

## AN ISSUE ABOUT A NON-ISSUE: Wilpattu land for returnee population?

Professor Shahul Hasbullah  
(University of Peradeniya)  
With

M.M. Masthan, S.H. Risny and M.S. Thameem, A.G. Anees  
(Research and Action Forum for Social Development - RAAF)



## Questions asked and the issues focused

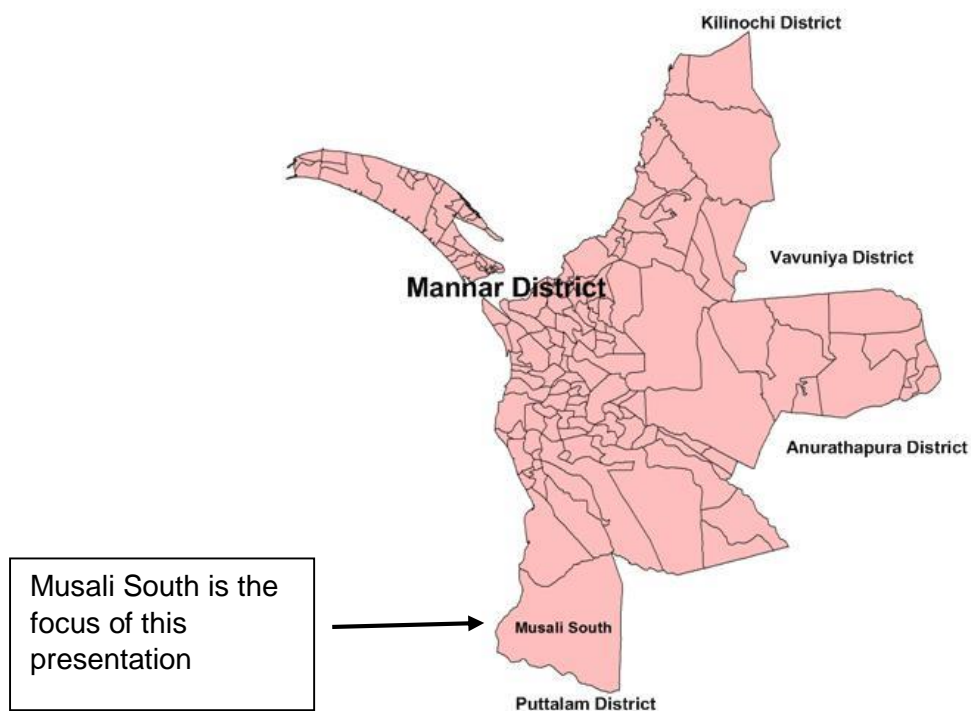
### Questions

Why national attention towards Wilpattu land issue now?  
Whose agenda are these, who benefit and how?  
Why the issues on the right to return been marginalized or forgotten?

### Focus

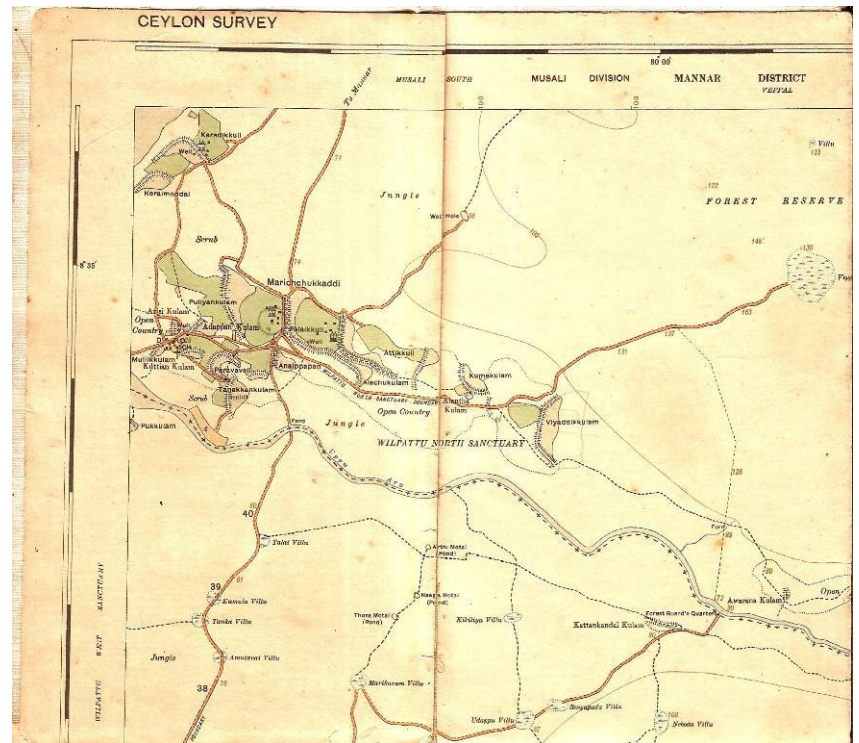
Forgotten and ignored issues: right to return and ethnic cleansing;  
Wilpattu is as a non-issue;  
Broader issue – agenda of Sinhala, Tamil and Muslims nationalists;  
Urgent need for national policy on return.

### The District of Mannar and the Musali South region



1938

Evidence of settlements, irrigation tanks and paddy fields of Musali South in early part of last century (1938)

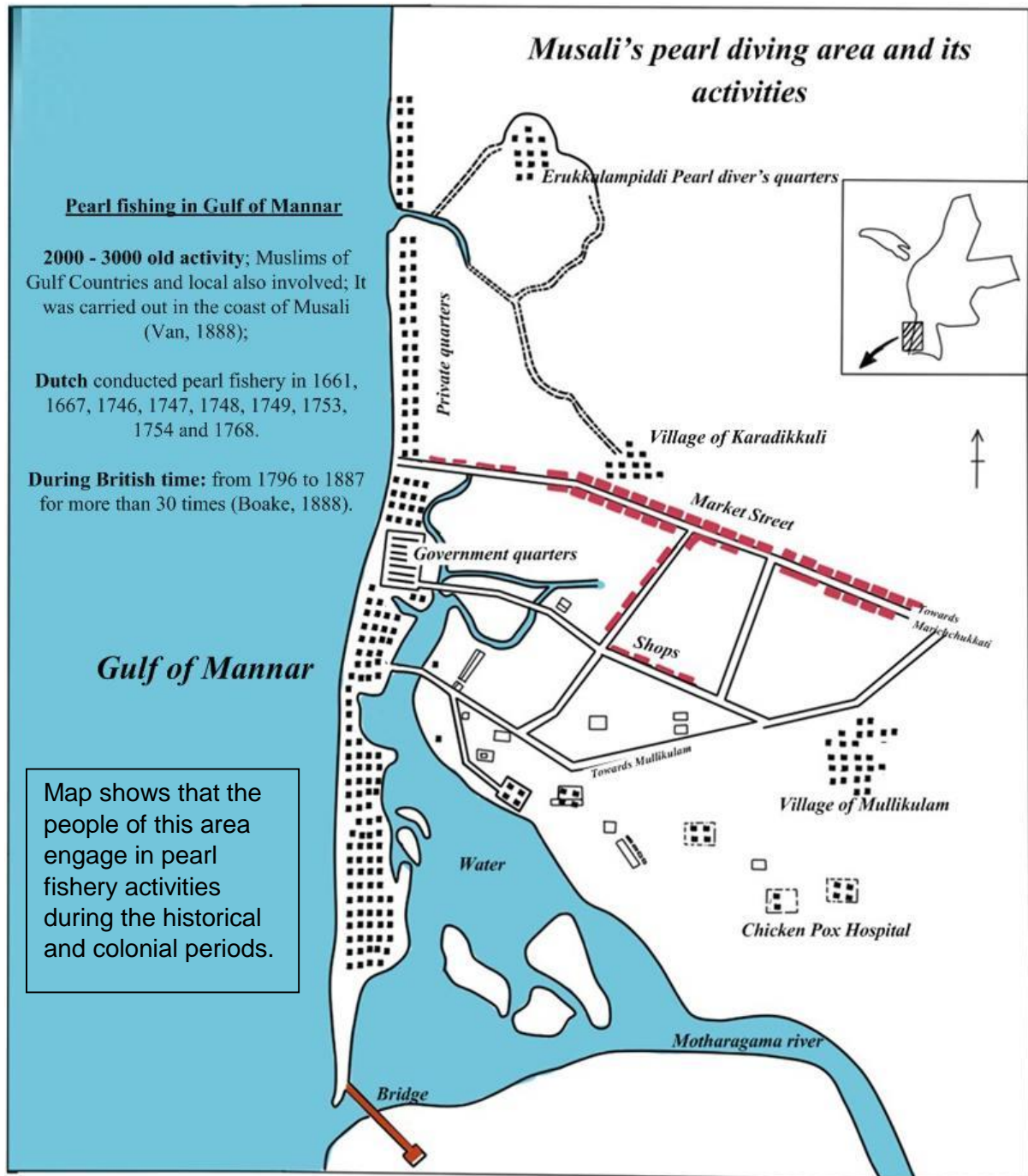


Evidence of the existence of people of Musali south

Name of Villages	Population 1881	Principle cultivations	Principle Occupation	Dweller's (tiled thatched)	No of Cattle
Palaikuli	190	Paddy	Cultivators and Elephant catchers	33	258
Marichchukaddi	190	Paddy	Cultivators and Elephant catchers	28	218
Karadikkuli (Include Mullikulam)	124	Paddy	Cultivators and Elephant catchers	30	72

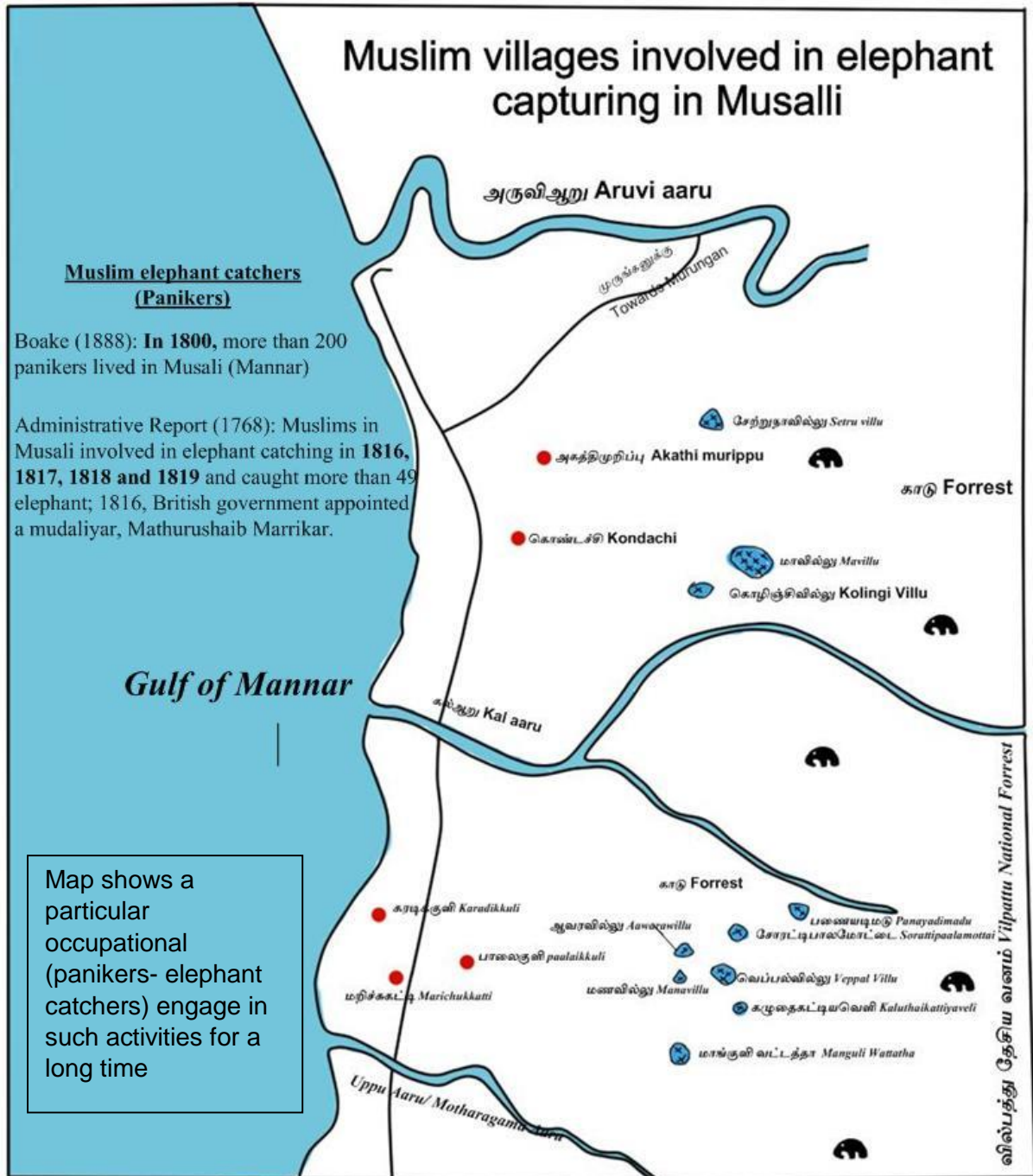
Source - Population census 1881

## Historical evidence of the existence of the people of the Musali South.



Source : (Van, 1888);(Boake, 1888)





Source : Field Information

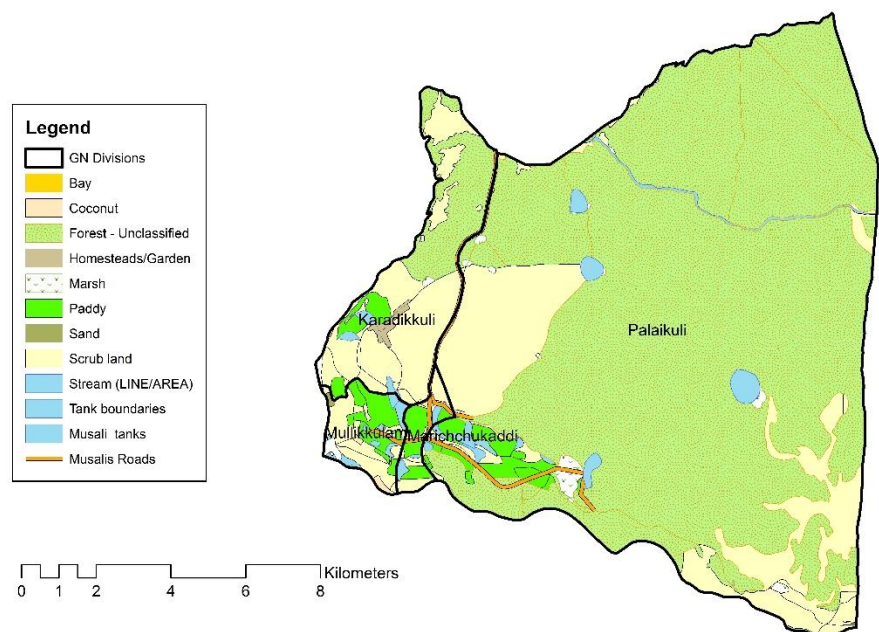
**Table 2: History of displacement and return of the people of Musali South**

Time	Cause	Outcome
From early 1980	Tamil armed groups used Wilpattu forest & sea	Occasional irritation and disturbance
1985 (date and month)	Sri Lankan army moved from Puttalam to Musali	People took refuge in north of Musali
1990 (Third week of October)	LTTE ordered all Muslims to leave or face death	Muslims took refuge in northern part of Puttalam (Vanathuvillu) crossing Wilpattu
2007	After the capture of East, armed forces moved to Musali from north (Murunkan) and west (Willachchi)	Tamils and Muslims who returned after CFA fled to Nanaddan DS Division.
Tamils of Mullikuliam	From 2007 they have continued to be displaced elsewhere in Mannar and in India because of the establishment of Navy camp in their village	
Muslims of Musali South	From 1990 Majority of Muslims have continued to be displaced in Puttalam due to non-conducive situation in the places of origin.	
Mullikuliam Tamils	From 2012, they were offered alternative within Musali south for housing and livelihood	
Muslims of Musali South	From 2012, they were housing within Musali South.	

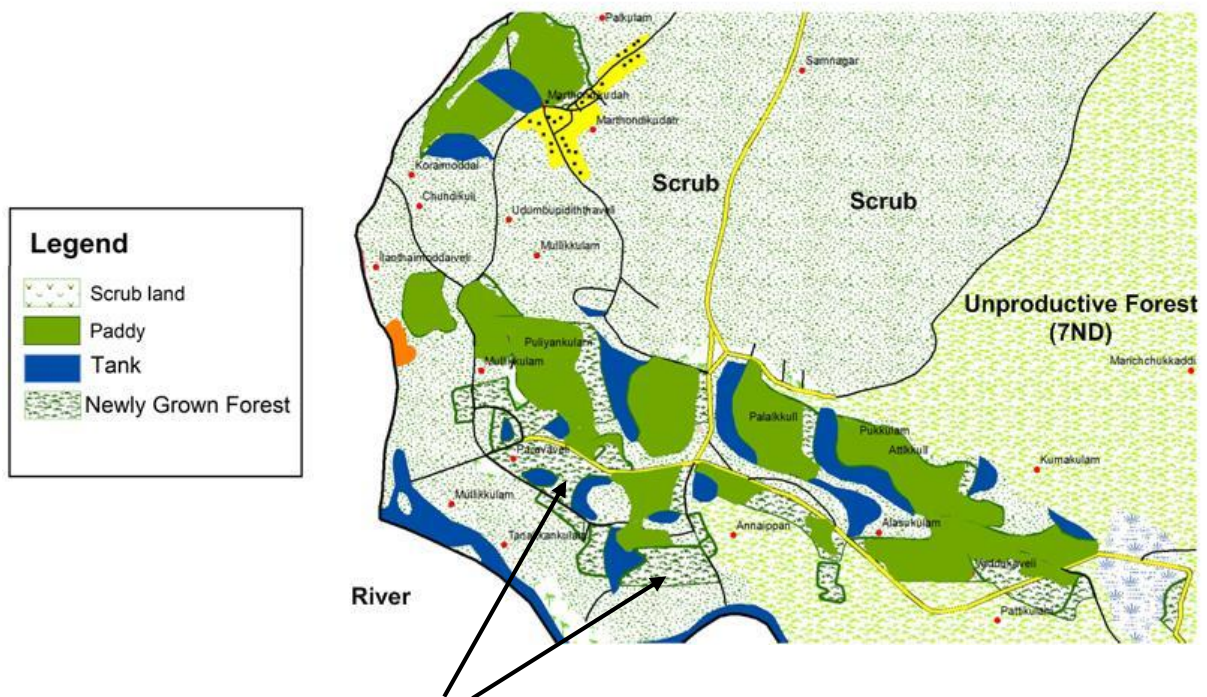
Source: Interviews and filed Observation

**Land Use of Musali South Before the Expulsion -1990**

Map Shows before expulsion (1990) Muslim and Tamil people of this area lived in permanent settlements and engaged in productive economic activities

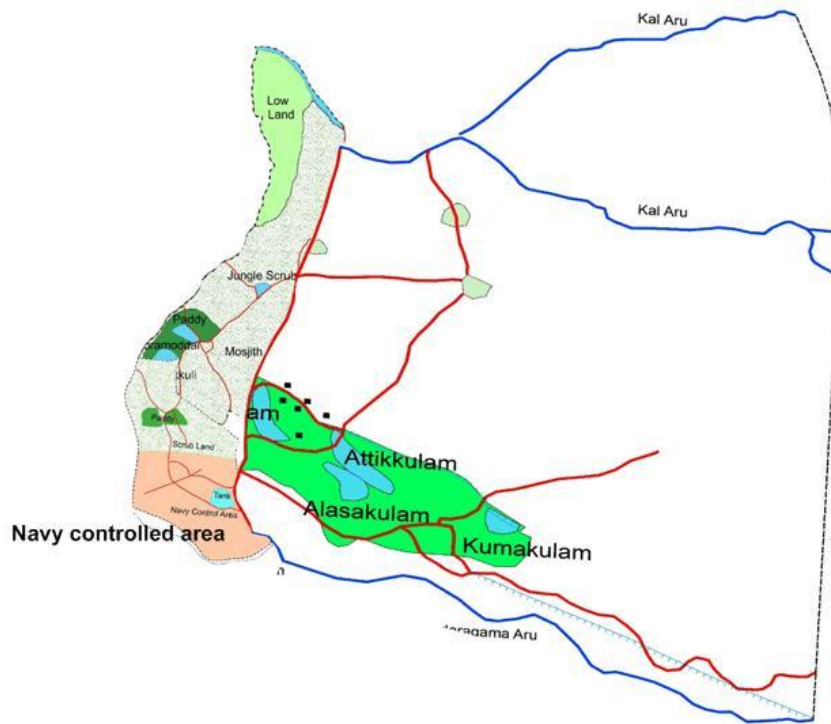


### Forrest taking over the paddy field



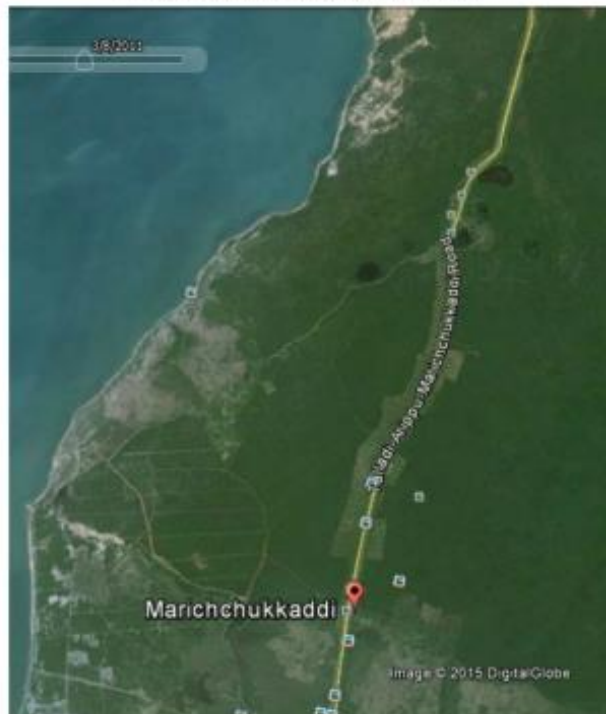
Newly grown forest area shown in the map were paddy fields before the displacement of this area people..

## Location and extent of land taken for security purpose



Map Shows large extend of settlement and cultivation areas were taken by the state for military purposes that pushed people to look for alternative land towards Silawathurai

*People were pushed to safer area*





## Boundary of Wilpattu National Park

Map Shows that Musali South is not within Wilpattu boundary



Source: Google Earth

## Plight of displaced (Musali South)

### Muslims

80% have yet to return;  
In Puttalam, living overcrowded (density equal to big cities), environmentally unsafe (sandy, swampy) areas;  
Wish to return now or when conducive.

### Sinhalese migrant fisher folk

Disintegrated into original places; but if and when they wish to return, their right to be recognized.

### Tamils

Settlement occupied fully by Navy;  
Displaced living camps, friends and relatives, relocated places, etc.  
Want to return home as earliest possible.

### What is necessary

A national policy on return of displaced.

## Issue of return of the people of Musali South

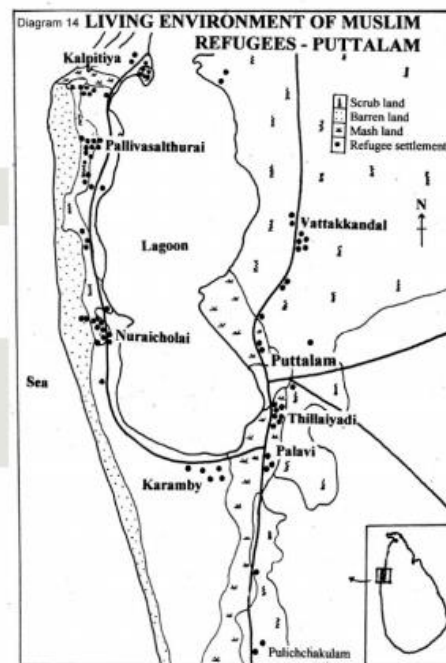
- Return of all displaced must be recognized as non-negotiable issue;
- The rights of expelled Muslims and their children, evicted Tamils of Mullikulam, landing rights of Sinhala fisher folk have to be recognized and rectified;
- Muslim-Tamil amity has to be strengthen in Musali South and rest of North east;
- Right to return should not be politicised and ethnicized.

### **Musali South (Palaikuli, Karadikuli and Marchukaddi) displaced**

20 to 30% in Musali South; others living in several locations in Puttalam (2 and 4 mile post, Puttalam Town, Alankuda, etc.)

### **Mullikulam Tamil displaced**

20 % Musali South but not in original place (mullikulam bay/ kayakuli); others : 30% Pesali, 20% Mannar Town, 20% Adampan and Madhu Church, 10% India.



Map Shows: Muslim displaced in Puttalam are living in environmentally hazardous areas (flood, marsh and swampy land) without alternatives.

## War displaced yet to return home

### ***Sri Lankan Tamils***

of selected locations (e.g., Sampoor, Tennamarawadi, Kanchikudichanaru, Mullikulam and others);

### ***Tamils of Indian Origin:***

Individuals and families and they have to return to Wanni mainly (e.g., Vavuniya North DS Division)

### ***Border village Sinhalese:***

selected communities/families/individuals (e.g., Trincomalee)

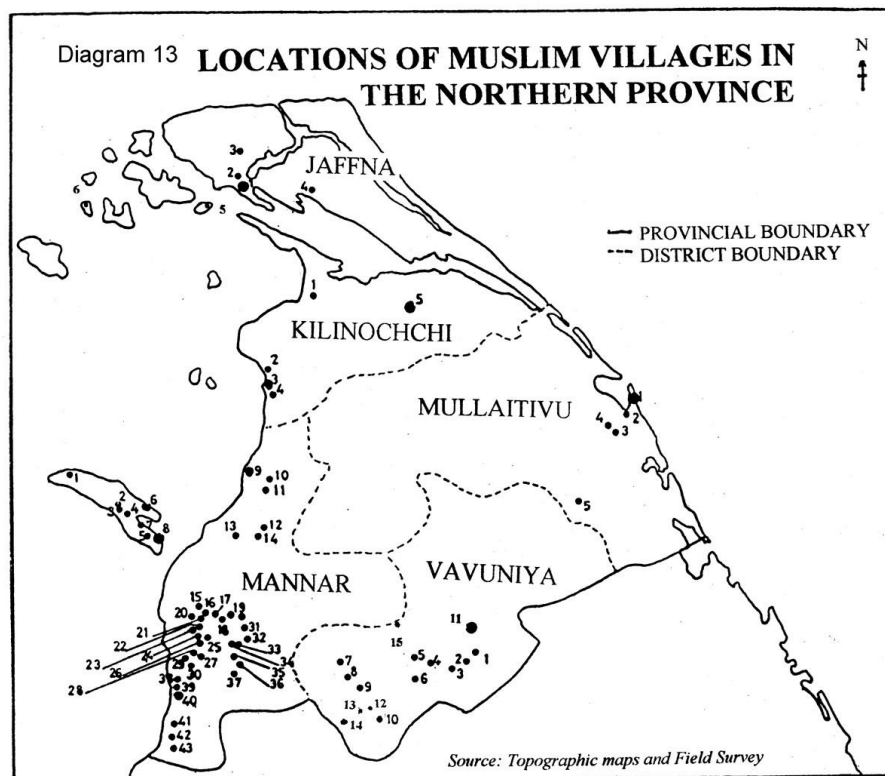
### ***Sri Lankan Refugees in India***

(about 60,000) They are placed in more than 100 refugee camp scattered in Tamil Nadu

### ***Asylum Seekers and refugees in the west;***

### ***Muslims of the Northern Province***

(more than 80% or 100,000 people) living in Puttalam and other places in the southern Sri Lanka.



Map Shows : Major concentrations where Muslims lived before the expulsion (1990) in the Northern Province.

## **Recognizing violation of Human rights: Ethnic cleansing**

### ***Wikipedia Definition:***

"the elimination of an unwanted ethnic group or groups from a society, as by genocide or forced emigration"

### ***Encyclopædia Britannica:***

Ethnic cleansing, the attempt to create ethnically homogeneous geographic areas through the deportation or forcible displacement of persons belonging to particular ethnic groups

Systematic and forcible expulsion of Muslims of the north had not been scrutinized or given national importance;

The issue and victims have the right to seek justice and remedy.

## **LLRC & UNHCR on ethnic cleansing of Muslims**

### ***LLRC Report:***

"The problems of Muslims in the north begun with the forcible expulsion of Muslim community by the LTTE on 30th October 1990. Muslims were victims of ethnic cleansing in these areas, done at gun point by the LTTE" (LLRC: 9.192)

### ***UNHCR Press statement, 2006:***

It stressed the importance of attention being given to the return of minority groups, such as displaced Muslims.



## **Right to return has solid foundation in international law**

Article 13(2) of the Universal Declaration of Human Rights (UDHR) states that "everyone has the right to leave any country, including his own, and to return to his country".

The right to return is most clearly enshrined in the 1966 International Covenant on Civil and Political Rights (ICCPR) under its provisions on the right to freedom of movement (Article 12).

International refugee law and international human rights law mutually reinforce each other on the right to return.

United Nations General Assembly Resolution 194 (III) of 11 December 1948 resolves that the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date.

## **Agendas of Nationalists Coming back the questions asked**

- Secure or expand ethnic boundary;
- Territorialize "marginal" lands or border land of other ethnic/religious communities;
- Use national sentiments such as national heritages (history, archaeology, etc.) for claiming ownership of land;
- Use political power or military power to acquire/ homogenize land (Sri Lanka state - laws, statues and regulations and security purpose; LTTE in the past armed power and terror).
- Use ethnic sentiments to secure electoral victory (e.g., Sinhala, Tamil and Muslim nationalists)

## **Right to Return of the people of Musali South**

Right to return of all displaced must be recognized as non-negotiable issue;

The rights of expelled Muslims and their children, evicted Mullikulam Tamils, landing rights of Sinhala fisher folk have to be recognized and rectified;

Muslim-Tamil amity has to be strengthen in this area;

Right to return should not be politicised and ethnicized.

## **Possible remedy**

Recognize and facilitate return of ethnically cleansed Muslims;

Allow Mullikulam Tamils to return home and relocate navy base;

Implement recommendations of LLRC where returnee must be provided with land, house and livelihood;

Revisit critically the laws concerning forest cover and wildlife area where for 3 decades people were not living;

Appoint a commission on issues of return and go for national policy on return

## Conclusion

It is that the right to return is an issue;

Issue of Wilpattu land for resettlement is a non-issue;

Defeat the ulterior motives of nationalistic forces;  
Don't let ethnic cleansing and forcible eviction to take place again;

Create conducive environment for displaced to return home;

Work for peace with justice to all.