



**The Permanent Mission of Sri Lanka to the United Nations
and other International Organizations
in Geneva**

Human Rights Council

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Agenda Item 3

Interactive Dialogue with the Special Rapporteur on the Human
Rights of Internally Displaced Persons (IDPs)

**Report of the Special Rapporteur on his Mission to Sri Lanka,
2-6 December, 2013**

Statement by Sri Lanka

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Ambassador / Permanent Representative of Sri Lanka
&
Leader of the Sri Lanka Delegation

(Geneva, 12 June 2014)

Mr. President,

I have the honour to comment on the Report A/HRC/26/33/Add.4, of the Special Rapporteur on the human rights of internally displaced persons Dr. Chaloka Beyani, following his Mission to Sri Lanka which took place from 2 to 6 December 2013. We thank Dr. Beyani for his visit and contribution to addressing the issue of resettlement of IDPs in the context of our reconciliation process.

Sri Lanka is pleased to have facilitated the visit of the Special Rapporteur and provided him with unfettered access including interactions with civil society and field visits, in coordination with a range of focal agencies, including the UNHCR. Sri Lanka has also submitted on 29 April 2014 a comprehensive response to the advance unedited Report of the Special Rapporteur pursuant to his visit which is circulated as A/HRC/26/33/Add.6.

The Government's response has pointed to several errors contained in the Report and requested their correction. Detailed information has been provided towards this end. We observe that some of our comments have been taken on board and sections of the SR's Report updated accordingly.

Mr. President,

Allow me to briefly refer to the salient points of Sri Lanka's Comments on the Report as well as to provide a further update on the status with regard to the resettlement of IDPs from 30 April to date.

The Government has resettled nearly 766,307 IDPs (226,239 families) between 2009 since the end of the conflict in May 2009 and April 2014, with a total of 509,269 persons (153,252 families) resettled in the Northern Province, and 257,038 persons (72,987 families) resettled in the Eastern Province. While there has been a discrepancy between

the Government and the UNHCR in the remaining number of IDPs to be resettled, a fact which has also been highlighted by the SR, we are particularly pleased to observe that this discrepancy has since been resolved with parties reaching consensus on the IDP figures.

I recall that our Comments on the SR's draft Report referred to action underway between the Government and the UNHCR and other stakeholders to address this discrepancy, a fact which has been acknowledged by the Special Rapporteur. It is indeed a significant achievement that the IDP figures have now been reconciled as a result of ongoing cooperation between the Government and the UNHCR and other international organizations both in Colombo and Geneva, and following a series of meetings conducted at the district level in the Northern and Eastern provinces with the participation of the Ministry of Resettlement, the Presidential Task Force for Resettlement, Development and Security in the Northern Province (PTF) and the UNHCR, from January to March this year. Emanating from this exercise, as at 31 May 2014, as per the Joint Study of the Ministry of Resettlement, the PTF and the UNHCR, a total of 30,245 persons (9,185 families) remain to be resettled, which includes 22,453 persons (6,766 families) from the North and 7,792 persons (2,419 families) from the East. (The annexed Table contains these reconciled figures of IDPs to be resettled.). The resettlement data are desegregated by gender to capture vulnerable groups and to address resettlement in a comprehensive manner.

Mr. President,

The Government's Comments also refer the action undertaken to effectively implement the recommendations of the LLRC on IDP resettlement, including the creation of a uniform state policy aimed at resettlement. In effect, Sri Lanka is pleased to observe that the entirety of the LLRC's recommendations on resettlement and reintegration of IDPs, including Muslim IDPs and Sinhalese families evicted from Jaffna and the rest of the Northern Province, as well as the provision of durable solutions to IDPs, are being comprehensively addressed through the National Plan of Action on the implementation

of the recommendations of the LLRC which I will refer to as the LLRC NPoA. (The May update of the LLRC NPoA can be accessed at the website [http://www.llrcaction.gov.lk/.](http://www.llrcaction.gov.lk/)) The LLRC NPoA has two thematic sections dedicated to 'land return and resettlement' and 'restitution and compensatory relief' both of which have relevance to the resettlement of IDPs. I am pleased to note that all 18 recommendations of the LLRC pertaining to the issues of IDPs, including land, housing, infrastructure and livelihood needs as well as their emotional and spiritual needs, are addressed in the LLRC NPoA, of which 3 recommendations (namely recommendations 9.113, 9.133 and 9.140) have been completed. The LLRC NPoA also monitors 14 recommendations directly related to the implementation of the Special Land Circular.

Mr. President,

We are also pleased that work has commenced on the Joint Needs Assessment (JNA) conducted by OCHA in consultation with the Presidential Task Force for Resettlement, Development and Security in the Northern Province (PTF) to address residual displacement needs, as pledged by the Government. We recall that the JNA was discussed during the visit of the SR where he welcomed its conduct.

The Letter of Agreement was signed between the Government and the UN Country Team on 25 March 2014 to give effect to the JNA which aims to identify the specific needs of those displaced persons who have returned or resettled but are still having specific needs linked to their displacement, as well as the needs of those to be resettled, with a view to provision of durable solutions. The JNA is implemented under the guidance of co-chairs, the PTF and the Humanitarian Country Team, and will be supported by OCHA and lead consultants. At the field level, the JNA is operationalized under the overall supervision and guidance of the District/ Divisional Secretaries.

As per the JNA Action Plan, the field survey was conducted from 2 June until yesterday, 11 June. The number of GN Divisions where the survey will be conducted in each Divisional Secretariat Division has been finalized, along with the method of

enumeration. The District Statistical Officers have been appointed as Supervisors of the Survey. The Survey is conducted under the supervision of the Department of Census and Statistics. As desired by the SR, the JNA exercise is being processed in accordance with an agreed timeline. Having completed the tasks entrusted to the PTF through a Presidential decree issued in May 2009, the PTF wound up its operations on 6 May 2014. The Government is in the process of establishing a coordinating mechanism working towards achieving durable solutions and sustainable reconciliation, which will also continue work relating to the JNA.

Mr. President,

Land being one of the most complex and sensitive residual issues of the conflict related to resettlement, continues to be comprehensively addressed by the Government. In line with the LLRC recommendation, the Land Commissioner General is implementing the Special Land Circular which provides for the granting of land to IDPs who have lost land, and legal ownership of land to those IDPs who have been resettled. The Government has taken a policy decision not to alienate new lands to landless people until the land problems of the affected people in the conflict affected areas are resolved.

The Land Commissioner General's Circular No. 2013/01 is continuously monitored with Provincial Land Commissioners of the North and the East and the District Secretariats. Accordingly, in the Northern Province, 1,875 land requests were received in April 2014 (155,001 to date) under 03 categories in the Circular, i.e., new land requests, regulating documents and other land problems. Of these 1,465 have been resolved, making a total of 28,211 resolutions to date. In the Eastern Province, 863 land requests were received in April 2014 (15,439 to date) and 337 have been resolved, making a total of 2,130 resolutions to date. In April, 27 Divisional Days were held in the North (432 to date) and 68 in the East (255 to date) for the public to make representations relating to their lands. 35 Land Kachcheries were conducted in the North during April (323 to date) and 18 in the East (231 to date) to distribute land. 547 Tsunami Deeds have been issued in the Eastern Province.

In addition to the information provided in Sri Lanka's Comments on addressing the issues of Muslim IDPs, it may be noted that the Land Commissioner General has alienated 6,391 plots of land to resettled Muslim families to facilitate their resettlement. Land Kachcheries to select suitable allottees is in progress, and 1,993 allotments have been alienated so far. As detailed in our Comments, the Government does not draw a distinction between 'old' and 'new' IDPs in the provision of resettlement support, and continues to specifically address the issues of protracted IDPs, mainly Muslim IDPs, including within the framework of the LLRC NPoA as detailed above.

Also, in order to facilitate policy decisions on assistance, a Study is underway to ascertain the actual number of families from all communities who have been evicted from the Northern and Eastern Provinces prior to May 2009, but have not been adequately compensated by way of land or housing or cash. This would facilitate new policy guidelines on construction of houses on lands to be alienated to the affected families.

Addressing the housing needs of the IDPs has been a priority in the Government's resettlement policy as well as the reconciliation process right from the inception. The Government has built 206,686 houses for resettlement of IDPs in the Northern and the Eastern Provinces during the period 2004 to March 2014 at a cost of SL Rs. Mn. 54,588. Although we have requested in our Comments that the erroneous statistics with regard to housing for IDP resettlement as well as the land area cleared of landmines contained in the SR's draft Report be corrected, we observe with regret that the Report continues to reflect the incorrect figures.

Mr. President,

Sri Lanka wishes to reiterate that the Special Rapporteur's assertion that 'tens of thousands of those who returned or were relocated' are in need of support to reach durable solutions, is without basis and remains unsubstantiated. Comprehensive information is provided in the Government's Comments on the draft Report explaining

why this is not the case and detailing action taken and ongoing to provide IDPs with durable solutions. The JNA is a case in point.

The Government of Sri Lanka has in effect implemented a comprehensive and coherent policy for the resettlement of IDPs since the end of the conflict in May 2009, in the gradual transition from relief to development phases in the post-conflict process. Detailed information is provided in our Comments. The Government's policy on IDP resettlement is in line with the accepted principles in achieving durable solutions of IDPs as well as the Guiding Principles of Internal Displacement. No IDPs were forcibly resettled. It also includes, inter alia, the implementation of all recommendations of the LLRC which have relevance to the resettlement of IDPs, through the LLRC NPoA.

While Sri Lanka takes note of the definition of durable solutions provided by the Special Rapporteur, we observe that he draws a distinction between durable solutions and relocation. The Government is of the view that resettlement of IDPs in their original habitats as well as development of livelihood support, can be clearly interpreted as provision of durable solutions, especially when perceived in the context of the comprehensive support provided by the Government to IDPs for safe return, including mine clearance, right to land and resolution of land issues, provision of housing, access to clean water and sanitation, reintegration, livelihood support and options, education and vocational training, healthcare, psycho-social support, infrastructure and services, and the right to vote, etc. In the five years since the end of the conflict, the Government has incrementally shifted its focus from the provision of humanitarian assistance to IDPs to provision of more durable solutions through a more development oriented focus. Sri Lanka's progress within the IASC Framework on Durable Solutions also deserves acknowledgement.

Mr. President,

The Government however regrets that the Special Rapporteur in his reference to and recommendations on, inter alia, the alleged violations of International Humanitarian

Law and International Human Rights Law, the Panel of Experts report on Sri Lanka, call for involvement of the UN Working Group on Enforced or Involuntary Disappearances to assist and complement the work of Presidential Commission on Disappearances, allegations of impunity of security forces, which remain at the level of unsubstantiated, uncorroborated generalisations or allegations, has exceeded his mandate as stipulated in Council Resolution 5/2. Through such politicised comments and recommendations, the Special Rapporteur has regrettably compromised on the impartiality and objectivity principles central to the Code of Conduct of Special Procedures Mandate Holders. We note that these references are retained in the SR's Report in spite of the Government's request that such politicised comments which are in excess of the SR's mandate be deleted. The Government in this regard reiterates the need for special procedures mandate holders to adhere to the Code of Conduct in the execution of their respective mandates, as reiterated by many countries in this august body in successive Council sessions.

Mr. President,

As has Special Rapporteur Dr. Beyani, members would appreciate the considerable amount of work carried out by Sri Lanka within a little over 3 years when IDP welfare centres were closed, and residual related resettlement problems continued to be addressed. It is however unfortunate that Sri Lanka's detractors are unable or unwilling to recognize this reality.

Let me remind this Council that this humane approach adopted by the Government towards those affected by the conflict situation is not a mere post-conflict development. It has been the hallmark of the Government's approach to its citizens in the former conflict affected areas during the entirety of the conflict. It would be recalled that even during the conflict, the Government of Sri Lanka continued to supply food, medicines and other essential requirements to its citizens in the former LTTE dominated areas, through agencies such as the ICRC, fully cognizant that a large part of it was confiscated and stockpiled by the terrorists for their own sustenance. The Government

also continued to maintain public services and pay public servants including teachers in those areas knowing full well that most of the time they were dictated to and doing the bidding of the LTTE.

It was this humane approach which prompted Dr. Beyani's predecessors Dr Francis Deng and Prof. Walter Kalin to single out Sri Lanka's action for commendation. Dr Deng has stated, *"Sri Lanka represents an unusual situation of a Central Government providing relief aid to persons under the control of a main opposition group. In a world replete with examples of Government and rebel groups using food as a weapon against civilian populations, the situation in Sri Lanka is one of that deserves closer attention if not more publicity as an important precedent"*(UN document No.E/CN.4/1994/44/Add.1). Similarly Prof. Kalin has remarked, *"Sri Lanka, with the crucial support of the international community, not only rehabilitated the majority of victims of the 2004 tsunami, but also made considerable efforts to assist those displaced since the escalation of hostilities in 2006. Indeed, the majority of the more than 220,000 persons who had to flee their homes in the Eastern Province between April 2006 and March 2007 have returned, been provided with transitional shelter, and are beginning to regain their former lives."* This exceptional exercise has also been described by the former Executive Director of UNICEF late Dr. James Grant, as being *"uniquely humanitarian in a conflict situation."*

Notwithstanding this proven record of the government, when Sri Lanka embarked on the humanitarian relief process in the post conflict period, the 'Prophets of Doom' sounded alarm bells and prophesied that Sri Lanka would not be able to deliver on the daunting challenge it faced. Fears were expressed that malnutrition, disease and death would be rampant in the IDP villages, that the Government would not be interested in demining, that IDPs would be "incarcerated" indefinitely, that the LTTE ex-combatants would not be released, that the Government would not be able to undertake the massive investment that was needed to restore livelihoods and ensure infrastructure development in the previously conflict affected areas and that no effort will be made

towards post-conflict reconciliation. However, the verifiable ground realities on each these counts have proven that these fears were misplaced.

Of late, there appears to be a new tendency by these same sections of the international community to undervalue and downplay these tremendous humanitarian efforts of the Government of Sri Lanka, as though this has been an easy or negligible feat.

Those who seek to downplay the significance of these achievements and constantly keep shifting goal posts, show disrespect not only to Government of Sri Lanka and its domestic and international partners whose steadfast commitment to this task has made these achievements possible, but also to those who have at last emerged from the suffering caused by 30 years of terrorist conflict.

Finally Mr. President, in contrast to the considerable challenges in the humanitarian crises that continue to engulf many parts of the world today of which the SR as well as those working in the field are all too familiar, Sri Lanka's achievements, provides confidence and hope, lending credence to the position that even the most severe and insurmountable of challenges can be overcome with the necessary political commitment and dedication of the government concerned.

Sri Lanka looks forward to continuing its dialogue with the SR and remains ready to share its experience and best practices with respect to resettlement with the international community. Sri Lanka also reiterates its commitment to continue with the provision of support for the resettlement of IDPs towards achieving durable solutions, and while acknowledging their support, will continue to work with humanitarian and development partners in meeting this objective.

Thank you