflict-affected areas, while some relocation sites have no health care or education facilities or access to public transport (DSPG, September 2013, p.13; 4 June 2013, p.2).

Both current and former IDPs have struggled to recover their livelihoods, and they have not received enough assistance in doing so. In the case of one camp that was due to close, it was reported that IDPs rejected the government's offer of relocation assistance because it did not meet their livelihood needs (DSPG, September 2013, p.4). Lack of capital and equipment and restricted access to traditional fishing grounds have also made the recovery of livelihoods more difficult (OCHA, 14 May-2 June 2013, on file with IDMC).

More than half of the respondents in the UNHCR survey said they rely on irregular unskilled work to get by and have not been able to find stable employment. Many have incomes below the national average, and household debt is significant. The average income among respondents was below the official national poverty line (UNHCR, June 2013, p.24). Some internally displaced women have reportedly resorted to sex work in order to continue to be able to stay with host families (IDMC interview, November 2013).

A survey conducted by the UN World Food Programme (WFP) in August 2013 found that nearly seven out of 10 households in Vavuniya and Mullaitivu districts were food insecure, more than in 2012 ([IRIN](#), 23 September 2013). Some displaced and host families are said to have been living on two meals a day to make up for the lack of assistance (IDMC interview, November 2013).

Recurring natural disasters, including drought and floods, are also an obstacle to durable solutions as they have a negative impact on food security and

the ability of IDPs already displaced by conflict to re-establish sustainable livelihoods (OCHA, 14 May-2 June 2013; [IRIN](#), 23 September 2013).

## National and international response

### *National response*

The Ministry of Resettlement leads on matters related to internal displacement within the Sri Lankan government. In addition, President Rajapaksa set up PTF in May 2009, and since then it has been the main decision-making body on all matters related to reconstruction and IDPs' return, including the approval of humanitarian and development initiatives ([ICG](#), 16 March 2012, pp.12-13). The majority of PTF's 19 members are current or former members of the military ([MoD](#), 30 December 2010; Weiss, 2012, p.172).

As part of its national action plan to implement LLRC's recommendations, the Ministry of Public Administration and Home Affairs and the Department of Census and Statistics administered a household survey in late 2013 to collect information on those killed, missing, injured or disabled as a result of the conflict, and the damage to property caused ([Department of Census and Statistics](#), 17 October 2013). The survey was carried out by local civilian authorities, but the methodology used is said to have led to significant underreporting, making it likely that many people affected will not receive compensation or redress (IDMC interview, January 2014).

### *Development of a national instrument on internal displacement*

Sri Lanka's national human rights action plan for 2011 to 2016 includes the development of a policy and/or legislation on internal displacement ([Government of Sri Lanka](#), 2012, p.122). The Ministry of Resettlement published a draft resettlement policy (DRP) in July 2013 and updated it twice in November ([MoR](#), 30 November 2013),

but no timeframe for its further development has been published. If it is brought into line with national and international standards and those affected are consulted and participate in the process, DRP could be a very positive step towards addressing the situation of the country's IDPs.

The current draft contains a number of useful elements:

- It includes "restoration of land ownership and other lost documents" as a policy objective (1:xi);
- It mentions national and international NGOs as partners (3:v);
- It includes consultation with IDPs in project and programme planning and implementation (4:v);
- It provides for a number of concrete measures to facilitate livelihoods and access to social protection programmes (7:d and e).

That said, it also has significant shortcomings. There was no transparent consultation and participation of relevant stakeholders in the development of the draft policy, and it is not comprehensive in its scope as it only applies to the initial phase of internal displacement caused by conflict. There are also issues with some of its structure, concepts and wording. In particular, it uses the term "resettlement", which the government has used in different contexts to refer to both return and settlement elsewhere in the country. The policy should distinguish clearly between the three settlement options set out in the Guiding Principles and the IASC Framework on Durable Solutions, namely return, local integration and settlement elsewhere in the country.

The draft policy contains some verbatim and paraphrased text from the Guiding Principles, but while the attempt to incorporate them is laudable, the sections in question are too general. The specifics of implementing the policy in the Sri Lankan context need to be spelled out, including

reference to the institutions and organisations responsible for doing so.

A revised policy should address not only conflict-induced displacement, but also that caused by natural disasters and development projects, and it should address all phases of displacement up to and including the achievement of durable solutions. It should be developed with the consultation and participation of stakeholders including IDPs, host communities, civil society organisations, and local authorities; and it should facilitate the implementation of the Guiding Principles and other relevant international standards in the Sri Lankan context.

In 2008 the Human Rights Commission of Sri Lanka developed a comprehensive draft bill on the protection of IDPs, which covers internal displacement caused by armed conflict, generalised violence, human rights violations, natural and human-made disasters and state-sponsored development projects ([HRCSL](#), 8 August 2008).

Also in 2008 the Ministry of Disaster Management and Human Rights organised a national consultation on the status of IDPs and durable solutions. The recommendations contained in the subsequent report are comprehensive and are intended to inform the development of an action plan to address internal displacement based on the IASC Framework on Durable Solutions ([MoDMHR](#), November 2008, pp.15-20).

The bill has not progressed since August 2008, and the recommendations of the national consultation were never implemented. Both, however, are still relevant in terms of their comprehensive scope and the way in which they make international standards and guidelines specific to the Sri Lankan context. As such, they could serve as useful reference points in addressing the situation of current and former IDPs, including via the current work on DRP and the development of legislation on internal displacement.

### *International response*

Providing humanitarian and development assistance to current and former IDPs in Sri Lanka has been challenging because of a number of administrative barriers and an opaque approval process that make effective programming and long-term planning difficult. For example, visas for staff with international humanitarian and development organisations are usually only valid for three to six months. Applications have to be approved by the Ministry of Immigration, the Ministry of Defence and the government's NGO secretariat, a process which itself can take up to two months (IDMC interviews, December 2013 and January 2014).

There have been reports of donors providing funding that was ultimately not disbursed because the government did not give its final approval for the project or programme in question. Decision-makers are also said to treat projects that include capacity building and psychosocial support with suspicion, making approval for such interventions particularly difficult to obtain (IDMC interviews, December 2013 and January 2014).

No comprehensive assessment of progress towards durable solutions has been undertaken in Sri Lanka, but it is hoped that the joint needs assessment the government plans to undertake in partnership with humanitarian and development organisations will at least partially fill this gap. It will cover all districts affected by internal displacement, but its scope is limited in that it does not cover issues such as IDPs' preferred settlement choices; their personal security, including gender-based violence; and their ability to exercise their fundamental human rights ([OCHA](#), June 2013, p.1; IDMC interview, November 2013).

The recent UNHCR survey quoted in previous sections aimed to assess the extent to which IDPs who have returned to, been relocated to, or are locally integrating in Jaffna, Kilinochchi, Mullaitivu, Vavuniya, Mannar and Trincomalee had achieved a durable solution and identify the obstacles they

still face in doing so (UNHCR, June 2013, p.3). The sample did not, however, include current IDPs, who arguably face the greatest challenges in achieving a durable solution. Neither did it include Puttalam district, where a significant number of northern Muslim IDPs have been trying to integrate locally.

The UN High Commissioner for Human Rights, Navanethem Pillay, visited Sri Lanka in August 2013. She raised a number of key issues relevant to both current and former IDPs. These included the military's presence and role in the north and east of the country and the state's acquisition of private land ([UNGA](#), 25 September 2013).

Following his mission to the country in December 2013, the UN Special Rapporteur on the human rights of IDPs, Chaloka Beyani, emphasised the necessity of comprehensive data on the displaced and their outstanding needs; the importance of ensuring that IDPs are consulted and participate in the pursuit of durable solutions; and the need to address issues pertinent to durable solutions in development plans and other government programmes ([OHCHR](#), 11 December 2013).

Since late 2012, international organisations have shifted their focus from humanitarian to development assistance. Funding for both has dropped off significantly, however, since the World Bank categorised Sri Lanka as a lower middle-income country, also in 2012. The cluster system was deactivated in July 2013 ([OCHA](#), June 2013, p.1; [IRIN](#), 14 October 2013). Longer-term funding and support for protection work, including from the development sector and bilateral donors, is much needed if Sri Lanka's current and former IDPs are to rebuild their lives in a sustainable way.

## About the Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) is a world leader in the monitoring and analysis of the causes, effects and responses to internal displacement. IDMC advocates for better responses to the needs of the millions of people worldwide who are displaced within their own countries as a consequence of conflict, generalised violence, human rights violations, and natural or man-made disasters. It is also at the forefront of efforts to promote greater respect for the basic rights of internally displaced people (IDPs). IDMC is part of the Norwegian Refugee Council (NRC).

### *What we do:*

- Promote appropriate responses to internal displacement through targeted advocacy
- Provide timely, accessible and relevant information on internal displacement worldwide
- Develop research and analysis to help shape policies and practices that have positive outcomes for IDPs
- Provide training and support to country-based policy-makers and practitioners with a responsibility to protect IDPs

### *Who do we target?*

IDMC is best placed to effect positive change for IDPs through advocacy to influence the decisions and practices of duty bearers and all those with a responsibility or capacity to promote or fulfil the rights of IDPs.

### *How do we operate?*

As information on internal displacement is often controversial and politically sensitive, IDMC must continue to operate and be seen to operate as an independent and effective global monitor of this widespread phenomenon.

IDMC has become an indispensable resource for anyone seeking impartial data and analysis on internal displacement, independent of political or operational considerations. [www.internal-displacement.org](http://www.internal-displacement.org)

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