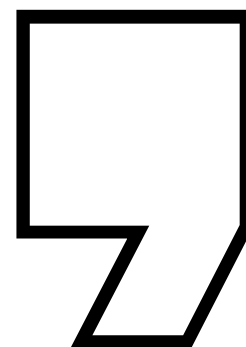




Researching livelihoods and  
services affected by conflict



# Resettlement of conflict-induced IDPs in Northern Sri Lanka: Political economy of state policy and practice

Working Paper 10

Chamindry Saparamadu and Aftab Lall

January 2014

# About us

Secure Livelihoods Research Consortium (SLRC) aims to generate a stronger evidence base on how people make a living, educate their children, deal with illness and access other basic services in conflict-affected situations (CAS). Providing better access to basic services, social protection and support to livelihoods, matters for the human welfare of people affected by conflict, the achievement of development targets such as the Millennium Development Goals (MDGs) and international efforts at peace- and state-building.

At the centre of SLRC's research are three core themes, developed over the course of an intensive one-year inception phase:

- State legitimacy: experiences, perceptions and expectations of the state and local governance in conflict-affected situations
- State capacity: building effective states that deliver services and social protection in conflict-affected situations
- Livelihood trajectories and economic activity under conflict

The Overseas Development Institute (ODI) is the lead organisation. SLRC partners include the Centre for Poverty Analysis (CEPA) in Sri Lanka, Feinstein International Center (FIC, Tufts University), the Afghanistan Research and Evaluation Unit (AREU), the Sustainable Development Policy Institute (SDPI) in Pakistan, Humanitarian Aid and Reconstruction of Wageningen University (WUR) in the Netherlands, the Nepal Centre for Contemporary Research (NCCR), and the Food and Agriculture Organization (FAO).

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# Acknowledgements

This research is the result of generous support of several persons. We are grateful to Priyanthi Fernando and K. Romeshun from the Centre for Poverty Analysis (CEPA), Sri Lanka for providing guidance and support throughout the course of this research. We also thank Daniel Harris from the Overseas Development Institute (ODI) and Sunil Bastian for their insights and critical feedback which helped us to formulate our arguments in a coherent manner. Our heartfelt gratitude goes to Jonathan Goodhand from the School of Oriental and African Studies (SOAS), London for peer reviewing the paper at short notice. Our thanks also go to Maryam Mohsin from ODI for copy editing and designing the layout of the paper.

A special word of thanks to all the respondents from the field, who wish to remain anonymous, for taking time to respond to our questions in a challenging context.

Finally but most importantly, we would like to thank DFID, UK for funding this research.

# Abbreviations

AI	Amnesty International
ADB	Asian Development Bank
BBC	British Broadcasting Cooperation
CEPA	Centre for Poverty Analysis
DCC	District Coordinating Committee
DS	Divisional Secretary
DOC	Drivers of Change
DFID	Department for International Development
EPDP	Eelam People's Democratic Party
GA	Government Agent
GoSL	Government of Sri Lanka
HRW	Human Rights Watch
HSZ	High Security Zone
IDP	Internally Displaced Person
ICRC	International Committee of the Red Cross
ICG	International Crisis Group
IMF	International Monetary Fund
INGO	International Non-Governmental Organization
JPA	Joint Plan of Assistance
JVP	JanathaVimukthiPeramuna
JHU	JathikaHelaUrumaya
LLRC	Lessons Learnt and Reconciliation Commission
LTTE	Liberation Tigers of Tamil Eelam
MEP	MahajanaEksathPeramuna
MoD	Ministry of Defence
MoED	Ministry of Economic Development
MC	MahindaChintana
NGO	Non-Governmental Organization
NPC	Northern Provincial Council
NLC	National Lands Commission
ODA	Official Development Assistance
PTF	Presidential Task Force
PTA	Prevention of Terrorism Act
SGBV	Sexual and Gender Based Violence
SLFP	Sri Lanka Freedom Party
TI	Transparency International
TNA	Tamil National Alliance
TRO	Tamil Rehabilitation Organization
UNHCR	United Nations High Commissioner for Refugees
UN	United Nations
USAID	United States Agency for International Development
UK	United Kingdom
US	United States

# Executive summary

Nearly three decades of civil war in Sri Lanka between the armed forces of the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE) ended in May 2009 with an overwhelming victory for the GoSL armed forces. The final military offensive in the North of Sri Lanka generated massive displacements unparalleled in the history of the country, with up to an estimated 300,000 IDPs in the North. Soon after hostilities ended, the GoSL started an accelerated programme to resettle these IDPs.

This paper aims to understand the various dynamics of state policy and practice with regard to resettlement of conflict-induced IDPs in Northern Sri Lanka through a political economy lens. More specifically, the paper seeks to address the following questions:

- What particular path has the resettlement process taken in the post-war North?
- How are larger economic and political developments influencing the resettlement process?
- How do different actors and their incentives shape the resettlement process?

The paper focuses on the post-war processes and issues around the return and resettlement of recently displaced persons in the North who were housed in Manik Farm, a state-run IDP camp. The study is based on a review of available secondary material, which includes reports of governmental and non-governmental organizations, limited academic studies and media reports. An effort was made to address the gaps in the literature through primary data gathered from qualitative interviews with selected government officials and civil society representatives. The authors conducted interviews in the Jaffna and Mannar districts. These included meetings with District and Divisional officials, community based organisations, rural development society and women's rural development society members and beneficiaries of donor-funded projects. Due to the stringent security measures at the time and the short duration of the visit, the authors did not conduct interviews with displaced peoples. The analysis adopts the political economy analytical framework developed by DFID, UK, namely the Drivers of Change (2009) to examine the role of structures, institutions and actors in the resettlement process.

The resettlement process (which largely includes the return of conflict induced IDPs in the North to their place of origin) has been subject to top-down control by political elites and the military.

There have been a multitude of other actors, internal and external, involved in the resettlement process: state authorities at both local and national level, humanitarian agencies, UN agencies, multilateral agencies and bilateral donors. However, they have merely supported the centrally-driven process with limited influence over state policy and practice.

The political regime's pursuit of rapid macro-economic development and its national security agenda has shifted its attention away from issues of continued displacement, limited access to basic services and rights violations. These continuing problems show that the resettlement process has fallen well short of attaining the durable solutions sketched out in the UNs Guiding Principles on Internal Displacement. The State emphasis on infrastructure development coupled with the military's involvement in civil administration and the local economy are creating tensions amongst the Tamil community in the North, who suspect that development is tied to a state-sponsored project of Sinhalaisation.

These conditions led the authors to characterise the resettlement of IDPs as a practice underpinned by centralisation of power and militarisation. This is usually done by regime elites and military actors exercising control over the key ministries which affect policies and practice on land issues and economic development in the North.

Policy processes lack transparency and are alleged to serve the interests of political elites. Meanwhile, the significant role of military actors in governance of land related matters has restricted the autonomy of the civil administrators in the North. The ad hoc demarcation of High Security Zones (HSZs) has prevented IDPs from returning to their places of origin and affected their livelihoods. A large military presence in the North has created an atmosphere of insecurity and fear, especially amongst women.

The reluctance of the GoSL to devolve powers to the North as per the Thirteenth Amendment to the Constitution of Sri Lanka allows the GoSL to maintain control on all land matters including allocation and distribution.

Presidential rule, patronage politics, a history of tensions between Sinhalese majority and Tamil minority communities and ethnicised politics all play a significant role in processes of regime consolidation and militarisation of the North.

Although centralisation of power is a country-wide phenomenon, the expansion of the central government in the Northern region is an attempt to legitimise its authority where it has little political support. A large part of the Northern region has undergone an alternate process of state-building under the LTTE for nearly three decades. Consolidation of the central state in these areas is a strategy deployed to delegitimise any claims for alternate state formation within the Tamil community.

Control over distribution of resources in the North helps build direct loyalties towards the regime by entrenching systems of patronage. The threat of an LTTE resurgence is used to legitimise militarisation of the North and to garner support from the regime's political stronghold in the South.

External actors have supported the centrally driven resettlement process by providing financial resources required by the GoSL. A diplomatic strategy informed by the geo-politics of aid enables the GoSL to mobilize resources to pursue its resettlement and development agenda. By linking western governments' position on human rights to the separatist project, the GoSL was able to thwart international pressure to address human rights, accountability and governance issues. New partnerships were built with non-traditional donors such as India, China and the Gulf countries, who take the position that intra-state conflicts are matters that fall under the domain of a sovereign state. The Indo-Chinese competition for influence in the region and the GoSL strategy of playing one against the other propel India and China to engage with Sri Lanka on unconditional terms.

This analysis highlights a number of structures, institutions, actors and their incentives that combine in multiple ways to shape the resettlement process in the North. The paper also attempts to explore how broader political, social and economic issues influence the micro level issues confronting the IDPs in the North. The paper however does not undertake an in-depth study of resettled people's experiences from their perspective. As such, further research is required to address this research gap and to obtain a comprehensive and nuanced understanding of the resettlement experience.

# 1 Introduction

## 1.1 Background and context

On 19 May 2009, nearly three decades of war in Sri Lanka finally came to an end. The Government of Sri Lanka (GoSL) had launched a military offensive against the Tamil militia, the Liberation Tigers of Tamil Eelam (LTTE), in the Eastern Province of the country in 2006. In 2008 this extended to the Northern Province, and ended the following year with the capture and elimination of LTTE leader Velupillai Prabhakaran. The GoSL military campaign from 2006-2009 was promoted by the regime as a 'Humanitarian Rescue Mission' (MoD, 2006) for gaining control over areas controlled by the LTTE in both the Eastern and Northern provinces of Sri Lanka. Whilst in the East, LTTE control was confined to sporadic stretches of land, in the North, the group controlled a sizeable area of land and had essentially formed a de facto LTTE state, with its administrative capital in Kilinochchi.

The war ended with a unilateral military victory for the GoSL forces. It is a 'victor's peace' dictated by military supremacy and the majoritarian politics of the GoSL. Various processes in the post-civil war context, including IDP resettlement, development and state-building have proceeded within this framework. To understand these post-war dynamics and their underpinnings we must look at the socio-political contexts of the preceding decades.

Since independence, the Sri Lankan state was systematically seized by the forces of Sinhalese-Buddhist nationalism whilst also being strongly influenced by an assortment of Socialist and Marxist ideologies. Securing electoral victories depended to a great extent on popular mobilisations based on ethno-nationalism and welfarism. Sinhala-Buddhist nationalist sentiments and Marxist ideologies generated a sense of paranoia against political and economic liberalisations. Pluralistic approaches to managing ethnic relations were construed as a separatist project undermining the supremacy of the Sinhala-Buddhist state by the polity. The rise of Tamil militancy in the North gave ample evidence to support this claim.

The Chandrika Bandaranayake and Ranil Wickramasinghe regimes of the 1990's and early 2000's attempted to depart from this orthodoxy. There was an observable shift towards liberal politics embracing relatively more democratic and capitalist policies. The approach of both leaders to conflict management was underpinned on the liberal peace paradigm.

However, the liberal project failed to peacefully resolve the conflict and progress towards economic and political liberalisations. This failure became evident during the 2002 peace process which followed the 2002 ceasefire agreement, which was narrowly confined to formal negotiations between the principal protagonists, the GoSL and the LTTE (Pieris and Stokke, 2011). A broad range of elites and popular actors in political and civil society were effectively excluded from the process. This included the smaller political parties from all ethnic divides, such as the Janatha Vimukthi Peramuna (JVP), Jathika Hela Urumaya (JHU), Tamil National Alliance (TNA), Eelam People's Democratic Party (EPDP) and all the Muslim parties. Also there was no independent representation of civil society movements such as trade unions, religious communities, popular movements, non-governmental organizations or mass media in the formal negotiations. There was also no parallel process of dialogue and reconciliation (Pieris and Stokke, 2011). The peace negotiations failed to resolve the ethnic conflict or address its core issues.

Parallel to this process there was increasing polarisation between the two main ethnic communities. The constant violations of the terms of the Ceasefire Agreement by both sides rekindled enmities and the majority Sinhalese community began to feel humiliated by the confidence of the Tamil military. Concern that the Sinhalese state was being weakened by the liberal peace project began to grow, leading to a re-ignition of the deep seated fears against ethnic pluralism in the polity.<sup>1</sup>

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<sup>1</sup> Interview with Pradeep Pieris, researcher at Sri Lanka Social Scientists Association, 01/07/2013



According to Nadarajah (2010), the Sri Lankan peace process prompted three contradictory rationalities and techniques of governing: liberal peace approach, Tamil self-determination and Sinhalese-Buddhist sovereignty. During the peace process, the liberal peace approach was increasingly challenged by the two ethno-nationalist and mutually antagonistic governmental projects of the Tamils and Sinhalese. Both these revolve around and posit strong linkages between population, territory and security, replacing the liberals' emphasis on individual citizenship with an emphasis on ethno-national collectivities and group rights. The well-being or rights of the ethno-national group is privileged over the well-being or rights of individual citizens, in stark contrast to the liberal peace project. This constitutes the core of the clashing governmentalities of the Sri Lankan peace process.

According to Pieris and Stokke: "the failure to deliver substantial conflict resolution and social inclusion under the liberal project created popular resentments that reflected and reinforced the oppositional mobilization against the GoSL and their policies for liberal peace and neo-liberal development" (Pieris and Stokke, 2011: 159). The emerging alternative narratives, particularly among the newly formed semi-urban capitalist class became an oppositional power bloc to the main political elites, which was made up of Colombo-centric English speaking bourgeoisie advocating the liberal peace approach. The political parties that were excluded from the peace negotiations such as JVP and JHU were able to capture these alternative sentiments and galvanize mass public support in favour of an alternate discourse that contested and challenged the liberal peace approach.<sup>2</sup> The incumbent President Mahinda Rajapakse, who was nominated by the Sri Lanka Freedom Party (SLFP), came to power in 2005 in an electoral alliance with these political parties. A military strategy that did not include negotiations with the LTTE came to be promoted as the only option available to safeguard the Sri Lankan state. The GoSL's consequent military success against the LTTE further justified this claim. The alternative narratives beat the liberal peace approach, legitimising those who espoused them and leading to a transformation of the elite consensus of the preceding decades.

The distinct set of conditions created by the failure of the liberal peace project and the subsequent military victory sets the background in which the post-civil war resettlement processes and connected issues can be understood.

## **1.2 Description of displacement**

The GoSL's military offensive against the LTTE triggered massive displacement of populations in the island's Northern and Eastern provinces. Whilst displacement itself has not been a new phenomenon, with smaller displacements taking place sporadically throughout the conflict, the displacement that occurred during the 2006-2009 offensive reached unprecedented proportions. In the Northern Province alone, more than 300,000 people were displaced during the final stages of the war. Most of the internally displaced people (IDPs) from the North were housed in a state-run camp called Manik Farm, located between Vavuniya and Mannar districts. At its peak the Manik Farm camp housed approximately 225,000 people on 700 hectares of land. The camp consisted of several zones or sub-camps in which the IDPs were held in virtual detention, with severe restrictions placed on their freedom of movement. The GoSL justified its decision to intern the IDPs, claiming that 'it was a legitimate national security measure entirely defensible under international humanitarian law and was an inevitable condition of post-conflict transition' (Harris, 2010).

Serious concerns were raised by human rights and humanitarian agencies, the international community and the media regarding the militarisation of camp administration and management (Al Jazeera, 2009), alleged lack of safety and security in the camp and the poor living conditions of the IDPs. Family separation between different sub-camps, enforced disappearances and abductions were alleged by Human Rights Watch (HRW, Sept. 2009). The military authorities prevented the UNHCR and ICRC from conducting effective monitoring and protection activities inside the camps (HRW, 2009). Serious gaps were also highlighted with regard to shelter, water and sanitation conditions, food aid and nutritional status of the inmates (Al Jazeera, 2009) as well as health care services inside the camps (HRW Sept 2009). Severe access restrictions were placed on humanitarian agencies on security grounds (BBC,

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<sup>2</sup> Interview with Sumith Chaaminda, researcher at Verite Research, Sri Lanka, 05/05/2013

2009) though the restrictions were relaxed with passage of time and limited access was allowed to UN agencies, ICRC and some agencies to provide humanitarian relief inside the camps.

### 1.3 Description of resettlement

The GoSL implemented an accelerated program to return and /or resettle the IDPs housed in the Camp as soon as hostilities ceased in May 2009. A year later, in May 2010, the Sri Lankan President Mahinda Rajapakse claimed in a TV interview that 90% of IDPs had been resettled and the remaining 10% were due to be resettled by the end of that year.<sup>3</sup> By 2 January 2012, GoSL official statistics said 236,429 IDPs had been returned or resettled in their places of origin.<sup>4</sup> The GoSL closed Manik Farm camp on 25 September 2012, after the last batch of IDPs had been settled in Mullaitivu district in Northern Sri Lanka. With this, the Sri Lankan Security Forces Commander and Competent Authority for IDPs in the northern region claimed that ‘there will be no more IDPs in the country’ (Daily Mirror.lk, 25 Sept 2012). Many international agencies, including the UN agencies, USAID (defence.lk 5/16/2012) and several other bilateral donor agencies applauded the GoSL’s efforts in demining and resettling IDPs, saying they were unparalleled by any other nation in history. The UN Resident Coordinator, Subinay Nandy, welcomed the closure of Manik Farm IDP Camp as “a significant sign of the transition from conflict to sustainable peace and the commitment of the Government to resettling tens of thousands of people back to their homes”.<sup>5</sup> However, Mr. Nandy raised concerns about the plight of 346 people among the last batch IDPs who were unable to return to their original homes because they were occupied by the military.

The resettlement and rehabilitation process has been complemented by initiatives to revive the economy in the war ravaged region to which the IDPs have returned. This part of the recovery process has been achieved in part through two large state-led development projects implemented in the East and the North, popularly known as ‘*Nagenahira Navodaya*’ (Eastern Reawakening) and ‘*Uthuru Wasanthaya*’ (Northern Spring). The focus of the development drive in the North and East has been on building up infrastructure facilities destroyed during the war or constructing new ones. The GoSL hopes this will strengthen the economy in the North and East and better integrate these regions into the national economy. It is hoped that this will eventually lead to improved household economic conditions.

Despite the speed of the IDP return and resettlement process and the physical infrastructure improvements, a complex and disturbing reality lies beneath the apparent success of the project. It seems that the entire resettlement process was focused on numbers, in a bid to close Manik Farm as fast as possible and claim that displacement in Sri Lanka had finally ended. In this process the conditions of return/resettlement appear to have been side-tracked, and it is not clear that the decision to leave the camps was made by IDPs themselves. With emphasis being placed on improving the physical infrastructure, the GoSL has side-lined the displaced communities’ social and psychological needs as priorities.

Civil society organisations, the media and opposition Tamil political parties, such as the TNA, have also highlighted a series of concerns. These include:

- Land grabbing.
- Cultural colonisation through the erection of Buddhist temples and statues.
- Military colonisation through the setting up of High Security Zones and military cantonments.
- Sinhalisation of a region that has been claimed as the traditional homeland of the Tamil people.

In post-war Sri Lanka, given the pace of resettlement and rehabilitation, and the emphasis placed on numerical accomplishments, a deeper analysis of the underlying factors driving the process has not yet been attempted by the development community. A discussion and analysis of the social, economic and political drivers of the process is yet to be undertaken. As an initial attempt at this analysis, this paper

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<sup>3</sup> Al Jazeera, 27 May 2010. <http://www.youtube.com/watch?v=YGQqwcxA6cg>

<sup>4</sup> Ministry of Resettlement, Sri Lanka, <http://www.resettlementmin.gov.lk>

<sup>5</sup> UN Press Release 25.09.2012- UN Office for the Coordination of Humanitarian Affairs

explores a set of key questions regarding the political economy of Sri Lanka's particular post war resettlement process, including:

- What particular path has the resettlement process taken in the post-war North?
- How are larger economic and political developments influencing the resettlement process?
- How do different actors and their incentives shape the resettlement process?

This study is undertaken as part of the Secure Livelihoods Research Consortium (SLRC) research program for Sri Lanka.<sup>6</sup> The SLRC aims to generate a robust evidence base on how interventions to improve basic services, livelihoods and social protection could impinge on, and can contribute to, efforts to build peace, state legitimacy and dynamic state–society relations in fragile and conflict-affected countries. The Sri Lanka component of the SLRC explores internal state-building processes through analysing state-people interactions on basic services, livelihoods and social protection through the resettlement experience. The SLRC has three Research Questions (RQ) of which RQ 1 looks at people's perceptions, expectations and experiences of the state, local-level governance and how people's views on state legitimacy is affected by the way in which services are delivered and livelihoods are supported.<sup>7</sup>

The resettlement process was initiated in the Northern Province during the final stages of the war and declared complete three years after the end of the war. Against this background, a political economy analysis (PEA) of GoSL's policy and practice regarding the resettlement process provides key insights into how the Sri Lankan state addresses the post-war situation and how it interacts with the people in the conflict affected North. The study will provide an entry point to addressing people's perception of the state which is intended to be captured in subsequent SLRC research.

#### **1.4 Scope and methodology**

The discussion in this paper is largely confined to an analysis of post-war processes and events and so will cover the period from 2009 to the present. To be more effective, the research focuses on the dynamics of the Northern Province rather than attempting to cover a wider geographical area across which there may be substantial variation. The analysis is confined to issues facing the recent IDPs from the North, who were displaced in the final phase of the offensive (2006 – 2009) and were housed in the Manik Farm camp. It does not attempt to look at other IDPs in Sri Lanka, such as those displaced in earlier periods of the conflict, Muslim IDPs,<sup>8</sup> and refugees returning from abroad.<sup>9</sup> The focus on recent IDPs from the North in this paper is to attempt to address the serious concerns raised regarding their return/resettlement and issues relating to access to land, limited service provision, threats to livelihoods and increased militarisation.

The paper discusses two case studies on land issues and development in the North which helps bring out the central issues regarding the GoSL led resettlement process. Land issues and development in the North are closely related to the process of resettlement. Access and ownership to land remain pressing issues for people being resettled and have significant implications for their safety, security and livelihood. Meanwhile the current development programme is the GoSL's first significant step into the post war North, and will largely determine the economic, social and political landscape for the conflict-affected populace. A case study approach allows the authors to explore in depth the multiple aspects of these broad and complex issues.

The GoSL's policy and practice regarding land and development also provides an opportunity to examine the role of political elites and the military, both of whom are significant actors in the post war landscape. Tamil grievances in the build-up to the war were also shaped by land and development related issues in the North (Spencer, 1990; Sarvanathan, 2007). The GoSL's policy and practice

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<sup>6</sup> SLRC is a six year DFID funded research programme implemented in seven countries across Asia and Africa.

<sup>7</sup> SLRC Sri Lanka Research Programme, <http://www.odi.org.uk/projects/2320-secure-livelihoods-research-consortium>

<sup>8</sup> Muslims IDPs: the Muslim community originally from the North, displaced as a result of being evicted from the North, during the 1990 ethnic cleansing by the LTTE.

<sup>9</sup> Refugee Returnees: those who have taken refuge overseas due to being displaced by the violence and conflict and are returning to Sri Lanka after cessation of hostilities nevertheless experiencing multiple forms of vulnerabilities associated with their displacement.

regarding these issues will play a significant role in mitigating or aggravating grievances of the community in the North.

The analysis is largely based on a review of qualitative data gathered from secondary material relating to post-war resettlement, rehabilitation and recovery processes. This includes a review of the limited available academic research, reports and data collated by governmental and non-governmental agencies and reports of the media. An attempt was made to cover information gaps in the literature through limited primary data collected through interviews with selected state officials and representatives of NGOs. The authors visited and conducted interviews in the Jaffna and Mannar districts. These included meetings with District and Divisional officials, community based organisations, rural development society and women's rural development society members and beneficiaries of donor-funded projects.<sup>10</sup>

The literature analyzed in this paper consists of limited academic papers, think pieces, reports of governmental and non-governmental agencies as well as reports of the media.

At the time of writing this paper, three years since the conclusion of the war, the North was under heavy military control. The space for doing field research was extremely restricted. The PTF surveillance mechanism closely scrutinized the movements of any visitors to the region. As such, the opportunities for conducting field research in the area were minimal. Hence, most opinion pieces or research studies done were based on a macro level analysis of issues pertaining to the resettlement process rather than an analysis of issues based on primary data collected from the field. These do not capture adequately enough the complexity of issues experienced by the resettled people during the resettlement process. Nevertheless, these studies do provide substantial anecdotal evidence regarding the context and the process.

The authors also relied heavily on reports of non-governmental agencies, such as UN agencies, human rights, humanitarian agencies and the media. Most agency reports attempt to provide a baseline of information regarding number of resettled, conditions of livelihood, issues relating to continued displacement and durable solutions. These agencies too operated under heavy state control (PTF and the military) and for operational purposes often with the direct collaboration with state authorities. The humanitarian, development and the human rights community came under increasing attack by the government, and there was a self-imposed censorship where agencies refrained from addressing issues considered politically contentious due to fear of reprisals. In many cases, the agency reports have been compiled in a technocratic manner without highlighting gaps in the resettlement process or the issues relating militarisation and centralisation.

On the contrary, the reports of human rights agencies and the media did undertake a political analysis of issues under discussion. However, the reports of human rights agencies and the media have its own biases. The human rights community approaches the issue of resettlement from a neo-liberal standpoint which may not be universally subscribed to. The local media, both government and private, are driven by their own political agendas. While there is complete control of state media by the regime elites, the private media too are owned and controlled by few individuals with close ties either to the regime in power or the opposition. On the other hand, the foreign media is likely to be influenced by the Tamil diaspora. In addition to the review of secondary literature, the analysis also draws on the expertise of the authors and The Centre for Poverty Analysis (CEPA). CEPA conducted a survey relating to Land under the USAID/ Sri Lanka Land Administration and Protection of Property (LAPP) Project in 2011 and accumulated an in-house knowledge base on the land related vulnerabilities in the Northern region. The study was conducted with the primary objective of developing a Land Rights, Gender and Vulnerable Groups Strategy. It identifies who some of the vulnerable groups are, nature and different degrees of vulnerability, factors that contribute and/or aggravate vulnerabilities, local contextual specifics and outline recommendations to ensure inclusivity, facilitate and assist with community engagement in the land claims process. The methodology for the study included an initial scoping visit to the field, and research findings based on secondary sources and primary data comprising of a

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<sup>10</sup> The agencies that were interviewed wish to remain anonymous.

literature review, policy and laws and field research conducted in selected DS divisions of the three selected districts of Mannar, Mullaitivu and Killinochchi in the Northern Province.

Further, the authors also based their analysis on their observations of the context and processes in the field and discussions with officials, representative of civil society as well as selected community members during a scoping mission undertaken to the North during July 2012. The data gathered was triangulated by facts and analysis contained in the literature.

The analysis draws on the Drivers of Change (DoC) (2009) political economy analytical framework developed by DFID. Applying this framework we can identify the significant structures, institutions, and actors shaping the resettlement process.

The term “structures” here means those political, economic, and social characteristics that are part of the fabric of the country and are most unlikely to change, even in the long term. In Sri Lanka, the political features relevant to the resettlement process include the presence of a strong state, centralised decision-making processes and an executive presidency. The country’s development policy, demography, ethnic composition and the historical legacy of the Sinhala-Tamil identity also play a significant role in shaping the resettlement process.

Institutions are the so-called ‘rules of the game’. They can be formal, such as the rules set out by the constitution, or informal, like the cultural norms within a society. Unlike structural features, institutions are more susceptible to change in the short to medium term.

Finally, there are internal and external actors (and their incentives). Internal actors include political leaders, civil servants and political parties, whilst external actors include foreign governments, regional organisations, donors and multinational corporations (DFID, 2009).

The paper is organised as follows. Section 2 introduces the concept of resettlement and its use in the Sri Lankan context. It presents an overview of the policy and practice of resettlement, the role of internal and external actors and international relations and the geo-politics of aid. Section 3 presents the key themes in the political economy of resettlement in Sri Lanka: regime consolidation through centralisation of state power and militarisation. Section 4 discusses how the themes in Section 3 affect the resettlement process through land disputes and the post-war development process. Government policy and practice regarding land and development have direct implications for the resettlement process. These have a direct impact on the security and livelihoods of people in the North, most of whom have suffered from acute poverty and insecurity for nearly three decades.

## 2 Parameters of resettlement

### 2.1 The conceptual and policy framework

The term resettlement has remained a diffuse and misunderstood concept with little agreement on its definition, even in the academic literature. The term has often been used interchangeably with other types of human movements such as return, relocation and repatriation, or even settlement or colonisation.

What distinguishes resettlement from other types of human movements is its involuntary nature. According to Muggah (2008), resettlement entails the planned and controlled relocation of populations from one physical place to another. It is different from return, as it involves the relocation of individuals and even entire communities to a new place rather than going back to one's place of origin. Though frequently conflated with other forms of human movements such as migration, resettlement can occur only when the choice to remain in one's original place is fundamentally constrained by real or perceived coercion (Muggah, 2008). It is coercion that distinguishes resettlement from voluntary relocation (Ibid).

Resettlement is a permanent process and signifies much more than physical movement. It is conceptualised and designed so as to catalyse self-sustaining and self-reliant communities (Ibid). Resettlement, in theory and practice, should result in new communities which are permanent, self-reliant and self-sustaining (Ibid).

The UN Guiding Principles on Internal Displacement sets the normative framework and fundamental standards for return and resettlement of IDPs in line with international standards and practices. A sense of permanence is embedded in the Guiding Principles. These stipulate that successful resettlement of conflict-affected populations must be administered so that the process is 'equitable and free of discrimination, accounting for the safety and dignity of beneficiaries, ensuring full compensation for lost land, income and assets, and involving the full participation of the internally displaced in public affairs...' (OCHA, 2004).

One can argue that in the case of conflict-induced displacement, this permanence is ingrained in the 'durable solutions', which should ideally be integrated in any resettlement plan. The UNHCR Handbook for the Protection of Internally Displaced Persons says 'durable solutions' to internal displacement are achieved only when IDPs enjoy their full spectrum of human rights and are able to rebuild their lives. Typical solutions to internal displacement such as return, local settlement or settlement elsewhere in the country become durable only when certain number of conditions are fulfilled (UNHCR, 2007). The Framework for Durable Solutions (cited in UNHCR Handbook for the Protection of Internally Displaced Persons 2007, pp 325-326) says a durable solution to internal displacement is achieved when:

- People formerly displaced have either returned home, settled locally or settled elsewhere in the country and enjoy certain rights relating to safety and security of person.
- They are not subjected to any form of discrimination for reasons related to their displacement.
- They have access to national and sub-national protection mechanisms such as police and courts, personal documentation, mechanisms for property restitution or compensation.
- They enjoy an adequate standard of living, including shelter, healthcare, food, water and other means of survival without discrimination.
- Family members have been reunited by choice.
- Formerly displaced people can exercise fully and equally their right to participate in public affairs (Ibid.).

In terms of Principle 28 of the UN Guiding Principles, competent authorities have the primary duty and responsibility to establish conditions as well as to provide for the means, to allow the IDPs to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to settle voluntarily in another part of the country. The Principle says such authorities should facilitate the reintegration of returned or resettled IDPs. As a member country of the United Nations, Sri Lanka is



expected to comply with these normative standards relating to resettlement of displaced persons (OCHA, 2004).

## **2.2 Resettlement in Sri Lanka: Definition, policy and state practice**

### **2.2.1 Definition of 'resettlement'**

In Sri Lanka, the term 'resettlement' has been used to describe all movement from transit camps or places of temporary stay to either the original residence or to different parts of the country (Ariyaratne, 2011). As previously discussed, this ambiguity in the understanding and use of the word occurs in almost all key government documents, institutions and agencies relating to IDPs.

Some Sri Lankan authors (Ariyaratne, 2011) believe the ambiguity around the term 'Resettlement' is unavoidable given the complex nature of the process and is therefore of no great significance or consequence. But others think the interchangeable way in which the terms 'Return' and 'Resettlement' are used means that the authorities assume the resettlement process is complete when IDPs return to their original district, even if they have not returned to their own homes or land (Fonseka, 2010).

Needless to say the way in which a term or a process is understood and labelled has implications for policy responses (Zetter, 1991; Muggah, 2008). How a person or a group is labelled and defined determines who does and does not qualify for a particular right, which in turn influences state or NGO policy, budgeting and intervention strategies.

In this paper, the term 'Resettlement' refers to all types of IDP movements from their temporary places of shelter in the North of Sri Lanka, post May 2009. Therefore, it synonymously describes return, resettlement and relocation. This definition captures the practice of resettlement carried out by the GoSL.

### **2.2.2 State vision, policy and practice**

The GoSL has set up a Ministry of Resettlement, assigned to the task of 'resettlement of IDPs in their original places of living with dignity' (Ministry of Resettlement, 2009). This Ministry has a specific department, the Resettlement Authority, established by Parliamentary Statute No. 09 of 2009, solely to formulate a national resettlement policy and to plan, implement, monitor and coordinate the resettlement of the IDPs. Despite setting up the Ministry, the GoSL has not formulated an official resettlement policy. Well informed sources say that a state-led initiative to formulate a national policy on resettlement in collaboration with UN agencies was started in 2007 but abandoned halfway for unknown reasons. Although there is no single official policy document on resettlement, there are multiple related documents and agency mandates that give an indication of how the GoSL approaches the resettlement process.

The Joint Plan of Assistance (JPA) 2011 and 2012 contains a list of projects and needs in various sectors that have been jointly elaborated by the GoSL and the UN agencies. The JPA seems to set forth the operational framework in which the identified projects are implemented. Though not a policy per se, the JPA can steer the resettlement process in a particular way.

The GoSL also appointed the Lessons Learned and Reconciliation Commission (LLRC) in May 2010. It recommended improving the living standards of returnees by responding to their persistent recovery needs and by the restoration of their civil, political and other rights. However, LLRC recommendations do not constitute government policy without clear indication that the GoSL has implemented these recommendations.

The Mahinda Chintana, which sets out the development policy framework of the GoSL from 2010-2016, covers the whole country including the conflict-affected regions. It makes no explicit reference to IDPs, their resettlement or rehabilitation. It emphasises economic development through maximizing productivity in various economic sectors, which is to be achieved through rapid investment in infrastructure development.

President Mahinda Rajapakse shares his vision on IDPs in the North on the Ministry of Resettlement website. The President says: 'I shall implement my development plans which would include special programmes for the North and East as well....I wish to have all villages of the country emerging as micro centres of growth on modern lines.'<sup>11</sup> The President's message makes no reference to resettlement but sees development of the conflict-affected regions (North and East) taking place within the overall development of the country.

In the absence of a policy, the GoSL's strategy of resettlement can best be understood through actual state practice. Just few months after cessation of hostilities, the GoSL commenced an accelerated programme to return and/or resettle those IDPs who were housed in Manik Farm in mid May 2009.

The '180 day programme', as the immediate humanitarian response, set a time-frame for the resettlement process to be completed. The programme's three main objectives were:

- Resettle IDPs as quickly and safely as possible in their places of origin.
- Provide them better facilities than they previously had by improving basic infrastructure.
- Provide services and livelihood facilities to enable their recovery (Shamini, 2012).

The first step of this programme was to demine areas earmarked for resettlement and reconstruction. Then the programme built up basic infrastructure facilities such as electricity, water supply, sanitation, health, solid waste disposal, educational activities, transportation and livelihood development. This covered the areas of agriculture, irrigation, livestock and inland fisheries.

This immediate humanitarian response was followed by a large state-led development project for the North called the *Uthuru Wasanthaya* (Northern Spring) programme. The JPA sees this programme building on the achievements of the 180-day programme and serving as the Master Plan for the resettlement and development of the Northern Province (JPA, 2012). The words resettlement and development have been jointly articulated here implying that the IDP's lives have a sense of normalcy immediately upon leaving the camps.

Several initiatives supposedly undertaken under this Programme are being discussed and debated in public. However, the GoSL has not made the *Uthuru Wasanthaya* Master Plan a public document. As a result, the programme's aims and strategy are unclear and the entire resettlement and development process is open to speculation. It is not even clear if the Northern Spring Programme is actually a new programme which succeeded the 180 day programme, or whether the 180 day programme is a part of the larger development plan for the Northern Province. Some authors have said the Northern Spring programme was initiated in the last phase of the war between GoSL and the LTTE (Chaaminda, 2012), making the humanitarian programme an essential component of the Northern Spring Programme. As Chaaminda (2012) points out the Northern Spring Programme supplemented the *Nagenahira Navodaya* (Eastern Revival) programme implemented in the East and was initiated whilst the GoSL forces were advancing in the Northern war front in the Vanni.

The Northern Spring Programme focuses on security, resettlement and infrastructure. According to a research study done by Shamini (2012), it is divided into three components, the 180 day programme, a short-term and a long-term programme. According to Basil Rajapakse, the Senior Advisor to the President and Chairman of the Presidential Task Force (PTF) for the Development of the North, the Northern Spring programme is a home grown strategy for development of the Northern Province.

Its priorities are:

- Infrastructure development (including roads).
- Improving the transport system.
- Developing hospitals.
- Repairing and reconstructing irrigation systems.
- Electricity.

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<sup>11</sup> News Letter, 01<sup>st</sup> Issue (July 2007), Ministry of Resettlement



- Water supply and sanitation.
- Agriculture, livestock development and inland fisheries.
- Improving Jaffna University.
- Developing livelihoods through education, sports and cultural affairs (Chaaminda, 2012).

The Northern Spring programme focuses heavily on developing physical infrastructure and is oriented towards the macroeconomic revival of the province. It side-lines the government's obligation to take specific measures to find durable solutions for the IDPs, as their IDP status is assumed to have ceased upon leaving the camps. As such, on their return or relocation, their displacement-related vulnerabilities are not given adequate attention.

### 2.2.3 Role of internal and external actors

#### 2.2.3.1 Internal actors

The resettlement process has also been characterized by a proliferation of state organisations dealing with IDP-related matters that have overlapping mandates and functions. The Ministry of Resettlement's objectives are:

- The protection and resettlement of IDPs and refugee returnees.
- Provision of facilities for IDPs.
- Coordinating between government, non-governmental agencies and aid agencies on resource mobilisation and implementation of programs for IDPs.<sup>12</sup>

The Ministry is also tasked with administrative, financial, planning, monitoring and regulatory responsibilities.

Under the purview of the Ministry, there is also the Resettlement Authority. Under the Act which set up the Resettlement Authority, an IDP is defined as a person who has been forced or obliged to flee or to leave their home or place of habitual residence as a result of or in order to avoid the effects of armed conflict situations or generalised violence.

The way in which the Act defines an IDP and the time of its introduction indicate that the establishment of the Resettlement Authority was solely for the purpose of dealing with issues relating to conflict-induced IDPs. To this end, the Authority has been vested with wide powers, not least with respect to funding. The Act permits the Authority to supplement money given by Parliament with loans, donations and gifts and grants from local and external sources (including international donor funding). It can also raise funds through the acquisition of land and property from any public and private entity in the discharge of its duties.

In terms of the Act, the Authority is also vested with extensive responsibilities in policy making on resettlement. It can coordinate all actors working in the area, develop and implement specific programmes for the resettlement and relocation of IDPs, deliver services to the resettled, assist in their recovery and reintegration process and act as an interface between them and other agencies.

The decentralized administration also performs important functions with regard to resettlement and service delivery to people in the North through the District Secretary structures. The Government Agents (GA) and Divisional Secretaries (DS)<sup>13</sup> in the five districts of Vavuniya, Mannar, Kilinochchi, Mullaitivu and Jaffna have all formed part of the District Coordination Committees that have performed vital implementation, coordination and supervisory work on resettlement and service delivery to IDPs. The JPA for the Northern Province for 2012 recognises the continuing responsibility of the DSs in leading the process. It lets the DSs take a leading role in operational planning, coordinating among relevant GoSL

<sup>12</sup> Ministry of Resettlement, <http://www.resettlementmin.gov.lk/sri-lanka-ministry.html>

<sup>13</sup> In Sri Lanka, the District Secretary Structures comprise of Government Agents (previously known as District Secretaries) overseeing administration of a particular district. The administrative functions are further decentralized into Divisional Secretariat divisions (DS) and Grama Niladhari (GN) divisions. Each of the DS and GN divisions are headed by a Divisional Secretary and a Grama Niladhari respectively.

authorities and agencies and monitoring progress in accordance with the local priorities defined in the District Work Plans (JPA, 2012).

In addition, the supervisory and monitoring functions relating to the resettlement process in the North have been performed by the Presidential Task Force (PTF) for Resettlement, Development and Security. The PTF is an omnipresent authority, without a clear legal basis, mandate or composition. Although the PTF is not constituted under any recognised Sri Lankan law and is made up of few individuals based in Colombo,<sup>14</sup> it is a decision-making body exercising tremendous power. The PTF works through the military, which acts as a vetting body over the civilian administration in the North.

There is a great deal of duplication of functions between the various authorities, confusing the real relationship between the Ministry of Resettlement and the Resettlement Authority on the one hand and the PTF and DSs on the other. Although the Resettlement Authority has been given wide responsibilities for resettlement and service delivery to IDPs, in practice, in the North, its role has been limited to an implementing agency for the PTF. It is unlikely that the Authority has delegated its power to the PTF under Article 24 of the Act. Although formally the Ministry of Resettlement and the Resettlement Authority have been vested with full responsibilities for resettlement, in actual practice the process has proceeded under a political body in collaboration with the military.

### 2.2.3.2 External actors

The influence of external actors in shaping and guiding the resettlement of conflict induced IDPs has been minimal in Sri Lanka. They have been reduced to merely implementing the resettlement plans and programmes prepared by the GoSL. Essentially, by extending their support to a government-led post-war reconstruction process, they have been playing a similar role to the Ministry of Resettlement. The GoSL is keen to establish visibility and ownership of services in the North, for example with a proliferation of GoSL signboards in the areas of return.

The GoSL started reasserting its authority over the process during the intense phase of the conflict, with relocation directives issued to UN agencies working inside the combat zone (Tamil Guardian, 2008). The same degree of control was exercised in managing and administering IDP camps in the North post-2009, with access for humanitarian agencies strictly restricted. The GoSL conducted needs assessments and determined the type of assistance to be provided and did not allow humanitarian agencies to conduct independent verifications.

Anyone challenging government decisions ran the risk of cancellation of work permits and expulsions from the country. As one aid worker said:

**'we had only one option; either to provide tailor made aid interventions or simply leave and let the people starve....many humanitarian workers perceived their interventions as an undisputed service that needs to be provided at all costs to save lives, reduce suffering and cover basic humanitarian need'**<sup>15</sup>

The GoSL continues to exercise the same degree of control over the resettlement process and the recovery and rehabilitation of IDPs. Foreign governments, aid agencies and others have been relegated to providing financial and other tangible resources to implement the GoSL's agenda, as opposed to playing an influential and discretionary role in shaping and driving the process.

A proliferation of I/NGOs and international organisations working in the North and East (including areas affected by the conflict) in the post-tsunami phase had made it extremely difficult for the GoSL's NGO

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<sup>14</sup> Senior Presidential Advisor Basil Rajapaksa MP has been appointed as the Chairman of the Task Force with Essential Services Commissioner General S.B.Divarathne been appointed as the Secretary. Other members of the Task Force are, Secretary to the President; Secretary Defence, Public Security Law and Order; Secretary, Ministry of Finance and Planning; Secretary, Ministry of Resettlement and Disaster Relief Services; Secretary, Ministry of Nation Building and Estate Infrastructure Development; Secretary, Ministry of Highways and Road Development; Secretary, Ministry of Power and Energy; Secretary, Ministry of Land and Land Development,; Secretary, Ministry of Health Care and Nutrition; Chief of Defence Staff; Commander of the Army; Commander of the Navy,; Commander of the Air Force; Inspector General of Police; Director General\Department of Civil Defence; Chief of Staff of the Sri Lanka Army\Competent Authority for the Northern Province; Former Director General\National Planning Dept.

<sup>15</sup> A confidential phone interview with a representative of a humanitarian agency in Sri Lanka on 22/10/2012.

Secretariat to monitor and coordinate programmes and projects (Jayasuriya, 2006). This overcrowding effect complicated data collection and led to the duplication of projects and overlapping beneficiary lists.

In the contested North, in addition to I/NGOs, the LTTE and other paramilitary groups were also providing basic services. I/NGOs working in conflict-affected areas have had an uneasy and tense relationship with the GoSL and military in the North (Berghof Foundation, 2008; Flanigan, 2008; UNHCR, 2012). Some I/NGOs working in the conflict-affected areas were suspected by the GoSL of being sympathetic to the LTTE and were considered detrimental to the security of the region and the state (Berghof Foundation, 2010).

During the war, allegations of GoSL's 'stratagem of intimidation' (UN 2012: 7) towards the UN highlighted the limited autonomy and constant monitoring UN agencies had to work under in the North. Post-war, the GoSL keeps a close watch over international agencies, according to an interview with a UN official. However, the UN's decision to comply with GoSL's post-war approach has legitimised the centralised resettlement process.

Currently NGOs are allowed to work on only four sectors: shelter, water, sanitation and livelihoods. I/NGOs working in the field need permission from the PTF for individual projects. New procedures require all heads of NGOs to register with the PTF and working in the North depends on PTF clearance. All human and material movements of I/NGOs to the Northern Province need to be channelled through the PTF to the Director General (DG) of the NGO Secretariat (Rasajiah and Athithan, 2012).

In spite of stricter regulations, I/NGOs manage to maintain certain amount of autonomy. The GoSL's monitoring 3W (Who What Where) tool is an online mechanism and allows I/NGOs to maintain discretion over the information they share. For example, an interview with an I/NGO representative revealed that some I/NGOs have been able to implement software interventions, such as psychosocial support, under hardware programmes.<sup>16</sup>

### **2.3 International relationships and geo-politics of aid**

Recently the GoSL has increasingly looked for ways to build new partnerships with non-traditional donors such as China, India and the Gulf countries. This would help them avoid rekindling the strained relationship it had with Western governments, UN agencies and mainstream northern INGOs whose aid flows are accompanied with pressures to conform to international best practices. By building partnerships with countries that promoted the neo-Westphalian bargain, the GoSL could more easily mobilise resources to implement its resettlement and development programs. Western donors have emphasised issues of accountability, human rights, good governance and political reform. In contrast, the approach of China and Russia has been that sovereign states are empowered to settle terms of existence inside their borders between the government and the governed, including those relating to intrastate conflict and conflict resolution. In this latter model, external relations are based on a strict market logic of fulfilling contracts rather than linking economic relations to rights and obligations dealing with human rights norms and issues of governance (Marcelline, 2013). This is not to say that the relevant incentives within that market logic are purely economic. Indeed, for China and India, their engagement in Sri Lanka has been driven in no small part by geopolitical interests. With both striving to be the emerging regional superpower, desire to outbid the other with regard to its influence over Sri Lanka has led them to engage with the GoSL on somewhat unconditional terms.<sup>17</sup>

A stark turn could be observed in India's approach towards Sri Lanka since 2007, when New Delhi began to explicitly support the GoSL in its military offensive against the LTTE. India's pre-2007 approach had first been vociferously advocating for a peaceful resolution of the conflict through political

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<sup>16</sup> A confidential interview with a representative of an International agency in Sri Lanka on 25/07/2012.

<sup>17</sup> In emphasizing the role of 'new' donors however one should not overlook the continuous involvement of the key donors from the past. Following figures give a picture of the contribution of donors' disbursements for public investment in 2011. This includes infrastructure facilities in the North-Japan 20%, China 17%, ADB 15%, WB 12% and India 11% (Ministry of Finance and Planning 2011) Therefore, Sri Lanka has managed to get assistance from China and India in addition to the assistance from Japan, WB and ADB who provided the bulk of the funding from the nineties.

negotiations. It subsequently pursued a policy of non-intervention - a hands off approach - following the dismal failure of Indian Peace Keeping Force operation and the assassination of Rajiv Gandhi. During the final offensive against the LTTE, India abandoned this approach and started to take an indirect but highly significant role in the military conflict (Destradi and Vullers, 2010). There was a crackdown on LTTE networks and India provided military hardware and training to the Sri Lankan armed forces. India further extended diplomatic support to Sri Lanka at the special session of the UN Human Rights Council (UNHRC) on May 28, 2009. It helped defeat a motion that called on the Sri Lankan government to investigate the reported war crimes and atrocities committed by GoSL armed forces and the LTTE. Countries such as China, Russia, Pakistan and several Gulf and African countries supported India in the UN. Since the end of war, India has also been contributing to reconstruction efforts and has provided relief material to the refugees (Ibid).

There are two reasons for the recent change in Indian foreign policy towards Sri Lanka: economic factors and Indo-Chinese competition for influence.

Trade relations between India and Sri Lanka have flourished since the 90s, particularly due to the Indo-Sri Lanka Bilateral Free Trade Agreement [1998]. Indian exports to Sri Lanka doubled between 2004 and 2008 and its total Foreign Direct Investment in Sri Lanka grew from USD54 million to USD126 million between 2003-2008 (Destradi and Vullers, 2010). De Votta (2010: 50) has described the change in foreign policy as India 'having its say' in South Asia and 'preventing a hostile power gaining a foothold in Sri Lanka'. The Rajapakse regime too pursued a skilful diplomatic strategy of strengthening economic ties and a policy of balancing with China and Pakistan, India's main regional rivals.

China's foreign policy towards Sri Lanka is guided by similar motives. Its desire to exploit a lucrative emerging market has led to military cooperation with Sri Lanka. China has recently increased its military aid to Sri Lanka and supported large infrastructure projects. It has funded the GoSL to build roads, ports and airports, such as the March 2007 agreement under which China pays 85% of the construction costs of Hambantota Port. China has been awarded an exclusive economic zone and it provides aid packages up to USD 1 billion annually to Sri Lanka (Destradi and Vullers, 2010).

The GoSL found strategies of delegitimizing the west's engagement in Sri Lanka. A source of tension between the GoSL, the Sinhalese majority and the western governments was their divergent perspectives on the war on terror. Among the Sinhalese parallels were drawn between LTTE and Al Qaeda as terrorist organizations, and the GoSL's military offensive against the LTTE was equated with the coalition forces activities against Taliban, Al Qaeda and Saddam Hussein. During pre-war years as well as during the final Eelam War, western governments repeatedly called for a peace process and a negotiated settlement to the conflict, in place of a military solution. This was seen by the Sinhalese as a bid to legitimise the LTTE's claim over contested territory which would consequently afford them an unfair say in the future of the country. Furthermore, questions were also raised regarding the hypocrisy of the western governments when they themselves showed little inclination to engage Al Qaeda in negotiations. When western governments commented on human rights abuses or the inability of the GoSL to resume the stalled peace process they were accused of being pro-LTTE or supporters of terrorism. Linked to this is the belief that the West had adopted an inappropriately differential treatment towards the GoSL in relation to the LTTE with regard to human rights standards. When the western governments were criticizing the GoSL for human rights abuses and for its failure to pursue a negotiated settlement, questions were raised as to why the LTTE did not face similar criticism for its atrocities (Harris, 2007).

The GoSL and many Sinhalese also saw aid agencies as being LTTE sympathisers or supporters. The Sri Lankan media reported incidents in which aid agency staff was found with explosive devices. Medical items donated by ZOA Refugee Care were found in an LTTE-controlled hospital and the LTTE also had vehicles belonging to Norwegian People's Aid. The aid agencies offered explanations for these incidents which the Sri Lankan media failed to report. Politicians used such opportunities to form scathing

attacks on the aid agencies, turning public opinion against the humanitarians as well as inciting public action against them (Harris, 2007).<sup>18</sup>

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<sup>18</sup> The INGOs in Sri Lanka have been subjected to many forms of intimidation including physical attacks to staff and properties.

# 3 Key themes in the political economy of resettlement

## 3.1 Regime consolidation through a process of centralisation

The current resettlement process is shaped by structures, institutions and actors that contribute to consolidating the regime in the Northern Province. The most immediate factor shaping the process of resettlement is the highly centralised decision-making process of the government. In addition, the nature of the office of the president, institutional processes, and the formation of the independent Sri Lankan state are factors that have strongly influenced the process of resettlement.

In the post war context, the Presidential Task Force (PTF) is at the heart of GoSL's centralised decision-making process and one of the more influential actors shaping the resettlement. It is also the primary way the regime asserts itself in the Northern Province.

The 2011 and 2012 JPA are the lead documents that outline the roles of actors in the resettlement process. The JPA follows the 'guidelines provided by the PTF' (JPA, 2011: 3). However, these guidelines are not publicly available. The GoSL is leading the process of resettlement in the North and all actors working in areas of return come under its remit (JPA, 2011). The state has control over aspects of the resettlement process, such as:

- The time of release of IDPs from Manik Farm.
- Moving the IDPs to areas of return.
- Maintaining security.
- Allocating new land for IDPs.
- Allocating and disseminating funds.
- Providing physical infrastructure (roads, power grids, etc) and, along with other actors, basic services such as healthcare, water, sanitation and education.

As discussed above in section 2.2.3, on paper the Ministry of Resettlement and Resettlement Authority are in charge of the resettlement process. However in practice the PTF has taken control over the preparation of strategic plans, programs and projects to resettle IDPs, and to rehabilitate and develop the economic and social infrastructure of the Northern Province (MoD, 2010).

The PTF is a centralised decision making body that is in charge of 'directing and overseeing the implementation of programmes and projects' in the Northern Province (MOD). It also has discretionary powers over granting access to local and international actors (such as I/NGOs) for working in areas of resettlement.

The PTF was appointed by President Rajapaksa and is chaired by Basil Rajapaksa, his brother and Minister for Economic Development (MoED). Although its origins and general mandate are known publicly, there is no gazette or available document justifying a specific mandate or the decision-making procedures of the PTF. The non-transparent nature of the PTF, its hidden procedural guidelines and non-official standing prevent it from being held to account and limit the ability of other actors and stakeholders to influence the PTF's decisions on the resettlement process.

The extent to which authority has been centralised under the PTF is demonstrated by its control over the allocation and distribution of resources in the North. This information is largely supported by interviews with district level officials. The DS's responsibility in the resettlement process is limited to coordinating and monitoring different actors, providing services and implementing development projects in resettlement areas. The DS cannot access resources or funding from external sources (such as NGOs) without the PTF's approval.

The allocation and distribution of resources in resettlement areas is carried through a three-tier, top-down implementation strategy. The DS provides a list of resources needed for his/her area that is

decided through a consultation with the respective *Grama Niladhari* (person in charge of the smallest administrative unit- this being at the village level) that is presented at a District Coordinating Committee (DCC), which forwards the proposal to the PTF.<sup>19</sup>

The DCC in Jaffna comprises mainly of parliamentarians of the Jaffna electoral district including members from the Tamil National Alliance (TNA). All concerns and challenges are put forward to the co-chairs of the committee (Northern Provincial Council, 2012), who are considered close aides of the regime. Both co-chairs were appointed directly by the President. This suggests that they are more accountable to the President and the PTF than to the locally elected representatives.<sup>20</sup> Conversely, the PTF is not accountable to the secondary or tertiary levels of administration which means that local administrative offices are usually not in the position to make demands of the PTF.

District official's views on the PTF vary. Some complain that its requirements for project approval prevent efficient implementation and discourage I/NGOs from working in the area,<sup>21</sup> while other officials commended the PTF as cooperative and granting timely approvals.<sup>22</sup>

Project approval letters from the PTF provide suggestions on implementation which are usually followed by the district officials due to the PTF's influence over administrative posts in the North. Interviews suggested that civil servants in the region are on a constant tight rope with regard to the PTF and its chairperson. Not following the PTF's guidelines or suggestions have significant repercussions for district officials. This form of top-down control limits the DS's ownership over programme and project implementation and their ability to question or revoke the PTF's implementation plans.

Though the highly centralized and top-down structure limits the freedom of local administration and NGOs, it doesn't entirely constrain local administrators from influencing project implementation and the allocation of resources in resettlement areas. An interview with a representative of a Colombo-based think tank<sup>23</sup> revealed that the local administration employs methods outside official protocol in order to meet targets. For example, due to delays in getting PTF approval for projects, the local administration has been known to allow I/NGOs to implement projects prior to PTF approval. The district administration and I/NGOs (see section 2.2.3 'External Actors') use these informal methods to meet targets when the formal processes slow down implementation. This means the resettlement process is facilitated not only by the centre but also by local level actors working around formal regulations.

Changes have also occurred in practice to the PTF since 2009. The interview with civil society members and Northern district civil servants reveal that the PTF has relaxed stringent requirements in granting approvals to I/NGOs and to give more leeway to district and divisional secretariats in allocating and implementing resettlement programmes. For example, from late 2012, the DSs in Jaffna have been given discretion over partnering with relevant I/NGOs and the selection of service delivery programmes.<sup>24</sup> Though this suggests a gradual withdrawal of the PTF from the day-to-day process, the evidence is not substantial enough to suggest the growing autonomy of district administration or the disbanding of the PTF in the near future.

The role and function of the PTF is a demonstration of the centralised administrative structures operating in Sri Lanka.

### **3.2 Centralized institutional arrangements**

A strong state apparatus and a centralised decision-making process have been characteristic of Sri Lanka since independence (Bastian, 2005 and 2011). In the post war context the pattern of

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<sup>19</sup> Such a system reduces many bureaucratic procedures associated with traditional Ministries and may reduce time usually taken for getting approvals etc.

<sup>20</sup> The Governor is appointed by the President, usually for a period of five years and can be dismissed by the President at any point (Fonseka and Raheem, 2011).

<sup>21</sup> Confidential interview conducted with government servant (a) in Jaffna on 21/6/2012

<sup>22</sup> Confidential interview conducted with government servant (b) in Jaffna on 22/6/2012

<sup>23</sup> Interview conducted with a researcher from a Colombo based think tank on 14/8/2012.

<sup>24</sup> Interview conducted with a researcher from Colombo based think tank on 2/5/ 2013; and a civil servant from northern district on 25/1/2013



resettlement in the Northern Province of Sri Lanka is heavily influenced by the system of presidential rule, where the president leads the executive branch and serves as both head of state and head of government (Linz, 1990). The Second Republican Constitution of 1978 introduced a strong executive presidency for the first time in Sri Lanka wherein the balance of power is tilted heavily in favour of the President.<sup>25</sup>

The 18th Amendment to the Constitution introduced in 2010 further entrenched the powers of the President. The amendment permits an individual to be elected to the office of the President any number of times, and the independent commissions responsible for keeping checks and balances on the Executive Presidency have been brought under the President's authority. The President can also appoint key posts in the security, administrative and judicial sectors (Sultana, 2010). In addition the concept of the unitary state and precedence of Buddhism over other religions in the 1972 Constitution continues to be upheld (Gomez, 2008). The statist and nationalist implications of these concepts have played an important role in shaping the resettlement process, and will be discussed in the following sections.

The power of the executive has been further consolidated through the appointment of family members into key positions in important ministries, giving them control over large monetary resources and putting them in charge of policy and practice. The president and his two brothers control a number of ministries: Finance and Planning, Ports and Highways, Civil Aviation, Economic Development, and Defence and Urban Development (Kadirgamar, 2011). The budgetary allocation to these ministries is over a third of the national budget (39% of USD 14.5 billion). The significant budgetary allocation and control over a number of ministries (especially the MoD and MoED) that have an important role in development of the North (Fonseka and Raheem, 2011) make their ministers significant players in the resettlement process. The role of the MoD in the resettlement process is significant as the security forces have greatly influenced local governance procedures as well as the experience of resettlement for IDPs (these aspects are discussed in the case studies below).

The PTF and the military have kept a tight control over the resettlement process in the North due to the power given to the two bodies by the President. Sri Lankan political scientist Jayadeva Uyangoda describes the politicisation of powerful decision-making bodies as the 'merging of the regime and the state' (Uyangoda, 2012, cited in Bastain, 2012: 9). Elites have been able to assimilate (such as the Ministry of Resettlement) or prevent actors (such as I/NGOs) relevant to the resettlement by manipulating formal processes or simply bypassing them.

Observers of the current political machinery say patronage is one of the regime's dominant practices to consolidate its power in the post-conflict context (Bastian, 2011; Goodhand et al, 2011). The system of patronage, argues Jayasundra (2011), is a 'structural-cultural' feature of Sri Lankan society and polity since pre-colonial times. Academics, Dunham (2001), and Spencer (1990) record the use of systems of patronage from the post-1977 period. In the post war context, the regime's patronage politics has prevented the formation of strong oppositional political forces (Kadirgamar, 2010; Sarvanathan, 2010). This form of consolidation of power has contributed to the weakening of opposition parties in the North and allowed the GoSL to continue its practice of resettlement.

### **3.3 Irreconcilable contest for state power between GoSL and LTTE**

Several historical, political and ideological factors explain the on-going process of regime consolidation along the lines of a unitary and centralised state. These include: the nature of the post-colonial state, the root causes of conflict, Sri Lanka's experience in conflict management, ethnic outbidding and ethnic politics, and the ideological and institutional frontiers of the current regime.

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<sup>25</sup> Even though the UNP won only 50.9 percent of the popular vote, winning five-sixths majority in parliament in 1977 allowed the then President to make changes to the Constitution (Gomez, 2008).

The Executive Presidency made the President (J.R Jayawardene) the Head of State, Head of the Executive and Government, and Commander in Chief of the Armed Forces. For example, the 1978 Constitution allows the President to decide on the number of ministries, as well as assume any Ministerial portfolio. The President can also declare a state of emergency and proclaim emergency regulations. The constitution also provides the President total immunity and disallows any proceedings to be held against him in any court or tribunal (Gomez, 2008).



Sri Lanka inherited a centralised state structure from the British. The colonial state was established as a centralised administrative entity under a single sovereign authority. After independence there was a vibrant political debate on the nature and the structural dimensions of the post-independence state, between 'constitutional monism' on one hand and 'constitutional pluralism' on the other. The monistic vision espoused a unitary and centralised nation state organised along the British model of parliamentary government and did not envisage any significant restructuring of the state. The pluralistic vision advocated a federal polity in which the ethnic majority and the minority shared state and political power as equals. This pluralistic vision called for a radical departure from the existing mode of constitutional unitarism and a substantial restructuring of the post-colonial Sri Lankan state (Uyangoda, 2010). The demand for political autonomy in areas historically inhabited by the Tamil people was based on the pluralistic vision.

The conflict between the GoSL and the LTTE has been defined as a state formation conflict: a continuous and contentious struggle between the Sinhalese majority and the ethnic minorities for the reconstruction of the post-colonial Sri Lankan state (Uyangoda, 2011a). Uyangoda (2011a) argues that the post-colonial Sri Lankan state is in a historical process of being reconstituted through struggle. This has been characterised by three parallel state formation projects: Sinhalese, Tamil and the Muslim.<sup>26</sup>

Each of these three ethnic groups see the Sri Lankan state very differently. The Sinhalese construct the state within a unitarist and centralised framework, and seek to protect and maintain the post-colonial unitary state. The Tamils reject the state in its present form and imagine a future state where they would be guaranteed equality in every respect. The dominant narrative of the Tamil state formation project seeks regional statehood or separate statehood. The Muslims, on the other hand, conceive the state in a framework that protects their ethnicity under regional autonomy or through sharing state power with the centre (Uyangoda, 2011a).

During the war years, in the areas under its control, the LTTE embarked on building its own state that ran parallel to the Sri Lankan state. In this dual state structure, both the LTTE state and the Sri Lankan state provided various essential services. The primary focus of the emerging LTTE state apparatus was to guarantee internal and external security through presence of an LTTE army and develop a comprehensive judicial and police state apparatus. However, provision of social welfare was also an important aspect of the nascent state. Various services were provided to the population through NGOs such as Tamil Rehabilitation Organization (TRO), which were mandated to mobilise international resources directly and build partnerships with external actors. Whilst some LTTE state departments in the health and education sector provided basic services they also functioned as a check on services provided by the Sri Lankan state (Stokke, 2006). This parallel state formation exercise led to deep suspicions on both sides and resulted in continuous contestations as each refused to accept the authority of the other.

Both warring parties were unable to reach a compromise over sharing of political and state power. The 2002-2003 peace negotiations revealed the extreme standpoints from which the GoSL and the LTTE perceived the Sri Lankan state (Uyangoda, 2011b). The question of statehood, one of the key elements of the discussions, highlighted the fact that both sides approached the issue from competing and irreconcilable perspectives (Uyangoda, 2011b).

The GoSL's proposals for interim administration, which was merely an implementing agency, reflected its minimalist perspective (minimum devolution) on the issue of federalism even in a final peace settlement. The LTTE, on the other hand, embraced a maximalist (con-federal autonomy) standpoint, proposing an interim self-governing authority and proposing a two-nation confederation after the civil war (Uyangoda, 2011b). The repeated and continuous approach to negotiations by GoSL and the LTTE from extreme standpoints, minimalist versus maximalist, made war the main strategic path for both sides (Uyangoda, 2007). After each failed negotiation attempt, the enmities and differences between both sides were reinvented and reinforced thus resulting in further protraction of the conflict (Uyangoda, 2007).

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<sup>26</sup> This is a dimension of the conflict that surpasses its common and simplistic categorization as a conflict based on minority grievances based on discriminatory policies of Sinhalese majority governments or a geographical deprivation issue.

### 3.4 Ethnicised electoral politics

Meanwhile, the main Sinhalese political elites are also engaged in a continuous process of mobilisation and counter mobilisation of people on the issues of ethnic conflict and power devolution. Neil De Votta describes this as a process of 'ethnic outbidding' in politics (De Votta, 2007). Undermining state reforms has been a part of the inter-party political competition (Uyangoda, 2009). In the run up to the 2005 Presidential elections, incumbent President Rajapaksa depicted himself as the custodian of Sri Lanka's Sinhalese heritage, its essentially Buddhist character and by extension the unitary and the centralised state structure. This was in sharp contrast to his political rival, Ranil Wickramasinghe, an advocate of the liberal peace agenda backed by western powers.

Rajapaksa's election campaign capitalised on the distinction in the ideology between him and his opponent. Rajapaksa contested the election in alliance with hard-line Sinhalese nationalist parties (the JVP, JHU and the MEP) who have consistently opposed the devolution of power to the regions. Rajapaksa's election manifesto reflected the political ideologies of his electoral allies when it envisioned a unitary state for Sri Lanka.

During Rajapaksa's first term, the war and the subsequent military victory against the LTTE enabled him to draw a resemblance with ancient Sinhalese King Dutugemunu, who defeated the Tamil King Elara and united the country. Large placards and banners were erected in prominent places, particularly Colombo, likening Rajapaksa to Dutugemunu. Towards the end of 2006, a massive cardboard cut-out of Rajapaksa was erected at the Maradhana junction in Colombo, proclaiming 'Our President, our Leader, He is next to Dutugemunu' (De Votta, 2007: 9). His own image creation as a reincarnation of Dutugemunu and the propagation of the Dutugemunu myth<sup>27</sup> helped him to secure massive electoral victories in the Sinhalese majority electorates.

This electoral success has come with a cost. The President is trapped in ideological, institutional and political barriers which compel him to conceptualize the Sri Lankan state within a unitary and centralised framework. The influence exercised by the hard-line Sinhalese nationalists on the President's policy agenda is likely to undermine any initiative to devolve power to the periphery. Furthermore the outcomes of both the 2005 and 2010 elections offer neither the electoral imperative nor the moral compulsion for the President to devolve power. This is because the demand for power devolution does not arise, and in fact has never arisen, from his vote base, the majority Sinhalese in the rural districts. The demand for devolution has always arisen among Tamil masses (Uyangoda, 2011b) and been essentially an ethnic minority project.

In the post-war context, regime consolidation in the Northern region through extension of the central state apparatus is a strategy to challenge the remaining elements of LTTE authority and potential contestations for an alternative state. It is a somewhat hard lesson taught to the population to foster acquiescence and obedience to the central state apparatus, and is perhaps the regime's best strategy to acquire political legitimacy in a region that was previously subjected to an alternative state formation process.

### 3.5 Militarisation of the North

With the elimination of the LTTE and other significant paramilitary groups, the Sri Lankan military has become the single largest armed actor in the region.<sup>28</sup> This has shaped the resettlement in three prominent ways. First, a large military presence in the North has led to the militarisation of daily life and the experience of resettlement; second, the military has been systematically included in the local governance of the North, and third, the military has moved into the economic sector.

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<sup>27</sup> The main elements of the Dutugemunu myth: Sinhalese are the true sons of soil, Sri Lankan kings are beholden to protect and foster Buddhism, Sinhalese race was united under Dutugemunu (De Votta, 2007, pp.2).

<sup>28</sup> The Hindu (2012) reports that 16 out of 19 divisions of the Sri Lankan Army are deployed in the Northern Province. Each division consists of about six to eight thousand troops. These numbers do not include the Air Force or the Navy who are also deployed in the region (Subramaniam, 2012).

The history of tension and violent conflict between the Sinhala military and Tamil population in the region makes the high military presence a cause for concern. The sweeping victory has created a situation of victor and vanquished and ‘post war militarisation...that constitutes the logistics of occupation and humiliation of the defeated other’ (Senanayake, 2011: 1). The balance of power in this relationship is largely in favour of the Sri Lankan military over the Tamil returnees, manifesting itself in both the institutional aspect of the resettlement processes and the militarisation of the returnees’ everyday lives. The aftermath of the war saw a steep rise in the number of military cantonments, personnel, security check posts and surveillance operations in areas of resettlement in the Northern Province (ICG, 2012).

In mid-2009 the GoSL set out a five-year plan to increase the size of the army. Initially it would go from 200,000 personnel (number of troops at the conclusion of the war) to 300,000, with the final aim of reaching 410,000 by the end of 2015 (Global Security, 2012). The GoSL says this post-war troop increase is necessary to prevent the resurgence of armed conflict that could arise due to the influence of external actors such as members of the Tamil diaspora (DNA, 2009).<sup>29</sup> One reason for the consistent rise in the National Budget for Defence is to pay the salaries of the growing armed forces (Kadirgamar, 2013).

In 2009, the military to civilian ratio in the Northern Province was estimated to be one to five (Anon, 2010) and the presence of approximately 2000 check posts (News Line, 2012) has impeded mobility and created a sense of insecurity. Random house-checks in areas of return have also raised the level of insecurity for people who have been recently resettled. In addition to the military, the police forces in the North have also been accused of using violence to disperse ‘peaceful assemblies’ (Watchdog, 2011).

The proliferation of military outposts and personnel has been a greater source of insecurity for women than for men (ICG, 2011). There have been allegations of rape and sexual harassment, especially targeted towards war widows and women-headed households by GoSL and LTTE troops in conflict affected areas (Society for Threatened Peoples 2001; Martignoni, 2002; AI 2002; ICG, 2011; HRW, 2013a). In the post war context, human rights agencies continue to report the threat of sexual and gender-based violence (SGBV) in the region, and allegations of the abuse of women (AI 2009 and 2012; ICG, 2011; HRW, 2013a).<sup>30</sup> These organisations also report the un-warranted detention and abuse of men and boys by the military in areas of return.

There have been criticisms that the military has abused many of its powers and allowed a culture of impunity to grow in the North. The State of Emergency (suspended in August, 2011) and the on-going Prevention of Terrorism Act (PTA) permit the military to detain anyone for any length of time. Anecdotal evidence suggests that there has been regular abuse of these powers and returnees have been arrested and detained without trial (AI, 2012).

The military has been protected by the regime. For example, the GoSL has refused to allow an independent committee to assess allegations of war crimes committed by the Sri Lankan military. The GoSL has also not acted upon the findings of the Lessons Learned and Reconciliation Commission (LLRC) which recommends an inquiry into ‘disappearances’ of LTTE cadres (LLRC, 2011: 129). In contrast, the army has presented a report to the Defence Secretary ‘flatly denying that the military had any responsibility for war crimes’ (Kumara, 2013).<sup>31</sup> The GoSL stubbornly continues to portray the military intervention in the North as a humanitarian mission, and says the army adhered to international humanitarian law during the war. This stance plays a significant role in legitimising the military presence in the North.

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<sup>29</sup> Though the plans of increasing troop numbers was made official, the current number of troops in the Sri Lankan Army or the combined number of in all military forces remain unpublished by the GoSL.

<sup>30</sup> A HRW report ‘We Will Teach You a Lesson’ documents the cases of 60 victims of physical and sexual abuse by the security forces in the North and East (HRW, 2013a). In response, military spokesman has denied these accounts calling them ‘speculative creativity’ (World News Australia, 2013)

<sup>31</sup> The document was prepared by a board headed by a Major General of the Sri Lanka Army and comprised of senior military officials, all of whom were actively involved in the final offensives of the war (Kumara, 2013).

There are signs of de-militarisation in the North since 2009. There has been a reduction in the visibility of security personal as well as reduction in the number of checkpoints in the North (Sarvanathan, 2010). The GoSL claims to have relocated a number of troops from the region to the South and the East.<sup>32</sup> In addition to decreasing visibility of security apparatus, according to the TNA Research Series report (2011) and The Social Architects report (2013), the government has initiated a process of dismantling and reducing High Security Zones (HSZs) in Jaffna from 2010.

Paradoxically, this visible reduction of troops in the North (particularly in Jaffna) is accompanied by a consistent increase in the defence budget as well as a consistent rise in recruitment into the armed forces.<sup>33</sup> Gothabaya Rajapaksa, the Secretary of Defence, has defended the militarisation of the North and given a number of reasons for the heightened security presence in the aftermath of the war. These include a proliferation of land mines planted by the LTTE, a large number of Improvised Explosive Devices left behind in towns and villages and to prevent any pro-LTTE elements from de-stabilising the region (Rajapaksa, 2012). The recruitment drive has been defended by the Commander of the Sri Lankan Army who claims that ex-LTTE cadres and pro-LTTE activists and sympathisers remain a threat to national security. Groups operating outside Sri Lanka (mainly in Europe) such as the Transnational Government of Tamil Eelam (TGTE) have also been labelled as organisations intending to resume the struggle for Tamil Eelam (Jayasuriya, 2012).

The organizations facilitating the resettlement process have been strongly militarised. The military has become involved in the civil administrative procedures suggesting that the government in Colombo is suspicious of both former LTTE cadre returning to their homes, and the largely Tamil civil administration that served in areas under the control of the LTTE. The recommendation of the International Crisis Group for a need to build trust between the central and Northern administration (ICG, 2012) supports this claim.

Other ground level actors such as NGOs have also been subjected to a process of militarisation. In April 2010, the President ordered that responsibility for the NGO Secretariat be moved from the Social Services Ministry to the MoD (Rasajiah and Athithan, 2012). Although there is no evidence of a structural change of the Secretariat, the refusal of entry, delays, and a tightening of restrictions on I/NGOs and their staff (IRIN, 2010) strongly suggest a less flexible working environment for I/NGOs under the MoD. In some cases, delays and refusals have been partly responsible for the shortages in service delivery to resettlement areas.<sup>34</sup> A stricter screening process for NGOs and profiling of staff suggests that the government is wary of NGOs and their staff aiding possible separatist factions (see section 2.2.3).

The appointment of an ex-military commander of security forces of Jaffna as the Governor of the Northern Province is another example of militarisation of civil administration. Similarly, in 2009, nine of the nineteen members of the PTF represented the Sri Lankan security forces.<sup>35</sup> Giving nearly half of the positions on the Task Force to military elites suggests the prioritisation of security-related issues regarding the resettlement process.

District Officials report that military personnel play a dominant role in the selection of beneficiaries for development projects<sup>36</sup> and the final beneficiary lists are subject to approval or rejection by the military representative. The May 2012 ICG (2012: 16) report states that opposing military actors leaves civil servants 'exposed to the risk of either being branded pro-LTTE or 'simply being transferred, or in other cases...forced to comply' (Colombo Telegraph, 2012). This imbalance in power has serious implications

<sup>32</sup> According to Gothabaya Rajapaksa's statement- 'Twenty eight battalions that were in the North have been relocated to the South and the East...and the overall number of troops in the North have been reduced by more than 21,000 since 2009. However, the reduction in the number of troops from the North remain contested by civil society organizations and the international media (Groundviews, 2012; Subramaniam, 2012)

<sup>33</sup> Defence budget (LKR) per year; <http://www.parliament.lk/en/budget-2013>

2009	2010	2011	2012	2013
158,370,989,000	191,287,930,000	202,248,210,000	215,427,000,000	248,102,534,000

<sup>34</sup> Confidential Interview with government servant in Mannar on 23/7/2012

<sup>35</sup> Information regarding the names members in 2013 or the number of members of the PTF is not publicly available.

<sup>36</sup> Confidential interview with government servant (c) in Jaffna on 22/6/2012

for shaping the incentives of the local administration and consequently on their ability to carry out their tasks.

The military has also entered into the tourism and agriculture sectors. Military personnel are taking part in farming activities and the Sri Lankan Army has established a Directorate of Agriculture and Livestock, indicating a long-term commitment to the production and supply of agricultural goods. The army says profits from agricultural products are being used for the rehabilitation of soldiers adversely affected by the war (Sri Lanka Army, 2012). An interview with retired navy personnel corroborated this claim.<sup>37</sup>

Military spokesmen have defended the foray into agriculture stating that their reduced prices (due to subsidisation of their labour and transport) are helping the consumer in time of high inflation and are simultaneously getting rid of middlemen who sell vegetables at higher rates (Haviland, 2011). Agricultural activity and work in the tourism industry also keeps a large number of military personnel active. However these new investments by the military have also caused problems for the local returnee population, which in the Vanni largely engage in agriculture. Flooding the local market with cheaper goods has resulted in unfair competition as returnees still have labour and transport costs and this has created 'severe hardships for farmers' (ICG, 2012: 23). However, there remains a need for an in-depth analysis of the ways in which the military businesses are affecting the livelihoods of people in the North.

### **3.6 Politics of militarisation**

As a part of its electoral strategy the regime is propagating the myth of an imaginary enemy striving to destabilise the government. The enemy is constructed through the possible presence of hardcore LTTE elements (internal and amongst the diaspora) and the potential for the region to degenerate into violence. Dealing with this enemy and guaranteeing the security of the South justifies the continuing military presence in the North. This strategy has appeased the Southern constituency and mobilised mass public support for the regime.

Internationally, the administration has come under increasing pressure to address war crimes and violations of international humanitarian laws allegedly committed during the final stages of the war. This pressure has come from the UN Advisory Panel Report, a film from the UK's Channel 4 and the 2011 US backed UNHRC Resolution. The UN Advisory Panel Report released in April 2011 concluded that both GoSL forces and LTTE conducted military operations with flagrant disregard for the protection of rights, welfare and lives of civilians and failed to respect the norms of international law. The Report further alleged that as many as 40,000 Tamil civilians were killed during the war's last phase. It called upon UN Secretary General Ban-Ki-Moon to set up an independent mechanism to monitor progress on accountability, act as repository of information and conduct its own investigation (Goodhand, 2011). The much publicised Channel 4 documentary 'Killing Fields' showed harrowing scenes of atrocities that appeared to corroborate the UN Report findings (Goodhand, 2011). However so far the regime has successfully resisted such pressures with the support of countries like China, Russia and Japan.

Whilst such calls have had little bearing on the regime, it has enabled them to broaden the notion of the enemy to include LTTE remnants, the Tamil diaspora and the western powers. The GoSL claims that western governments are engaged in a conspiracy to disrupt the peace achieved through military victory and destabilise the progress made on development. Again, these are used as arguments for the continued presence of the military, and greatly enable the regime to boost its domestic legitimacy, particularly among the Southern constituency.

The present regime enjoys little electoral support in the North. As such, military provides a means through which Rajapaksa and his immediate family can maintain direct control over the Northern region, (Kadirgamar, 2013). The election results held in post-war years indicate disturbing patterns of ethnic polarization in the country. Whilst in the rest of the island, predominantly Sinhalese, the regime secures massive popular mandates, in the North, it is the TNA, an opposition Tamil political party, that seems to be gaining popular public support. In the 2010 Presidential elections the TNA backed

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<sup>37</sup> Interview with ex-navy personnel on 20 June 2013.

Rajapaksa's main opponent, ex-army commander Sarath Fonseka who secured a sweeping victory in the North. In the 2010 local government polls, the TNA won 20 out of 25 seats in the local authorities in the North. As a result, TNA now controls 32 local councils making it the second largest party in terms of the number of local councils controlled (Goodhand, 2011).

Without popular political support, the regime is increasingly cautious about its weak foothold in the North. According to well-informed sources, this is one of the main reasons it has postponed holding elections to the Northern Provincial Council. The regime also treats the existing civil administrators of the North with caution due to their serving in areas under the control of the LTTE. The direct control of administration and distribution of resources via military structures ensures the entrenching of system of patronage which in turn ensures that the Tamil politicians, bureaucrats and the public are directly loyal to the Rajapakses and their associates.



## 4 Two case studies

The following case studies illustrate how centralisation, militarisation and state consolidation affect land issues, development, and the resettlement process in the North.

### 4.1 Case study: The issue of land

Land issues are at the heart of many of the difficulties faced by IDPs when returning to their areas of origin, and often delay the resettlement process. Access to and ownership of land in a context of protracted displacement is fundamental to regaining normalcy.

This case study identifies four trends in GoSL policy and practice of centralisation and militarisation with regard to land in the post-war North. In the North, the resolution of land claims brings the rights of IDPs into conflict with the military and the state. This case will also discuss the Land Circular, titled 'Regulating the Activities Regarding Management of Lands in the Northern and Eastern Provinces',<sup>38</sup> which is the leading policy document on the resolution of land claims in the North and East.<sup>39</sup> An analysis of the Circular shows how GoSL policy on land issues is set within the regime's agenda of centralisation and militarisation.

#### 4.1.1 Identified trends

##### 4.1.1.1 The prominent role of political elites in land and land-related policy in post war North

The official positions held by political elites give them a significant role in land distribution, acquisition and alienation.<sup>40</sup>

The President and his brother Gotabaya Rajapaksa, as minister and secretary to the Ministry of Defence and Urban Development respectively, are key decision makers regarding the alienation and acquisition of land by the security forces. Meanwhile the PTF under Basil Rajapaksa maintains purview over all development projects in the North. The Land Circular provides for the alienation of land only for purposes of national security and special development projects (Fonseka and Raheem, 2011). Consequently, the alienation of land falls under the purview of the MoD and PTF, making the President and his brothers' key actors in the post war landscape for the North.

The power of political elites draws from a culture of control of significant state resources by elite actors (such as in the case of Presidential rule). The positions of power allocated to Gotabaya Rajapaksa and Basil Rajapaksa by the President suggest that these actors have complimentary interests and incentives regarding the use of land in the North. For example, the securitisation of the North by the armed forces is closely linked to the development of hardware infrastructure (see below). Security and development interests have affected when and how IDPs were resettled. The implication of the nature of return is something that needs to be looked into as it is likely to shape IDPs perception of the state.

The Land Circular reflects the broader trend of militarisation of civil administrative bodies and puts military personnel in charge of local administrative processes. It does this by letting the local Defence Commander (along with the Government Agent) nominate the Provincial Land Commissioner. Also the First and Second Committees of Inquiry, which hear and decide land claims, include security officers

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<sup>38</sup> Other policy that apply in the North include a cabinet memo titled 'Land Management in Northern and Eastern Provinces' the Town and Country Planning (Amendment Bill) which gives the power to the Minister to demarcate areas as 'sacred areas, architectural areas and conservation areas'. The Centre for Policy Alternatives also highlights that there may be other documents related to land issues that have not been made available in the public domain (Fonseka and Raheem 2011, pp.47)

<sup>39</sup> The resolution of land claims is one of the main land issues in the post conflict scenario. In the Vanni, the issue of land ownership is complex. The region has a history of contested land both before and during the conflict. At different and overlapping points in the conflict the region was controlled by the GoSL, the LTTE and paramilitary groups, all of whom allocated land in different ways. An overview of a history of contestation over land in the North is presented in Fonseka and Raheem (2011) and Korf and Funfgeld (2006)

<sup>40</sup> Land Alienation is the (re) distribution of land by the GoSL to people, especially people who are landless, 'Report of the Land Commissioner 1987, sessional Paper no III 1990'.

(LLRC, 2011), and civilians nominated to be part of a land claims observing committee are also appointed by the police and security forces (Fonseka and Raheem, 2011).

The independence of these offices is critical to resolving land-related disputes objectively. Military actors play a significant role in appointing civil administrators, so those officials may be susceptible to making decisions in the interests of military personnel.

This illustrates how power is concentrated amongst a few members of the executive (mainly through the allocation of Ministerial posts) and amongst the military in the North, giving both the ability to significantly influence land use and allocation.

#### **4.1.1.2 Lack of transparency in decision- making processes and lack of access to information**

The Land Circular suspends the alienation of state land in the North except in the case of national security matters and special development projects, but alarmingly there is no information on when and where land will be demarcated under these two exceptional cases (Fonseka and Raheem, 2011). This shows that either the GoSL lacks a plan regarding the allocation of land for development projects and national security measures and is working ad-hoc, or that it is unwilling to share its plan regarding development and security for the region.

The 'secretive' (Fonseka and Raheem, 2011: 54) manner in which the Circular and memo were passed emphasises the centre's unwillingness to share information regarding the decision-making process.<sup>41</sup> The involvement of a 'few key stakeholders' (ibid.) raises questions of elite interest in controlling and monitoring land in the North and suggests the centre's ability to bypass broader interest groups (including those who are directly affected by the Land Circular). The lack of transparency and access to information help this monopolisation of the policy process by few actors, and marginalise the broader stakeholder community from contributing to the process of land resolution, allocation and use.

There is also a lack of clarity regarding the duration of High Security Zones (HSZs) in the North. Information on future plans regarding the reduction or increase of HSZ are also not clear (TNA Research Series, 2011). Contrary claims made by the ruling coalition regarding the need of HSZs in the North are adding fuel to the speculation and mistrust in the GoSL and the military.<sup>42</sup> In cases of military takeover of private residences or entire villages, people are not clearly informed on duration and extent of military occupation (IDMC, 2011).

The lack of information regarding HSZs in the North is likely to increase the mistrust IDPs feel towards the GoSL. It may also lead to panic and uncertainty and encourage IDPs to migrate internally or abroad in search of a home and livelihood. Meanwhile, the lack of transparency along with a highly militarised environment makes information gathering difficult for NGOs, civil society groups and the media. This impedes assessing the situation in affected areas and the planning of assistance programmes based on needs (such as in the case of housing support).

#### **4.1.1.3 A perceived lack of systematic policy implementation and attempts at bypassing stipulated laws<sup>43</sup>**

The Circular requires persons who hold land in the North and East to submit ownership application forms disclosing details of their land to the Land Commissioner General's office. The demand for disclosure of ownership documents of private land under the office of the Land Commissioner General

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<sup>41</sup> The process excluded members of affected communities. Even some government ministers were unaware that a memo had been passed by the cabinet (Fonseka and Raheem, 2011)

<sup>42</sup> Minister for Mass Media and Information Keheliya Rambukwella stated in July 2010 that the HSZs will remain because they are essential for the nation's security while the Leader of EPDP Douglas Devananda stated few months prior to that "there is no LTTE threat so these high security zones will be removed completely step by step." Northern High Security Zones will not be removed," Ministry of Defence Sri Lanka Website, 16 July 2010; "Jaffna HSZ to be removed," Daily Mirror, 12 April 2010).

<sup>43</sup> Limited information on land related policies and government and military plans for land allocation, gives an impression of ad-hoc implementation. However, as suggested by a researcher at the Centre for Policy Alternatives, at a time of constant change in the North an 'act-as-you-go' could be a sound military strategy.



suggests the centre's attempt at monitoring and controlling land outside its jurisdiction.<sup>44</sup> It also raises more fundamental questions on how elite interests shape government policy.

In the case of the military, as of November 2011, none of the HSZs had been gazetted (Fonseka and Raheem, 2011). While some HSZs have been officially documented and acknowledged, others in the Vanni have not been officially identified or legally demarcated (IDMC, 2011; TNA Research Series 2011). The military continues to operate a HSZ in the Tellippilai district in Jaffna. Meetings with civil servants show that government servants are unsure about plans for the duration or reduction of the HSZ (2013).<sup>45</sup> The unofficial acquisition of land and the use of private lands to house military personnel and their families have prevented some conflict-affected IDPs from returning to their lands (ICG, 2012). The impression that the military is working in an ad hoc manner is fuelled by the lack of information given to the affected communities and the public regarding the set-up, jurisdiction and duration of HSZs.

This ad-hoc process is likely to add to long held fears and grievances amongst the Tamil community of state manipulation of the Northern demography. As shown above, the uncertainty of the acquisition or alienation of land are likely to prevent long-term planning of programmes by government and non-government bodies in the North.

The legality of both the Land Circular and HSZs has been challenged in Court through writ petitions and fundamental rights applications respectively. The stay order issued by the Supreme Court suspended the implementation of the Circular, while the Circular's subsequent withdrawal is evidence of the legal discrepancies within the cabinet's policy.<sup>46</sup> Fundamental rights applications challenging HSZs on grounds that they are not established in accordance with existing law (Fonseka and Raheem, 2011) show the ad hoc creation of HSZs.

With the lifting of the Emergency in August 2011, the continued presence of unofficial and un-gazetted HSZs (US Department of State, 2011) illustrates a disregard for fundamental rights of 'movement and choosing residence within Sri Lanka' (US Department of State, 2011).<sup>47</sup> The continued lack of adherence to legal procedures by the GoSL and military in the region demonstrates the impunity enjoyed by military and regime actors under the current government.

The carte blanche that government and military elites have over land use is reflected in the GoSL's prioritisation of broader development and security interests. Continuing displacement suggests that the safe return of people to their homes is entirely dependent on the GoSL's two main interests: security and infrastructure development. Hence the focus of the resettlement becomes a process by which the government aims to meet this agenda, rather than assuring people's safe return to their place of origin and providing IDPs with adequate support for a secure, productive and sustainable livelihood.

#### **4.1.1.4 Lack of political will in devolving power to the Northern Province-**

The delay in implementing the Thirteenth Amendment (hereafter referred to as 13<sup>th</sup> Amendment) to the Constitution of Sri Lanka<sup>48</sup> and holding back of elections for a Northern Provincial Council (NPC) by the

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<sup>44</sup> There is no legislation or any other document publicly available that provides the Land Commissioner General's Office with powers to issue directives over private land (Fonseka and Raheem, 2011).

<sup>45</sup> Interview with civil servant, northern district on 25/1/2013

<sup>46</sup> The requirement of all landholders in the North and East to submit ownership application forms has led to a lawsuit against the Circular by a member of the Tamil National Alliance, arguing that 'the Land Commissioner General nor the Land Settlement Commissioner General is vested with any power whatsoever under law to decide on ownership' (Selvanayagam, 2012). Its policy regarding the submission of ownership applications has been labelled as one that '[negates]...the rights of owners and/or occupiers and/or stakeholders in respect of the lands in the North...' (Selvanayagam, 2012). Subsequently, the 'Attorney General informed the Court of Appeal that the impugned controversial Land Circular on the management of land in the North and East will be withdrawn' (Selvanayagam, 2012). A new Land Circular titled 'Accelerated Programme on Solving Post Conflict State Lands Issues in the Northern and Eastern Provinces' ([http://www.landmin.gov.lk/web/index.php?option=com\\_phocadownload&view=category&id=1:circul&Itemid=68](http://www.landmin.gov.lk/web/index.php?option=com_phocadownload&view=category&id=1:circul&Itemid=68)) has been passed by Cabinet in January 2013. The Centre for Policy Alternatives and has published a 'Brief Commentary' (<http://www.cpalanka.org/commentary-on-accelerated-programme-on-solving-post-conflict-state-lands-issues-in-the-northern-and-eastern-provinces/>) on the New Circular while the Durable Solutions Policy Group has published a report titled 'Recommendations regarding the Land Circular No.1 of 2013'.

<sup>47</sup> The Constitution of the Democratic Socialist Republic of Sri Lanka, Chapter III- Fundamental Rights, 14 (1) (h)

<sup>48</sup> The 13<sup>th</sup> Amendment to the Constitutions of the Democratic Republic of Sri Lanka devolves some powers (including Land powers) the Provinces through the establishment of locally elected Provincial Councils.

President's Office suggests the centre's desire to maintain control over land in the North.<sup>49</sup> Under the 13th Amendment, land matters fall under the jurisdiction of the Provincial Councils (PCs). The PCs are responsible for the local governance of land including 'rights in and over land, land tenure, transfer and alienation of land, land use, land settlement and land improvement' (13th Amendment 1987, Ninth Schedule, List I (Provincial Council List), 18.Land). This implies that the NPC is responsible for resolving land disputes and the allocation and distribution of land. In cases where state land within a province is required by the Government or is alienated under the decree of the President, the PC is required to play the role of 'advisor' or '[consultant]' (Appendix II, Land and Land Settlement, State land, 1:1 and 1:3).

The 13th Amendment also calls for the establishment of a National Land Commission (NLC) that would comprise of representatives of all provinces (13th Amendment 1987, Appendix II 3:1). The NLC would be responsible for the formulation of national policy with regard to the use of State Land (13<sup>th</sup> Amendment 1987, Appendix II 3:2). This would allow for broader stakeholder inclusion at a policy level. However, the absence of the NLC or any other body that allows for broader stakeholder representation in the North allows regime elites to maintain influence over policy formulation. The failure to fully implement the provisions of the 13th Amendment also leaves critical actors (who are granted significant powers under the Amendment) relatively powerless while giving special powers to actors appointed by the President. For example, under the 13th Amendment, the Northern Provincial Land Commissioner (NPLC) is responsible for formulating land policy at the provincial level while at present the NPLCs role is limited to documenting land ownership and control patterns in the North (Fonseka and Raheem, 2011).<sup>50</sup> Meanwhile, the Governor for the North, who is appointed by the President, has been granted significant powers over the Northern administration.<sup>51</sup> Hence, by curtailing the power of local actors (NPLC) and bolstering the power of regime appointed persons (Governor) the centre and its elites are able to maintain control over administrative processes and procedures.

Stalling the implementation of the 13<sup>th</sup> Amendment has also been attributed to the increasing pressure to abolish or amend the 13<sup>th</sup> Amendment by key actors, including political allies (David, 2013), Buddhist organisations (Daily News, 2013) and Gotabaya Rajapaksa, Secretary of Defence (Ferdinando, 2012). These actors advocate for the removal of clauses from the 13<sup>th</sup> Amendment that devolve land and police powers to the NPC. They claim that devolution under these subjects will encourage the NPC (with the influence of LTTE elements in the Tamil Diaspora) towards self-determination and threaten the sovereignty of the country.

The devolution of land and police powers will have significant implications for resolution of land disputes and security in the North. The constitution of a Northern Provincial Council with elected representatives is likely to allay fears amongst resettled communities of state consolidation of land through elite control over land policy and local administration. Meanwhile, devolution of police powers to such an elected council would lessen the discomfort and insecurity of people arising due to the presence of a Sinhala police force given the history of tension between Tamils and Sinhalese security forces.

The president has stated that elections for the NPC will be held in September 2013 (Daily Mirror, 2013). However, it remains to be seen, with the strong opposition to the implementation of the 13th Amendment from within the regime elite and its support base, whether there is a further delay (and dilution) of the 13th Amendment. Until then the centre continues to maintain its grip over land policy and land related issues in the North.

## 4.2 Case study: Development in the North

While the devolution of land and police forces to the NPC is framed as a threat to national security, development projects are said to be geared to 'secure, incorporate, and integrate the North...politically, socially and economically, to blunt the secessionist impulse and the need for a political settlement' (Goodhand et al, 2011: 5) In the post-war North there has been a proliferation of GoSL led development

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<sup>49</sup> President Mahinda Rajapaksa has expressed his Government's plan of holding Northern Provincial Council elections in September 2013 (Radhakrishnan, 2012). However, no written or formal agreement has been made.

<sup>50</sup> Refer to Fonseka and Raheem (2011, pp.24-25)

projects. With the centre's control over allocation and distribution of land in the North, the centre also determines where these development projects are set up.

The authors identify three key trends that demonstrate how processes of centralisation and militarisation shape development in the North and how development projects are aimed to further consolidate the state in the Northern Province.

#### **4.2.1 Identified trends**

##### **4.2.1.1 Prominent role of political elites in development planning and implementation in the North**

Key ministerial positions taken up by regime elites give them control over development policy and resources.

The Mahinda Chintana is the election manifesto and leading policy document for development setting out the economic development plan for post-war Sri Lanka. One of the priorities laid out in the MC (2010) is the fast tracking of economic development programmes through the building up of hardware infrastructure in the North and East.

Consequently the bulk of funding for development projects in the post war North has been towards physical infrastructure, especially the construction of highways and roads (Ministry of Finance and Planning 2010, 2011). As Minister of Ports and Highways, the President has purview over the funds allocated to the ministry along with the authority to sub-contract projects and take decisions on project design and implementation.

The Regional Development Division (under the MoED) is responsible for the management of foreign funded projects, which form the bulk of funding for development projects in the North (MoED, 2013). Meanwhile, the permission to implement these projects is under the jurisdiction of the PTF. This gives Basil Rajapaksa, as the Minister for Economic Development and the Chair of the PTF, control over large monetary resources, and over allocation and implementation of projects. This makes him and the President significant actors in shaping the development in the North.

However, keeping the historical context in mind, that is the alleged funding to the LTTE by some bilateral donors and I/NGOs, the current regime's control over development (donor) resources can be viewed as a precautionary (and security focused) stance to stop these funds financing separatist activity.

Access to Official Development Assistance (ODA) for development programmes by political elites is alleged to oil the regimes patronage network and co-opt political actors who are influential in the North (Sarvanathan, 2010).<sup>52</sup> The appointment of ministerial posts and awarding of business contracts (through sub-contracting projects) have allowed the regime to split opposition forces, gain political allegiance (Sarvanathan, 2010; Goodhand et al, 2011) and maintain the political status quo- essential for the smooth implementation of development projects.

Meanwhile, issues of lack of transparency (Business Times, 2011), the urgent need for anti-corruption measures in the public sector (TI 2012,) and allegations of embezzlement and misuse of donor funds for Tsunami relief by GoSL actors (Serving Sri Lanka, 2006) including regime elites (Samarasinghe, 2005) make large ODA funds suspect of being manipulated by political actors for private gain.

The post-war context has witnessed the appointment of military elites by regime elites into administrative service jobs, businesses, and access to state land (Senanayake, 2011).<sup>53</sup> The proliferation of military run businesses and the employment of Sinhala youth (acquaintances and family members of military personnel) may add to the long held perception amongst Tamils of state sponsored

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<sup>52</sup> The regime's elites are alleged to have given 'free reign' (Sarvanathan, 2010) to ex-LTTE elite in the Vanni, and the leader of the EPDP in Jaffna, in exchange for their political support. The President has also appointed the latter to a ministerial post in the government.

<sup>53</sup> The Sunday Leader newspaper points out 14 members of the military elite who have been given posts, including positions such as Deputy Ambassador to the UN, as High Commissioners' and other diplomatic posts (Abeywickrema, 2011)

Sinhalisation of the North (ICG, 2009). The steady influx of Sinhalese labour to work on infrastructure projects has also led to the perception of crowding out of the local Tamil labour force, which as of 2012 experienced unemployment at 20 per cent (Social Architects, 2012).<sup>54</sup>

#### 4.2.1.2 State and military capture of development in the North

Development in the North is a largely state-led process (Bastian, 2011; Goodhand et al, 2011) where the GoSL has managed to keep control over 'finance, infrastructure and development programmes' (Kadirgamar, 2010).

A Sri Lanka based think tank, Pathfinder Foundation, claims that the 'mixed signals' given by the GoSL regarding investing in the North is one of the constraints for private investment in the region. It is unclear to private actors which sectors are reserved for private investment and in which sectors public-private partnerships are essential. In addition, the GoSL's struggle with land issues and resolving the political settlement has led to a lack of confidence amongst private investors from conducting business in the North (Pathfinder Foundation, 2012).<sup>55</sup> The persistence of these issues has kept the private sector at a distance and the state has become the dominant development actor in the region.

Infrastructure development in the North seems to be monopolised by both Sri Lankan and donor state entities (Goodhand et al, 2011). Since 2009 China has been the largest aid donor and subsequently the largest investor in Sri Lanka (Economist, 2010).<sup>56</sup> However Chinese assistance contains limited grant aid while most assistance is provided as credit and loans (Ministry of Finance and Planning 2011; Srimana, 2012). India has been the second largest development aid donor in 2011 (The Economic Times, 2013) with its investments also funded through its public sector banks.

Sri Lanka's growing debt (IMF, 2009; Weerakoon, 2013) has made observers doubt the sustainability of this growing reliance on investment from external sources (Goodhand et al, 2011). Debt and over-reliance on foreign investments make the Sri Lankan economy increasingly dependent on the well-being of external economies, particularly the Indian and Chinese economies. Any variations in economic policy in the two countries or shifts in global market forces will have an impact on Sri Lanka and more significantly for the North where development is largely dependent on Chinese and Indian investment.

Indian and Chinese state enterprises have made multiple investments in infrastructure projects in the North.<sup>57</sup> Chinese projects have brought in Chinese labour<sup>58</sup> (Wijedasa, 2010). The employment of externally sourced labour has the potential to create unease amongst the Tamils who blame their lack of consistent income to a lack of jobs in the North (ICG, 2012). These development projects are geared to meet investor interests showing how projects sanctioned by the GoSL are not designed around the needs of the resettled communities, though subsequently the projects may have trickle down effects. According to Goodhand et al (2011:68) the present development model will 'generate distinct internal political dynamics based on perceptions of the distribution of its costs and benefits along [communal and geographic]' lines. This can be seen with the militarisation of the agricultural and tourism sectors.<sup>59</sup>

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<sup>54</sup> The presence of Southern firms and of Southern labour in the North is largely attributed to the lack of capital investment and skilled labour amongst the Northern residents (Colombo Telegraph, 2012)

<sup>55</sup> Private sector investment has been limited to investment in the North's urban centres in the form of small and medium enterprises (Pathfinder Foundation, 2012)

<sup>56</sup> Chinese aid was \$1.2 billion out of a total ODA of \$2.2 billion in aid to Sri Lanka in 2009 (The Economist, 2010)

<sup>57</sup> India's investment includes reconstruction of Kankasanturai port, and Palali airport in Jaffna peninsula, railway reconstruction in Mannar-Talaimannar and Omanthai- Kanlesanthurao sectors (The railway project is being executed by the Indian Railway Ministry's IRCON International Limited (The Brics Post, 2013) ), all areas in the Northern Province; while Chinese investment in the North is on roads and highways (Wijedasa, 2010) is while a larger amount of investment is mostly directed towards the south (Goodhand et al, 2011).

<sup>58</sup> Conditionality's tied to Indian investments in the North is not available in the literature. Further exploration into these foreign investments, will provide a better perspective on the longer-term implications for not only the economic, but political and social landscape of the North.

<sup>59</sup> In the Vanni many private plots of land, ranging from half an acre to over five acres have been taken over by the military for cultivation (ICG 2012). With the closing of Manik Farm, ten acres of land are being cultivated for an orchard while the government has provided an additional two thousand and thirty hectares for growing vegetables (Sri Lanka Army, 2012a).

<sup>59</sup> In the North the Sri Lankan military is one of the major players in the tourism industry. The militarisation of the North has resulted in the diversification of the military's portfolio including a proliferation of army owned businesses. The military's expansion into the hospitality industry has taken place at a rapid rate and it has opened many hotels and guesthouses in Jaffna Town. The setting up of beach resorts, revamping the airfield at Pulmoddai to cater to tourists, ferry services by the navy (TNA Situation Report cited in ICG, 2012), the army's war

The use of land in one region to cultivate agricultural goods (by the military) and supply regions (especially Colombo) experiencing price inflation seems logical in attaining food security. However, the movement of resources from the *Tamil*- North to subsidize costs for *Sinhalese*- South may stir long held perceptions of state bias towards the Sinhala-South (ICG, 2009). The subsidised costs of the military have been reported to adversely affect farmers in the North (see section 3.2). Meanwhile, the WFP food security assessment reports that the majority of the population (including resettled people) in the North suffer from food insecurity and that pockets of people in the North are reported to be severely food insecure (Pettersson et al,2011).

Military actors transporting food from the North to Colombo by whilst a large number of people in the North remain food insecure is likely to strengthen perceptions amongst the people in the North that the post war development is not for their benefit but for the southern Sinhala constituency (ICG, 2012).

There is a large influx of domestic tourists in the post-war North who are catered to by hotels and resorts run by the military. One of the Northern tourist attractions is visiting old LTTE strongholds that were captured by the military. A short BBC documentary titled 'Sri Lanka's boom in war tourism' states that all war sites are run by the army and the majority of tourists are domestic Sinhalese (and a gradually increasing number of Tamil tourists). The video highlights the fact that signposts in and around LTTE leader Prabhakaran's bunker are written in English and Sinhala and not in Tamil, and suggests actions like these are why the Northern Tamils claim there has been Sinhalisation.

The collaborative nature of military hospitality and war packages catering to southern Sinhalese tourists continues to strongly suggest that post-war Sinhalese triumphalism (Senanayake, 2011) and state-led Sinhala nationalism are weaved into the policies and practice of development of the North.

#### **4.2.1.3 Weight given to hardware infrastructure over software infrastructure**

The Uthuru Wasanthaya (Northern Spring) is GoSL's large-scale, public sector-led development programme for the North. The development programme includes a number of hardware infrastructure projects on irrigation systems, power grids, telecommunications, waste water management and town centres development (MC, 2010), but is largely focussed on the construction of highways and roads (Central Bank, 2010; 2011; 2012).

The GoSL's rationale for prioritising infrastructure development in the North is driven by a goal of maintaining and strengthening national security (Rajapaksa, 2012 and 2013; Radhakrishnan, 2011). Construction of highways and roads to and in the North seems to be a fundamental aspect of strengthening the state's national security apparatus. An improved and expanded road network is said to 'enhance national security and solidarity' (IMF, 2010). The link between security and infrastructure is noted in President Rajapaksa's speech marking Sri Lanka's first expressway, where he states that 'separatist tendencies will fade away when we have better road connectivity' (Radhakrishnan, 2011).

With control over land in the North (see section 4.1) the government is able to strategically set up its security infrastructure. For example, the A-9 highway that connects the Western province to Jaffna (through the Vanni, the stronghold of the LTTE) is lined with many army bases allowing the military to maintain a more effective and efficient security presence in the region. Similarly, extensions and refurbishment to the airbase in Pullmodai allows the faster deployment of troops to the North.

Another reason for prescribing infrastructure-led development is to access ODA from China and India as well as financial organisations such as the World Bank, ADB and the IMF who readily fund economic growth initiatives.<sup>60</sup> Access to ODA frees up state funds to meet the growing post-war military expenditure (Kadirgamar, 2011) and building the national security apparatus.

'Development priorities' (MC, 2010: 242) for the North do not include (or mention) the need for software infrastructure such as community building, psychosocial support and human rights. Much of

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tourism packages (The Economist, 2012; Miles, 2013), and army run shops and restaurants along the A9 highway (ICG, 2012) show the extent of the military's expansion into the tourism sector.

<sup>60</sup> In April 2012 the IMF approved a release of further \$426 million, out of a larger \$2.6 billion loan in 2009 (Goodhand, 2012)



the support has been carried out by few INGOs or multilateral agencies (Herath, 2012). However, threats to the lives of Sinhala and Tamil human rights defenders (HRW, 2013b) and consistent GoSL refusals to I/NGOs working on psychosocial support programmes in the North (Fernando, 2011) may discourage future I/NGO sector participation.

The state's consolidation in the region is partly founded on its suppression and neglect (Herath, 2012) of the trauma caused by both conflict and the post-war militarisation of the North (Nuwan et al, 2012).<sup>61</sup> The GoSLs' neglect of psychosocial issues and human rights abuses by the military echo its post-war nationalist rhetoric which prioritises rebuilding over rehabilitation and reconciliation, and attempts to veil the strong ethnic component of the war. The priority given to hardware development and neglect of software infrastructure has implications for the rehabilitation of resettled persons. The focus on recovery of livelihoods seems to be based on attaining normalcy but inadequate attention to trauma and grievance related issues are likely to have a negative impact on the well-being of resettled people and the security of the region.

The issues of heightened insecurity for people in the North, limited access to land and the struggle to maintain livelihoods have been flagged through the case studies. However, an investigation into the resettled (and displaced) people's lives which examines livelihood strategies, coping mechanisms and their asset base will provide a valuable insight into how processes of centralisation and militarisation challenge the conflict affected population.

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<sup>61</sup> Support for mental health and trauma for children was implemented at IDP camps by the Ministry of Healthcare and Nutrition and Health Coordinating Office (Sri Lanka Reconciliation Youth Forum, 2011) but such state led interventions have been few and far between. The government sponsored LLRC has also made an effort and heard some of the grievances of Tamil civilians affected by the conflict. However, the government continues to turn a deaf ear to alleged military's complicity in human rights abuses.

## 5 Conclusion

This paper analyses the political economy of the state-led resettlement process in the Northern Province with regard to the new IDPs from the final stage of the civil war. It explores the social, economic and political drivers of the resettlement process, focusing specifically on the influence of larger economic and political developments in the country, and on the incentives for key actors to steer the resettlement in a particular way.

The political economy analysis employs DFID's Drivers of Change framework and draws from literature on the post-war resettlement, the economic and political context of post war Sri Lanka, and key person interviews. The lack of clarity regarding a GoSL resettlement policy is highlighted through a brief description of the experience of resettlement and the GoSL's policy and practice of resettlement.

The authors identify centralisation and militarisation, led by the GoSL, as the most significant factors shaping the resettlement process. These two broad processes inform our analysis of GoSL practice on two key factors in resettlement: land issues and economic development.

The resettlement process has been largely shaped by the GoSL's desire to consolidate itself in areas previously under LTTE control. The set-up of state bodies supported by a set of formal and informal institutions creates a highly centralised process in which the PTF maintains overarching control of the resettlement process in the North. The top-down implementation of resettlement means the PTF is the key decision maker at all levels within the resettlement process. This has constrained the decision making power at the local administrative level.

Presidential rule and patronage are systemic features which the regime uses to maintain control of resettlement. The institutional arrangement is complemented by nepotism and patronage which keep members of the regime in key government positions and give them control over large resources. The historical legacy of no-compromise between the GoSL and LTTE, lack of political support from the Northern electorate, the President's reliance on Sinhala nationalist parties, and the consequent lack of incentive for the President to devolve power by setting up a Northern Provincial Council explain why the regime maintains a centralised system of governance in the North.

The military has 'guarded the interests of the regime' (Kadrigamar, 2013: 44) in the North by intervening in local administrative duties, entering into the regional economy and by increasing the number of military personal. Social, political and economic relations in the North have become susceptible to unequal power dynamics as the military enjoys power over the local administrative structures, and also over formal and informal institutions such as the market and societal relations.

The culture of impunity and intimidation, and continued support by the GoSL (by increasing military personal and the defence budget, and protection against accusations of war crimes) strongly suggests the regime is dependent on the military's ability to control the social, political and economic landscape of the North. At the same time, militarisation in the North illustrates the rise of the military and its elites, and indicates the significant role of the military in the resettlement process and broader development of the North.

Militarisation has been justified by the need to maintain security and prevent possible LTTE sympathisers from destabilising the country. In addition to security reasons, the control of land supports the economic interests of military and political elites and of those loyal to the regime.

Donor interests based on regional geo-politics have also supported the GoSL agenda and been a factor shaping the state-led resettlement process. The GoSL has pursued a well-considered diplomatic strategy of engaging with countries that provide unconditional aid, which ensured that resources are mobilised to implement its plans in the manner they wished. By playing one country off against another, the GoSL effectively thwarted building up of concerted international pressures on human rights, governance and political reforms.

The case studies show how processes of centralisation and militarisation have shaped two vital components of the resettlement process- land and economic development - towards a national agenda influenced largely by the regimes vision of making Sri Lanka a global economic hub. These case studies show how the post-war resettlement and development landscape has been in constant flux with respect to interplay of regional economic, political and social factors.

One of the greatest challenges for the authors was finding academic literature on GoSL policies and processes of resettlement. The authors have relied heavily on GoSL and I/NGO reports, media articles and key person interviews to provide a holistic picture of the resettlement processes. However more detailed studies on the post-war reconstruction (reconciliation, return, development etc.) are forthcoming from various academic sources.

The experience of resettlement of the returnee population is only dealt with at a superficial level in the paper because the scope of the paper was limited to analysing GoSL policy and practice. An in-depth study on experiences of the community will provide a much-needed bottom-up perspective on resettlement. Future research should include a study on returnee agency and its implications for the resettlement process. The experience of resettlement with regard to ethnicity and time of displacement, such as new versus old IDPs, need to be captured. A gendered perspective is also pertinent to understand possible inequalities within the IDP population that affect the experience of resettlement in the North. With a large number of widows and female-headed households, it is important to develop a nuanced understanding of the different ways women and men experience resettlement.



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# Interviews

- Confidential interview with government servant (a) in Jaffna, Sri Lanka, 21 July 2012.
- Confidential interview with government servant (b) in Jaffna, Sri Lanka, 22 July 2012.
- Confidential interview with government servant (c) in Jaffna, Sri Lanka, 22 July 2012.
- Confidential interview with a government servant in Mannar, Sri Lanka, 23 July 2012.
- Interview with displaced people of Mullikullam, Sri Lanka, 24 July 2012.
- A Confidential Interview with a representative of an International agency in Sri Lanka, 25 July 2012.
- Interview conducted with a researcher from a think tank, Colombo, Sri Lanka, 14 August 2012.
- A Confidential Phone Interview with a representative of a humanitarian agency, Sri Lanka, 22 December 2012.
- Interview with Sumith Chaaminda, Researcher at Verite Research, Sri Lanka, 5 May 2013.
- Interview with ex-navy personnel, Sri Lanka, 20 June 2013.
- Interview conducted with researcher from Colombo based think tank on 2 May 2013.
- Interview with Pradeep Pieris, Researcher at Sri Lanka Social Scientists Association, Sri Lanka, 1 July 2013.
- Interview with civil servant from the northern district on 25 January 2013.



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