

SUBMISSION BY

SOCIETY FOR THREATENED PEOPLES International

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The Society of Threatened Peoples (STP) is an international human rights organisation that supports minorities and indigenous peoples. It documents human rights abuses, informs and sensitises the public, and represents the interests of victims against authorities and decision makers. It supports local efforts to improve the human rights situation for minorities and indigenous peoples, and works together, both nationally and internationally, with organisations and people that are pursuing similar goals.

Introduction

1. Since the last cycle of the Universal Periodic Review on Sri Lanka in 2012, the situation in the country has changed: In January 2015, the incumbent President, Mahinda Rajapaksa, who was leading the country towards an authoritarian regime with an alarming human rights situation, lost the election against Maithripala Sirisena. The new presidency broke with the previous government's authoritarian and repressive practices. However, the human rights situation has not ameliorated significantly. Torture and ill-treatment of detainees, arbitrary arrest and detention, surveillance and harassment of civil society and journalists are still common in Sri Lanka. Furthermore, ethnic and religious minorities in Sri Lanka continue to be exposed to discrimination.
2. STP believes that it is very important that Sri Lanka fully implements the resolution 30/1 on promoting reconciliation, accountability and human rights in Sri Lanka. The progress of the implementation of the resolution by the Government of Sri Lanka (GoSL) is extremely disappointing, so far. The overwhelming majority of the commitments remain mostly or completely unimplemented.
3. In this submission, STP will focus on the post-war situation. According to the analysis by STP, a very important underlying cause of the conflict has not yet been resolved after the end of the war: The concerns of minorities – Tamils, Muslims and Christians – are not addressed and their rights are not guaranteed. STP believes that unless all citizens are treated equally without any discrimination, Sri Lanka will face the same troubles it has been facing for the last decades. It is commonly known that the ignorance and oppression of smouldering conflicts can lead to violent outbreaks of those who feel not recognized. The division of the population into a victorious majority and dominated minorities is no ground for a lasting peace.
4. For the above-mentioned reasons and the fact that STP's focus lies on minorities and indigenous peoples, this present submission will pay special attention to minority issues. As there are many minorities living in the North and the East of Sri Lanka, parts of the submission will concentrate on the situation there.

Militarization of everyday life in the North

5. According to the document A/HRC/22/16, Sri Lanka accepted the recommendation by Chile to *"intensify its effort to ensure the return of displaced persons to their places of origin and compensated them whenever return is not possible."* Sri Lanka also accepted the recommendation by Japan to *"take continuous measures to secure social infrastructure and means of livelihood at resettlement sites as this is expected to become even more vital."*
6. The resolution 30/1, which Sri Lanka has co-sponsored in October 2015, states that the Human Rights Council *"encourages the Government of Sri Lanka to accelerate the return of land to its rightful civilian owners, and to undertake further efforts to tackle the considerable work that lies ahead in the areas of land use and ownership, in particular the ending of military involvement in civilian activities, the resumption of livelihoods and the restoration of normality to civilian life, and stresses the importance of the full participation of local populations, including representatives of civil society and minorities, in these efforts."*
7. Unfortunately, GoSL was not able to ensure the return of all displaced people. The "Internal Displacement Monitoring Centre" (IDMC) estimates that in July 2015, 73,700 people have still been internally displaced in the Northern and Eastern Provinces of Sri Lanka, the majority belonging to the Tamil or Muslim minorities. Most of them (65,500 people or 89%) were living in

host communities, the rest in IDP camps and about 550 in relocation sites. Although 794,000 people are registered as having returned to their homes, for tens of thousands of them still there is still no durable solution eight years after the end of the war.¹

8. The *Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs* claimed that, in June 2015, 42,201 people were still displaced.² A study by NAFSO from September 2015 found that 1536 displaced families were living in 38 IDP camps in the Jaffna District alone.³ According to the government, there were only 1318 displaced families (4737 persons) living in 32 “Open Welfare Centres”.⁴
9. Inhabitants of IDP camps face a number of economic, socio-cultural and political challenges in their everyday lives. In the camps, inhabitants have only a restricted access to drinking water and the sanitary facilities are insufficient. Flooding after rain and garbage lying around are big problems, as well, causing much trouble and increasing the risks for accidents and the spreading of diseases. Moreover, the very precarious living conditions in IDP camps are a huge challenge for the inhabitants. There is no possibility to gain a regular, daily income, and the monthly income is often exceeded by the monthly expenses.
10. Women and children are the most vulnerable and marginalised groups in the majority of IDP camps, making members of female-headed households the most affected group of all. Unlike other women, single mothers are treated neither with respect nor dignity. With 59-84,000 female-headed households in the north-east of Sri Lanka, they constitute a large group of mistreated women. Girls in women-headed households often have to support the family by working as day labourers, sometimes even at the age of 12. Working mothers are only able to cover their families’ very basic needs and to buy cheap food, which can lead to malnutrition and, consequently, results in an ongoing poverty cycle. Female inhabitants of IDP camps also do not feel safe, due to the lack of privacy.
11. During the war, the Sri Lankan military seized significant pieces of land on the Jaffna Peninsula and declared them “High Security Zones” (HSZ), needed for military or other unspecified “public” purposes. According to the “Centre for Policy Alternatives” (CPA), in March 2016, a total of 12,751.24 acres of land, including both state and privately owned land, continued to be occupied in the Northern Province alone. In the Jaffna district, 73,9475 acres of state-owned land and 6,400 acres of privately owned land remained occupied by the military.⁵ However, the Sri Lankan *Ministry of Defence* (MoD) claims that a total of 10,122 acres has been retained as a HSZ, of which 5,258 acres had been released by 2013, while 4,864 acres are still held as “Palaly Cantonment”.⁶
12. The former inhabitants of the “Palaly Cantonment” do not have access to their land and the sea. This has destroyed their livelihood. Furthermore, houses and places of worship have been destroyed by the military.

¹ Cf. <http://www.internal-displacement.org/south-and-south-east-asia/sri-lanka/figures-analysis> (accessed on 17.08.2016).

² Cf. http://resettlementmin.gov.lk/site/index.php?option=com_content&view=article&id=6&Itemid=22&lang=en (17.08.2016).

³ Cf. National Fisheries Solidarity Movement (NAFSO): Let them Go Back to their Places of Origin, In and With Dignity”, 2015.

⁴ Cf. http://resettlementmin.gov.lk/site/index.php?option=com_content&view=article&id=6&Itemid=22&lang=en (17.08.2016).

⁵ Centre for Policy Alternatives (CPA): Land Occupation in the Northern Province: A commentary on ground realities and recommendations for reform, 2016.

⁶ Cf. http://www.defence.lk/rehabilitation/land_back.asp (22.08.2016).

13. The resettlement process of IDPs is still ongoing. The GoSL under President Maithripala Sirisena has promised several times to resettle the displaced people and to close down all IDP camps.
14. Fishing and farming are only possible for those who are resettled on their traditional land. The other resettlement areas are mostly unsuitable for farming and fishing. This is a big threat to the development of livelihood and leads to an increase in poverty. The land in Keerimale Resettlement Area, for example, is a wasteland. As the fertile red soil in the area had been removed by the military, the place is not suitable for farming anymore. Many families from the Konatpulam IDP Camp rejected the offer and requested their traditional land, instead. They do not want to go anywhere else, since their traditional land is suitable for farming.
15. Although the number of military checkpoints has been reduced over the past year and the military is less visible than before, it still remains heavily involved in public and economic life. The military is engaged in business activities including construction work, large-scale property development and farming. Furthermore, the military runs hotels across the country offering tourists a variety of activities. The military-run businesses deprive the local communities of various important sources of income. Subsequently, people on the Jaffna Peninsula are struggling to find work.
16. Another problem of the militarization is the continued surveillance of the population by the military, harassing and intimidating human rights activists, civil society groups and journalists. Former members of the LTTE, relatives of the disappeared and victims of land grabbing by the state are of particular interest to the security forces and they are regularly subjected to harassment and intimidation. Intelligence of the security forces also intimidates NGO employees and interferes with their work.

Economic development processes and use of land

17. According to the document A/HRC/22/16, Sri Lanka accepted the recommendation by the Islamic Republic of Iran to *"increase its endeavors in promotion equity in economic development, poverty eradication, eliminating regional disparities, and guaranteeing equality of opportunity for all Sri Lanka citizens."*
18. Unfortunately, the GoSL failed to promote equity in economic development. Especially, traditional farmers and fishers in the north and east face several threats to their livelihood. On the Jaffna Peninsula, Indian trawlers and migrating fishers from the south are using illegal and destructive fishing gear, heavily harming the fishing resources of the area. On the east and north-west coast, tourism development projects are restricting and even blocking the access to the sea, thus massively encroaching on the livelihood of local fishers.
19. Consultation procedures and inclusion of the local population by the state or corporations were insufficient or did not occur at all for the tourism development zones in Passikudah, Kuchchaveli and Kalpitiya. The population was given no information about the impacts of the hotel projects.
20. Due to the tourism projects and the resulting difficulties in accessing the sea, many fishermen face an increased risk of losing their livelihoods. In Kalpitiya, a number of fishermen were denied access to the sea and other lucrative fishing areas. In Passikudah, the locals have lost almost all access points to the sea. Now, they are forced to walk up to 5km to reach the only available mooring. Over 300 fishers have been forced to share an increasingly small section of the 5km-long, 14 hectare section of the beach. They are now restricted to a 300m-long section

that is overcrowded with fishers. In Kuchchaveli, beach seines⁷ have been prohibited in 17 places. As a result, 900 predominantly Muslim beach seine fishers have lost their livelihoods, whereas the livelihood of the boat fishers is also under threat. Nine access points to the sea have been blocked by tourism projects.

21. Despite the government's promises to the contrary, the local population benefits only slightly from the improved infrastructure, whereas the tourism has an enormous impact on the daily life of the people. In Passikudah, a fishery centre had to make way for hotels. Hence, the fishers not only lost the storage facilities for their nets and equipment, but also the refrigeration of their catch, thus forcing them to sell it at lower prices. In Kuchchaveli, playgrounds, civic centres, wells close to the sea and a Hindu temple have been occupied for tourism projects.
22. For the local population, the possibilities to participate in the tourism business are very limited. Even if new jobs opened during the hotel construction phase, it turned out to be very difficult for the local population to earn a living in the tourism sector, later on.
23. The GoSL did not sufficiently inform the population about impending land appropriations for tourism development projects in Kalpitiya and Kuchchaveli, and it does not concede any rights to the local population to codetermine decisions that affect their future.
24. The process of land appropriation often takes place without the participation of the local residents. In Kuchchaveli, 300 people (farmers and fishers, above all) were forced out of the tourism zone. In 2010, they were verbally ordered to leave their land by the navy. In June 2012, a petition was submitted to the divisional secretary, demanding the return of the land. The answer to the petition stated that the building, which had accommodated their land titles, had been destroyed in a fire and hence no official proof regarding the property situation existed. In Kalpitiya, a case of land grabbing concerning the property of a Muslim resident of Mohotthuwarama Island was decided in court. On Vellai, 60 people live in 12 houses during the fishing season. All of them have been requested to leave the island by the investors. The 40 families living permanently on Ippanthivu together with 100 seasonal residents have been requested to leave the island, as well.

Recommendations to the GoSL:

25. Comply with the human rights framework that the GoSL has ratified and implement the recommendations of the UNHRC Resolution 30/1 on promoting reconciliation, accountability and human rights in Sri Lanka.
26. Reduce the military presence and order the military to cease surveillance, intimidation and harassment of the local population and civil society (and not to disturb NGO staff and journalists in their work). Order the military to cease all commercial activities by dismantling military-run hotels, farms and other businesses.
27. Ensure land rights for IDPs by releasing all occupied areas to the public and resettle all IDPs, wherever possible, on their traditional land. If land is absolutely necessary for public purposes, the government needs to legally acquire the land, inform the owners about the particular purpose and also compensate them accordingly.

⁷ A beach seine is a seine net operated from the shore. In the process, schools of fish are caught with the seine. A large number of people are required for towing the seine to the shore. (See: <http://www.fao.org/fishery/geartype/202/en> (21.11.2014).)

28. Provide IDP camp inhabitants and the resettling IDPs with sufficient basic facilities like drinking water, electricity and sanitary facilities. Also access to schools and health care needs to be ensured.
29. Ensure an adequate standard of living for female-headed households, so that their families do not have to suffer from hunger and malnutrition.
30. The tourism strategy plan should be revised by the Sri Lankan government and allow coastal and rural communities to ensure their livelihoods and land. The Sri Lankan government and tourism authorities must abide by their own laws and norms, and protect the population against human rights violations. Access to land and sea must remain guaranteed for the local population and must not be restricted by tourism projects.
31. The Sri Lankan government and tourism authorities must guarantee that, prior to the planning and construction of hotels and tourist infrastructures, the local population is consulted and has given its approval. A (binding) agreement must be negotiated with the affected parties, concerning mutual obligations.

References

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