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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Association Bharathi Centre Culturel Franco-Tamoul, a non-governmental organization in special consultative status

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

[30 May 2021]

* Issued as received, in the language(s) of submission only.



Endless War: The Destroyed Land, Life, and Identity of the Tamil People in Sri Lanka

Following the release of *The Long Shadow of War: The Struggle for Justice in Postwar Sri Lanka* in May 2015, the Oakland Institute has continued to monitor the human rights situation in the North and East of Sri Lanka and published the following reports: *Waiting to Return Home: Continued Plight of the IDPs in Post-War Sri Lanka* (2016), *Justice Denied: A Reality Check on Resettlement: Demilitarisation, and Reconciliation in Sri Lanka* (2017) and *Driving Dispossession* (2020).

Since these releases, the Government changed with presidential elections in November 2019 and parliamentary elections in August 2020. Former President Mahinda Rajapaksa's brother and former secretary of Defense ministry, Gotabhaya Rajapaksa, contested on behalf of the newly formed SLPP formed by Mahinda Rajapaksa and was elected President, while Mahinda Rajapaksa was sworn in as the Prime Minister.

This new report is based on the Oakland Institute's continued engagement with human rights activists, journalists, politicians, and civil society representatives in the North and East of Sri Lanka. Information was also obtained through monitoring of national and international media.

The UN High Commissioner for Human Rights, Michelle Bachelet's January 2021 report on Sri Lanka, stressed the need to not only ensure accountability for past human rights violations, but also called on the international community to stop and prevent possible future violence and conflict. "The Commissioner's call for sanctions against top generals and others accused of war crimes and for an International Criminal Court investigation into Sri Lanka's Tamil separatist conflict are essential to upholding justice and human rights,".

The major findings cover six themes that are drawn from information, testimonies, and data collected. First, the report reveals that under the guise of "development projects," Sinhalese settlements continue to expand within Tamil-dominated areas to change demographics and deprive Tamil communities' access to their land. Additionally, the aggressive government-led effort to replace Tamil culture and history with victory monuments dedicated to the Sinhalese domination and Buddhist temples, continues on the ruins of the Tamil homeland.

The report exposes that the military continues to occupy vast amounts of land in Jaffna, Kilinochchi, Mullaithivu, Vavuniya, and Batticaloa. While civilian resettlement has been allowed in some areas of Valikamam North, these areas remain under extreme militarization, severely impacting the livelihoods of the local population. The military continues to occupy the North and East at an extreme degree – with roughly one military member for every six civilians. Finally, the report follows up on the thousands of people who have been displaced since the end of the war in 2009 and shows how delayed resettlement continues to undermine livelihoods and recovery.

CONTINUING SINHALESE SETTLEMENTS UNDER THE GUISE OF DEVELOPMENT

After the independence of Sri Lanka, agriculture and irrigation schemes were used as a pretext to relocate Sinhalese peasants to Tamil areas. This process, known as Sinhalization, has irrevocably changed local demographics and was a key factor that escalated contention and violence during the war. *The Long Shadow of War* detailed the history of several such schemes. For instance, the Gal Oya project launched in 1950, created 40 million acres of land for landless peasants, leading to the creation of a dozen Sinhalese-majority villages in the Tamil dominated Eastern Province. In the 1950s and 1960s, numerous irrigation development projects in Trincomalee became instruments for increased Sinhalization in the region.

The Mahaweli River Scheme, launched in the 1970s as the largest irrigation project in the country, created new Sinhalese settlements on the border between the Northern and Eastern Provinces, specifically to destroy the possibility of a merger of two Provinces by the

Tamils. These so-called “development schemes” led to the loss of at least one thirds of the land in the Eastern Province to the Sinhalese – a population reduction from 76 percent in 1827 to just 39 percent in 2015.

This same tactic was used to intensify activities in the North and East to acquire lands and establish Sinhalese settlements. Many areas that were under LTTE control for 30 years, and could not be annexed under the Mahaweli authority, are today easy targets given they are under the control of the military. The ‘L’ zone in the Tamil areas, under the Mahaweli scheme has not received any water to date, the lands were acquired and the Sinhalese settlements have been established.

The Kivilu Oya (Kivilu River) Scheme is being actively implemented in the bordering areas of Mullaithivu and Vavuniya Districts. The Oakland Institute’s researchers witnessed first hand the massive deforestation in Vavuniya and Mullaithivu Districts in order to settle Sinhalese population from the South under the Kivilu Oya project. Many other areas under the Nedunkerny divisional secretariat area in Vavuniya District, including the Vedivaiththakallu GN division, have been deforested and an estimated 2,000 Sinhalese have been settled in the past few years. Steps are being taken to settle 3,000 more Sinhalese in these areas and 2.5 acres of deforested land is being provided to each person. Incentives of up to 800 rupees [~US\$4] per family per day are provided to prevent the settled people from returning to their native places. Similarly, more than 4,000 Sinhalese were settled in the Weli Oya Divisional Secretariat between 2012 and 2017, and 11,639 acres came under the control of the Divisional Secretariat.

Sinhalization of Vavuniya and Mullaithivu Districts is being further extended under the guise of the Malwatu Oya irrigation projects. To implement this scheme, the Mahaweli Authority has acquired 1,100 acres of land, and as a result 450 Tamil families live with the fear of displacement from their native place at any time in Cheddikulam Divisional Secretary area in Vavuniya. The local communities informed the researchers that although alternative lands were to be provided to them at Kappachchi Kulam in Vavuniya, the land was degraded and could not be used for anything.

Likewise, under Mahaweli ‘L’ Zone Kivilu Oya irrigation project, over 3,000 acres of land were expropriated by the government through the gazette notification in 1988 and 2017 in the ancient Tamil village of Thenaimaravadi and other close-by villages in Trincomalee District, which geographically connects the North and East. Efforts are also being made to establish two new Sinhalese colonies in the vicinity of Thenaimaravadi with the support of the troops.

Since the end of the war in 2009, large numbers of Sinhalese have settled illegally in Nayaru, Kokkilai, Kokkuttoduwai, and Karunattukkeni of Mullaithivu District connecting the Eastern Province with the Northern Province. Tamil politicians allege that the Mahaweli Authority has illegally issued land permits to the settlers.

In November and December 2020, Tamil livestock farmers in the border areas of Mayilaththamadu and Madhavanai in the Batticaloa border villages faced the expropriation of their pasture lands. Farmers from 540 families of Eeralakulam Grama Niladhari area of Eravur Divisional Secretariat area have raised livestock on these lands for generations.

Batticaloa District has not received any water under the Mahaweli project to date, but 12,000 acres of grazing land in Madhavanai and Mayilathampatti were acquired in 1979 under the system ‘B’ of the Mahaweli Authority. As these areas were formerly LTTE-controlled, Mahaweli and other state institutions could not access these pasture lands. Since the brutal end of the war in 2009, several attempts made to resettle Sinhalese in these areas were blocked by legal action undertaken by human rights activists. With the change of government in August 2020, under the leadership of Mahinda Rajapaksa, the resettlement of Sinhalese under the guise of maize cultivation is being executed by state institutions with the support of the Governor. According to K. Kurunathan, the former Eastern Province Land Commissioner, lands are being given to the Sinhalese in these grazing lands for maize cultivation in violation of gazette of 1979 No. 41 and schedule 9, rule 1, appendix 2, article 2.5 of the 13th Amendment to the Constitution. Accordingly, the law that the allotment of Mahaweli should be given in proportion to the national ethnic ratio, was not followed.

The Resolution on Sri Lanka, presented at the 46th session of the UN Human Rights Council, however, deviates from the recommendations made by the High Commissioner Bachelet and the recommendation made by four former High Commissioners, nine former Special Rapporteurs, and all members of the UNSG's Panel of Experts on Sri Lanka, who have jointly stated that the matter should be referred to the ICC. The Resolution fails to deliver justice and to address the root causes of the ethnic conflict. It does not lay the ground for accountability and lasting peace.

The Core-Group countries should also emphasize on the immediate cessation of land grabbing, planned settlements, and demilitarization of the North and East in the Resolution, given the detrimental impact of these issues, as evidenced by this report. Additionally, we call on the Human Rights Council to appoint a Special Rapporteur to investigate and report on the ongoing human rights violations in Sri Lanka with special reference to land grabbing and militarization in the North and East.

The Oakland Institute, NGO(s) without consultative status, also share the views expressed in this statement.