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Written statement* submitted by the Asian Forum for Human Rights and Development, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Sri Lanka: Land grabbing and development-induced displacement**

The Asian Forum for Human Rights and Development (FORUM-ASIA), in association with three Sri Lankan non-governmental organisations¹, draws the attention of the United Nations Human Rights Council to the alarming trend violations of the rights to adequate housing, land and property in post-war Sri Lanka.

The government of Sri Lanka's push for "development" is playing out in the form of forcible acquisition of land by State and private actors, including foreign corporations, displacing thousands of vulnerable people across the island. These actions undermine efforts towards reconciliation and recovery after almost three decades of war as they are only further alienating, marginalising and disenfranchising communities of farmers and fisher-folk.

Despite the end of the war in 2009, the integrity of former conflict areas has not been restored as lands forcibly acquired by the State during the war for high security zones are being turned into Special Economic Zones. For example, in Sampur near the eastern province town of Trincomalee 1,262 households consisting of over 4,000 people have been displaced for several years and are living in temporary shelters. Instead of returning their land, the area is presently being prepared for the construction of a coal power station in collaboration with an Indian State corporation.² The traditional livelihoods of the affected families in agriculture, livestock-rearing and fisheries have been destroyed and those who are displaced are now destitute. Meanwhile, the 350 families who lived in the Mullikulam area of conflict-affected Mannar district in northern Sri Lanka, and who were displaced on multiple occasions due to the war, are yet to be allowed to return to their homes even after the end of war.³

The Sri Lankan government's approach has been to prioritise the needs of corporations and private interests ahead of the rights of the poor. The Ministry of Defence has alienated 11,600 acres of forest land in the southern district of Moneragala for the cultivation of bananas for export by a multinational corporation⁴ from the United States of America. Such land clearances are driving wild elephants into settlements of poor farmers, who have through previous government policies were rendered into seasonal labourers for sugar cane cultivation, following their dispossession from their customary lands. According to one woman farmer, the result is that "houses, property and lives of hundreds of women like me

** The National Fisheries Solidarity Organisation (NAFSO), Praja Abilasha Network (PAN), and the Law & Society Trust (LST), NGOs without consultative status, also share the views expressed in this statement.

¹ This statement has been prepared in association with three Sri Lankan non-governmental organizations: the National Fisheries Solidarity Organisation (NAFSO), Praja Abilasha Network (PAN), and the Law & Society Trust (LST) – members of the Peoples' Alliance for the Right to Land (PARL) in Sri Lanka.

² Bhavani Fonseka and Mirak Raheem, "Trincomalee High Security Zone and Special Economic Zone", Centre for Policy Alternatives, 2009, <http://cpalanka.org/wp-content/uploads/2009/11/Trincomalee%20High%20Security%20Zone%20and%20Special%20Economic%20Zone.pdf>

³ Melani Manel Perera, "Colombo's New Development Projects Must Protect, Not Destroy", AsiaNews, 9 August 2011, <http://www.asianews.it/news-en/Fishermen:-Colombo%E2%80%99s-new-development-projects-must-protect,-not-destroy-22579.html>

⁴ Nirmala Kannangara, "Illegal Clearing of Forests by Dole Lanka", The Sunday Leader, 4 September 2011, <http://www.thesundayleader.lk/2011/09/04/illegal-clearing-of-forests-by-dole-lanka>

have been lost. It is clear that the programmes which are being carried out under the guise of development have caused the destruction of lives and livelihoods of innocent people”.⁵

The trend towards developing tourist resorts in Sri Lanka’s coastal areas and its islands is taking place with a blatant disregard of those communities native to that land, while causing significant environmental damage affecting their livelihoods. Around 5,000 fisherfolk livelihoods have been severely compromised in the 14 islands in the Kalpitiya peninsula in the north-west due to the lease of 1,200 hectares of land for tourism, undermining the customary rights of the local people particularly through the blockage of anchorage points, beach seine points and access to the sea and the lagoon.⁶

Near Panama on the eastern coast, more than 350 farmer families in Raigamwela and Shastrawela villages have been forcibly evicted from their lands by the military.⁷ The appropriated land has been used for the construction of a tourist hotel. The affected communities have been denied access to their lands, even for agriculture, and are now living in precarious circumstances. There are attempts to prepare the lagoon near Panama, upon which local residents depend on for fishing, as a landing area for sea-planes which would transport tourists to the proposed hotels in that area.

Based on these experiences, other communities facing impending risk of forcible acquisition of their lands are pessimistic, with one affected woman observing that “people are now aware that development benefitting only a selected segment which throws hapless people out onto the streets is not development of the country.”⁸ Her family, among hundreds living near the inland reservoir of Parakrama Samudra near Polonnaruwa, fear that they will lose access to their fishing waters once sea-planes and motorboats begin transporting tourists to the resorts. Over 30,000 farmers depending on the reservoir for water to irrigate their fields are concerned that tourism promoters will be privileged in decisions over water use and will manipulate the water levels in the dry season.

The environmental ramifications of infrastructure development has adversely affected the fishing community in Rathgama lagoon in southern Sri Lanka, who have been complaining of fish dying in large numbers since an estuary was blocked due to construction of a harbour which has connected the lagoon to the sea.⁹ This construction is for the purpose of making the area attractive for the development of tourist hotels. The entry of sea water has also badly affected the crop from rice paddy lands which were irrigated by the lagoon.

Meanwhile, forced eviction is also carried out in the urban areas. For instance, in an informal settlement in Colombo known as ‘Seevali Pura’, the expansion of the Kelani Valley railway line, threatens 76 households with imminent forced eviction. These families have lived in their homes for decades. They have not received information on

⁵ Testimony at the Peoples Tribunal on Land-Grabbing and Displacement, Colombo, 31 January 2012, <http://nafsoonline.blogspot.com/2012/01/peoples-tribunal-on-land-grabbing-and.html>

⁶ “Between the Fence and the Deep Sea - Report of an International Fact-Finding Mission on Tourist Development in Kalpitiya, Sri Lanka”, 16 March 2011, South Asia Citizens Web, http://www.sacw.net/IMG/pdf/Sri_Lanka_IFFM_final_report-16-03-11.pdf

⁷ “Navy Accused of Land-Grab in Ampara”, BBC Sinhala.com, 4 July 2011, http://www.bbc.co.uk/sinhala/news/story/2011/07/110704_navy_panama_land.shtml

⁸ Testimony at the Peoples Tribunal on Land-Grabbing and Displacement, Colombo, 31 January 2012, <http://nafsoonline.blogspot.com/2012/01/peoples-tribunal-on-land-grabbing-and.html>

⁹ “Fish Dying in Large Numbers at Rathgama Lagoon”, News First.com, 5 February 2012, http://www.newsfirst.lk/english-news/?view=news_more&id=9097

compensation, or of the possibility of resettlement in nearby areas to minimise the disruption to their lives and livelihoods.¹⁰

These emerging trends in Sri Lanka of undermining the rights of affected communities in favour of development projects by public or private entities are systematic in nature and contravene the spirit of the 1986 United Nations Declaration on the Right to Development which is best articulated in Article 2.3: “States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom”.

In this light, Forum-Asia calls upon the government of Sri Lanka:

- To comply with its human rights obligations as a State party to the International Covenant on Economic, Social and Cultural Rights, to respect, protect and fulfil the right to adequate housing, including the right not to be forcibly evicted;
- To abide by the directive principle of state policy enshrined in the Sri Lankan Constitution Article 27(c) to realise for all citizens “an adequate standard of living for themselves and their families, including adequate [...] housing”;
- To respect the customary rights of the people who depend on land, coastal areas, islands, tanks and aquatic resources for their livelihoods;
- To ensure transparency and adequate publicity to land acquisitions and re-zoning of lands for non-agricultural purposes through the right to information;
- To ensure the free, prior and informed consent and participation of local communities in economic activities in their areas to enable them to be the central subject of development;
- To ensure that credible environmental and social impact assessments are carried out before authorisation is granted to development and infrastructure projects;
- To ensure that those who have been resettled are provided with security of tenure in their new homes and lands, and receive adequate monetary compensation; and
- To demilitarise conflict-affected areas through reducing the number and spread of security force personnel, and ensuring that administrative decisions including on land use are taken by civilian authorities in consultation with the community.

¹⁰ Testimony at the Peoples Tribunal on Land-Grabbing and Displacement, Colombo, 31 January 2012, <http://nafsoonline.blogspot.com/2012/01/peoples-tribunal-on-land-grabbing-and.html>