

Proceedings of the Panel Discussion  
On  
**Humanitarian Issues of Internally  
Displaced Persons**

**Council for Public Policy**

August 8, 2006  
Bandaranaike Center for International Studies Auditorium  
Colombo

## **Council for Public Policy**

The Council for Public Policy (CPP) is a private Sri Lankan policy institute founded in 2005 that is engaged in the development of public policy options in democratic good governance and peaceful conflict transformation. CPP believes in dialogue as the process of developing policy, combined with a strong research component. Through such dialogue processes CPP seeks to provide information and options to policy makers, civil society and other stakeholders regarding issues of public policy, with a core focus on the areas of conflict transformation and democratic good governance. CPP has a wide network of active government and civil society contacts that were established through its staff, most of whom have held key positions in the state and private sectors. CPP also has a memorandum of understanding with the Ministry of Constitutional Affairs, as its key interlocutor with government.

Among its core activities are a variety of programs designed to assist the Sri Lankan Government's attempt to engage the LTTE in a non-violent conflict transformation process. The aftermath of the Tsunami provided an opportunity to engage the LTTE in the post Tsunami reconstruction, culminating in the Post Tsunami Operational Management Structure (PTOMS) agreement between the Government of Sri Lanka and the LTTE. CPP activities included a series of discrete bi-lateral consultations with political stakeholders in the North and East and a series of workshops that sought to engage a wider cross section of civil society in the process. In 2006 CPP also launched a series of track-two workshops on key issues relating to the peace process and governance in Sri Lanka, targeting ministerial policy advisors and technical experts.

In addition CPP seeks to be a source of information and advice to the Sri Lankan government and international actors in the peace process through a series of white papers. These white papers are distributed in a targeted fashion to senior government officials, donors, and other key stakeholders in the Sri Lankan peace process. Through the white papers CPP also makes strategic forecasts and presents policy options for key government persons / agencies and donors.

## **Acknowledgments**

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This workshop was conducted using the Chatham House Rules of non-attribution. The opinions articulated in the proceedings are those of the individuals present at the workshop and do not necessarily represent the position of CPP.

## Acronyms

CFA	–	Ceasefire Agreement
CPP	–	Council for Public Policy
GA	–	Government Agent
GOSL	–	Government of Sri Lanka
HRC	–	Human Rights Commission
HSZ	–	High Security Zone
IDP	–	Internally Displaced Person
LTTE	–	Liberation Tigers of Tamil Eelam
NEHRP	–	North East Housing Reconstruction Programme
NGO	–	Non-Governmental Organization
RADA	–	Reconstruction & Development Agency
SCOPP	–	Secretariat for Coordinating the Peace Process
SLAF	–	Sri Lanka Armed Forces
SLMM	–	Sri Lanka Monitoring Mission
UNDP	–	United Nations Development Programme
UNHCR	–	United Nations High Commissioner for Refugees

## **Executive Summary**

On Tuesday August 8, 2006 the Council for Public Policy (CPP) hosted the first of several panel discussions on humanitarian issues of internally displaced people (IDP). The meeting was held at the Bandaranaike Center for International Studies (BCIS) with the participation of 12 significant actors, all of whom have had direct experience in efforts to secure the rights of displaced people. Participants of the workshop included senior government officials, members of civil society, members of international organizations and other related activists and decision-makers. They comprised of representatives from the Sinhalese, Tamil and Muslim communities as well as international participants.

The workshop was held the week after the first round of fighting in and around the Mavil Aru water sluice and therefore was held in a context where there was a feeling of urgency to address and find solutions in response to the growing crisis in Sri Lanka.

Participants at the event noted several particular characteristics of IDPs and responses to their predicament in Sri Lanka. They also formulated a number of important recommendations for consideration by those servicing IDP populations. These observations and recommendations are highlighted below, followed by a transcript of the proceedings.

### **Participant Observations on the Sri Lankan IDP Crisis:**

- Participants noted that there are currently three ministries or twenty-three government bodies working on issues related to IDPs in Sri Lanka. These ministries and departments often lack the capacity to deliver assistance to IDPs, lack the budgetary provisions or have overlapping duties. If you study the mandate of each of these government entities, it is hard to decipher who is doing what. At the same time, while there has been a certain standardization of responses to IDPs by government and other actors over the last 50 - 60 years in Sri Lanka, the response to humanitarian disasters and IDP movements is also still quite centralized. Despite many years of experience with IDPs, there have been inadequate attempts to create local capacities to respond to displacement.

It was also noted that the government has been distributing the same amount of money for rations to conflict related IDPs since 1993. The amount of dry rations has not increased due to the lack of funds. In addition, the quality of these rations has periodically been poor. As a result, the government made a policy decision to give the GA the right to call for tenders to procure the goods. At the same time, the government is conscious of landless people and people who cannot return because their homes are in HSZs or mined areas and started a relocation program that allocated state land to such people about five years ago.

- Participants also noted that Sri Lanka has extensive experience in alternative approaches to the present model of welfare/refugee centers. The kinds of issues that people are exposed to in the case of conflict are often similar to the ones faced by those affected by development or natural disasters. As a result, past projects such as the Mahaweli Scheme offer a huge reservoir of experience that can be tapped in assisting conflict IDPs. Unfortunately these experiences are not currently being made use of properly as there is little theoretical and practical exchange between the various responders to the IDP crisis and rarely is there consideration of historical experience in the country. In addition, the response by all actors is generally very IDP centric. In other words, the focus is often on rebuilding capacities of IDPs when in fact a lot of their resilience depends on the host community.
- The current crisis is characterized by several new developments. In particular, there is decreasing political tolerance for international humanitarian responses by some political actors in Sri Lanka. As a result, the capacity of international humanitarian organizations to operate and be responsive is significantly hampered.

UNHCR is also trying to move away from the practice of opening large IDP shelters and refugee camps, because once people's presence in camps is "institutionalized", a cycle of dependency is created and it is very difficult to get people back out. UNHCR has been exploring the possibility of moving people to communities where they have links and where they can live with family, friends or can live in limited individual shelters.

- The situation of IDPs is often very difficult. And any survey of IDPs in Sri Lanka will reveal that welfare centers are a disaster in meeting the basic

needs and rights of IDPs. Camps ultimately serve the bureaucratic and political interests of governments, donors, NGOs and the like. But IDPs face particular political constraints in getting their needs and issues addressed. In particular, unless they have an influential lobby or they are part of a sizable voting constituency, their issues and concerns are not properly raised and represented. In addition, a lot of the laws relating to issues of concern to IDPs (such as property) are archaic. These laws do not address the particular needs of IDPs and are thus not in accordance with international legal standards. In part because of such legal barriers, many of the humanitarian issues that are usually the focus of reconstruction or resettlement efforts are not being thought of or implemented in a balanced way, leading to a lack of equity in IDP service delivery. This can be seen in Sri Lanka in the East in particular. One participant even noted that the lack of state support for IDPs in the East is due to active state discrimination. It is the social sector, religious sector and civil society that have to take up the welfare of these IDPs instead.

- Participants in the event observed that IDP concerns in Sri Lanka are an integral part of the ethnic crisis and so have multi-ethnic and multi-religious dimensions. Their plight is a part of all the nation building problems that have not been resolved since the time of independence and their situation will not be resolved until these issues are addressed.
- Armed forces of a legitimate state have the responsibility of maintaining international norms of conduct, including international humanitarian law. Even non-state actors have to follow minimum international standards for human rights and humanitarian law. These rules are currently not always being upheld.

### **Key Recommendations:**

- The government should consider improving its institutional and policy response to IDP communities. More specifically it should communicate directly with the IDP community, soliciting its input, before implementing policy responses. It should also consider decentralizing the response mechanisms to IDPs by developing local capacities to help address challenges faced by the IDP community. Finally, it may be helpful for the government to consider streamlining the current number of departments

responding to IDP issues into one ministry or government entity. This ministry should encourage coordinated engagement between the various responders to displacement.

- Government, donors and NGOs should work together to develop objectively recognized local dispute resolution mechanisms to resolve community tensions. They should also experiment with introducing alternative approaches to the present model of welfare centers and consider past lessons learned within development schemes conducted in Sri Lanka. Some of these schemes have relevant policies that can be applied in current efforts to be responsive to IDP movements without creating a dependency culture. It is particularly important to consider ways to develop the capacities of the host communities (and not just IDPs themselves) to be responsive to the needs of IDPs in their communities.
- Various actors responding to IDP movements need to consider ways to help IDP populations more effectively raise issue of concern to their community. This includes finding a way for IDPs plight to be addressed in future peace negotiation efforts, since the origins of IDP movements are directly related to the conflict and IDP reintegration will only be sustainable if these issues are considered. Among the issues affecting IDPs are land and housing. Sri Lankan property and housing laws are archaic and need to be updated to accommodate the needs of IDPs.
- Security is a major challenge in handling IDP movements. International humanitarian law mandates that people must be given reasonable time to leave before the commencement of hostilities. Similarly, safe passage for refugees should be given to fleeing populations and humanitarian workers responding to the needs of civilians in a war situation. Finally, the government needs to do a better job in ensuring security before returning displaced people to their places of origin.
- In the current Sri Lankan crisis context, relevant actors should consider the introduction of a neutral local or international operational force to provide humanitarian support for civilians. This force should enable some level of protection for the people on the ground with a physical space for them to seek refuge in.



# **Transcription of Proceedings**

## **Speaker 1 – Welcome & Opening Remarks**

In the introduction, the opening speaker welcomed all those present at the roundtable and stated that the objective of this discussion was to 1) clarify thinking on the issue, 2) share experience and views, 3) generate some options which can contribute to the actions and plans of all actors in relief and resettlement and 4) provide analysis through shared experience and perspectives as frameworks for future action.

This discussion is sorely needed because of the rapidly changing ground situation caused by a steady erosion of the Ceasefire Agreement (CFA). This has led to an increasing armed conflict between the Government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE), resulting in the new displacement of civilians from the areas of renewed conflict. Currently this might be taking place in Mutur, but earlier it was also happening in parts of the Eastern and Northern Provinces.

This brings up the issue of the relevance of the existing policies. The existing policy is resettlement of IDPs. Is this still possible? Consider the demining process, the land policy for resettlement, the resettlement program in Puttalam, the World Bank housing project – how are these impacted by the violence and the fact that there are new displacements? The reality is that the ground situation affects existing policies.

On emergency relief, the speaker raised concerns about the quantity of the dry rations received by the displaced, whether the displaced have access to relief agencies and if there are adequate stocks of relief and funds to support the IDPs. Issues on emergency relief have been highlighted many times in the media over the past couple of days.

On the tsunami reconstruction effort, the speaker raised the following questions;

- 1) What progress has been made regarding the tsunami displaced in the North and East?
- 2) What is the status of the resettlement efforts for tsunami IDPs in Mullaitivu, Trincomalee, Batticaloa and Amparai?

- 3) How does the current conflict situation impact the Reconstruction & Development Agency (RADA) led post tsunami resettlement?

Equity issues are not only a trendy subject for non-governmental organizations (NGO) and civil society to talk about, but the government is also feeling the pressure on the matter. Is there a disparate treatment of the war displaced versus the tsunami displaced? Is there uniformity in the provision of relief, compensation and new housing?

Regarding security issues, the speaker raised the following considerations:

- 1) Protection for IDPs in camps and during fighting. Recent incidents have demonstrated that they are not even safe in the public places that they flee to.
- 2) Safety of the influx of refugees fleeing to India.
- 3) Safety of those in Mannar waiting to flee.
- 4) Overall security of civilians in the midst of conflict.
- 5) Safety and security of humanitarian workers.

## **Facilitator – Remarks**

The facilitator thanked the opening speaker for concisely defining the issues at hand.

There is a very sad paradox that needs to be taken into account. The United Nations High Commissioner for Refugees on his recent visit reminded us that displaced people are all citizens of this country. We spend a lot of time speaking about how we should treat these citizens and criticizing all actors involved in IDP issues. However, there is a need to get down to the nitty-gritty of the problem, both in analysis and in seeking a solution, particularly in the policies of resettlement.

Wherever there is a migration, forced or voluntary, the policy has been of resettlement in the original places of the displaced people. However, this may not be the answer for each and everyone one. The experiences of the Muslim community displaced since the early 1990s is a very good example of this point.

In their contributions, the facilitator asked all participants to look at the IDP issue realistically and honestly and to not only define the challenges and difficulties, but to also have the courage to face up to those difficulties and to continue to improve their work in the area.

## Speaker 2

The second speaker, a government ministry representative, stated that he was going to confine his presentation to conflict affected IDPs and that he would not extend himself to the tsunami affected or even the new IDPs in the context of the current Mutur situation.

A September 2002 survey of all the IDPs done through the Government Agents (GA), found that there were a total of 227,000 IDP families of which 42,000 were in welfare centers. This 42,000 has now been reduced to fewer than 19,000 and the welfare centers have been reduced from over 300 to about 247. The day that all of these IDP welfare centers are closed will be a happy day. The welfare centers should be closed not by chasing out the IDPs, but by resettling and relocating them elsewhere. If they have no land, they have to be relocated. To that extent, out of the 227,000 families, about 111,000 have been resettled by the government.

What is a durable solution to the issue of IDPs? The solution is to resettle or relocate them, and the GOSL has been doing so for at least the last four years. This was handled originally by the Commissioner of Relief, Rehabilitation & Reconstruction, then by the Ministry of Relief, Rehabilitation & Reconstruction and now by the Ministry of Nation Building & Development. The Ministry of Resettlement has recently been added to this effort, which demonstrates the importance the GoSL has given to this issue by creating a new ministry for the sole purpose of handling resettlement.

**IDP status ends when the IDP family moves into a permanent home and is able to earn an income for sustenance. This income may not be at the same level as it was before**

Upon permanently resettling in their original homes, the 111,000 families mentioned above have been given a cash grant of Rs. 25,000 each. Therefore, about \$26 million have been disbursed to all of these families. This program,

initiated in February 2003, was funded by the World Bank, the European Union and the Netherlands. The balance of Rs. 300 million from this program can still be used to give grants to other permanently resettled people. In fact, it is hard to find resettled persons to give these grants.

Due to the lack of funds, the GoSL has not been able to increase the quantity of dry rations given to conflict IDPs. The World Bank assists in this process, however, the government handles most of the relief. The GoSL spends about Rs. 128 million a month on dry rations for the IDPs, who number about 128,000.

After the initial 15 months of relief is given, the government tries to provide the IDPs with permanent housing. A \$75 million World Bank project is constructing 31,000 new houses for about 125,000 families. There have been about 300,000 destroyed houses, but the case load for the poorest of the poor is about 125,000. There is also a United Nations Development Programme (UNDP) project, called the Transition Project, which is building about 2,100 houses. This demonstrates that the government has not been able to construct more than 40,000 houses, when the immediate need is 125,000. Therefore, the government is trying to get another 80,000 houses for the IDPs.

The speaker stated that he will not discuss human rights, protection, safety and dignity as someone else will probably speak about it. He is more interested in resettling the displaced people.

To discuss the question – when does IDP status end? According to the speaker, IDP status ends when the IDP family moves into a permanent home and is able to earn an income for sustenance. This income may not be at the same level as it was before displacement, but it must at least be able to support basic living expenses.

The mine action program in Sri Lanka is one of the best ones internationally. A lot has been achieved within 3 years. Except in Trincomalee, the present tensions have not disturbed this program. In fact, the Jaffna area has had more output this year than in 2005. The government hopes to complete demining by the end of 2008, provided the situation is conducive.

Furthermore, the GoSL also supports IDPs by rebuilding schools, hospitals and all other infrastructure such as roads. In fact, there are about \$650 million worth of projects in the North and East, well divided among all 8 districts. In addition, the

adjacent areas of Puttalam, Anuradhapura, Moneragala and Polonnaruwa have not been overlooked.

The government is doing a lot of work. Do not believe anyone who says that the government is doing nothing or not doing much in the North and East.

### Speaker 3

The third speaker stated that she will not be able to give a categorical position. She said she has lost the ability to write comprehensively or rationally over the past 18 months as her life has changed so much.

The speaker also said that she will not level accusations against anyone on lapses regarding IDPs.

It is very difficult to separate the different types of IDPs as it is confusing to everyone. Whether the IDPs are conflict related, tsunami related or poverty related - they are all in the East where the situation is complex.

**Genocide does not need weapons. It can be accomplished through an attitude of indifference and complete neglect.**

This presenter stated that she does not wish to name the heroes, heroines or villains, but there is definitely someone to blame for not getting help and support for the East. It is quite visible that there is discrimination. The suffering, frustration, insecurity and uncertainty of the displaced in these areas is very sad.

The speaker maintained that she had been uncertain if she would be able to attend this discussion due to the current situation in Mutur. Therefore, she could not bring the photographs of the Eastern coast, to demonstrate the situation where schools and houses were taken over in July 2005.

The media and various reports say the situation is secure in the East, but this is not the case on the ground. When she visits Ampara, she finds that the people are just surviving. Most areas are like ghost towns, and few people visit these areas now. Everyone reads reports and asks what she is worried about as everything is fine, however it is not fine.

The humanitarian issues which have to be the focus of reconstruction, resettlement or any effort are not being thought of in a balanced way. There is no equity.

As far as the Central government is concerned, the East is not treated in a fair manner. The political situation there is very divisive. Therefore, it is the social sector, religious sector and civil society that have to take up the welfare of the IDPs.

Furthermore, a huge cultural change also needs to take place. Most IDPs in the East have no land, so when giving them land and changing the structure of the houses; it can interfere with the customs and culture. Therefore, awareness about this situation is very important.

Unfortunately, no government has taken the effort to communicate effectively with the displaced people. There has been a tendency towards indifference and isolation. Perhaps this occurs because the displaced are minorities.

The speaker stated that she was born a Muslim but “became a Muslim” in 1971 after being taken up with teachings. Now she has become communally Muslim and she is tired of the frustrations that have made Muslims lead the kind of life they are leading in Sri Lanka today.

It is critical to minimize the suffering and vulnerability of the Mutur people. If not, the consequences will be very hard on the majority. The national dreams and aspirations of the majority are killing the minorities. The pluralism of Sri Lanka is a very attractive aspect of the country. However, the Burghurs have already been chased away and they are history. Now since the other minorities cannot be sent away, the strategy is to get rid of them through genocide. Genocide does not need weapons. It can be accomplished through an attitude of indifference and complete neglect.

The speaker stated that she will stand up for any suffering, be it Muslim, Sinhala or Tamil. She welcomed this forum where she could talk about the neglect in the East. In her experience when she appeals to people who could be of use to give support or aid, she would often be deferred to someone else. What could be more important than people without a roof above their heads? This situation is not an exaggeration; it is the absolute reality and truth. It is high time everyone paid attention to this issue, especially with the added problem in Mutur. The

consequences of the tsunami, the conflict and the increasing poverty should be taken care of.

The speaker stated that she is convinced that one cannot speak without seeing the situation on the ground with their own eyes.

## **Facilitator – Comment**

The facilitator stated that the floor was now open for general discussion. She invited each participant to give everyone the benefit of their experience and to clearly present what each person sees as the foremost problems and the proposed solutions.

## **Speaker 4**

The fourth speaker discussed the question of what is new in this conflict today. He stated that the decreasing space for humanitarian activity and reducing freedom of humanitarian organizations' ability to operate are new aspects of the conflict. All parties to the conflict are flouting basic humanitarian standards. Previously there was some respect for basic humanitarian standards, but now there is a complete disregard for any attempt to respect civilian lives and property.

Addressing what is old in today's conflict, the speaker pointed out that the response to disaster is still quite centralized. There has been an inadequate attempt to create local capacities to respond to displacement. One of the lessons learnt from the response to the tsunami was that there is a need to boost regional and local capacities to respond to disasters. However, the current approach is still focused on centralized responses from Colombo.

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In terms of other issues relating to the space for humanitarian activity, currently there is a hostile environment for international and domestic NGOs. In some respects, this is tied up to the climate of fear that exists for all of civil society.

Regarding the state of institutional responses, the speaker cited the IDP unit of the Human Rights Commission (HRC). He stated that there has been a "castration" of this entity at a central level.

Over the years, there have also been a number of programs for armed forces on international humanitarian law and human rights law. The objective of these programs was that the exposure of the military to these international standards would result in a culture of change in terms of how they operate. However, the excesses that have happened over the last 6 months bring these training programs into question.

Finally, on the question of responding to displacement, the speaker stated the fact that displacement is intertwined with political factors cannot be ignored. Regarding the protection of IDPs, the only option is to introduce a local or international neutral operational force providing humanitarian support for the people. This force should enable some level of protection for the people on the ground with a physical space for them to seek refuge in.

## **Speaker 5**

The fifth speaker stated that his primary concern in the last year was addressing IDP issues in Puttalam. Currently, about 16,000 families are living in 141 welfare centers. These are people who were evicted from their places of origin in the Northern Province, simply because they are Muslim. When this occurred 16 years ago, there were no NGOs to come to their rescue. The World Bank is funding a project that will build 6400 new houses for these displaced people.

Regarding educational facilities for IDPs, a survey revealed that there was a shortage of nearly 500 teachers in schools attended by IDP children. Cabinet approval has been obtained to appoint teachers chosen from IDPs who are suitably qualified.

**Displaced people who have tried to return and resettle in the Mannar District are being chased out by the LTTE. As a result, these people have no option but to return to the IDP camps. Therefore, security is a very important concern when resettling displaced people in their places of origin.**



Funds allocated for IDPs from the annual budget of the Ministry of Resettlement are used for skills development, other livelihood projects and the restoration of war affected religious sites among other things. The Ministry is also working in conjunction with other related ministries in addressing IDP issues. The role and activities of this Ministry applies to the whole island and is no longer confined to the Wanni as was done earlier. The funds allocated to the Ministry of Resettlement are limited. Considering this as well as the fact that it is a new ministry, it is doing everything possible to relocate these IDPs.

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## **Speaker 6**

The sixth speaker stated that she was part of a collaborative study on how IDP issues can be effectively integrated into the peace process.

The speaker raised the following points that are unique to the Sri Lankan IDP experience;

- 1) IDP concerns are part and parcel of the ethnic crisis and so have multi-ethnic and multi-religious dimensions. It is a part of the nation building problems that have not been resolved since the times of independence.
- 2) There have been many waves of displacement throughout the years. As a result, Sri Lankan IDPs have often faced multiple displacements.
- 3) IDPs have received recognition at the highest level. The political will to address these problems is somewhat visible. For instance, article 2 of the CFA focuses on the normalization of movement that enables the displaced to go back. On the other hand, even though the matter is taken up at such a high level, many issues remain unresolved.

It is critical to look at the profile of the displaced people. About 90% of them are Tamil, while a small percentage is Muslim. There is no influential lobby to raise their concerns. Therefore, IDPs are dealt with only if they are part of a voting constituency or if there is some ethnic pressure.

The study also asserts that peace is necessary for the settlement of IDP issues but the discontinuation of peace talks should not hold IDP issues hostage. What is fundamentally required is to stop violence and peace talks can come in later.

On political representation, the government has made an effort to include IDPs, particularly during the recent elections. However, a combination of obstacles has prevented them from exercising their political rights. In particular, IDPs have had problems with regard to their voter registrations.

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High Security Zones (HSZ) are a major impediment in resolving IDP issues. At the peace talks, the LTTE put forward humanitarian imperatives of returning IDPs, while the government stressed on security and humanitarian needs when taking up this subject. However, neither party is interested in dealing with it in an effective way. The matter has become like a beggar's sore where both sides just want to keep it going.

The study recommended that the government take the larger share of the responsibility in curbing the increasing flow of displaced people mainly owing to the actions of the armed forces. It also condemned LTTE offensives that spur retaliatory action by the government. It also urged the government to curb the armed activities of paramilitary and other groups.

The question of strengthening democratic institutions that concern IDPs was one that the study could not answer effectively. One hindrance is that IDPs are not a mobilized group. The study encouraged IDP representation at the peace talks. However, there is a fear of politically vetted candidates representing IDPs in undemocratic ways. The study also raised the need to find solutions at a local level.

On an operational level, the study raised the need for durable strategies when addressing displacement against the backdrop of rising security issues. Currently there are three ministries mandated to manage the IDP issue – The Ministry of Nation Building & Development, Ministry of Resettlement and the Ministry of Disaster Management & Human Rights. These ministries often lack the agencies to deliver, lack the budgetary provisions or have overlapping duties. The speaker

questioned whether it made more sense to have just one inclusive ministry to deal with IDPs.

The speaker also raised the example of the 60,000 people from Jaffna and Kilinochchi who had previously received assistance as IDPs, who have now been brought under *Samurdhi* scheme. This raises the question of when does one cease to be an IDP. In this manner, the government is seen to engage in “structural violence”, that makes people perpetually dependent on the State.

Regarding the role of the Sri Lanka Monitoring Mission (SLMM), the speaker stated that the people want revision as it has not been effective in intervening and arresting the escalation of violence. It is difficult for the SLMM to operate in an environment where the government is advocating a unitary state instead of a united Sri Lanka along federal lines. Therefore, it is necessary to transform the role of the SLMM to be more relevant in this context.

The study urged that the effective intervention of the co-chairs is vital in persuading bilateral talks between the government and the LTTE. The various bans on the LTTE have not been effective as they have further polarized the government and the LTTE. The study encourages the powers to undo the negative process that has set in. The resilience and impassivity of the international community in not addressing the escalating violence is bewildering.

## **Speaker 7**

The seventh speaker followed up on the issue of normalization rising from the CFA. He stated that aspects of the agreement, such as the vacation of public buildings, were in itself freeing of areas for some sort of normalization.

The LTTE put a high emphasis on reconstruction, especially to gain ownership of the delivery of reconstruction to the people. This is clearly tied in with a militaristic agenda of the LTTE.

Regarding the HSZs, the Sri Lanka Armed Forces (SLAF) were not very comfortable with the CFA from the very beginning. In addition, there is a militaristic agenda on the part of the LTTE in the normalization of HSZs. Therefore, normalization is very difficult in this respect and the return of IDPs to these areas becomes impossible.

The speaker questioned the second speaker on how, in the absence of a peace process, the serious impediment of security imperatives are dealt with in resettling people in some areas such as HSZs and uncleared areas.

If we ever get back to the negotiation process, the issue needs to be dealt with on a unilateral manner by both sides rather than a confrontational manner. The speaker suggested that the HSZs should not be dismantled, but requires a “step down” of a kind.

**Regarding the HSZs, the military was not very comfortable with the CFA from the very beginning. In addition, there is a militaristic agenda on the part of the LTTE in the normalization of HSZs. Therefore, normalization is very difficult in this respect and the return of IDPs to these areas becomes impossible.**

## **Speaker 8**

The eighth speaker stated that the concept paper of this discussion presupposes that the new IDPs all end up in camps or welfare centers. The report by the Secretariat for Coordinating the Peace Process (SCOPP) also mentions “the establishment of open relief centers under the protection of UNHCR”. In fact, UNHCR has actually been very cautious in the discussion about the opening of new camps and welfare centers.

As everyone here knows, a lot of displaced people have been living in camps for a very long time. Despite the effort made over the last couple of years, especially since the CFA, a lot of people are still living in these welfare centers. So it appears that once you “institutionalize” people’s presence in camps, it is very difficult to get them out of there.

In light of the recent displacements, UNHCR has been advocating alternative temporary arrangements. Instead of opening up large shelters with a lot of people in one location, UNHCR has been exploring the possibility of

**A sizeable number of people would get displaced due to underlying community tensions rather than immediate hostilities. UNHCR is encouraging people to avoid displacement by resolving local issues at the ground level.**

moving people to communities where they have links and where they can live with family or friends or can live in limited individual shelters. This approach is more beneficial than large IDP locations that attract people, money, organizations and donors. Therefore in reference to the SCOPP statement, the speaker stated that UNHCR is "not a fan" of open relief centers and would not want to be involved in it, in light of the risk of not being able to get people to move beyond the camps.

With regard to the current displacement, UNHCR is trying to carry out a two-pronged approach in its response;

1) Deal with immediate concerns such as food, shelter, physical safety.

The government has a large responsibility here, but international organizations and NGOs can provide support.

2) Promote confidence building and stabilization measures.

In fact, it is difficult to build confidence among communities. A sizeable number of people would get displaced due to underlying community tensions rather than immediate hostilities. For example, there is a community in Trincomalee that cannot take its children to the adjacent playground because there is a military check point in the middle of the route. If this checkpoint could be moved a short distance, it would make a real difference to these people. Therefore, UNHCR is encouraging people to avoid displacement by resolving local issues at the ground level. It is also trying very hard to work at the ground level to resolve small issues such as this. For instance, it is attempting to establish very small scale civil-military liaison committees. In addition, it is also helping all IDPs access organizations that can assist them with concerns such as free legal aid to claim compensation.

This small scale approach of addressing underlying issues, will not change the bigger picture, however it can make a difference in individual lives.

## **Facilitator – Question**

At this point, the facilitator questioned the previous speaker on how UNHCR carried out the discussed confidence building and stabilization measures.

## **Speaker 8 – Response**

In this effort, UNHCR has been working with a group of NGOs and civil society organizations. However the key work is done by the field officers who have been on the ground for many years. These officers have good relations with local organizations, NGOs, women's groups and international organizations such as Non Violent Peace Force. Through these established contacts in the community, the local staff is trying to bring people together, help people with access to free legal aid and enable contact and discussion between local people and the authorities.

## **Speaker 9**

The ninth speaker stated that the IDP camps have been a failure of the protection regime. There has been a homogenization or standardization of responses to IDPs, not just over the last 20 years but over the last 50 or 60 years in Sri Lanka. Currently in terms of durable solutions for conflict IDPs, the options have been welfare centers, relocation villages or return.

It is useful to consider the vast array of interventions that are much more heterogeneous than the ones that are currently in play. Sri Lanka has extensive experience in alternative approaches to the present model of welfare centers. Any survey will reveal that welfare centers are a disaster in meeting the basic needs and rights of IDPs. Therefore, it is vital to experiment with alternatives.

Camps ultimately serve the bureaucratic and political interests of governments, donors, NGOs and the like. With camps you can categorize, number and provide certain kinds of protection and assistance. Essentially, camps serve bureaucratic logic by being cheaper to administer aid to.

On the response to displacement, the speaker stated that there has been a very centralized response to a highly decentralized phenomenon. The idea of reinforcing local capacities warrants more attention.

Regarding his own background, the speaker explained that he has spent the last few years comparing different phenomenon of displacement and resettlement. In particular, he has studied development induced resettlement and displacement, as well as conflict displacement and natural disaster induced displacement and resettlement. Sri Lanka has had the unfortunate experience of all three types of displacement taking place simultaneously at various times.

The speaker found that the different laws, policies, institutions, practices and approaches have varied to each of the three kinds of displacement. What comes up in each case is that there is a disparate cluster of entities that are responding to the situation. Furthermore, there is a highly centralized tendency to respond in all three cases. The speaker noted very little theoretical and practical exchange between the three sets of responders despite an enormous amount of experience. Therefore, a preliminary recommendation would be to encourage thoughtful and substantive engagement between these actors.

Though it should not be considered as the best practice in resettlement, the Maheweli Project offers 25-30 years of extraordinary experimentation in responding to settlers and resettlers. Furthermore, village cooperatives, youth cooperatives and even agricultural schemes going back to those in the 1920s and 1930s offer a huge reservoir of experience that can be tapped in addressing conflict IDPs. The point is, dealing with displacement in Sri Lanka is not a new phenomenon. The kinds of risks, vulnerabilities, rights and needs that people are exposed to in the case of conflict, are often similar to the ones faced by those affected by development or natural disasters.

There also has been heavy influence by donors in forming responses to resettlement. The World Bank in particular has played a major role in this county in terms of contributing funds and shaping policies and responses.

In all cases, there seems to be a linear approach to settlement. There is a transitional phase, followed by longer-term rehabilitation phase, followed by a take over from the local community. The speaker has been doing a series of surveys over the past few years in Batticaloa and Trincomalee. In these studies he found that there is high level of paternalism and an expectation of more than what is possible.

**Dealing with displacement in Sri Lanka is not a new phenomenon. The kinds of risks, vulnerabilities, rights and needs that people are exposed to in the case of conflict, are often similar to the ones faced by those affected by development or natural disasters.**

Three pressing concerns to consider for the future;

1) Property rights

This is an important concern in terms of long term transition and tied to issues of land and titles. The speaker questioned the government about the nature of tenure arrangements currently in place for people who have been displaced as a result of conflict and natural disasters. There has been a transition from protected tenure to freehold tenure over the past 50 or 60 years. However, there are continued conditions and restrictions around reselling land, passing land on to younger generations and fragmentation of land. This limits the use of land as collateral for investment.

2) Poverty, marginalization and dependency

3) Ethnic bias in terms of resettlement

This is a key area in terms of who benefits and who does not. Fulfilling ethnic ratios is a sensitive and delicate issue. Puttalam is very interesting example in this context.

Therefore, moving forward it is important to learn from past experiences, learn across different sectoral boundaries and take lessons from the development experience and apply them to the conflict and natural disaster experience.

Regarding the role of host communities, the response is very IDP centric across all three groups of displacement. The focus is often on rebuilding capacities of IDPs when in fact a lot of their resilience depends on the host community. The World Bank's area based approach is one effort that tries to redress this by investing in areas that host IDPs. Though, the World Bank to be honest is very much about utility maximization and incentives rather than individuals. It is necessary to strike a balance between individual incentives and restoring host community and IDP livelihoods. Rebuilding local capacities is a good way forward as it can play a major part in restoring livelihoods in the long term.



## Speaker 10

The tenth speaker addressed the need to pay attention to host communities. The poverty levels of the host communities versus those of the IDPs are a growing concern in Puttalam. This has led to tension between the two groups and now there are more displaced people coming in from Mutur to Puttalam.

There is also a vital need to focus on the genuine grievances faced by women in the conflict affected region. People are often not aware of the poverty faced by these women.

**When the affected people do not have a political voice, their concerns are never taken up.**

The speaker raised the situation in Gravelkanda where a group of Sinhala families who fled from Vavuniya are now living. The government is purposely continuing to keep them there as it does not want to change the voting pattern of Vavuniya by resettling them in Anuradhapura. By doing so, the government hopes to preserve the Sinhala votes in Vavuniya. As the name suggests, Gravelkanda is an uncultivable area and therefore discourages the families from permanently settling there. If the families try to settle elsewhere, they will not be given compensation.

The Burgher community in Jaffna is another group that is not taken care of. Furthermore, there is a group of government employees from Paranthan Chemicals who lost everything when they were displaced in 1983. Though they possess good qualifications, even after 20 years, they are compelled to do daily labor to survive. There are ample situations like this that have never been addressed. It demonstrates that when the affected people do not have a political voice, their concerns are never taken up.

The state of Mutur is also a cause for great concern. The civilian casualty rates are very alarming. It is our responsibility as civil society and as Sri Lankan citizens to tell the GoSL that we are concerned about the civilian casualties.

## Speaker 11

The eleventh speaker stated that there are four categories of IDPs in Sri Lanka; war IDPs, tsunami IDPs, small-scale natural disaster IDPs and development IDPs. It

is worth examining how the government treats these different groups of people and if there is any discrimination in the process.

First consider the dry rations that are given out to the displaced people. War IDPs receive Rs. 1260 for a family of five or more, while tsunami IDPs receive Rs. 1400 per month, per person. The speaker stated that he had studied the government ration rate with the Colombo consumer price index and found that Rs. 1260 really amounts to Rs. 533. The government is paying the same amount that they have been paying the IDPs since 1993. Why does the government not increase the rate? Furthermore, the quality of the dry rations is often not good for consumption. For instance, in Vavuniya, it was found that the quality of the rations given out to some of the welfare centers were not good for human consumption. When someone attempted to stop this distribution, he was warned by high level government officials not to disrupt this activity.

Today we are talking about federalism and constitutional changes based on say 25% of people living in the North and East and the plantation sector. However, there are 800,000 displaced people who we are not thinking about. There must at least be a common mechanism designed to address the needs of these displaced people.

Currently there are 23 government bodies working on issues related to conflict IDPs. If you study the mandate of each of these government entities according to the gazette notification of December 8, 2005, it is hard to decipher who is doing what. Everyone is doing everything, but nothing comes to the field. Consider the Northern Muslim Secretariat established in Puttalam by the Ministry of Resettlement. It is mandated with overseeing the welfare of Muslims displaced from the North who are now living in 13 different districts as well as providing dry rations to those Muslims living in Puttalam. Then who takes care of the displaced Muslims from the Eastern Province?

Recently the Northern Muslim Secretariat helped to construct an ICU at the Puttalam hospital. The speaker said that he does not understand how this relates to IDPs. He claimed that they do not have funds to resettle people. For example, there is a welfare center in Puttalam with 384 families. They are living on land that belongs to the Land Reform Commission. The Commission needs to be paid about Rs. 300,000 – 400,000 for the use of this land. For the last 3-4 years, the Secretariat has requested money from the Ministry to make this payment. So the Secretariat has no funds to pay the Rs. 300,000 for this land, but has enough funds to construct an ICU at the hospital.

Consider another example from the health sector that demonstrates the centralized nature of government. The Central government allocates money for the Provincial Councils according to the provincial population. Therefore, the North Western Provincial Council only provides drugs to the host community even though there are nearly 61,000 displaced people in Puttalam. When the displaced community seeks treatment in the hospital, they are given the prescription, but not the drugs. The local government officials cannot be blamed for this as they protest that they only get limited funds from the Center.

On the provision of dry rations, the people in the Anuradhapura, Batticaloa and Trincomalee districts are provided with dry rations for the first 6 months following their resettlement. On the other hand, the people in the Vavuniya, Wanni and Jaffna districts are provided with rations up to 15 months. Why does this allocation differ among the districts?

A large amount of foreign funds have been allocated for the resettlement of displaced people. However, the local Government Agents and Divisional Secretaries keep complaining that they are not receiving the money to carry out the work. The speaker stated that he agrees that the Ministry of Resettlement is not getting the funds to perform its key task of resettlement.

It is time to develop the capacities of regional and local bodies. We have at least 20 years worth of experience with IDPs. However, even today if there is a sudden displacement, it is necessary to send someone from Colombo to make decisions on what should be done in the area. Just two days ago nine politicians visited Kantale in response to the Muttur displacement. Actually it is "nice" to see these politicians visiting such areas after a long time.

Between 1948 and December 31, 2005, we have had 247 elections in Sri Lanka. It is interesting to note how organized the election department is even when handling a *Pradeshiya Sabha* election. They put in a maximum effort from Point Pedro all the way to Hambantota. Why is it not possible to be as earnest when dealing with displacement? For instance, we were not ready to deal with the displacement that occurred in Trincomalee over the last 2-3 months. The GA was not given the additional food stocks that he

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requested from the Central authorities. The Trincomalee hospital did not even have saline at times. There is a dire need to be more concerned with basic structures.

According to the 13<sup>th</sup> Amendment to the Constitution, the Provincial Councils are empowered to ensure social welfare. Today it is worth examining if displacement comes under social welfare or not.

The speaker also pointed out that in addition to people who have been displaced physically there are others who are displaced due to economic factors. For example, the ban on fishing in Mannar and Puttalam has resulted in a number of economically displaced IDPs. How do we treat such IDPs? Do we compensate them? Today we speak of compensating the Seruwila farmers. In that case, we also need to talk about compensating the fisherman in Trincomalee, Jaffna, Puttalam and Mannar.

The government cannot do each and everything. Economic resettlement of IDPs is difficult. District development committees never discuss IDPs or resettlement areas. No one is willing to establish post offices, electricity, schools and other infrastructure in the resettlement villages. It is definitely time to have a common system to address every kind of displacement. It is necessary to have one unique mechanism to provide relief for the displaced people.

### **Facilitator – Comment**

The facilitator commented that her own experience concurred what has been said. For example, the border villages in the Anuradhapura district experience diminishing public services, while the Anuradhapura district as a whole has development projects.

We have in place a Ministry of Disaster Management which is under the President. It is an all island entity covering all types of disasters and all communities. In working out a solution, it is worth asking the Ministry to think not only in terms of the distribution of funds, but also to take the picture as we see it where the citizens of this country are not made into political playthings.

## Speaker 6 – Comment

Recalling comments made by previous speakers about funding not being available, the speaker stated that such circumstances give credence to the notion of phantom aid. There have been allegations that aid pledged for peace and reconstruction is phantom and not real aid. Action Aid defines it as aid that is tied to goods and services from the donor countries, overpriced and inefficient technical assistance, excess administration and transaction costs, aid double counted as debt relief, assistance not targeted for poverty relief and amounts spent on immigration related costs in donor countries.

## Speaker 12

The twelfth speaker stated that this country has a reasonably well functioning, well structured and legitimate government. However, the exact mandates of its many ministries are completely unclear. For instance, RADA says that they are the one agency that is responsible for post tsunami and post conflict reconstruction, yet there are other ministries also dealing with the same issues.

When we talk about durable solutions, well structured government, property rights, providing land and providing cash grants, what we need is a concerted effort to come up with a comprehensive housing and land policy. Dealing with land and housing is crucial in finding a durable solution to any conflict.

A lot of the laws in Sri Lanka are also archaic. They do not address the needs of IDPs and are not in accordance with international legal standards. However most of these laws are not difficult to amend.

The speaker said that his organization has worked with RADA on tsunami housing policy and implementation guidelines for the policy. He noted willingness on the part of RADA to look at international standards and to adopt the guidelines. It would be a good start to encourage a similar attitude with

**What we need is a concerted effort to come up with a comprehensive housing and land policy. Dealing with land and**

regard to housing issues related to displacement even though it might not be possible to implement right now given the current volatile situation.

## **Speaker 2 – Comment**

The second speaker mentioned that a number of the other speakers had asked the question – what is the resettlement policy? The speaker stated that he would go over some of the measures that the government has taken and everyone can criticize these attempts as they please.

The speaker stressed that there is a resettlement policy. The government wants to close the welfare centers as early as possible. He said that he was personally involved in formulating a crash program to resettle 5000 IDP families. However, it could not move forward quickly due to the want of funds.

It is easy go on talking about what needs to be done. It is easy for a researcher to write documents and make recommendations. However, it is us who are actually on the field toiling, trying to make things happen.

The government has done a lot. Examine the North East Housing Reconstruction Programme (NEHRP) and various other projects to understand this. Nearly 111,000 people have been resettled after the CFA. The best project so far, unaffected by any corruption, has been the \$26 million program that gives out the Rs. 25,000 grants to permanently resettled families. This project has been endorsed by both the World Bank and UNHCR. The speaker conceded that not everyone has been 100% honest in some other projects, but he claimed that dishonesty has been practiced by NGOs as well, particularly in the tsunami housing program.

What the government needs most at this time is assistance to build 125,000 more houses for the conflict IDPs. It does not require technical assistance or expert consultations. In today's context, Rs. 350,000 is needed to build a 500 square feet house. Some are building tsunami housing for Rs. 800,000 each. It is worth asking them why these houses cost so much.

The speaker agreed that there should be an effective housing policy. The government does have a housing policy at the moment, and that is the owner driven housing policy. On land policy, the speaker referred to the 19,000 people

who are still living in welfare centers. A good number of them cannot return to their original homes as they are in HSZs or are in mined areas. In addition there are some landless people of Indian origin who were displaced from the Wannu. The government is conscious of this situation. About 5 years ago, the government started a relocation program that allocated state land to such people. Initially one family was given 80 perches, and now they are given 40 perches. Relocation projects are already underway in Kilinochchi, Vavuniya and Jaffna. The state has requested the help of UNHCR in securing funding for this program. It is in serious need of money to carry out these resettlement programs.

On dry rations, the speaker conceded that in some cases there may be quality issues. It is the GA that has to take responsibility on the matter. Quality issues had occurred very often in the past, so the government made a policy decision to give the GA the right to call for tenders to procure the goods. This demonstrates a decentralized process. The speaker also agreed that Rs. 1260 is not sufficient for the IDPs. However, the efforts to raise the amount have failed due to the shortage of funds.

The speaker said that he could not comment on the number of government ministries. It is the President's prerogative to appoint ministers as he sees fit.

The speaker also agreed that the current volatile security situation is affecting housing construction in the North. However, except for Trincomalee, it is not affecting the demining process.

## **Speaker 5 – Comment**

The speaker referred to the question raised by others on the allocation of money to the Puttalam hospital ICU. This hospital is the largest in the district, but it had no ICU. When the speaker attended a forum organized by the people of Puttalam, they complained that, for the last 15 years, they have been sharing their resources with the IDPs. In light of this, the local people complained that areas such as education and health had not received any extra assistance. Therefore, the government is attempting to facilitate this host community as they accommodate the IDPs.

The Secretariat for the Northern displaced Muslims was established by the former government through a cabinet decision. Previously, displaced people had no way

to accomplish things as simple as obtaining a birth certificate. This secretariat was established to facilitate the needs of the IDPs and essentially replace the functions that would have been carried out by the GA had they not been displaced

On the contribution of NGOs, the speaker stated that he welcomed the support of NGOs. If an NGO wants to help IDPs and gives out a positive impression, they will be given all support and assistance.

### **Speaker 1 – Comment**

The speaker said that he wished to reiterate something that the fourth speaker touched upon. A rather worrisome aspect of the current escalation in violence that is adding to the number of IDPs is the civilian casualties. Looking at the situation in Mutur, it can be argued that the civilians do not have the ability to even be displaced in safety. There are valid issues around civilians trying to leave a conflict area and the protection of humanitarian workers in the context of armed hostilities.

In the advent of hostilities, ensuring the security of the civilian population is imperative. Particularly those that choose to leave must have a safe passage to alternative locations. This is an issue that we did not fully explore in this discussion.

This is a concern that should be engaged with both parties to the conflict. The two sides have different responsibilities in this context. Armed forces of a legitimate state have the responsibility of maintaining international norms of conduct, including international humanitarian law. Even non-state actors have to follow minimum international standards for human rights and human security.

**Looking at the situation in Mutur, it can be argued that the civilians do not have the ability to even be displaced in safety. Particularly those that choose to leave must have a safe passage to alternative locations.**

In the current round of fighting, safe passage to civilian population has not been provided. Many were hindered from leaving and some of those who remained are without basic necessities. The civilian cost has been very high this time. In prior conflicts, the armed forces dropped leaflets from the air asking civilians to



leave. Such a practice gives people reasonable time to leave, before the commencement of hostilities.

## **Facilitator – Closing Comment**

The facilitator closed the discussion for the day and thanked everyone for their contributions.

## **Participants**

- Ms. Visaka Dharmadasa – Association of War Affected Women
- Mr. Senaka Dissanayake – Human Rights Commission
- Dr. Mario Gomez – Berghof Foundation for Conflict Studies
- Dr. Jezima Ismail – Muslim Women’s Research and Action Forum
- Dr. A.S. Kunasingham – Ministry of Nation Building and Development
- Mr. Robert Muggah – Small Arms Survey
- Ms. Manouri Muttetuwegama – Council for Public Policy
- Mr. M.I.M. Mohideen – Ministry of Resettlement
- Mr. Harim Peiris – Council for Public Policy
- Mr. Charan Rainford – International Center for Ethnic Studies
- Ms. Blanche Tax – United Nations High Commissioner for Refugees
- Ms. Minna Thaheer – Consortium of Humanitarian Agencies
- Mr. Kees Wouters – Center for Housing Rights and Evictions