

## **SRI LANKA'S NORTH II: REBUILDING UNDER THE MILITARY**

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## SRI LANKA'S NORTH II: REBUILDING UNDER THE MILITARY

### EXECUTIVE SUMMARY

Sri Lanka's military is dominating the reconstruction of the Northern Province, weakening international humanitarian efforts and worsening tensions with the ethnic Tamil majority. Since the war ended in 2009, hundreds of millions of dollars have poured into the province, but the local populations, mostly left destitute by the conflict, have seen only slight improvements in their lives. Instead of giving way to a process of inclusive, accountable development, the military is increasing its economic role, controlling land and seemingly establishing itself as a permanent, occupying presence. Combined with what many Tamils see as an effort to impose Sinhala and Buddhist culture across the whole of Sri Lanka and a failure to address many social aspects of rebuilding a society after conflict, these policies risk reviving the violence of past decades. Donors should put government accountability, the needs of returnees and the expansion of a democratic political role for the Tamil minority at the heart of their aid policies or risk contributing to a revival of ethnic extremism.

The heavy militarisation of the province, ostensibly designed to protect against the renewal of violent militancy, is in fact deepening the alienation and anger of northern Tamils and threatening sustainable peace. Major new military bases require the seizure of large amounts of public and private land and the continued displacement of tens of thousands. The growing involvement of the military in agricultural and commercial activities has placed further obstacles on the difficult road to economic recovery for northern farmers and businesses. When challenged by public protest, the military has shown itself willing to physically attack demonstrators and is credibly accused of involvement in enforced disappearances and other extrajudicial punishments.

The government points to the many new roads, rapid economic growth and numerous new infrastructure projects as signs of a post-war "northern spring". For most of the more than 430,000 people who have returned to their lands and villages over the past two years, however, there has been little benefit. Residents of the Vanni region – the mainland of the Northern Province – returned to a land devastated by the final years of war: almost all homes and buildings were destroyed; most personal property was lost,

damaged or looted. Most returnees remain in makeshift and inadequate shelters and many struggle to afford food, with few jobs or economic opportunities and little or no savings. Few schools and medical centres have been rebuilt. Women in the north face particularly difficult situations: female-headed households, many without permanent shelter or regular income, in the context of domination by a male, Sinhalese military are extremely vulnerable.

Gender-based violence and the Sinhalisation of the Northern Province through cultural and demographic changes have been addressed in Crisis Group's two most recent papers on Sri Lanka, the latter a companion report to this one. This report examines the dominance of the military in the reconstruction of a region that was almost completely destroyed during decades of war. It also looks at the ways in which military priorities have shaped the government's and the international community's response to the deprivations of the local population. A focus on physical infrastructure over the rebuilding of a confident, open society benefits the military and the political elite – financially and otherwise – at the expense of the majority of the province's population.

Government restrictions on aid and early recovery activities, often enforced by local military commanders, have prevented the effective delivery of many social services, including systematic and effective trauma counselling and other psycho-social support to families struggling to cope with the deaths and disappearance of tens of thousands of relatives. The military's influential role over northern development policy – through the Presidential Task Force on Resettlement, Reconstruction and Security in the Northern Province (PTF) and at the district level – has marginalised the largely Tamil civil administration and led to ineffective and ethnically biased rebuilding. More generally, the government's emphasis on large-scale development projects has diverted resources and energies away from the more immediate needs of returnees. Donors and development and aid agencies have done too little to speak out about or effectively challenge these policies, even as they undermine the prospects for sustainable return and recovery.

International engagement with Sri Lanka should prioritise the reestablishment of civilian and democratic governance in the north, and the end of the military control over development activities. Donors, particularly the multilateral agencies, China, India and Japan, should insist that their programs address the pressing needs of the more than 430,000 returnees in a manner that is transparent and accountable to the local population. They should press the government to lift onerous restrictions on the delivery and monitoring of assistance. UN agencies and non-governmental organisations (NGOs), with the support of their donors, should more actively resist the government's tight controls over their operations, better defend humanitarian principles, and push for the restoration of civilian authority throughout the north. Monitoring of projects must go beyond platitudes to ensure that reconstruction money does not fuel the culture of corruption and the erosion of democracy that have worsened despite the end of the war.

**Colombo/Brussels, 16 March 2012**

## SRI LANKA'S NORTH II: REBUILDING UNDER THE MILITARY

### I. INTRODUCTION

Sri Lanka's Northern Province has been at the heart of the country's three decades of ethnic conflicts and the location of most destructive fighting and greatest loss of life, culminating in the humanitarian crisis in the final months of war in early 2009.<sup>1</sup> The north is now the focus of the government's proclaimed efforts to rebuild a united Sri Lanka and move beyond the war. Major resources are being devoted to its physical and economic reconstruction – beginning with the resettlement of more than 430,000 people displaced by the war and the ongoing rebuilding of roads, power lines, railways and other infrastructure destroyed by the fighting. How this reconstruction unfolds, and whether it can be joined to a genuine process of national reconciliation, political inclusion and democratisation will help determine the future of Sri Lanka's ethnic power relations and whether the country can truly move from a post-war to a post-conflict state.

To date, while there have been clear improvements in physical infrastructure, lives for most of those who have returned to the north remain extremely difficult, and the emerging social and political order – militarised and lacking basic democratic protections – bodes ill for lasting peace. This report, the product of series of visits to the north from October 2010 through September 2011, focuses on the Sinhalese military's domination of reconstruction efforts and the impact that has on the lives of the mostly ethnic Tamil population. Research for this report, based on interviews with farmers, fishermen, villagers, journalists, clergy members, human rights activists, international aid workers, politicians and local and central government officials in the north and in Colombo, confirms the domi-

nant role of the military and the gravity of the threat it presents to democracy and effective reconstruction.<sup>2</sup>

This report also looks at the nature of the resettlement of the displaced as well as physical reconstruction and economic development. It examines in whose interest and under whose control these transformations are taking place and what their effects on conflict dynamics will likely be. It follows on from a companion report, *Sri Lanka's North I: The Denial of Minority Rights*. Issues of gender and the status of women in the post-war north are not discussed in detail here, given our December 2011 report *Sri Lanka: Women's Insecurity in the North and East*.

Future Crisis Group reporting will look at the complex dynamics within and among Tamil political parties, especially in the north. It will examine current debates over the future of Tamil nationalist politics and how likely negotiations with the government and other political parties are to achieve constitutional changes that would produce meaningful devolution of power to the Northern and Eastern Provinces.

<sup>1</sup> All Crisis Group reporting on Sri Lanka, starting in 2006, is available at [www.crisisgroup.org](http://www.crisisgroup.org). Of particular relevance to this report are Crisis Group Asia Reports N°219, *Sri Lanka's North I: The Denial of Minority Rights*, 15 March 2012; N°217, *Sri Lanka: Women's Insecurity in the North and East*, 20 December 2011; N°209, *Reconciliation in Sri Lanka: Harder than Ever*, 21 July 2011; and N°191, *War Crimes in Sri Lanka*, 17 May 2010.

<sup>2</sup> Due to high levels of fear, all those interviewed requested anonymity. Written questions sent to various ministries and departments of the Sri Lankan government in November 2011 received no answers.

## II. LIMITED PROGRESS, DANGEROUS TRENDS

Senior government officials, including President Mahinda Rajapaksa, point to four interrelated areas in which Sri Lanka has made great progress in the north since the end of the war:

- ❑ Reconstruction and economic development;
- ❑ Rapid resettlement of more than 430,000 displaced persons, including most of the nearly 300,000 Tamils who survived the final fighting in 2009 and were held in government-administered internment camps;
- ❑ “Rehabilitation” and “reintegration” of almost all the nearly 12,000 Tamils detained at the end of the war on suspicion of involvement with the LTTE; and
- ❑ Return of democratic elections to the north and other steps toward “reconciliation”.

There has unquestionably been substantial reconstruction of some physical infrastructure and some improvement in living standards from the desperate low point of May 2009. Nonetheless, in all four areas where the government claims progress, the situation remains worrying: economic development that fails to reach those most in need and the benefits of which are not distributed at all equitably; grave problems still facing most of those who have returned home as well as an estimated 120,000 still displaced; large question marks about the treatment and future prospects of those released from “rehabilitation” camps as well as those who remain unaccounted for since being taken into custody; and a near-complete absence of political space for the democratic expression of political views or effective influence on reconstruction policy for those who live in the north or their elected representatives.

More worrying still, while failing to address adequately the urgent needs and political rights of the Tamil and Muslim populations of the north, the government’s policies are also producing new grievances, especially with regard to land. The many forms through which the region has been thoroughly militarised are clear to anyone who visits or lives there, from the many military camps and checkpoints to the military-run shops and vegetable farms. Militarisation has also brought with it various forms of “Sinhalisation”, including increasing evidence of slow but real demographic transformation as the government settles Sinhalese along the southern borders of the province.<sup>3</sup>

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<sup>3</sup> The question of Sinhalisation and its relation to the militarisation of the north are addressed in detail in this report’s companion paper, *Sri Lanka’s North I: The Denial of Minority Rights*, op. cit.

To date, the government has refused to provide any clear, public indication of its long-term plans for the north.<sup>4</sup> Nor has it provided any timetable for the reestablishment of civilian rule or given any guarantee of a move toward a democratic north where civil and minority rights are respected. The deliberate absence of any official roadmap towards a just and equitable north and east guarantees there is no counterpoint to the increasing evidence that the government’s policies, far from contributing to reconciliation, are generating new tensions and increasing the risks of future instability.

Despite the lack of a comprehensive and transparent roadmap for the post-war north, however, the government’s actions show what its basic goals and political priorities are, and how it aims to achieve them.

- ❑ Two and a half years after the total military destruction of the LTTE, the government’s highest priority remains the total control of the state and the repression of any possible future military resistance. Any dissent or popular protest is viewed through a counter-insurgency lens and risks being considered terrorism.<sup>5</sup>
- ❑ Rather than democratisation and power sharing, the chief tool for blunting minority grievances is economic development, implemented primarily through large-scale infrastructure projects, but without meaningful popular consultation or direct economic benefits for most northern Tamils and Muslims.<sup>6</sup> “Separatist tendencies will fade away when we have better road connec-

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<sup>4</sup> In 2011, the government and the UN, together with some NGOs, signed a “Joint Plan of Assistance for the Northern Province” (JPA), which lays out targets for assistance in various humanitarian and development sectors. The plan avoids any mention of the complex political issues involved and was prepared without input from Tamil and Muslim political or community leaders. The 2012 JPA was reportedly delayed due to various disagreements between the government and the UN, but eventually released on 20 February 2012. Crisis Group interviews, diplomats, January 2012.

<sup>5</sup> In response to a series of clashes between Tamil protestors and the army and police, the military spokesperson referred to those who attack police stations or army camps as “terrorists” against whom anti-terrorism laws will be applied. “Civilians will be dealt with under PTA – army”, BBC Sinhala, 4 September 2011. For more on the clashes that provoked this response, see Crisis Group Report, *Sri Lanka’s North I: The Denial of Minority Rights*, op. cit., Section III.D.

<sup>6</sup> Resettlement and reconstruction, while necessary preconditions for successful reconciliation, are often conflated by the government with reconciliation itself. The government sees no need to reach out to the Tamil community, acknowledge their loss and grievances, and take measures to include them within society and government as equal partners and citizens.

tivity”, argued President Rajapaksa, speaking of his plans for an expressway linking Jaffna and Colombo.<sup>7</sup>

- The government will actively resist the ability of Tamil nationalists to claim the north as the core of their homeland, both rhetorically, but also perhaps through demographic change. Colombo has offered no guarantees that the historically Tamil character of the north will be preserved, and important constituents of the ruling coalition have made clear their belief that no community has any right to its own “ethnic enclaves”.<sup>8</sup> President Rajapaksa announced in his 2012 Independence Day speech that “ethnic communities have no separate regions. The entire country belongs to all ethnic communities”.<sup>9</sup> Other officials have repeatedly argued that all Sri Lankans have the right to live anywhere they wish.<sup>10</sup> What remains unclear is whether the government will pursue an active policy of state-sponsored demographic change in the north, or rely on other ways of weakening Tamils’ claim of a distinct and privileged relationship to the region that justifies some form of collective self-rule.

These government goals and priorities necessarily give a central role to the military both in setting the overall framework for developing the new north as well as in everyday decision-making and influence at the local level. As a senior citizen in Jaffna described the situation, “The army has sacrificed lives and has won the war in the north, so

they believe they can rule it as they please”.<sup>11</sup> The more they do, the less likely that rule will go unchallenged.

## A. RECONSTRUCTION AND ECONOMIC DEVELOPMENT

Government officials claim to have achieved “tremendous successes in connection with the reconstruction” of the Northern Province: “Roads, bridges, public buildings, schools, health facilities, water supply and the like have been rebuilt not just to replace what existed in the past but at a vastly improved level with an eye on the future needs of people in those areas”.<sup>12</sup>

With significant foreign assistance, much of it from India and China, the government has undertaken numerous large-scale infrastructure projects in the Northern Province. Most obvious has been the reconstruction of roads throughout the north, notably the A9 highway that links the southern provinces with Jaffna. Many other roads and bridges have been rebuilt or are under construction,<sup>13</sup> and the president is now promising an expressway to connect Jaffna and Colombo.<sup>14</sup> The northern power grid<sup>15</sup> and the Jaffna-Kilinochchi water and sanitation system are being rebuilt and improved, with support from Japan and the Asian Development Bank (ADB).<sup>16</sup>

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<sup>7</sup> “Heroes’ Day incident-free in Jaffna”, *The Hindu*, 27 November 2011.

<sup>8</sup> See for example, “Politicos air views on SLMC [Sri Lanka Muslim Congress]’s latest demands”, *The Nation*, 12 February 2012, quoting Western Province minister and legal adviser to the Jathika Hela Urumaya (National Heritage Party, JHU), Udaya Gammanpila, warning that devolution of power to the north and east “would result in the establishment of ethnic enclaves”, which would be a violation of the constitution and of “fundamental human rights”.

<sup>9</sup> “Rural people should be given the results of giant development works – President addressing the 64th Independence Day celebrations at Anuradhapura”, 4 February 2012, at [www.president.gov.lk/speech\\_New.php?Id=122](http://www.president.gov.lk/speech_New.php?Id=122).

<sup>10</sup> “Govt. quashes colonization canard”, 25 October 2011, *Daily News*. In December 2011, JHU member and minister Champika Ranawaka argued in a speech that just as Tamils have the right to live in large numbers in Colombo, so Sinhalese have the right to live in the north and east. “Tolerance of Sinhalese is not cowardice”, *Sri Lanka Mirror*, 6 December 2011. In a speech in Colombo in November 2011, former President Chandrika Kumaratunga reported that during her term in office “the JHU and other extremists tried to convince me that the solution to the (ethnic) problem was to settle Sinhalese on the borders of Jaffna”. “Chandrika on Reconciliation”, *Lakbima News*, 27 November 2011.

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<sup>11</sup> Crisis Group phone interview, September 2010.

<sup>12</sup> “Minister Samarasinghe addresses the 18th Session of the UN Human Rights Council in Geneva”, 12 September 2011, [www.lankamission.org/content/view/2768/1](http://www.lankamission.org/content/view/2768/1). According to the Central Bank governor, Ajith Nivard Cabral, the government is spending LKR (Sri Lankan Rupees) 253 billion, roughly \$2.2 billion, on northern reconstruction in 2011-2012. This number would appear to include non-budgetary international development assistance. “Promoting Financial Inclusiveness in the North and the East, the Experience of the Past Two Years”, Central Bank of Sri Lanka, 20 May 2011.

<sup>13</sup> The Asian Development Bank’s (ADB) \$150 million “Conflict-Affected Region Emergency Project” is funding the repair and construction of over 250km of roads in the Northern Province and adjoining areas. Other donors, including the World Bank, the Japan International Cooperation Agency (JICA) and the British government are also funding the rehabilitation of northern roads and bridges.

<sup>14</sup> “Rajapaksa wants Colombo-Jaffna expressway”, *The Hindu*, 28 November 2011. The planned road has been dubbed both a “Gateway to Wonder” and a “pathway to peace” by the state media centre. “President at ‘Gateway to Wonder’ launch ... Efficient road network, pathway to peace”, Media Centre for National Development of Sri Lanka, 28 November 2011.

<sup>15</sup> The ADB is funding reconstruction of the Kilinochchi-Chunakam electricity transmission line, while the JICA is supporting reconstruction of the Vavuniya-Kilinochchi line.

<sup>16</sup> The ADB is contributing \$90 million to the “Jaffna and Kilinochchi Water Supply and Sanitation Project”, while the French Development Agency is contributing an additional \$40 million

The entire northern network of railroads – destroyed and out of service for more than two decades – is also being rebuilt, thanks to an \$800 million concessionary line of credit from New Delhi and the technical expertise of the Indian national railway construction company, IRCON.<sup>17</sup> India is also funding and assisting in the clearance and reconstruction of the Kankasanthurai port, which will provide a quick and direct link between the Jaffna peninsula and southern India.<sup>18</sup> Also under way with Indian assistance is the rebuilding and expansion of the Palaly airport in Jaffna, which is reportedly being converted from military to civilian use, and the rehabilitation of the Jaffna-Atchchuvveli industrial zone.<sup>19</sup>

These development projects help explain what the government claims was the “22 per cent growth rate of the economy of the Northern Province” in 2010, which it sees as “a clear indication of the success achieved by the government’s initiatives with regard to development in that part of the country”.<sup>20</sup> The rapid growth rate is also a result of the general increase in trade between the north and south, buoyed by the huge military presence in the north, and the increase in agricultural production and fishing made possible by the end of the war and of most war-time restrictions on movement.<sup>21</sup> It also comes off a low base, allowing for such a sharp rise as is common in most post-war economies.

Unfortunately, the economic “peace dividend” has yet to be distributed widely or shared equitably with northern Tamils – due to the heavy militarisation of the north, the

central government’s tight control over development planning and the nature of Sri Lankan patronage networks for the distribution of government benefits and contracts. Tamil politicians complain that most of the new jobs and contracts from development projects are not going to Tamils in the north, but to workers and businesses from the south.<sup>22</sup> In the absence of proper political and regulatory safeguards, development projects threaten to force additional residents from their lands.<sup>23</sup>

A more central defect of the government’s focus on large-scale infrastructure projects is that it has come at the expense of meeting the urgent needs of those most affected by the war. “There is no development that benefits the people,” argues Tamil National Alliance (TNA) parliamentarian M.A. Sumanthiran. “There are roads, bridges and culverts being built but they do not benefit the people. That is worse when the people do not have the roof over their heads and they have to watch all these mega projects going around them without priorities such as housing and their own livelihood opportunities are not met”.<sup>24</sup>

## B. RESETTLEMENT: DIFFICULT LIVES FOR RETURNEES<sup>25</sup>

Government officials proudly proclaim their success in returning to their home areas “95 per cent” of the nearly 300,000 people displaced by fighting in 2008 and 2009 and later held in government camps.<sup>26</sup> “Resettlement has

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and the government of Sri Lanka \$34 million. “\$90 million Project to Address Water, Sanitation Issues in Sri Lanka’s Conflict-Affected Area”, ADB, 1 December 2010. The ADB, World Bank and other donors are also funding smaller water supply and sanitation projects across the north.

<sup>17</sup> In November 2011, the Indian and Sri Lankan governments signed the latest of a series of loan agreements, this time to rebuild the final leg of the Yal Devi line running from Colombo to Kankasanthurai in the Jaffna peninsula. IRCON is currently rebuilding rail-links on the Omanthai-Pallai, Medawachchiya-Madu and Madu-Talaimannar segments. “Signing of an Agreement for Restoration of Pallai- Kankesanthurai Railway Line in Northern Province of Sri Lanka”, Indian High Commission, 18 November 2011.

<sup>18</sup> “KKS also to become a major port in Sri Lanka”, Media Centre for National Development of Sri Lanka, 5 May 2011.

<sup>19</sup> “Indian aid for Palaly airport”, *Daily Mirror*, 29 April 2010; “Rs 192 million Indian Grant to rehabilitate Jaffna-Atchchuvveli Industrial Zone”, government news portal (news.lk), 11 December 2011. The project is funded as a grant and is expected to be completed in fourteen months.

<sup>20</sup> “The might of powerful nations cannot prevail against justice and fair play – President at UNGA”, 25 September 2011, at [www.lankamission.org/content/view/2772/9](http://www.lankamission.org/content/view/2772/9).

<sup>21</sup> Unfortunately, there is little useful and publicly available analysis of the current state of the northern economy.

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<sup>22</sup> See Crisis Group Report, *Sri Lanka’s North I: The Denial of Minority Rights*, op. cit., Section IV.A.

<sup>23</sup> This has already happened in the Eastern Province, with the displacement of some 2,800 people by the Indian-sponsored coal-power plant in Sampur, and many others losing land to a string of hotels being planned and built along the eastern coast. M.A. Sumanthiran, “Situation Report: North and East Sri Lanka”, paper tabled in the Sri Lankan parliament by the Tamil National Alliance, 21 October 2011, hereinafter cited as “TNA Situation Report”, and Crisis Group interview, human rights activist, London, January 2012. Large infrastructure projects are also particularly vulnerable to corruption due to their complexity, variety of contracts and contractors and the difficulties of oversight. See the Global Infrastructure Anti-Corruption Centre for details on why corruption afflicts these sorts of projects ([www.giacenter.org](http://www.giacenter.org)).

<sup>24</sup> “TNA visited on USA invitation: Sumanthiran”, *The Nation*, 13 November 2011.

<sup>25</sup> In Sri Lanka, contrary to established international terminology, the “resettlement” of displaced persons refers to their return to their original locations and is generally used interchangeably with “return”. “Relocation” is used to refer to the process of settling people in new locations.

<sup>26</sup> The government has been claiming 95 per cent resettled since mid-2011 and now claims 98 per cent. See “Over 210,000 IDP families resettled”, Sri Lankan government website ([priu.gov.lk](http://priu.gov.lk)), 3 February 2012; and “Over 95 percent of N-E displaced resettled”, Sri Lankan government website ([priu.gov.lk](http://priu.gov.lk)), 12 April 2011.

been achieved at a pace that is perhaps unmatched elsewhere”, it argues and “is a potential role model for other countries and conflict zones”.<sup>27</sup>

The vast majority of the displaced have now returned to their home villages. That they are no longer kept in closed camps, as almost all were for the first nine months after the war, is certainly progress.<sup>28</sup> Large numbers of internally displaced persons (IDPs) from earlier phases of the war, including many Muslims who had been expelled by the LTTE, have also been able to return home in the past two years. Overall, just over 430,000 people have returned to the Northern Province since early 2010.<sup>29</sup> Their return was made possible in part by the impressive work of numerous demining agencies, together with the Sri Lankan army, which have cleared mines and unexploded ordnance from an area of 1,930 sq km.<sup>30</sup>

Nonetheless, despite government efforts to present internal displacement as virtually a problem of the past, large

numbers remain unable to return home. Of the nearly 300,000 who survived the final year of fighting and were subsequently detained in government camps, government figures compiled by the United Nations High Commissioner for Refugees (UNHCR) and shared with donors show that 49,664 were still displaced at the end of 2011, either living with host families or in internment camps.<sup>31</sup> Another 88,702 are “protracted IDPs”, displaced before April 2008, in many cases for more than a decade. This brings the total IDP population to 138,366 people – nearly three years since the end of the war.<sup>32</sup>

The official numbers of IDPs remaining from the final year of fighting would be higher if not for an October 2011 edict by the Presidential Task Force for Resettlement, Development and Security in the Northern Province (PTF) forcing district secretaries in the north to exclude from the list many of those living with host families: this reduced the number of IDPs by more than 20,000.<sup>33</sup> The

<sup>27</sup> “Minister Samarasinghe addresses the 18th Session of the UN Human Rights Council in Geneva”, op. cit.

<sup>28</sup> Early reports by international aid agencies on Menik Farm camp – where the government interned the largest number of the 300,000 mainly Tamil civilians forced to flee the fighting between the LTTE and government armed forces in the north – detailed overcrowded, inhumane conditions with regular incidents of brutality, poor sanitation, insufficient water for drinking and bathing and inadequate food and medical care. This was reiterated privately by UN Secretary-General Ban Ki-moon in 2009, in a U.S. diplomatic cable published by WikiLeaks. “He said the conditions were worse than those at any other camps, including in Darfur and Goma, that he had visited, and noted he had seen signs of malnutrition”. “Ban Ki Moon briefs co-chair ambassadors on visit”, U.S. embassy Colombo, 27 May 2009, at <http://wikileaks.org/cable/2009/05/09COLOMBO567.html>. See also “Sri Lanka: Tensions Mount as Camp Conditions Deteriorate”, Human Rights Watch, October 2009.

<sup>29</sup> 432,566 people, both “old” and “new” IDPs, have returned in the north, according to government figures reported in January 2012. “Joint Humanitarian and Early Recovery Update” (JHERU), No. 39, UN Office for the Coordination of Humanitarian Affairs (UNOCHA), January 2012, published 23 February 2012. The “Joint Plan for Assistance, Northern Province, 2012” uses a higher figure, stating that “by 31 October 2011, 456,000 people (138,000 families) displaced at various stages of the three-decade-long conflict had returned to the five northern districts”.

<sup>30</sup> “Over 1,930 sq km landmines free in North”, Sri Lankan government website (priu.gov.lk), 18 January 2012. The government reports another 126 sq km remain to be cleared. According to the director of the national demining centre, “Sri Lanka will be mine free before 2020”. “Post-war SL example to global community-Justice Weeramantry”, *The Island*, 27 November 2011. Figures released by the UNOCHA show that 554.88 sq km of land has been cleared of mines and ordnance since 1 January 2009 and an estimated 133 sq km remains contaminated in the north and east. “JHERU”, No. 38, November-December 2011, published 24 January 2012.

<sup>31</sup> These figures are from an unpublished UNHCR document, based on government figures. The most recent public document from the UN, the “JHERU” for January 2012, makes no mention of any population living with host families. As a senior aid worker put it, “these people have disappeared, at least on paper”. Crisis Group phone interview, January 2012. On 10 January 2012, the government announced that only 6,553 IDPs remained from the 283,000 listed as displaced in June 2009. The statement claims “the government has released and resettled 275,065 IDPs so far under its programme of speedy resettlement”, including 27,720 ‘released’ ‘for humanitarian reasons’. “IDPs drop to 6,553”, Sri Lankan government website (priu.gov.lk), 10 January 2012. UNHCR figures for 31 January 2012 list only 225,788 “new IDPs” who have returned to their areas of origin. “JHERU”, No. 39, op. cit. See notes 33 and 94.

<sup>32</sup> This number does not include 102,000 Tamil refugees in India, some 75,000 of whom live in government-run camps in Tamil Nadu. “Sri Lankan refugee return figures fall in 2011, amidst suspension of ferry service”, UNHCR press release, 6 January 2012. For more on the situation of Sri Lankan Tamil refugees in India, see Crisis Group Asia Report N°206, *India and Sri Lanka after the LTTE*, 23 June 2011.

<sup>33</sup> “IDPs living in welfare centres and with friends and relatives”, PTF letter to Northern Province district secretaries, 27 October 2011. The UN notes that “following a revision of the Jaffna statistics, the number of post-April 2008 IDPs with host families has declined from 57,474 to 34,671”. “JHERU”, No. 37, 31 October 2011 (published 23 November). In light of the PTF edict, this decline likely reflects a change in how people are categorised rather than in their actual circumstances. Since October 2011, there have been no figures released by the government or the UN for displaced persons living with friends, relatives or host families, which constitutes the bulk of remaining pre-2008 IDPs. Instead, the January 2012 JHERU, following the 2012 JPA, states that “the Government and the United Nations and its partners acknowledge that there are a number persons/families, who were displaced and are living with friends and relatives, or who left camps and are still living with friends and relatives. Humanitarian partners will be consulting with the

PTF argued that since virtually all parts of the north and east had been cleared of mines and made ready for resettlement, the large numbers living with host families and friends in Jaffna must have chosen to do so voluntarily, in order “to enjoy the urban facilities.”<sup>34</sup>

From the beginning of the government’s program of “speedy resettlement”, the conditions to which people returned were extremely difficult, with virtually none of the needed infrastructure – houses, transport, electricity, schools, hospitals, or job or livelihood opportunities – in place. However relieved people were to be out of the camps, it was far from the dignified, safe or sustainable return that international standards require. For many it added further injury to a defeated and marginalised population.<sup>35</sup> Conditions have since improved, with some new schools and medical centres built, additional government services reestablished and slowly improving infrastructure, though with human resources (especially teachers and medical staff) lagging far behind needs.<sup>36</sup>

Most people in the Vanni are living in extremely difficult circumstances, many of them still lacking some of the basic amenities needed for a dignified life. The most pressing problems are the lack of adequate housing and income-generating opportunities. The situation is particularly bad in the poorest districts of Kilinochchi and Mullaitivu where, other than the welcome end of war, most people’s lives are harder than ever.<sup>37</sup>

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Government on how best to arrive at numbers on the persons who still require assistance. ... Moreover, the Government and the UN are committed to finding solutions for displaced people who sought shelter with friends and relatives, left camps and are still living with friends and relatives, or are stranded in transit sites. Again, determining the number of people falling under this category and whether they continue to live with hosts by choice or for lack of solutions will be critical to support future strategies of assistance”. “JHERU”, No. 39, op. cit.

<sup>34</sup> PTF letter, op. cit.

<sup>35</sup> There was no effective or independent monitoring of the return process, and a large portion of returnees were not actually returned to their homes, but sent to “transit centres” in their home districts, without adequate transport to and from their homes or livelihood opportunities. Areas were not fully demined, placing restrictions on travel, work and farming, as well as adding to the psychological toll of war, repeated displacement and months of incarceration. Many encountered homes that were badly damaged or destroyed, with almost all looted of any items of value, while those resettled often did not receive the supplies and financial resources that they were promised. For more on the poor quality of the initial returns process, see Crisis Group Asia Briefing N°99, *Sri Lanka: A Bitter Peace*, 11 January 2010.

<sup>36</sup> See “JHERU”, No. 39, op. cit.

<sup>37</sup> According to a diplomat, “It’s very indicative that fewer people returned from India in 2011 than in 2010 – only 1,700,

## 1. Funding shortage

One reason for the slow progress in meeting basic human needs among the recently returned IDPs is a severe shortage of international funding. As of 14 February 2012, donors had provided only \$99.9 million – or 35 per cent – of the \$289 million estimated to be needed for projects listed in the 2011 Joint Plan of Assistance (JPA) agreed upon by the UN and government.<sup>38</sup> According to a mid-year assessment of the JPA, only 35 per cent of food security, agriculture and livelihood, 24 per cent of shelter and housing, 2 per cent of health and nutrition, and 1 per cent of water and sanitation requirements had been met”.<sup>39</sup> By the end of 2011, the figures were little improved. A senior humanitarian worker described this as “one of the poorest responses to a UN humanitarian appeal anywhere in the world. It’s the second worst in Asia, second only to North Korea”.<sup>40</sup>

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when UNHCR had budgeted for 20,000. If refugees don’t come back, why? It’s an indicator that something is wrong. ... There’s no real carrot for them to come back to Sri Lanka”. Crisis Group interview, diplomat, January 2012.

<sup>38</sup> “JHERU”, No. 39, op. cit. Announcing that “there are over 160,000 families in dire need of permanent housing, livelihoods, water and sanitation”, the president of the Sri Lanka Red Cross Society criticised the shortfall in donor assistance as one of its primary causes. “Sri Lanka Red Cross Society appeals International community for greater assistance for reconstruction efforts in the North”, transcurrents.com, 27 September 2011. Accurate and up-to-date statistics for how much of its own money the government spent on humanitarian relief and reconstruction of the north are difficult to find. According to a report released by the PTF, for “assistance aimed at the re-establishment of services and livelihoods across the Northern Region”, “the Government spent US\$ 360.3 million from its own budget and was able to secure donor commitment of around US\$ 2220 million of which US\$ 1799 million was on loan and US\$ 331 million were grants. The areas of donor assistance include water, housing, irrigation, supply of electricity, rehabilitation of roads & railway and health services.” “Sri Lanka’s Humanitarian Effort”, PTF, August 2011, p. 83. The period covered for these figures is not clear, but appears to be from 2009 through 2010. According to a separate study cited by the financing and planning ministry, a total of LKR 37.6 billion (\$304 million), presumably both government and donor money, was “channelled to northern province development activities in 2010”. Of this total, LKR 26.6 billion (\$215 million) was devoted to infrastructure development and LKR 11 billion (\$89 million) for demining, resettlement, and “welfare of IDPs”. Annual Report, Ministry of Finance and Planning, 2010. Sri Lanka’s 2012 budget, passed by parliament in December 2011, included LKR 230 billion (\$2 billion) for the ministry of defence and urban development, an increase of LKR 15 billion from 2011 and 10 per cent of the entire budget, the largest share of any ministry.

<sup>39</sup> “Joint Plan for Assistance, Northern Province, 2011 Mid-Year Review”, Government of Sri Lanka, UN & Partners, July 2011, hereinafter referred to as “JPA, 2011 Mid-Year Review”.

<sup>40</sup> Crisis Group phone interview, January 2012.

## 2. Housing shortage

Since the government's late 2009 decision to return IDPs rapidly to their home districts, most returnees have been living in temporary shelters, often of poor quality, with many made up of mere tarpaulins and jungle poles.<sup>41</sup> More than two and half years since the end of the war, a relatively small number of houses have been rebuilt or repaired. While an estimated 120,000-150,000 houses in the Northern Province are in need of rebuilding or repair, only 16,400 new houses have been constructed, while major repairs have been completed on 4,296.<sup>42</sup>

The slow rate of progress is explained in part by the difficulty of accessing areas of return in 2009 and early 2010, as well as by the lack of skilled labour and shortages of timber and sand.<sup>43</sup> What the UN calls "major gaps in shelter assistance" have also been the result of "severe funding restrictions".<sup>44</sup> As a senior aid official explains, "the government never bought into housing. The government felt they should concentrate on electricity and other infrastruc-

ture, and housing should be left to the diaspora and donors. Yet they didn't even ask the donors in any serious way".<sup>45</sup>

The absence of reliable records of land ownership and the regularity of land disputes have increased the challenges involved in building houses in the north and posed serious questions of conflict sensitivity for donors and contractors. These concerns have further slowed progress. According to a recent report, "The confusion over land ownership has posed a real dilemma for agencies involved in house construction. Most agencies do not want to go ahead with building a house for a beneficiary only to find out later that the land is owned or claimed by someone else. Simultaneously, agencies are facing a time crunch. Donors insist on strict adherence to deadlines and funding cycles. Further, there is a humanitarian imperative to ensure affected communities are able to restart their lives".<sup>46</sup>

In June 2010, the Indian government formally pledged to build 50,000 houses, 43,000 of them in the Northern Province.<sup>47</sup> Eventually, this could address a large portion of the needs, yet progress has been exceptionally slow. In response to the slow start, the Indians launched a pilot project for 1,000 houses, targeting some of the most vulnerable of returning IDPs<sup>48</sup>, and due to be completed by June 2011.

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<sup>41</sup> For a valuable discussion of housing issues in the north, see Bhavani Fonseka and Mirak Raheem, "Land in the Northern Province: Post-war politics, policy and practices", Centre for Policy Alternatives, December 2011, Chapter 5 (hereinafter referred to as "Land in the Northern Province").

<sup>42</sup> Numbers as of 7 February 2012. Another 6,726 were under construction and 1,458 under repair. "JHERU", No. 39, op. cit. The exact level of need is not known, as no formal assessment of housing in the north and east has been done. According to a senior aid official closely involved in housing in the north and east, the current working estimate for the total houses damaged or destroyed in the north is 172,000. The actual number of damaged or destroyed houses, however, is thought to be significantly lower, somewhere between 120,000 and 150,000; the 60,000 figure for Jaffna in particular is thought to be an overestimate of at least 20,000, in part because many houses have been rebuilt over the past decade. When gauging needs, 20 per cent of families are estimated to have their own resources for rebuilding, while as many as 20 per cent may never return to the north. There are also, however, a significant number of landless families who have never had houses and thus have not been included in the 172,000 figure. This explains the working figure of "a total 'need' which exceeds 100,000 houses" used by the UN and government. "JHERU", No. 39, op. cit. Crisis Group phone interview, January 2012. See also "JPA, 2011 Mid-Year Review", op. cit.

<sup>43</sup> Crisis Group phone interview, senior aid officials, January 2012. See also "JHERU", No. 37, op. cit., and "Joint Permanent Housing, Shelter, NFI Sector meeting minutes", UNOCHA, 18 August 2011.

<sup>44</sup> "JHERU", No. 38, op. cit. As of the end of 2011, international donors and the government had committed to building and repairing 34,500 houses. This figure does not include the Indian project for 43,000 houses, whose financing was only formally agreed in mid-January 2012.

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<sup>45</sup> "The government felt since there had been an awful lot of funding from overseas to support the war by the LTTE, this money should continue to flow into the north post-war from the same diaspora sources for building houses. Senior members of the government felt that most of these families will self-recover from all the money their families have from overseas. ... In fact, we've been surprised by how little money has come in from overseas. Much much smaller than we'd imagined ... We probably weren't going to get a lot of support, anyway, especially given donor concerns about the end of the war and how it ended. Lots of people have been standing back and watching." Crisis Group phone interview, January 2012.

<sup>46</sup> Fonseka and Raheem, "Land in the Northern Province", op. cit., p. 87.

<sup>47</sup> Some houses will be built in the Eastern Province and for "Indian Origin Tamils" in the Central Province. "Commencement of next phase of the Indian Housing Project", Indian High Commission, Colombo, 2 December 2011. For more on the Indian housing project in the context of India-Sri Lankan relations, see Crisis Group Report, *India and Sri Lanka after the LTTE*, op. cit., p. 9. A useful analysis of the Indian housing project can be found in Fonseka and Raheem, "Land in the Northern Province", op. cit., pp. 94-97.

<sup>48</sup> "In Kilinochchi and Mullaitivu people who do not have land were selected for the housing grant with the plan of giving them a half-acre land permit. State jungle lands were cleared and allowed for construction. But no documentation has been given to the beneficiaries in this regard and they are unaware which land belongs to them, yet". The source added, "In Jaffna some favouritism and biases have been observed. Earlier the pilot project was to be only for war-affected IDPs but in Point Pedro some people who had not been displaced have also been select-

On 18 January 2012, Indian External Affairs Minister S.M. Krishna handed over the first batch of houses to their new owners in Ariyalai, Jaffna.<sup>49</sup> Delays have been due in part to the reluctance of Sri Lankan officials to see India gain the good-will from the northern population that such a project would likely generate.<sup>50</sup> After disputes over various aspects of the project, including the selection of beneficiaries, Colombo's reluctance now seems to have given way to grudging acceptance.<sup>51</sup>

Building has also been delayed by implementation bottlenecks due in part to the Indian government's inexperience in carrying out humanitarian projects in Sri Lanka.<sup>52</sup> There has been confusion over the division of labour between district-level Sri Lankan administrators and Indian contractors. While government officials in the north were expected to identify locations and prepare the sites, the relevant district secretaries were allocated no money for this from Colombo.<sup>53</sup> There have also allegedly been disputes

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ed while rejecting some Vanni returnees". Crisis Group interview, local activist, Kilinochchi, December 2011.

<sup>49</sup> "EAM hands over houses (under the 1,000 houses Pilot Project) and bicycles to beneficiaries in Jaffna", Indian High Commission, Colombo, 18 January 2012. The Indians released no figures for the number of houses actually occupied. An aid official closely involved with housing in the north and east estimated that between 200 and 400 of the initial 1,000 houses may have been completed. Crisis Group phone interview, January 2012. For more details on the project, see "Commencement of next phase of the Indian Housing Project", op. cit. On 26 January 2012, the Indian government published its call for tenders to manage the housing contract. It could be until mid-2012 before the project is fully underway. Crisis Group phone interview, senior aid official, January 2012.

<sup>50</sup> Crisis Group interviews, Sri Lankan government officials and diplomats, September 2011.

<sup>51</sup> Crisis Group interviews, Sri Lankan government officials, housing contractors, September 2011. According to an official, "The military thinks that the TNA is influencing the government officials in beneficiary selection. They therefore want to verify it. That is why Douglas Devananda [cabinet minister and leader of Eelam People's Democratic Party (EPDP)] also said that TNA is influencing the Indian companies. Whatever the case may be, the finalisation of the beneficiary list got dragged out and the Indians were given the list much later than agreed. The first list was later amended".

<sup>52</sup> Crisis Group interviews, government officials, housing contractors, September 2011. Until the final months of the war, when it provided large amounts of humanitarian assistance, the Indian government has not traditionally provided significant amounts of aid to Sri Lanka. It has never before carried out any development or humanitarian work on the scale of the housing project.

<sup>53</sup> According to a local official: "They say the Indian contractors are building the house, but those guys will not set foot without all the prior work being done by us. We have to identify land, do jungle clearing, surveying, levelling and other site preparation activities. Where is the money for all this ...? I had to do with what I have and to ask some others [NGOs] to help out".

between the two major Indian companies that were awarded the building contracts – neither of which has prior experience in the island – and their many Sri Lankan subcontractors.<sup>54</sup>

On 1 December 2011, the Indian cabinet formally approved funding for the construction and repair of the remaining 49,000 houses, and on 17 January 2012, Krishna signed a memorandum of understanding with his Sri Lankan counterpart for a \$260 million project for their construction.<sup>55</sup> In an effort to speed up the building process, most houses will now be built by the house-owners themselves, with technical assistance and support provided.<sup>56</sup>

### 3. Lack of jobs, livelihoods and economic opportunities

An equally urgent problem for newly returned residents of the Vanni in particular is the lack of jobs and other livelihood opportunities.

A 2011 study of recipients of a U.S. Agency for International Development (USAID) cash-for-work program in the north noted "the lack of labour market opportunities" and found that the "majority of the respondent families relied on low and erratic income. In the sample, 89 per cent of respondent families did not have any family member engaged in a type of work for which a salary or a regular wage was paid".<sup>57</sup> A separate assessment of food security

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Crisis Group interview, government official, Northern Province, September 2011.

<sup>54</sup> Hindustan Prefab and RPP Infra Project Limited have been awarded the contract by the Indian government. Sri Lankan subcontractors have reportedly complained of cost over-runs, delays in payment and poor margins, which has made others reluctant to take on work. Lack of information about total cost details have reportedly made sub-contractors, beneficiaries and local government officials wary. Crisis Group interview, local activist, Kilinochchi, December 2011.

<sup>55</sup> "EAM hands over houses (under the 1,000 houses Pilot Project) and bicycles to beneficiaries in Jaffna", Indian High Commission, Colombo, 18 January 2012. Building is projected to cost INR (Indian rupees) 13.19 billion (\$260 million). 44,000 houses will be newly built, 5,000 houses will be repaired.

<sup>56</sup> Houses for some 6,000 families "who are unable to build their own houses, like households headed by single women, disabled, elderly people etc., will be built by construction agencies". "Commencement of next phase of the Indian Housing Project", op. cit.

<sup>57</sup> The study further noted: "The distribution of reported main source of family income in the past three months reflects in the areas where the CFW [cash-for-work program] was implemented: The largest segment of respondent families (42.8 per cent) was engaging in irregular, non-skilled labour work. Irregular skilled labour (6.91 per cent), home gardening (7.18 per cent), small business/self-employments (7.73 per cent) and paddy cultivation (6.91 per cent) are the other most common categories from which families earned some form of income. Notably, 7.73

conducted in April 2011 by the UN World Food Programme (WFP) in conjunction with government agencies found that “livelihoods are still underdeveloped” in the north and that “the substantial non-availability of basic infrastructure and services in many parts of the Northern Province and serious damage to private and public assets provide a challenging environment for households to reestablish their livelihoods”.<sup>58</sup>

The 2011 mid-year review of the UN-government Joint Plan for Assistance noted that “escalated interventions to rehabilitate livelihood facilities, particularly at the community level, and tangible support to help people establish a regular source of income and move toward self-sufficiency will be necessary for the rest of 2011 and ahead”.<sup>59</sup>

The fishing industry, a mainstay for the livelihoods of a large percentage of northern residents, is struggling to reestablish itself amid complicated ethnic, security and modernisation challenges. Many security restrictions, which had severely limited fishing off the northern and eastern coasts during the war, have been removed, though not all.<sup>60</sup> The war destroyed most assets – boats, motors, nets, equipment – and resuming livelihoods for sea-faring fish-

ermen requires large outlays of capital. The assistance received so far has been grossly inadequate relative to the losses incurred.<sup>61</sup> According to a fisherman in Mullaitivu, “Many of us who were engaged in beach seine [net] fishing are unable to start that because we do not have money. Today you need an investment of at least LKR (Sri Lankan Rupees) 2 million [\$18,000] to re-start. We have lost all assets, where will we go for that?”<sup>62</sup> Getting loans has not been easy, though some with collateral and influence have succeeded.<sup>63</sup>

Other groups face their own specific challenges. Ex-combatants and others released from the government’s “rehabilitation” system have faced real difficulties finding jobs and other economic opportunities. Those working with released detainees explain that “there aren’t many jobs in the north” and that many of the ex-detainees have lost the education certificates required by many employers.<sup>64</sup> In addition, “some have trouble holding down jobs. Many aren’t used to having a regular job. And quite a few have to check in regularly with the military, which can interfere with holding down a job”.<sup>65</sup>

Some ex-combatants complain that NGOs – sources of some of the few good jobs in the Vanni – are often reluctant to hire them. “Recently an NGO advertised and recruited some officers. I was qualified but they brought someone from outside the district. Even though I don’t

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per cent of the surveyed families reported to have no source of income at all. Only 3 per cent of them had a family member engaged in regular salaried employment”. “Expenditure Patterns of Cash-for-Work versus Non Cash-for-Work Households within a Food Security Context”, Agency for Technical Cooperation and Development (ACTED), June 2011, p. 7 (hereinafter referred to as “ACTED Survey”). The survey of families receiving USAID support in the form of cash-for-work was conducted in Mannar, Mullaitivu and Kilinochchi in March 2011.<sup>58</sup> “Food Security in the Northern, Eastern and North Central Provinces: A Food Security Assessment Report – Sri Lanka”, Hector Kobbekaduwa Agrarian Research and Training Institute, ministry of economic development and UN World Food Programme, April 2011, pp. 95-96, hereinafter referred to as “WFP Assessment”.

<sup>59</sup> “JPA Mid-Year Review”, op. cit., p. 3.

<sup>60</sup> “Now there is no restriction in this part. We can go at any time of the day or night with a token [provided to registered fishermen by the military]. Even in the sea the navy does not disturb us. But we know that in some areas – for example to go to Kokkilai or to go to places where the war took place – there are restrictions”. Crisis Group interview, fisherman, Mullaitivu, September 2011. On 9 July 2011, in advance of local government elections in the north, the government announced it was removing all security-related restrictions on fishing. Yet, various forms of regulation and restrictions continue to be imposed on Tamil (and at times Muslim) fishermen that are not imposed on Sinhalese. For examples of these restrictions, see Fonseka and Raheem, “Land in the Northern Province”, op. cit., pp. 122-123, 165-166 and 195-196. See also Watchdog, “Post war situation in Northern Sri Lanka & Prospects for Reconciliation”, Groundviews, 19 November 2011 and Mirudhula Thambiah, “Fishermen in the North are unsettled and unhappy”, *The Sunday Times*, 11 December 2011.

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<sup>61</sup> The Mullaitivu district cooperative alone lost over LKR 80 million (\$700,000) worth of assets and infrastructure. Needs are gradually being met, with coolers, refrigeration facilities and an ice factory in progress and replenishment of some equipment with donor assistance. The cooperative is back in operation and is confident of building up the membership system it used effectively before the war. A LKR 45 million ice factory, apparently funded by the Chinese, is being constructed in Kallappaadu. Crisis Group interviews, fishermen and fishing cooperative officials, Mullaitivu, September 2011.

<sup>62</sup> Crisis Group interview, Mullaitivu, September 2011.

<sup>63</sup> Though the Sri Lankan government promised loans at concessionary rates, as of early September 2011, only fourteen members from the Mullaitivu fishing cooperative society have received the promised 4.5 per cent interest-rate loans from the Bank of Ceylon. 200 had applied and are in the process of receiving funding from other lenders at commercial rates. Some have resorted to borrowing from informal markets. Individual bilateral donors have taken “responsibility” for supporting the restoration of the industry in different villages, but there remain serious gaps in coverage of villages. Crisis Group interviews, Mullaitivu, September 2011.

<sup>64</sup> Crisis Group phone interview, Richard Danziger, country director, International Organisation for Migration, March 2012.

<sup>65</sup> Ibid. Others report that the regular checking by the military contributes to the resistance that many employers have to hiring ex-detainees, already suspect to some for their real or alleged links with the LTTE. Crisis Group interviews, ex-detainees and human rights activists, September 2011, February 2012.

have the experience, if I am given a chance I would learn. But NGOs are scared to take people who have come from detention. It is they who look at us suspiciously”.<sup>66</sup>

Some of those released from detention have reported long delays in accessing promised financial assistance from the International Organisation for Migration (IOM).<sup>67</sup> Speaking in September 2011, one complained that “It is well over a year since I returned and there are many others in the village too who came around that time. None of us have got the assistance to date”.<sup>68</sup> Another explained, “I went [to the IOM office] over nine times, and now I have given up. Let them come. I know of others who have gone fourteen times and had still not got any response. We do all that we are asked to do – register with an application and documents, give a plan, get quotations – but they don’t do what they are supposed to do”.<sup>69</sup>

IOM officials accept that their reintegration programs in the north were slow getting off the ground and that “rehabilitees” often had to wait too long to receive support. “It’s true, we were very behind”, says the IOM Sri Lanka country director. “I wouldn’t want to say we are completely caught up, but we are now on track. Lack of staff was the main issue, but we’ve had more funding so have been able to increase our support. We’ve also started to do more outreach”.<sup>70</sup> Most released detainees reportedly use IOM financial assistance to start their own businesses, and IOM

says its priority is to support the most vulnerable.<sup>71</sup> This includes the disabled and single women heading households, but also the “socially vulnerable”, focusing on “those who have been in rehab longer, the harder-core LTTE members being released now. It is important to assist them quickly. This is a basic lesson of DDR [disarmament, demobilisation and reintegration] work from around the world”.<sup>72</sup>

#### 4. Poverty and food insecurity

Recent assessments by a variety of agencies reveal extremely high rates of poverty and food insecurity. The WFP food security assessment found poverty rates to be particularly high throughout the north: in all five districts more than half the population lives below the poverty line; in Kili-nochchi, 26 per cent of households live on less than *half* the official poverty line.<sup>73</sup>

With so few jobs or other sources of income, many people are struggling to buy the food they need to survive. High food prices and poverty have forced many to eat less and/or to borrow money to pay for food. The WFP survey found that more than 60 per cent of households in the Northern Province were food insecure, and some 15 per cent severely food insecure.<sup>74</sup>

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<sup>66</sup> Crisis Group interview, ex-detainee, Mullaitivu, September 2011.

<sup>67</sup> The IOM has had a program to work with those released from government “rehabilitation centres” since 2009. The program has been controversial since it involves assisting a “rehabilitation” system that has detained as many as 12,000 people without charge, without access to lawyers, and without any independent monitoring. The International Committee of the Red Cross has been barred from the centres since July 2009. IOM has had only limited access to the detainees while they are in detention and has not been allowed to monitor conditions in the centres.

<sup>68</sup> Crisis Group interview, Mullaitivu, September 2011. “They promised in the meeting that we will be given houses. But see what I am now living in – and it is not even ours, it is our parents. My husband and I still sleep in the tent. The GS [grama sevaka, local-level government official] was giving us government assistance, but that too is finished. I would like to get training in a technical line ... but no funds. At the beginning I heard that agencies would pay for the classes, but no one does it now. I registered with IOM several months ago and got token number 800 odd. No one came to see me ... they have lost the leasing letter ... I went 4-5 times. Now I have given up and will take it whenever it comes”.

<sup>69</sup> Crisis Group interview, Kili-nochchi, August 2011.

<sup>70</sup> Crisis Group phone interview, Richard Danziger, March 2012. Danziger reports that IOM has now assisted more than 4,000 of the roughly 10,000 people released from Sri Lanka “rehabilitation” centres.

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<sup>71</sup> Ibid. Businesses have included home gardening, running a shop, taxi services, tailoring, carpentry, masonry, computers, printing, and translation work. The maximum IOM grant is LKR\$ 65,000 (\$575).

<sup>72</sup> Ibid.

<sup>73</sup> “WFP Assessment”, op. cit., p. 13. The poverty line in Sri Lanka is 1 U.S. dollar per day.

<sup>74</sup> In absolute numbers, the WFP survey estimates 649,000 people in the north to be food insecure. Of these, 142,000 were severely food insecure and 507,000 moderately food insecure. Ibid, p. 80. For the purposes of the WFP study, “food security” was defined as a “composite indicator based on income level, expenditure patterns and food intake” and depends on the availability of food and households’ access. To be food insecure is either to have actual difficulty affording or finding adequate amounts of food or to be at risk of this being the case in the event of price increases or loss of income. Ibid, p. 77. The report notes that “The trend and severity of food insecurity are particularly worrisome in Killinochchi. Low income levels and high food prices have led to weak purchasing power of households in the Northern and Eastern Provinces. As a result, there are signs of asset depletion, high indebtedness and adaptation of relatively serious coping behaviours, especially in the Northern Province. In Vavuniya and Jaffna, the level of need in the not recently returned population – a population not typically the focus of assistance – is of similar severity as the recently returned population. The most substantial food assistance reduction is expected in Mullaitivu where the situation requires close monitoring in the near future”. Ibid, p. iii. A separate study of a USAID cash-for-work (CFW) program in Mannar, Mullaitivu and Kili-

The Northern Province, along with the east, has traditionally been the most impoverished in Sri Lanka, due in part to the decades of war and devastation, as well as political neglect. The destruction of property and possessions in the final years of conflict in the north was particularly severe and left most returnees with little or nothing with which to rebuild their lives.<sup>75</sup> As the WFP study notes, "Tens of thousands of people returned to their homelands empty-handed and are still struggling to develop their livelihoods with limited resources".<sup>76</sup>

As a result, the population of the Vanni has remained reliant on international food assistance, even after they were released from camps and allowed to return home. Since late 2009, the WFP has provided six to nine months of food assistance to all returnees. With virtually all the displaced now returned for more than nine months the level of food insecurity could well be significantly higher than when the WFP survey was conducted in April 2011.<sup>77</sup> There are

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nochchi by ACTED found that "96 per cent of all surveyed families (CFW & non-CFW recipients) stated that their main monthly expenditure is for food items". The study also found that "Nearly 70 per cent of the beneficiaries have spent between 53 per cent (LKR 16,000) and 93 per cent (LKR 28,000) of their earnings to purchase food". "ACTED Survey", op. cit., pp.11 and 18. UNOCHA reported that in September 2011, the WFP provided food assistance to 57,858 malnourished children under five years. "JHERU", No. 37, op. cit.

<sup>75</sup> Most of those recently returned to the Vanni were displaced multiple times in 2008 and 2009. When fleeing the fighting, people took as many of their possessions as they could bring with them, but eventually had to abandon or sell most of their things as they moved from place to place and eventually ended up trapped amid the fighting on the Mullaitivu coast. When entering the huge Menik Farm displacement camps, IDPs were allowed to bring in no more than five kilograms of belongings; many had to abandon much of what they had managed to save through the fighting, including in some cases, their pets. In the end, most lost almost all they had. When they finally returned home, they found their houses and lands looted and stripped of anything of value they might have left. Crisis Group interviews, aid workers and Vanni residents, September 2011.

<sup>76</sup> "WFP Assessment" p. 86. "In the Northern Province the 26-year civil war was the single most important cause of food insecurity". In addition to the "loss of property, assets and livelihoods due to frequent multiple displacements. ... [p]oor land access for cultivation due to mined fields and high security zones as well as lack of irrigation facilities and soil salinity have made cultivation problematic for many". Ibid.

<sup>77</sup> The WFP study warns that: "With the expected continuation of the reduction of food assistance to the Northern Province, it is likely that food security conditions will deteriorate in the coming months, particularly when the lean season approaches. Therefore, food assistance should be extended to food insecure households until their livelihoods are re-established and systems for the monitoring of the food security situation should be introduced". WFP Assessment", p. iii. "Poverty is deep and widespread, the only sustainable solution to which is to enhance the

also worrying signs that with most people having no savings or assets to fall back on, and having to borrow even to buy food, debt levels in the Vanni and elsewhere in the north are reaching dangerous levels. According to the WFP, more than half the population in the north is indebted, with the average level of debt equalling six months of income.<sup>78</sup> Despite the severity of the problem, the government has not yet extended its chief poverty alleviation program, known as *samurdhi*, to the Northern Province.<sup>79</sup>

## 5. Lack of psychological support and trauma counselling

Rates of war- and trauma-related mental health conditions are very high in the north. According to a 2009 study conducted in Jaffna – but with very few who had survived the final months of fighting – 7 per cent of residents suffered from post-traumatic stress disorder (PTSD), 22.2 per cent from depression, and 32.6 per cent from anxiety.<sup>80</sup> The

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productivity and profitability of livelihoods. Food assistance projects should focus on creating assets and developing capacities at the household level and on helping to address key environmental bottlenecks such as irrigation infrastructure or road networks". Ibid, p. 96. In the meantime, however, "unconditional safety nets without a component of work or training requirement will be necessary for vulnerable groups, including food insecure households without able-bodied adult men. The size of this population is approximately 266,000 persons". Ibid, p. 97. According to their spokesperson in Colombo, WFP is looking for funding to cover assistance for an estimated 176,000 beneficiaries in the north. Of this total, 65,000 would be targeted on the basis of vulnerability and eligible for "food for assets" and "food for training" programs. Crisis Group phone interview, February 2012.<sup>78</sup> Ibid, pp. 47-49. The ACTED study noted indications "that the debts of the families are growing, while the opportunities to repay the loans (from job earnings) are not necessarily arising. The inability to re-pay the loans might cause severe constraints to the families in the near future". "ACTED Survey", op. cit., p. 18. "After depleting their remaining assets, people increasingly resort to measures such as selling most treasured personal items (jewellery, etc.) and also buy food and essential items on credit". Ibid, p. 12.

<sup>79</sup> "We don't get samurdhi relief payments, however poor we are. That scheme is not implemented in this district". Crisis Group interview, local government official, November 2010.

<sup>80</sup> Farah Husain, et al., "Prevalence of war-related mental health conditions and association with displacement status in postwar Jaffna District, Sri Lanka", *Journal of the American Medical Association*, Vol. 306, No. 5 (3 August 2011). Given the sample population, these figures significantly downplay the prevalence of trauma and its psychological effects among the nearly 300,000 who survived the final months of fighting. The survey interviewed 1,448 people: among these, 68.5 per cent were long-time residents of Jaffna (who had either never been displaced or were displaced before 2000), 29.5 per cent were "recently resettled" (displaced at some point since 2000), and only 2 per cent were in displacement camps when the survey was conducted between July and September 2009. Since almost no

rates among those displaced in the final years of fighting were much higher: 13 per cent suffered from PTSD, 41.8 per cent from depression and 48.5 per cent from anxiety.<sup>81</sup>

These latter conditions are likely to particularly affect the current Vanni population given its greater recent experience of traumatic events: 68 per cent of all those surveyed had experienced at least one "trauma event"; among the recently displaced, almost 58 per cent had experienced ten or more trauma events. Among these events were the following: 80 per cent of those displaced in 2008-2009 had experienced "attacks/bombardments with shells/rockets", 76.9 per cent had been "caught in crossfire of an attack or battle", 60.9 per cent had been shot at by a gun, and 32.7 per cent had been injured by a "knife, gun or other weapon".<sup>82</sup>

The deep personal losses and severe psychological stresses suffered by residents of the north help explain the large increase in alcoholism widely reported from the Vanni, which in turn brings other physical and psychological problems, including domestic violence, sexual abuse, and economic difficulties.<sup>83</sup>

For the first two years after the war, the PTF and the military strictly prohibited any local or international NGOs from conducting programs designed to address war-related trauma and other psycho-social stresses.<sup>84</sup> Since mid-2011,

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one had by then been released from the camps, few if any of the "recently resettled" would have been among those displaced in the final phase of the war.

<sup>81</sup> Ibid.

<sup>82</sup> Ibid. In addition: 15 per cent had been injured by "a landmine or unexploded ordnance", 13.3 per cent had a "disability from an injury received during battle or attack", 37.3 per cent had been interrogated or harassed "by combatants and/or others with threats to life", 9.8 per cent had been kidnapped or abducted, 6.7 per cent had been tortured, 31.2 per cent had missing or lost family members, 29.1 per cent had experienced the death of an acquaintance due to fighting, murder or suicide, and 28.8 per cent had experienced the death of a family member due to fighting, murder or suicide.

<sup>83</sup> Brewing illicit alcohol has become a popular means of income generation in the Vanni. Women are reportedly increasingly taking it up since it is considered comparatively easy work and is very lucrative. This places them, and particularly their young daughters, vulnerable to exploitation, violence and other problems. For further discussion of problems faced by women in the Vanni, see Crisis Group Report, *Women's Insecurity in the North and East*, op. cit.

<sup>84</sup> The PTF was established in mid-May 2009, in the closing days of the war. Its chairman has from the beginning been Basil Rajapaksa, one of the president's brothers and now the minister of economic development, and the secretary has been S.B. Divaratne. There is no publicly available list of the current membership of the PTF, but when first appointed, its other seventeen members were the secretary to the president, the defence secretary, the secretaries to the ministries of finance and planning,

a small number of organisations have been given permission to provide psychological counselling and related support so long as they work through local government health services. But the need is enormous and the available staff and programming far from adequate. In the words of a senior staff member of an international organisation, "psycho-social counselling is still pretty poor in the north. There is some going on now, but not enough".<sup>85</sup>

Making matters worse, the government and military continue to prevent any public mourning or commemoration by the surviving family members of those killed in the war – including religious observances for the deaths of civilians. In addition, attempts to commemorate the more politically charged "Heroes Day" – the LTTE's traditional day of remembrance of its fighters killed in action – have been violently disrupted across the north since the end of the war.<sup>86</sup>

## 6. The PTF and limitations on the work of humanitarian agencies

The PTF's restrictions on psycho-social programming have been particularly severe, and its limitations on the operations of humanitarian organisations in other sectors, too, have contributed to the serious problems northern residents continue to face.

Appointed by the president in May 2009, the PTF was given far-reaching powers that have determined the course of resettlement and reconstruction of the north.<sup>87</sup> It has cen-

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resettlement and disaster relief services, nation-building and estate infrastructure development, highways and road development, power and energy, land and land development, health care and nutrition, the chief of the defence staff, the commanders of the army, navy and air force, the inspector general of police, the head of the civil defence forces, the competent authority for the Northern Province, and the former director general of the national planning department. The responsibilities and names of some of the ministries have since changed, but the PTF membership is believed to remain virtually the same.

<sup>85</sup> Crisis Group phone interview, March 2012. A diplomat adds: "The psycho-social situation is bad, but yes, it is possible to do it now, though very difficult. You have to work very closely with local-level health services and present it as a capacity building project for local structures. But there is an opening on this finally, a recognition that there is a large population who is psychologically shaken up". Crisis Group interview, January 2012. See also "There is an urgent need for psychological assistance in the North", Groundviews, 30 July 2011.

<sup>86</sup> For a longer discussion of government efforts to prevent the commemoration of Tamils killed in the fighting, whether civilian or LTTE, see Crisis Group Report, *Sri Lanka's North I: The Denial of Minority Rights*, op. cit., section III.D.

<sup>87</sup> The basis of the PTF's legal authority is uncertain, given that it was established neither by an act of parliament nor by a public notification in the government gazette.

tralised virtually all decision-making in a small number of mostly Sinhalese officials in Colombo, with a prominent role given to military officials.

In the first two years of return and resettlement of the Vanni, the task force placed strict limitations on which NGOs could work in the north and which services they could deliver, as well as time-consuming restrictions on visas and military controls on the movement of NGO vehicles and foreign workers.<sup>88</sup> Its regime of permits, approvals and extensive reporting requirements, often applied arbitrarily, has significantly reduced the amount and quality of the assistance delivered to the north.<sup>89</sup>

Until mid-2011, the PTF routinely denied permission for projects including a “software” program – ranging from beneficiary consultations, field-based needs assessments, social mobilisation, local capacity building, community level trainings, psycho-social programs, and gender and human rights awareness projects. In a typical case, explains a senior aid worker, “The PTF forced a European-funded recovery program scheduled for implementation through leading INGOs and NGOs to be revised, stripping it of all ‘software’ and other unwanted activities and requiring it to focus on ‘hardware’”. The agencies, if they were to implement any program at all, had no option but to comply, which they did without public protest”.<sup>90</sup>

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<sup>88</sup> Projects could be implemented only through agencies – international or Sri Lankan – approved by the PTF to work in the north, even when agencies were already properly registered with the NGO secretariat or the district secretary. Until late 2011, a recommendation from the PTF was required for operational agencies to gain ministry of defence approval to enter the region to work. The task force also played a role in determining and allocating the specific divisions and villages in which an agency could implement its projects. If the project activity, implementing partner or the village had to be altered during the course of implementation, the approval process had to start again from scratch.

<sup>89</sup> Stringent PTF controls, some of which ran counter to established principles for sustainable resettlement, led some donors to reduce their support. In the words of a senior aid worker, “The strong arm tactics of the PTF, aimed at getting more resettlement funds channelled through government mechanisms for priorities it determined, did not find favour with some donors, who had legitimate reservations about the centralisation and militarisation of the process”. Crisis Group email correspondence, March 2012.

<sup>90</sup> Crisis Group interview, senior aid worker, November 2011. Many experienced humanitarian workers, as well as local government officials well versed in responding to emergencies, are critical of the PTF for centralising decisions and “straight-jacketing” the resettlement work of many agencies, ultimately to the detriment of the population in need. They argue the PTF functioned as an additional layer of bureaucratic administrative control, with its directives contradicting essential lessons on

These and other PTF restrictions were motivated in part by a general suspicion of international humanitarian agencies and aid workers, whom the government, and especially military leaders, saw as key sources of information and critical analysis to the outside world and an impediment to implementing government policies on the ground. “Hardware” programs, such as the provision of infrastructure and tangible goods and other forms of material support to returnees are also easier to monitor and control, and, some would argue, to profit from.

In the second half of 2011, PTF reporting and approval procedures were made more efficient, making work easier for NGOs so long as they operate within the priorities laid down by the task force. The July 2011 removal of the requirement for defence ministry pre-authorisation for foreigners travelling to the north has also made work easier for international agencies. Nonetheless, the government priority for “hardware” remains strong and “soft” programming that targets community development and rights protections are rarely approved. “The PTF’s latest stand”, explains the senior aid worker, “seems to be an acceptance of ‘software’ – but only when implemented through government agencies as a part of their routine work. Rights awareness and social mobilisation are still out of the question”.<sup>91</sup>

Aid workers point to standoffs in 2011 between the PTF and humanitarian actors on access, on priority areas and on recognition of the legitimate role of NGOs in resettlement, as well as the task force’s pressure on UN agencies and bilateral donors to fund activities directly through government bodies.<sup>92</sup> More recently, Colombo has begun pressing donors and implementing agencies to limit aid to recently resettled communities and instead to focus their assistance on the longer-term displaced Muslim and Sinhalese populations.<sup>93</sup> As noted above, the PTF has attempt-

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sustainable and people-centred resettlement drawn from years of humanitarian response. A smaller number of aid workers and donors point to positive aspects of the PTF’s work, including the sense of urgency that it has brought to tangible activities like well-cleaning, jungle-clearing, and the distribution of agriculture starter packs; its generally strict accountability for physical deliverables; and improved coordination across divisions and districts. Crisis Group interviews, UN and NGO workers, September 2011 and January 2012.

<sup>91</sup> Crisis Group interview, senior aid worker, November 2011.

<sup>92</sup> Crisis Group interviews, diplomats and staff with humanitarian organisations, September 2011 and March 2012.

<sup>93</sup> Ibid. In a letter to UN agencies and heads of NGOs, the PTF announced a target of having “no IDPs at the end of the year” and request agencies to “formulate your project proposals for the year 2012 taking into consideration” three priorities: families displaced before 1995, families still in Menik Farm camp and others displaced from the same areas, and those still displaced from areas recently opened for resettlement in Mullaitivu. Assistance to those already resettled was not listed as a priority.

ed – with some success – to reduce the official count of both “new” and “old” IDPs in an effort to present the problem as largely solved.<sup>94</sup>

This is one example of a larger government strategy of controlling and limiting information needed to assess the humanitarian and development needs of the region and to monitor the effectiveness of government and international programs. In the words of a diplomat, “preventing independent and thoroughly evidence-based needs analysis is a main feature of the Sri Lankan government’s strategy for keeping control over developments in the north.”<sup>95</sup>

Aid workers and donors regularly report difficulties in getting permission to conduct rigorous needs assessments in the north and east under the current government. When assessments are allowed, there are tight restrictions on the range of issues that can be explored and questions asked.<sup>96</sup> Finally, what information is gathered by agencies is tightly guarded, at times making sharing difficult even between UN agencies. A former UN staff member has described his repeated failures in obtaining human rights related data from another UN agency, even in confidential settings convened precisely for the purpose of information sharing and collaboration, and even though the information was being shared with the government.<sup>97</sup> Echoing a commonly heard complaint, a diplomat adds, “Information gathering and sharing among aid stakeholders is poorly managed and subject to political manipulation. There is lots of self-censorship.”<sup>98</sup>

The crippling lack of information sharing within and between UN agencies and between the UN, INGOs and the public is in large part a response to Colombo’s pressures

and threats. The government has cancelled or refused to renew the visas or work permits of a long list of international aid workers who have made critical public comments and/or were suspected of sharing information with diplomats, human rights organisations or journalists.<sup>99</sup> “PNG-ing is an old trick to mute the critical voices or those perceived as being too well informed. ... The government is profoundly allergic to those INGO reps who manage to get better organised among themselves and vis-à-vis the UN”.<sup>100</sup> Some bilateral donors, in particular the U.S., have had some occasional success in persuading the government to relax restrictions on issuing visas for international workers, but there have been few if any collective attempts to defend aid workers from government retribution.

The source of many of the restrictions on humanitarian assistance and information gathering and sharing has been the military and the prioritisation of its restricted definition of national security. The military continues to be the first and final authority throughout the north.

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“Assistance of UN agencies and NGOs in resettlement activities in the north”, PTF letter, 21 December 2011. According to a senior aid worker, “At least 10 NGOs have been requested to shift activities to meet the priorities laid out in the PTF letters, regardless of needs assessments and local authorities’ requests”. Crisis Group email correspondence, March 2012.

<sup>94</sup> See notes 31 and 33. Traces of the dispute can be seen in the 2012 JPA’s discussion of the need for an assessment of the numbers of protracted IDPs and those living with friends, relatives and host families. According to an official with UNHCR, “a joint survey of protracted IDPs” began in the third quarter of 2011 and includes participation from the PTF and the ministries of resettlement, defence and industries and commerce, along with UNHCR, WFP, and the UN Office for Project Services (UNOPS). “The survey is going quite slowly. Government cooperation may be waning. We would like very much for the survey to remain joint, as it’s important that its findings get buy-in from all stakeholders”. Crisis Group phone interview, March 2012.

<sup>95</sup> Crisis Group phone interview, March 2012.

<sup>96</sup> Crisis Group interviews, September and December 2011, February and March 2012.

<sup>97</sup> Crisis Group email correspondence, December 2011.

<sup>98</sup> Crisis Group phone interview, March 2012.

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<sup>99</sup> One of the best known casualties of government vengeance was UNICEF spokesperson James Elder, forced to leave Sri Lanka in September 2009. “Sri Lanka expels Unicef official”, BBC News, 7 September 2009. At least two senior aid workers have had their visas cancelled in early 2012, both known for their strong commitments to humanitarian principles. Crisis Group interviews, diplomats and aid workers, March 2012. There are also reports of increased government scrutiny of humanitarian agencies in late 2011 and early 2012. This has included detentions of local staff, questioning of organisations and request for personnel details of staff. Crisis Group email correspondence, lawyer, March 2012.

<sup>100</sup> Crisis Group email correspondence, diplomat, March 2012.

### III. LAND, RESOURCES AND THE MILITARISATION OF NORTHERN DEVELOPMENT

#### A. THE MILITARY TAKEOVER OF DEVELOPMENT POLICY AND DECISION-MAKING

The military rules the north in part by exercising forms of power that are not within its traditional ambit. Crucial among these are its de facto control over what development and humanitarian projects are allowed in the Northern Province; how, where and by whom resources and services are distributed; and who benefits from them.

In the absence of an elected provincial council, the north is governed by Colombo through the appointed provincial governor, retired major general G.A. Chandrasiri.<sup>101</sup> The day-to-day administration in each of the province's five districts is carried out by the district secretary (also known as the government agent), under whom serve divisional secretaries. This civil administration in the north is parallel to – and frequently overruled by – a separate military architecture. The military command structure consists of a security forces headquarters (SFHQ), headed by a major-general, roughly covering the boundaries of each district, in which army divisions and task forces are stationed in different camps. Each division is usually headed by a brigadier or a colonel. There are also naval and air force bases with separate commands structures, but under the overall coordination of the district SFHQ.

While the mostly Tamil civil administration is nominally in charge of decisions on reconstruction, land and resettlement in the north, the almost entirely Sinhala military has enormous powers to interfere with and in most cases directly determine policies on issues it considers important. The PTF has been an important vehicle by which the military has taken on a bigger role in the resettlement process. The senior most leaders of the military are all included at the apex of the task force<sup>102</sup>, ex-military personnel are involved in the project and agency approval processes, and local area commanders have been given the power to approve beneficiary lists for humanitarian projects. NGOs and development agencies have been required to invite local commanders for consultations, openings and project

disbursement events.<sup>103</sup> In some locations the military has reportedly also been tasked with monitoring progress on behalf of the PTF.<sup>104</sup>

A government official posted in the north explains, “We have been instructed to keep the military informed and involved in all our activities. We have a letter from the PTF saying that we have to invite the military for all our functions like handing over, planning development projects, etc.” Another explains that for each humanitarian or development project “We have to get the beneficiary lists approved by the military in the area. That is the responsibility of the department concerned. The army uses it to verify as well as to track what assistance people have got”.<sup>105</sup>

Donors and officials with humanitarian organisations have been worried by the formal power granted by the PTF to the military to approve beneficiaries of humanitarian and development assistance in the north.<sup>106</sup> All projects implemented by NGOs and civilian government agencies have required the submission of beneficiary lists to the local military commanders for approval. While the military does actively cross-check the list of beneficiaries, the worst fears of many – that it would actively work to deny benefits to particular individuals or categories of individuals – do not appear to have materialised. District-level government officials and humanitarian workers more often complain about delays in implementing projects due to the extra step of getting army approval of beneficiaries, as well as the military leveraging their position of power in the process to their advantage.<sup>107</sup>

Nonetheless the military's review of beneficiary lists gives it an additional tool of control over the local population. Just as they did with the LTTE in the recent past, many residents in the north already regularly appeal to the mili-

<sup>101</sup> Chandrasiri was security forces commander for Jaffna until January 2009, when he was appointed as the competent authority for the Northern Province, chiefly in charge of the massive internment camps in Menik Farm, Vavuniya, where nearly 300,000 survivors of the war were held. He was appointed governor in July 2009.

<sup>102</sup> See note 84 above.

<sup>103</sup> New UN-sponsored guidelines are designed to prevent this from continuing. “Guidelines on humanitarian communications with military authorities” (UN Guidelines), UN Country Team and Humanitarian Country Team, Sri Lanka, October 2011. See the conclusion of this section for more details.

<sup>104</sup> Crisis Group interviews, government official, Vavuniya, September 2011.

<sup>105</sup> Crisis Group interviews, senior government officials, Northern Province, September 2011. In a representative letter from the PTF approving work in the north, an NGO was “kindly requested to select the Grama Niladhari [GN] divisions and beneficiaries in consultation with the divisional secretary and the brigade commander”. PTF letter, October 2011.

<sup>106</sup> In a letter to the five district secretaries of the Northern Province, the secretary to the PTF ordered that “all the [beneficiary] selection lists must be vetoed [sic] and finalized by a committee comprising of the Divisional Secretary, the Divisional Coordinator and a representative of the Brigade Commander.” “Shelter, wash, livelihood and other assistance to resettled families”, PTF, 1 July 2010.

<sup>107</sup> Crisis Group interviews, Northern Province, September 2011.

tary as the final authority over local disputes, including in cases where some are seen to receive opportunities or resources that others have been denied. This power is reinforced by the fact that it has resources of its own – including houses, boats, vehicles and equipment – which it can choose to distribute as it wishes.<sup>108</sup>

On some occasions, particularly with regard to resettlement issues and the need for land, military commanders directly take over decision-making power. For instance, a brigade commander in Mullaitivu reportedly “told the people of Maruthodai not to go to their lands and that he will arrange to give them land for cultivation in the interior and for them to give up their land in the border areas. The people seem to have agreed probably out of fear. He told the people that the DS [divisional secretary] had agreed to the plan and he told the DS that he had spoken to the people and that they had agreed”.<sup>109</sup>

The military has also asserted its control by regularly taking charge of meetings that are under the purview of civilian authorities. This closes the space for meaningful consultations and allows it to force acceptance of decisions made in advance. “When first there was a meeting in Menik Farm regarding resettlement of the remaining people in the camp, the general view was that they prefer to go to their own villages. The army facilitated the meeting and basically said that it is not an option”.<sup>110</sup> After a few additional meetings, the first batch of families were moved to the relocation village currently being constructed in Kombavil, yet without a clear plan as to when or whether they will be able to settle back in their villages.<sup>111</sup> Government officials, as well as the UN and NGOs, have been affected by this local military decision-making.

Given the power imbalance between the military and the Tamil civil servants in the north, there is little the latter can do.<sup>112</sup> As one civil servant explains, “If any government

official like a DS doesn't accept [the military's] decisions or are doing anything contrary, then they openly say ‘we heard that you are a DS who was supportive of LTTE’. Everyone had to toe the line when LTTE was around and now has to do the same with the army”.<sup>113</sup>

In this context, the October 2011 UN-drafted guidelines limiting the extent of cooperation and communications between humanitarian agencies and Sri Lankan military authorities has been a welcome and long-overdue initiative, despite the fact that they merely restate established international humanitarian standards and practices.<sup>114</sup> The guidelines prohibit UN agencies and partner NGOs and INGOs from:

- ❑ providing military authorities with information regarding individual beneficiaries of programs and projects, or allowing military engagement in humanitarian assessments, beneficiary selection processes and project evaluations;
- ❑ participating in humanitarian coordination meetings, review meetings or other meetings of civilian nature undertaken at military installations, or led/co-led by military personnel;
- ❑ utilising military assets in the delivery of humanitarian assistance;
- ❑ cooperating with any military monitoring or observing of the delivery of humanitarian and development programs.<sup>115</sup>

“The guidelines are commendable and a rare sign of inter-agency policy collaboration”, says a diplomat.<sup>116</sup> “However, the impact at the field level remains limited. District military commanders have continued to call in recent months for aid coordination under their supervision. Local NGOs feel vulnerable and respond to these calls. Field coordination among UN, INGOs and NGOs is erratic, and coordination between field and capital is inconsistent and subject to self-censorship”.<sup>117</sup> It remains to be seen what

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<sup>108</sup> In other cases, the military has been known to pressure NGOs to build facilities for Sinhalese families who are not actually living there but are temporarily returning in order to access government assistance during cultivation season, for example near Paavatkulam, in Vavuniya.

<sup>109</sup> Crisis Group interview, government official, Mullaitivu, September 2011.

<sup>110</sup> Crisis Group interview, government official, Vavuniya, September 2011.

<sup>111</sup> For a detailed discussion of the problems associated with the relocation of Menik Farm residents to Kombavil, see Section III.B.1.2 below.

<sup>112</sup> Active resistance to military plans can bring severe repercussions. Another official asked, “You know what happened to the Karachchi DS, right? She was not very amenable to the army because she was raising some issues regarding land taken for military camp expansion. She is no more there, has been transferred. To survive in the system we have to work accordingly”.

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Crisis Group interviews, Vavuniya, September 2011. While the accuracy of the causal connection is difficult to establish, it is clear that the local government officials know who holds the power in the region and condition their behaviour accordingly.

<sup>113</sup> Crisis Group interview, Northern Province, September 2011.

<sup>114</sup> UN Guidelines, op. cit.

<sup>115</sup> Ibid. The guidelines do allow “the participation of relevant military officials at ‘Progress Review’ or other humanitarian coordination meetings” so long as “such meetings are undertaken under civilian authority leadership and at civilian venues”.

<sup>116</sup> Crisis Group email correspondence, March 2012.

<sup>117</sup> Ibid. Crisis Group has confirmed that at least some local commanders in the north and east – in Mannar, Trincomalee, and Batticaloa – have continued to invite NGOs and INGOs to district-level humanitarian coordination meetings as recently as

long-term impact the new UN position will have and whether enough support will be given to local NGOs to empower them to resist military interference.

## **B. INFRASTRUCTURE OF CONTROL: MILITARY CAMPS AND THE SEIZURE OF LAND**

Underpinning the military's ability to control the population is a network of newly built or rebuilt military camps located throughout the Northern Province. The government justifies this network as essential to ensure there will be no future armed uprising. Whatever the intention, the army, navy and air force are setting up a comprehensive security complex consisting of major base camps linked to a system of detachments and satellite camps. These include large cantonments, some of which feature Chinese-built housing that is distinct from typical military-style barracks. Among northern Tamils, these are widely believed to be designed to house military families.<sup>118</sup>

This infrastructure is further reinforced by a large increase in the number of military intelligence units<sup>119</sup> and numerous checkpoints dotted across the Northern Province. While almost all the checkpoints have been removed from the A9 highway,<sup>120</sup> the main arterial that links the north and the south, it is a different story in the interior of the Vanni. There, nearly three years after the war, checkpoints get denser as you go further in. "It's two different worlds", says

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January. Some NGOs have attended. In addition, military officials have continued to request information on projects and staff members from humanitarian organisations in the field. Crisis Group interviews, UN and humanitarian agency staff, March 2012.  
<sup>118</sup> The following statement from army Commander Jagath Jayasuriya is notable in this regard: "Army personnel arriving in those areas for duty are to be provided permanent houses and allowed to engage in cultivation work if they so desire". "Asgiri-Malwatte Prelates Laud Army's Role in Development", Sri Lankan army website (army.lk), 26 June 2011. Government officials have denied there are any plans to bring military families to live in the north [cite], yet the army commander is quoted as having told troops on 1 March 2012 that "while scaling down the number of different regimental and area headquarters and presence of troops in the North and East, plans are afoot to assemble more and more battalions together to form only most required headquarters. In such places, both officers and other ranks are to be housed after marriage with members of their families". Army to scale down its presence with planned structural reforms – Commander", army.lk, 1 March 2012.

<sup>119</sup> Defence Secretary Gotabhaya Rajapaksa is reported to have said that the army has increased its intelligence units from one to six, in order to counter the threat from LTTE remnants. "LTTE 'still trying to cause trouble'", BBC Sinhala, 21 October 2011.

<sup>120</sup> The main checkpoint at Omathai, which was once the de facto border between government and LTTE-held territory, remains in operation.

an aid worker. "There are no-go areas scattered throughout the Vanni. Small camps are everywhere".<sup>121</sup> With the military and its interests deciding who is allowed to return to their home villages, some critical areas still remain closed to residents.

The system of camps and checkpoints constitutes an unprecedented physical entrenchment of the military in the daily life of the northern population, with negative effects on the hoped-for return to normalcy. The process of establishing these camps has already contributed to simmering anger among the many people directly affected and actively undermines the chances of reconciliation. What follows is an overview of some of the largest and best known of the recently built camps. Many other smaller camps exist, but are harder to visit and investigate.<sup>122</sup>

### **1. New military camps and continued displacement**

#### *1.1. Kilinochchi-Iranamadu camp*

The largest of the new cantonments has been built in the centre of the Vanni, stretching along the A9 highway from the village of Murigandi, south of Kilinochchi town, up to Iranamadu. The camp goes east to include areas on the far side of the Iranamadu reservoir and zones the LTTE used as bases, including its Iranamadu airstrip and adjoining villages. The camp's establishment has required the displacement of numerous families from their houses and lands.<sup>123</sup>

Initially a large section of the village of Shantapuram, which forms one of the camp's boundaries, was to be included within it. More than 100 families who returned from Menik Farm internment were forced to spend months in a nearby school building. The army first insisted that all of them had to be relocated and would be given land elsewhere. But after strong resistance by the families and local government officials, which garnered international publicity, the army relented and released over 80 per cent of the village for resettlement. The bold defence of the

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<sup>121</sup> Crisis Group interview, senior aid worker, October 2011.

<sup>122</sup> There are also numerous places throughout the north where the military occupies small plots of land, a house or a building. Some of these had been taken from their original owners and occupied by the LTTE during their years in control. Since the end of the war, the military has taken over these properties, under the pretext that former guerrillas' property now belongs to the army.

<sup>123</sup> While the Kilinochchi-Iranamadu camp is huge, it was built around a captured LTTE camp and by clearing additional jungle. As a result, it is only villages along the edges of the camp where people have been prevented from returning home. In addition to the examples cited in the text, there may be a number of other villages with marginal displacement which Crisis Group was not able to visit.

villagers' land rights by the then divisional secretary for Karachchi is widely believed to be responsible for her subsequent transfer.<sup>124</sup>

About 30 houses and private plots of land remain inside the perimeter fence of the newly established camp. As a compromise arrangement, the remaining families were allocated land adjoining the village and promised temporary shelter, water and sanitation facilities. According to them, none of the promises have been kept. Many of them have large and well-built houses on their own plots and have refused to renounce their rights to the original lands. The families concerned are slowly building up their lives from scratch in tents, huts and damaged structures, while seeing their well-built houses across the fence being used by military.<sup>125</sup>

The camp has also caused further displacement along its south western border. The military has earmarked several acres of land along the A9 as a buffer zone, has occupied private paddy lands and also refused permission for over 115 families to return to their homes in Murigandi.<sup>126</sup> These families have been living there since the 1970s and despite having returned from Menik Farm in 2010, they still have not been able to get back to their homes.<sup>127</sup> "We have complained to several authorities. The army totally refuses to give it back. We don't understand why they are not willing to give our land. We know that a section of the village is now inside the camp and they are fencing it. But why can't they allow the land in front that is outside the fence?"<sup>128</sup> Efforts by local government authorities and the

UN in trying to mediate have been futile in the face of military intransigence.<sup>129</sup>

In addition, the military has restricted fishing in the Iranamadu lake to half the area, badly affecting the 100 families who rely on this activity for their livelihoods.<sup>130</sup> "Land on the built-up side of the tank [reservoir] is occupied by the military and so are vast stretches on either side of the tank. ... The army took us and marked the boundary with flags and there is a sentry watching over all the time .... When we start fishing, the fish run off to the army's end and we can't go there for fishing .... Another problem is the tank shrinks as the water dries up and the effective area in which we can fish reduces. During the dry season the available portion can get down to less than a quarter of its size for all the families to fish from".<sup>131</sup>

There have been reports that the army has allowed Sinhala fishermen to fish in the Iranamadu tank during the nights, whereas Tamil fishermen are allowed to fish only during the day. As a person familiar with the situation explained in August 2011:

Even last week there were ten Sinhala fishermen who were caught fishing in the tank. When they were caught the local fishermen immediately informed the military

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<sup>124</sup> Crisis Group interview, local government official, Vavuniya, August 2011.

<sup>125</sup> Crisis Group interview, displaced family, Shanthapuram, August 2011.

<sup>126</sup> Community leaders report that the military's original plan was to take over the whole village, displacing over 250 families. They believe these plans were later scaled back and a little over half allowed to return to their land as a direct consequence of them raising the issue with Indian Foreign Secretary Nirupama Rao during her August 2010 visit to Kilinochchi in the presence of the northern province governor. Crisis Group interviews, Murigandi, September 2011.

<sup>127</sup> "We came and settled in these areas in the 1970s. Since then we have developed these lands. We cleared the lands. There are coconut trees, jack trees, wells. Each of us had about an acre or so and we did small cultivation in our lands. For many of us this is all we have". Crisis Group interviews, Murigandi, Kilinochchi, September 2011.

<sup>128</sup> Villagers also stated that: "We are willing to give part of our land to those [29] families [in Shanthapuram] who have lost land to the army camp, if they allow the 115 families to settle [in Murigandi]". Crisis Group interviews, Murigandi, Kilinochchi, September 2011.

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<sup>129</sup> "A few days ago we had a meeting. It was convened by Mullaithivu AGA [additional government agent] because of our repeated pleas. There also were the land officer, officials from the Oddusuddan divisional secretary's office and also UN staff. They were asking about our problem. Then suddenly the local military commander came. He was very agitated. He said how can anyone organise a meeting without informing him or inviting him. He said the land issues in the area have already been decided, and there is no more discussion needed: the army has been given the land by Mahinda Rajapaksa and that decision cannot be changed. Then the AGA was helpless. He asked us what our opinion is. We told him that we want to return to our land. He discussed with the commander and informed him that he will report about the meeting to his superior [the Mullaithivu district secretary] and for the commander to inform his superior and let them come to some decision. The commander got even more agitated, saying there is no more discussion on this. He threatened the families saying 'either you accept the alternate land we are proposing [about 3km away] or I will see to it that you all are put in Kombavil and are not allowed to move from there for at least 10 years'". Crisis Group interview, villager, Murigandi, September 2011.

<sup>130</sup> An activist who has visited the fishing communities in Iranamadu explains that the restrictions on access mean fishermen have to go four kilometres out of their way. "Using manual row boats, they row eight kilometres in, lay the nets and row back and then come back the next day, making an extra sixteen kilometres rowing each day. This is very tiring. And with the smaller catches, they are just surviving". Crisis Group phone interview, December 2011.

<sup>131</sup> Crisis Group interview, villager, Shanthapuram, August 2011.

... [which] asked them to destroy all the tents and the tubes ... The army confiscated all the fish they caught and gave it to the local fishermen. They asked them to pay for the transport cost for the Sinhala fishermen to get back to their villages, which was 13,500 rupees. They sold the fish in the market for 100,000 rupees of which the military asked for 50,000 to buy a motor, some chairs and table for the camp ... These things happen and people have to live with it. Local fishermen are not allowed to stay in the nights, but strangely these Sinhala fishermen seem to be able to fish in the night. I am not saying that the military is assisting or the commanders are purposely doing it, but you know there are army soldiers who are making use of the situation”<sup>132</sup>

But some fishermen noted that in certain ways the situation had improved in mid-2011 since the army now “does not ask for fish or engage in extortion. The commander has strictly ordered them not to do that and he has also told us not to give any fish”<sup>133</sup>

### 1.2. Mullaitivu army and navy bases and forced relocation to Kombavil

There are also a number of cases in Maritimpattu and Puthukkudiyiruppu divisional secretary (DS) divisions<sup>134</sup> where resettlement has been hampered by irregular seizures of land for new military installations. Kaepapulavu, a village west of Nandikadal lagoon (and scene of the final battles of the war) and Kokkuthuduvai are two such locations.

According to a government official, “They plan to resettle people in Karunaddankerni, which is adjoining Kokkuthuduvai, ... but they have refused to allow villagers of Kokkuthuduvai to come back because they have a camp in part of the village”<sup>135</sup> Given its proximity to the Sinhala settlements in the Weli Oya/Manal Aru area, this has also given rise to anxiety about the land.<sup>136</sup> He adds:

We don't know what is happening to the paddy lands of the people of Kokkuthuduvai. They are well-irrigated and fertile lands and the main livelihood for about

200 families of the village .... If Kokkuthuduvai people are resettled and they go for cultivation in their land, we may come across problems of Sinhalese cultivating. We don't know because none of us are allowed to go into those areas. We know that there are such problems in Oddusuddan and Nedunkerny DS divisions. In our areas we will know only when people are actually resettled.<sup>137</sup>

A similar situation is also reported from Kaepapulavu village in Mullaitivu district. While the villagers in the vicinity reported an expanding military installation in this village, the army maintained that resettlement was being postponed on account of mine-clearance. In the words of a senior humanitarian worker, “In Kaepapulavu they say mines, but the army has a big camp built in the village and they are even doing paddy cultivation in lands belonging to the villagers”<sup>138</sup>

The best-known instance of the military re-displacing people concerns eight or nine Grama Niladhari [GN] divisions in Mullaitivu – amounting to more than nine villages – to which residents are not being allowed to return from Menik Farm.<sup>139</sup> The closed area includes the string of coastal villages in Maritimpattu DS division which were the site of the last stages of war, as well as other villages, some of which have been taken over by a large new military base. The central government and army have officially maintained that the closure of the villages is temporary and that people will be allowed to return home after mines and unexploded ordnance have been cleared.<sup>140</sup> While the army has now commissioned demining agency work in most of the affected villages, some remain fully closed, with even humanitarian agencies not allowed to visit.<sup>141</sup> Privately,

<sup>137</sup> Crisis Group interviews, local government official, Mullaitivu, September 2011.

<sup>138</sup> Crisis Group interviews, Mullaitivu, September 2011.

<sup>139</sup> According to the ministry of defence, the affected area includes ten GN divisions – three in Maritimpattu division and seven in Puthukkudiyiruppu (PTK) division. “Govt. to shut down Manik Farm, remaining IDPs to be resettled in Kombavil”, ministry of defence, 20 September 2011. According to a humanitarian group, the inaccessible GN divisions in Maritimpattu are Mullaivaikal East (partial), Mullaivaikal West, and Ampelavanpanai; in PTK: PTK East, PTK West, Sivanagar, Manthuvil, Malligaitheevu, and Ananthapuram. In addition, “military installations continue to occupy lands of origin of IDPs” in Keppapulavu GN division in Maritimpattu. Unpublished document, humanitarian advocacy organisation, September 2011.

<sup>140</sup> “The government has taken this remedial measure until total completion of ongoing de-mining process”. “Govt. to shut down Manik Farm, remaining IDPs to be resettled in Kombavil”, op. cit.

<sup>141</sup> The UN announced that “on 2 November 2011, the government permitted mine action activities to commence in six GNDs in PTK DSD: PTK West and East, Malagathivu, Sevanagar, Manthuvil and Anandapuram”. “JHERU” No. 38, op. cit. Two and a half GN divisions along the coast in Maritimpattu divi-

<sup>132</sup> Crisis Group interview, fisherman, Shantapuram, August 2011.

<sup>133</sup> Crisis Group interviews, fishermen, Shantapuram, August 2011.

<sup>134</sup> The highest ranking official in each district is the district secretary, also known as the government agent, or GA. Each district is divided into “divisional secretary divisions”, known as DS divisions, and headed by a divisional secretary. Each DS division, in turn, is divided into “Grama Niladhari divisions”, or GN divisions, headed by a grama niladhari, still frequently referred to according to the former title of “grama sevaka”.

<sup>135</sup> Crisis Group interviews, senior humanitarian worker, Kili-nochchi, September 2011.

<sup>136</sup> For an extensive discussion of Weli Oya/Manal Aru, see Crisis Group Report, *Sri Lanka's North I: The Denial of Minority Rights*, op. cit.

some local government officials expect some, if not all, of those affected will likely be permanently displaced.<sup>142</sup>

Many of the displaced villagers are among the last 6,700 still housed in Menik Farm; others are with friends and relatives spread across different parts of the north.<sup>143</sup> Some, exhausted by two and a half years in camps and under intense pressure from the government, have now agreed to move to a newly constructed 600-acre "village" recently carved from the jungle in Kombavil.<sup>144</sup> Located 8km from the coast, conditions in this new "village" remain rudimentary: the housing only semi-permanent, and little infrastructure built as of the end of 2011.<sup>145</sup>

Discussions with villagers indicate that most would strongly prefer to return to their villages as soon as possible.<sup>146</sup>

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sion remain fully closed and no demining activities authorised. Crisis Group phone interview, UN official, March 2012.

<sup>142</sup> One government official was more hopeful: "I am optimistic. Sitting in Menik Farm after the war, I did not think that things would improve. Earlier we thought that many of the areas, we may not be allowed to return. But that has not been the case. Some villages, like Karunaddankerni, Puthukudiyiruppu, etc., we thought will never get resettled so quickly, but they have been . . . . So it might seem impossible now, but many of the banned villages will also I think eventually get resettled. But of course in the interim it will be misery for the people and we might lose a generation". Crisis Group interviews, Mullaitivu, September 2011.

<sup>143</sup> As of 31 November, 6,732 remained displaced in Menik Farm camp, which the government is eager to close. An unpublished document from a humanitarian group mentions that according to an unconfirmed estimate from the military, another 31,000 people could be among the displaced from these GNs. This would be consistent with the average population of a GN division in Maritiméattu, which is more than 1,000, and the average population of GN divisions in PTK, which is more than 4,000.

<sup>144</sup> The new settlement is in Thippily, an area which is mostly forest and shrub, in the Kombavil GN division. The site is reportedly close to the army's 68th Division Training School. The first group of 72 families (229 individuals) was moved on short notice to the site in late November 2011. Crisis Group interviews, diplomat and human rights activist, Colombo, December 2011. See also "JHERU", No. 38, op. cit. The government intends the remainder of those in Menik Farm to be sent to Kombavil in 2012. For a valuable analysis and critique of the Kombavil relocation project, see "The Resettlement Report", Tamil National Alliance, October-December 2011.

<sup>145</sup> Crisis Group phone interview, human rights activist, Colombo, December 2011. Those villagers allowed to visit Kombavil reportedly expressed concerns about the lack of access to paddy lands, the inadequate number of wells, and the small size of the shelters and kitchens. Unpublished donor documents, October 2011.

<sup>146</sup> Crisis Group interviews, government and UN officials, NGO workers, September 2011. The exceptions are those that may not want to return home due to the continuing trauma from what they

Some fear moving to Kombavil will mean either continuing to live in limbo, as they await a chance to return home, or else will result in losing their right to move back to their original lands. Many of the families fear the loss of their traditional livelihoods, which depended on fishing and easy access to the sea. Some have petitioned the Sri Lankan Human Rights Commission demanding they be allowed to return to their homes.<sup>147</sup>

Despite advocacy by UNHCR and donors, the government has failed to consult meaningfully or share adequate information with those affected and has offered no practical alternatives to relocation to Kombavil. According to an activist who met some of the recently relocated families, "people didn't feel they had an option to say no. Government officials said they couldn't tell them when they might be able return to their home villages, so people felt they had no choice. It amounts to forced relocation. The military has now experimented with the first batch and they've gotten away with it".<sup>148</sup>

Given the clear questions about the voluntary nature of the process, UN agencies and international donors are not currently funding the relocation to Kombavil or offering any support for those who have moved. The UN and donors are currently assessing their position and have requested more information from the government about Kombavil and plans for the closed villages. They have yet to express any public concerns about the forced re-displacement.<sup>149</sup>

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witnessed there in the last days of fighting, as well as those who did not have any land and for whom half an acre and a government house may be a promising option. According to diplomats and UN officials, a majority of the small number of IDPs allowed to visit Kombavil in October indicated a willingness to move. Crisis Group email correspondence, December 2011.

<sup>147</sup> "Re-displacement of Menik Farm inmates to Kombavil (Mullaitivu)", Watchdog, Groundviews, 3 October 2011.

<sup>148</sup> Crisis Group phone interview, human rights activist, Colombo, December 2011. According to an official with UNHCR, "Those still in Menik Farm have never been provided by the government with any written list of what will be provided when and if they move to the Kombavil site. The government has not provided this despite us pressing for it. There has also been no clear government statement on their plans for the remaining closed areas. There has been a variety of different claims that the areas will eventually be released but with no clear timetables or written promises". Crisis Group phone interview, March 2012.

<sup>149</sup> An official with UNHCR states that "The UN's policy continues to be one of non-engagement with Kombavil other than for protection work", but that this policy "is currently under re-examination". On the question of the alleged forced nature of the move to Kombavil, the official says "It's a complicated situation; it's not all good or all bad. It's clear that when you speak to people at the Kombavil site, some say that even if their area at home opens up for return, they want to stay here. One wom-

### 1.3. Mullikulam Naval Base – Mannar District

In another relatively well-known case, the navy has established a new base in the coastal village of Mullikulam, the southernmost location in Mannar district. About 300 families have been refused permission to return to their homes. Despite complaints to the government and advocacy by the Catholic church, the UN and human rights groups, the navy has refused to move the camp or reach compromise arrangements.<sup>150</sup> “The government officials, AGA [additional district secretary] have gone and seen the place and they say it is ready to be resettled. But what can they say, it is the military that decides”, quipped a displaced fisherman. “We are willing to do anything within our power, even file a case, but what is the point. In the country no one is willing to oppose the army or navy”, said another.<sup>151</sup>

The fishing community is now scattered in several nearby villages and Mannar town, squatting on the properties of relatives and friends. Without the right to fish or any land to cultivate, they work as labourers and live in poverty.<sup>152</sup> “We are not saying that the camp should not be there. Let it be there on one side, but allow us to go back to our villages. It allowed us both occupations: sea on the one side and a fertile area for agriculture on the other side. We will not be depending on outside support if we are able to get back to our places”.<sup>153</sup>

Many of those displaced complain at what they see as preferential treatment for local Muslims.<sup>154</sup> “All the nearby villages have been resettled”, explains a fisherman. “Marichukkatti, Paalakkudi, Karadikuli. Pookkulam, which is in the Puttlam district, has also been resettled. These are

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an told us she doesn't want to return because there are too many bad memories at home. Others say, ‘we want to stay here for a while and then move back to home areas when they are open’”. Crisis Group interview, March 2012.

<sup>150</sup> Crisis Group interview, displaced villager, Thaazhvuppaadu, Mannar, September 2011.

<sup>151</sup> Crisis Group interview, Thaazhvuppaadu, Mannar, September 2011.

<sup>152</sup> “We don't have rights to fish here”, explains a displaced fisherman. “So the local fishermen don't allow us to fish usually and we have to be beholden to them... which is fair because it is their area and they will not allow outsiders. In Mullikulam we had fishing and we also had agricultural land”. Says another displaced villager, “See, we are living in other people's land and over the last several years we can't do any development of the land because it is not ours. Though the land we are using belongs to one of our relatives, there is always uncertainty. What if she decides to sell and will the new owners allow us to stay”? Crisis Group interviews, Thaazhvuppaadu, Mannar, September 2011.

<sup>153</sup> Crisis Group interviews, fishing families, Thaazhvuppaadu, Mannar, September 2011.

<sup>154</sup> Crisis Group interview, Thaazhvuppaadu, Mannar, September 2011.

Muslim villages and so the minister [Rishad Bathiudeen] got them prioritised. Mullikulam, a Tamil village, is near these villages but we have not been able to go”.<sup>155</sup>

## 2. Jaffna high security zones: protracted displacement amid some progress

Since the early 1990s, large areas of the Jaffna peninsula have been designated “high-security zones”<sup>156</sup> and closed to the public for use by the military or as military buffer zones, leading to the displacement of an estimated 65,000 to 70,000 people.<sup>157</sup> Most of those displaced had lived in Jaffna's largest HSZ centred around Palaly airbase and covering 43 GN divisions in Tellippillai and Valikamam. Since late 2010, the majority of those divisions have been or are in the process of being reopened to allow the displaced to return.<sup>158</sup> Other areas in Jaffna have seen the release of some private property previously occupied by the

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<sup>155</sup> Crisis Group interview, Thaazhvuppaadu, Mannar, September 2011. Another claims: “Rishad [Bathiudeen, industries and commerce minister] is prioritising Muslims, not focusing on us. He is looking after his own”. For Muslim views on the issues, see Crisis Group Report, *Sri Lanka's North I: The Denial of Minority Rights*, op. cit., Section V.

<sup>156</sup> High security zones in Jaffna and other parts of the north were never officially gazetted under Sri Lankan law, but were established under emergency powers in place for most of the 30 years prior to the lifting of the state of emergency on 31 August 2011. There currently appears to be no legal basis for any of the existing HSZs in the north. In September 2011, Justice Minister Rauff Hakeem announced that any lands the government needed to retain as HSZs would henceforth be acquired legally and the residents relocated. “Govt. to acquire private lands within HSZs”, *Sunday Times*, 11 September 2011. In addition, an army spokesman has reportedly promised that owners will be compensated for any lands the army will retain for security purposes. “High Sec-Zone land stays put with Army”, *Lakbima News*, 15 January 2012. See also, “Land in the Northern Province”, op. cit., p. 154.

<sup>157</sup> According to some reports, this figure may refer only to those displaced from the Telippillai/Palalay/Valikamam HSZ, with the total number of those displaced from lands across Jaffna much higher. See “Hathurusinghe, Imelda, deny existence of ‘High Security Zone’”, Tamilnet, 19 December 2010. In November 2011, Crisis Group wrote to the governor of the Northern Province and to the PTF requesting information on how much land was occupied and how many people were displaced by HSZs or for other security reasons. There was no reply.

<sup>158</sup> In November 2010, three GN divisions were opened for the return of displaced families; a further nine divisions were released in May 2011. “Land in the Northern Province”, op. cit., p. 154-155. The UN reports that as of January 2012 demining was ongoing in another ten GN divisions. “JHERU”, No. 38, op. cit. According to a humanitarian group, demining had been completed in a further six GNs as of September 2011, but the areas had not been officially opened for return. Unpublished report, humanitarian advocacy organisation, September 2011.

army and some of the long-term displaced have begun to return.<sup>159</sup>

Nonetheless, fifteen GN divisions in Tellippalai have still not been approved for demining and remain closed to all returns, and many thousands remain displaced.<sup>160</sup> Accurate information on how many remain displaced from HSZs in Jaffna is difficult to come by, with government officials making conflicting claims and providing no clear policies about the future of those areas still closed. According to the most recent government statements reported in the media, some 30,000 people have returned to newly opened HSZs in Jaffna, leaving some 36,000 still displaced.<sup>161</sup> Some 6,400 of these continue to live in government-managed “welfare centres”, the others with host families.<sup>162</sup> Given the difficult conditions in the areas recently opened, many of those listed by the government as “returnees” have not in fact returned and may not until conditions improve.<sup>163</sup>

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<sup>159</sup> In March 2011, the army returned Subash Hotel to its owners and reopened Victoria Road. This “marked the removal of High Security Zones in Jaffna town”. “Sri Lanka shrinks high security zones in the north”, *Colombo Page*, 20 March 2011. Since 2010, a few other small HSZs have reportedly been released. See “Land in the Northern Province”, op. cit., p. 155.

<sup>160</sup> “JHERU”, No. 38, op. cit.

<sup>161</sup> “SLGA in Jaffna blamed for manipulating statistics of uprooted people from HSZs”, *Tamilnet*, 12 December 2011. In May 2011, the government announced it was beginning the resettlement of 12,274 persons belonging to 3,511 families in the Mavaddipuram area of the Valikamam North HSZ. “Resettling civilians in HSZ begins”, *Daily Mirror*, 12 May 2011. In June 2011, government officials announced it was resettling 18,000 persons from 4,000 families in former HSZs in Jaffna. “Demining of Sri Lanka’s north nearing completion”, *ColomboPage*, 18 June 2011. It is not clear if the government’s 30,000 figure is simply the product of these two sets of returns. Earlier reports had the government claiming that 111,199 people from 35,968 families had already been resettled in former HSZs in Jaffna. “36,000 families ‘resettled in HSZs’”, *BBC Sinhala*, 24 August 2011. Unpublished donor documents reported that as of the end of July 2011 the government recognised 51,500 old IDPs in Jaffna, of whom almost 7,000 were in welfare centres. Lawyers for the TNA reported as part of a case before the Supreme Court that more than 26,000 remained displaced from Jaffna HSZs at the end of 2011. “26,000 not resettled due to HSZ”, *BBC Sinhala*, 28 December 2011.

<sup>162</sup> “SLGA in Jaffna blamed for manipulating statistics of uprooted people from HSZs”, *Tamilnet*, 12 December 2011. As of October 2011, there were reportedly 6,436 “old IDPs” living in 54 welfare centres. Unpublished donor documents, humanitarian advocacy organisation, October 2011.

<sup>163</sup> According to humanitarian organisations, many of the nearly 20,000 individuals registered by the government as returnees to Tellippalai as of June 2011 had not actually gone back to their lands, preferring to remain with host families or in government centres. Reasons given for the lack of return included the limited reintegration assistance being offered, the lack of shelter,

## C. MILITARY ECONOMIES

### 1. Land taken by the military for farming

Across the Vanni numerous plots of land, ranging from half an acre to over five acres, have been taken over by the military to grow vegetables and for other forms of cultivation.<sup>164</sup> While the total extent of such irregular land acquisition is not known, it is estimated by some to run into several hundred acres, possibly several thousand.<sup>165</sup> Some of these lands belong to the government,<sup>166</sup> while others are owned by private individuals. For instance, paddy land used by the military near Kaepaulavu in Mullaitivu district belongs to villagers who have been told they cannot return home due to the presence of land mines.<sup>167</sup> In fact, the area already hosts an expanding military base in addition to the land taken for cultivation.

In other cases, the military has taken over private land that had formerly been occupied and used by the LTTE. Rather than taking steps to find and restore the properties to the original owners, the army apparently is operating on the basis that any property captured from the guerrillas now rightfully belongs to it.<sup>168</sup> Since the LTTE had seized several such properties – both government-owned and private – many families are still unable to get their land back. The Vaddakatchi farm in Kilinochchi district and the agricultural lands near Muththaian-Kattukulam in Oddusuddan are examples of such army occupation.

As of September 2011, additional plots of land throughout the Vanni were visibly being prepared by the military for growing a variety of different crops. Government officials based in the north reported that the military plans to acquire more lands in the region for agricultural purposes

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infrastructure and livelihood opportunities in the newly opened areas, and the presence of mines close to some residential lands. Unpublished donor document, humanitarian advocacy organisation, September 2011. For a valuable analysis of these and other obstacles to sustainable returns to former HSZs, see “The Resettlement Report”, op. cit.

<sup>164</sup> Crisis Group saw military agricultural plots in several places including Mankulam, Pandivirichchan, Keppepulavu, Palai, Oddusuddan, Kanagarayankulam, Periya Madu and Janakapura.

<sup>165</sup> According to the TNA, “The military has taken several thousands of acres in Kilinochchi, Mullaitivu and Vavuniya for cultivation without due process”. “TNA Situation Report”, op. cit., p. 4.

<sup>166</sup> For instance, land the military has taken over near Kanagarayankulam in Kilinochchi was part of a farm run by the agricultural department for the purpose of producing food for the area.

<sup>167</sup> They are among those being forced to resettle in Kombavil. See Section III.B.1.2.

<sup>168</sup> “This had been used by the LTTE, now it is ours. You did not ask them when they were using so don’t ask us”, said a villager in Oddusuddan division describing the response he got from the military when he went to ask for his land back. Crisis Group interview, September 2011.

and to regularise the acquisitions.<sup>169</sup> The same phenomenon was also noted by officials in the Sinhala villages of Weli Oya.<sup>170</sup>

Besides the arbitrary and uncompensated loss of land for residents, involvement of the military in agriculture also creates severe hardship for farmers struggling to resume their livelihood activities. In some instances, release of the military's produce onto local markets at much lower prices can have devastating consequences for local farmers whose costs – and thus prices – are much higher.<sup>171</sup> Military farms are able to access government support like fertilisers, water pumps and tractors on a priority basis at the expense of the ordinary farmers in the area.<sup>172</sup> This also puts the army in competition with the local villagers for scarce resources like water, which are critical for agriculture but are in short supply during certain seasons.<sup>173</sup> Most of the army's agricultural activities seem to be organised at the camp commander level; while heavily subsidised by the central government, it is unclear who ultimately receives the revenues.

## 2. The military's other economic activities

In addition to its agricultural work, the military is involved in a growing range of commercial activities in the north.<sup>174</sup> Most noticeable are the army-run restaurants and shops along the A9 highway, as well as army trading posts scattered throughout the province. Many Tamils complain the shops are undermining local entrepreneurship and denying economic opportunities for local residents, though the exact impact is hard to measure.<sup>175</sup> The army has also announced the formation of a private construction company to handle development contracts in the north.<sup>176</sup>

The military has also moved into the tourist market.<sup>177</sup> The army has established a number of hotels and guesthouses in the north.<sup>178</sup> The air force has expanded flights by its commercial wing and now serves Jaffna, Kilinochchi, Vavuniya and locations in the east.<sup>179</sup> The navy, for its part, is reported to manage its own ferry services.<sup>180</sup>

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<sup>169</sup> Crisis Group interviews, September 2011.

<sup>170</sup> For example, in and near Janakapura and Kiri-ibbanwewa.

<sup>171</sup> "The forces involving themselves in agriculture is a problem. They get things for free. Their labour is paid for by the government, whereas all the expenses like seeds, fertiliser, weedicide, harvesting for a farmer are all expenditures that one has to pay for from one's own pocket. So the forces are easily able to sell their produce for a lower price than the farmers. It is creating a problem. But of course the consumers are benefiting. If we sell a product for twelve rupees, they are able to sell for eight." Crisis Group interviews, farmers, Weli Oya, September 2011. According to a government official based in the same area, "A farmer who had cultivated oca was devastated by the low prices at which the civil defence forces were able to dump their produce. The farmer had a skirmish with the camp officers, and when I intervened, I found out it was about oca. I said as a consumer I am happy to buy at a lower price. The farmer replied, 'I am living with my only child, a daughter, and if this continues I may have to take poison'. For them [the military] there is no cost for labour". Crisis Group interview, Weli Oya, September 2011.

<sup>172</sup> "The military commander [from Kaepapulavu] asked the agrarian services and took the fertilisers for free. Twice. These were earmarked for farmers of the village. I think they also took water pumps and other inputs from the department". Explained another: "When the army comes and asks, what can a government department official do?" Crisis Group interviews, villagers, Maritimappattu, Mullaitivu, August 2011.

<sup>173</sup> "The army is also doing cultivation. Mahaweli authority constructed wells for them. But they had also used our water sources. It created a problem and the Brigade commander had to intervene. Then they took the water pumps away from our water source". Crisis Group interview, farmer in Weli Oya, August-September 2011.

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<sup>174</sup> Since the end of the war, the military has been involved in a range of economic spheres throughout the country. In addition to the businesses active in the north, the army has its own travel agency and tour service (Air Travel Services), the navy offers whale-watching tours off the south-western coast, and the defence secretary is the head of a private security company that contracts to government departments and private clients.

<sup>175</sup> The TNA complains the army's businesses "impact negatively on the local economies. By appropriating the limited economic opportunities that might otherwise be used by local residents to bring income and revenue to the fragile local communities, the military is sustaining and reinforcing the cycle of poverty. With the access and advertising support of corporate entities in the South and the unfair benefits of highly subsidized cost structure through the use of state infrastructure the military is distorting and suppressing any attempt at economic recovery in the North". "TNA Situation Report", op. cit., pp. 3-4.

<sup>176</sup> "Sri Lanka Army to launch a development and construction company", *Colombo Page*, 6 November 2011.

<sup>177</sup> In the words of the TNA: "An entire military tourism industry catering to Southern visitors is run by the military establishment". "TNA Situation Report", op. cit., p. 3.

<sup>178</sup> See [www.thalsevanaresort.com](http://www.thalsevanaresort.com). Raisa Wickrematunge, "Army Resort Opened In Jaffna", *The Sunday Leader*, 10 October 2011.

<sup>179</sup> The air force recently purchased additional helicopters as part of its plan to expand its commercial wing, Helitours. "Post-war Sri Lanka buys 14 military choppers from Russia", Reuters, 17 August 2011.

<sup>180</sup> According to the TNA, "The Navy uses state resources to run ferry services for the Southern tourist industry". "TNA Situation Report", op. cit., p. 3.

#### IV. CONCLUSION: RESISTING MILITARISATION – WHAT DONORS CAN DO

For too long, donors, UN agencies and INGOs have agreed to work within a framework dictated almost entirely by the government's perceived security imperatives, initially developed in response to an active threat from a militarily powerful insurgent group. Despite the war being over and the LTTE destroyed, it is still the narrowly defined security concerns of the military that shape the rebuilding of the north.<sup>181</sup>

The result has been a process of resettlement and reconstruction whose priorities, timetable and rules have largely been determined by the military, even as it was to a large extent funded by international donors and implemented through UN and humanitarian agencies.<sup>182</sup> While some humanitarian goals have been achieved – chiefly the return to their villages of the large majority of those displaced in 2008 and 2009 – the process has allowed the military to entrench itself in the north in dangerous ways, encroaching into civilian spaces and running a parallel administration that has undermined the authority of civilian institutions. This has reduced the quality of humanitarian and development assistance and fed resentment and anger among Tamils, with alarming potential consequences for future security and politics in the north.

Donors, UN agencies and humanitarian organisations should recognise the dangers to the long-term stability of the north in allowing current trends to continue. They should work hard to ensure their assistance contributes to lasting solutions for those returning from displacement and to sustainable and conflict-sensitive forms of development. This will require openly defending the rule of law and international humanitarian principles and gradually but concretely reclaiming civilian space – both through their programs on the ground as well as through coordinated messages to the government. Such efforts should involve:

- Advocating publicly and privately for the removal of the military from the process of devising, implementing and monitoring resettlement and development activities and its return to a limited role in providing security within the limits of the law. The October 2011

UN guidelines on cooperation and communication with the military are an important first step.<sup>183</sup> This and other efforts by UN agencies to uphold the internationally accepted standards and principles should be actively supported by all INGOs and donors, including the World Bank and the Asian Development Bank. Local NGOs should also be given all possible support to be able to assert their own independence from the military. Donors should also lobby to minimise the work of former and current military officials in formally civilian roles – such as the provincial governor and numerous officials in the PTF;

- Advocating the return by the military of all private property and government land and resources traditionally used by local communities that have been acquired without adhering to established legal procedures and international standards;
- Supporting actively the ability of northern community-based organisations and domestic and international NGOs to engage freely in all aspects of resettlement and development activities, including the use of participatory needs assessments involving beneficiaries, civil society organisations and relevant government officials;<sup>184</sup>
- Encouraging a rights-based approach to all humanitarian and development assistance and insisting on the ability of humanitarian and development actors to raise awareness of the rights and entitlements of their beneficiaries in line with the laws and constitution of Sri Lanka and international covenants. This would involve supporting government and civil society organisations working on human rights, rights of the displaced, land rights, rights to documentation and reparation, and women's rights, as well as supporting initiatives to trace the disappeared and to allow for the public grieving and commemoration of lost family members and friends. This will require challenging current PTF reg-

<sup>183</sup> "UN Guidelines", op. cit.

<sup>184</sup> Sri Lanka is a signatory to the 2011 Busan partnership for effective development cooperation, which states among other things that "Civil society organisations (CSOs) play a vital role in enabling people to claim their rights, in promoting rights-based approaches, in shaping development policies and partnerships, and in overseeing their implementation. They also provide services in areas that are complementary to those provided by states. Recognising this, we will: (a) Implement fully our respective commitments to enable CSOs to exercise their roles as independent development actors, with a particular focus on an enabling environment, consistent with agreed international rights, that maximises the contributions of CSOs to development". "Busan partnership for effective development cooperation", Outcome Document, Fourth High Level Forum on Aid Effectiveness, 1 December 2011, available at [www.aideffectiveness.org](http://www.aideffectiveness.org).

<sup>181</sup> The Sri Lankan government has continued to pursue its militarised agenda even after the war in part to make sure there is no possibility for any resurgence of separatist capacity among the currently defeated population. It has also done so to prevent the gathering of evidence and testimonies that might inform domestic and international campaigns for investigations into and accountability for possible war crimes.

<sup>182</sup> See note 38 above.

ulations that virtually proscribe any work with a rights component;

- ❑ Ensuring and protecting the free flow of information about current conditions in the north. This will require publicly challenging: military and police intimidation of activists and outspoken members of the public; PTF and military controls over what information district and divisional secretaries are allowed to share with international organisations and the public; and government denials of visas used to punish and intimidate international aid workers who speak publicly about poor quality assistance or rights violations; and
- ❑ Ensuring that their assistance and policies treat the displaced from all three communities equitably. This will require regular field-based monitoring of the implementation of projects and in-depth consultations with local populations, free from military surveillance and intimidation. To facilitate this work, donors and implementing agencies should establish a collective monitoring and evaluation unit with dedicated personnel.

Militaries are rarely successful at development work. Strict hierarchies, obedience and few demands for consultation may be useful on the battlefield, but they are not tools for the successful reconstruction of societies shattered by war. And yet it is the military that has been leading efforts to rebuild the Northern Province. The centralised control over resources, the lack of accountability, transparency or consultation and the diversion of money will only lead to growing resentment among the majority Tamil population, thus increasing the risks of a return to violence.

The north may be quiet now and the population acquiescent, but that will not last unless long-standing grievances over land, language and political marginalisation are addressed in ways that give people in the north meaningful control over their own futures. That will not happen as long as the military remains the key engine of reconstruction and control in the Northern Province.

**Colombo/Brussels, 16 March 2012**

## APPENDIX A

### MAP OF SRI LANKA



## APPENDIX B

### MAP OF SRI LANKA'S NORTHERN PROVINCE



Based on UN map No. 4172 Rev. 3 (March 2008) and OCHA map of Sri Lanka's Northern Districts Administrative Map (2006).  
The boundaries, names and the designations used on this map do not imply official endorsement or acceptance by the United Nations or Crisis Group.

## APPENDIX C

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