



BRIEF COMMENTARY RAPID IDENTIFICATION OF CONFLICTS RELATED TO LAND IN SRI LANKA

Project Title:

“Creating civic space to promote informed advocacy and social cohesion in Sri Lanka”

Conflict Dynamics: Citizens' Right to Own, Use and Access Land

June 2023

Implemented by: Centre for Policy Alternatives

Supported by: UNDP



CENTRE FOR POLICY ALTERNATIVES

විකල්ප ප්‍රතිපත්ති කේන්ද්‍රය

மாற்றுக் கொள்கைகளுக்கான நிலையம்

The Centre for Policy Alternatives (CPA) is an independent, non-partisan organisation that focuses primarily on issues of governance and conflict resolution. Formed in 1996 in the firm belief that the vital contribution of civil society to the public policy debate is in need of strengthening, CPA is committed to programmes of research and advocacy through which public policy is critiqued, alternatives identified and disseminated.

No. 6/5, Layards Road, Colombo 5, Sri Lanka

Tel: +9411 2081384, +94112081385, +94112081386

Fax: +9411 2081388 Email: info@cpalanka.org

Web: www.cpalanka.org

Email: info@cpalanka.org

Facebook: www.facebook.com/cpasl

Twitter: [@cpasl](https://twitter.com/cpasl)

Introduction

Sri Lanka has suffered the consequences of conflict and violence for decades. Additionally, and unfortunately, in spite of such experiences over many years with the effects of irreparable damage to social cohesion and harmony, steps preventing or countering conflict triggers have remained neglected and ignored. This is mainly because the connotation of 'Conflict', in the country context, has mostly been attributed only to the ethnic issue, and thus a range of other causes or triggers of conflict have inevitably been overlooked.

Whether due to ethnic tension or otherwise, any incompatibility of, including but not limited to, needs, ideas, aspirations, interests and purposes vary in different segments of society, resulting in a greater potential to trigger conflicting situations. Such a state of affairs always leads to social unrest, tensions and, at times, devastating loss of property and lives. Therefore, the impact of conflict, in its broader sense, can undoubtedly be on the social, economic and political spheres of individuals, institutions and the broader governance landscape of the country. Thus the more space there is for conflict triggers in society, the higher the risks of detrimental effects on social cohesion, human well-being and the socio-economic and political stability of the country.

Against this backdrop, this commentary provides a non-exhaustive analysis of the 'Conflict Triggers', their prevalence based on a rapid fact-finding mission and potential consequences in relation to land in Sri Lanka. This analysis is essentially built upon evidence-based information on existing and emerging conflict triggers, gathered from various regions of the country and substantiated by a technical synthesis of problems and conflict dynamics regarding the citizen's right to own, use and access land in Sri Lanka.

Chapter One

Conflict Dynamics: Citizens' Right to Own, Use and Access Land

Dr. Ramesh Ramasamy

The data presents in chapter two covers a range of land-related conflict dynamics in Sri Lanka, shedding light on various issues that have led to disputes and social tensions. Overall, the analysis underscores the complex and multifaceted nature of land-related conflicts in Sri Lanka, emphasizing the importance of equitable land policies, effective crisis response mechanisms, and sustainable development practices to address these challenges and promote social harmony. The analysis of the data reveals the following key points in relation to 'key issues related to the conflicting situations' identified by the peacebuilders.

Diverse Range of Conflict Dynamics: The data showcases a wide array of issues contributing to land-related conflicts. These issues span from undue influence in the estate sector to issues related to land ownership, encroachment, security forces' land retention, urban development, pollution, large-scale land selling, and challenges following natural disasters.

Common Conflict Triggers: "Land encroachment" emerges as a significant trigger, with a notably high count of 23 instances. This indicates the prevalence of unauthorized occupation of land, often leading to confrontations, disputes and social tensions.

Ownership and Discrimination Challenges: "Lack of land ownership / discrimination" is another prominent issue, with 16 instances. This suggests that discrimination in land ownership and access is a recurring problem, contributing to conflicts.

Security Forces and Urban Development: "Land under security forces not released to original owners" and "Declaring private land for urban development/common purpose" highlight the challenges posed by security forces' occupation and unaccountable land-use decisions for development initiatives.

Environmental Concerns: While relatively less frequent, environmental and land pollution-related matters are indicated as a concern. This emphasizes the need to balance development with environmental preservation.

Institutional Injustices: The instances of "Unjust decisions by wildlife and forest-related authorities" suggest issues of transparency and accountability in decision-making by these institutions.

Large-Scale Land Transactions: "Large-scale land selling for companies/sand and soil mining" is also highlighted, indicating potential conflicts arising from business interests conflicting with local communities' land rights.

Natural Disaster Impacts: The acknowledgment of "Lack of sustainable solutions for land/housing issues caused by natural disasters" highlights the need for preparedness and resilience-building in the face of such challenges.

Specific Incidents: Specific incidents like "Forcibly evicted from home/land," "Excessive use of power by the Mahaweli Authority," and "Unjust actions under the provisions of Vihara and Devalagam Ordinance" demonstrate instances of authority misuse and violation of rights contributing to conflicts.

Key Conflict Dynamics – By District:

High Incidence Districts: The districts of Ampara, Anuradhapura, Kilinochchi, and Rathnapura stand out with relatively higher numbers of conflict-related incidents. This indicates these areas are more prone to disputes, crises and social tensions.

Variation in Intensity: There is a varying intensity of conflict-related incidents across districts, with Ampara having the highest count at 13, followed closely by Anuradhapura and Kilinochchi.

Regional Patterns: The Eastern and North Central provinces, including Ampara, Anuradhapura, and Kilinochchi, appear to have a higher concentration of conflict incidents.

Moderate Incidence: Districts like Badulla, Batticaloa, Kegalla, Mannar, Mullaithivu, and Vavuniya have moderate numbers of incidents, indicating the presence of conflicts but not at the same scale as the high-incidence districts.

Complex Regional Picture: The variation in incident counts suggests a complex regional picture, potentially influenced by factors such as historical contexts, ethnic composition, land use patterns, and economic activities.

Potential Hotspots: The data suggests that Ampara, Anuradhapura, Kilinochchi, and Rathnapura could be considered potential land related conflict hotspots that require targeted interventions and conflict resolution efforts.

Key Conflict Dynamics – By Security Sector Actors

Dominant Involvement of Army: The data indicates that the Army is prominently involved in conflict incidents, with a total of 14 incidents attributed to them. This suggests a significant role of the Army in conflict situations.

Multi-Force Involvement: Instances involving multiple branches of the armed forces, such as "Army and Navy," "Army, Navy, and Air Force," and others, collectively account for a substantial 27 incidents. This reflects a coordinated approach by different forces in certain conflicts.

Air Force and Civil Defence Involvement: The Air Force's involvement in conflict incidents, either individually or in combination with Civil Defence or other forces, is noted in a few instances. This highlights the broader participation of different forces in conflict management.

Civil Defence and STF Involvement: The data shows Civil Defence's involvement, often in conjunction with the Special Task Force (STF), in five conflict incidents. This suggests their role in specific conflict scenarios, likely related to maintaining public order and security.

Parties allegedly causing conflicting situations:

Overall, the analysis reveals a diverse array of parties contributing to conflicting situations in Sri Lanka, including politicians at different levels, security forces, religious leaders, and estate superintendents. The involvement of various actors underscores the intricate nature of conflicts, necessitating targeted interventions and conflict resolution strategies that address the multifaceted dynamics at play.

Political Involvement: Conflicting situations involving politicians are widespread, occurring at the local, provincial, and national levels. Local level politicians are implicated in 3 incidents, while combined involvement of local, provincial, and national politicians is observed in multiple instances (19, 1, 1). Provincial level politicians are connected to 2 incidents, and a combination of provincial and national politicians occurs in 1 incident.

Multi-Level Political Influence: The involvement of politicians across different tiers of governance suggests that conflicts often stem from interactions and power dynamics between different levels of government. This also underscores the potential impact of political decisions on local conflicts and social tensions.

Influence of Security Forces: Security forces play a significant role in causing conflicting situations, with their involvement noted in 9 incidents. This highlights the complex nature of conflicts where state actors are implicated, possibly indicating instances of misuse of power or interactions between security forces and other parties.

Influence of Religious Leaders: Religious leaders are implicated in 8 incidents, underlining their potential influence on local dynamics. Their involvement could relate to issues related to religious tensions, land disputes, or community conflicts.

Estate Superintendents' Impact: Estate superintendents are involved in 11 incidents, indicating their role in conflicts related to land and labor issues in the estate sector. Their involvement suggests a connection between corporate interests and local disputes.

Religious-wise conflicting parties:

Data suggests that tensions and conflicts across religious lines are a prominent concern, especially those involving Buddhists and Hindus. Addressing these interfaith tensions requires strategies that promote understanding, dialogue, and tolerance among different religious communities.

Buddhist-Hindu Conflict Prevalence: The data suggests that conflicts involving Buddhists and Hindus are the most frequent, with 34 incidents. This highlights a significant tension between these two religious groups.

Buddhist-Buddhist Conflicts: Conflicts between different sects or groups within Buddhism are notable, accounting for 14 incidents. This indicates that even within the same religion, internal differences can lead to tensions.

Other Religious Conflicts: While less frequent, conflicts involving other religious groups such as Christianity and Islam are present, with Islam-Buddhist conflicts (7 incidents) being relatively significant.

Interfaith Tensions: Conflicts between different religious groups, such as Buddhist-Hindu, Buddhist-Christian, and Hindu-Islam, underline the presence of interfaith tensions that require attention and resolution.

Ethnic-wise conflicting parties:

Data underscores the complex nature of ethnic-wise conflicts in Sri Lanka, involving various communities and often reflecting both inter-community and intra-community disputes. Addressing these challenges requires nuanced approaches that acknowledge historical, cultural, and socioeconomic factors contributing to ethnic tensions.

Sinhala-Tamil Tensions: Conflicts between Sinhala and Tamil communities are notable, with 36 incidents. This underscores historical and ongoing tensions between these two major ethnic groups.

Internal Sinhala Conflicts: Notably, conflicts within the Sinhala community are also significant (15 incidents), indicating internal divisions and disputes that contribute to the overall conflict landscape.

Sinhala-Adivasi Tensions: Conflicts between the Sinhala majority and Adivasi communities are also notable (11 incidents), highlighting challenges faced by indigenous groups.

Sinhala-Muslim and Sinhala-Tamil Relations: While conflicts involving Sinhala-Muslim and Sinhala-Upcountry Tamil are fewer, they still contribute to tensions within the broader context of inter-ethnic relations (7 and 4 incidents, respectively).

Ethnic-Specific Conflicts: Several incidents involve ethnic-specific tensions, such as Tamil-Adivasi, Tamil-Muslim, and Upcountry Tamil-Upcountry Tamil, which reflect localized disputes within specific communities.

Social tensions created due to conflicting situations reveals five key trends:

Data indicates that social tensions arising from conflicting situations encompass a range of factors, including clashes, arrests, attacks, and influences on various stakeholders. Understanding and addressing these trends is essential for promoting social harmony and stability.

Clashes Between/Among Groups: Clashes between or among different groups are a prevalent trend, constituting 17 cases. This indicates the potential for confrontations and conflicts arising from group dynamics.

Arrests/Abductions: Incidents involving arrests or abductions of individuals are significant, with 5 cases. This suggests that such actions contribute to social tensions and conflicts.

Attacks on Protesters: Cases of attacks on protesters by security forces or police are notable, totaling 4 incidents. This highlights the role of security forces in escalating social tensions.

Combinations of Factors: Several incidents involve combinations of factors, such as clashes between groups along with arrests or abductions, attacks on protesters, or attacks/influence on citizens/journalists/human rights defenders. These combinations amplify the complexity of social tensions.

Trends in conflict triggers, as identified by peace builders, reveal key factors contributing to the escalation of social tensions:

Influential Statements: Statements made by political or religious leaders have been identified as significant conflict triggers. The influence of leaders' words on public sentiment can shape perceptions and contribute to escalating tensions.

Hate Speech Impact: Hate speech, regardless of the source, is a potent conflict trigger. Such rhetoric can fuel animosity and hostility, intensifying existing tensions within societies.

Security Force Involvement: The conduct and involvement of security forces in conflicts play a crucial role in escalating tensions. Their actions, whether perceived as impartial or biased, can impact public trust and provoke confrontations.

Administrative Decisions: Unjust or illegal administrative decisions can lead to conflicts by undermining individuals' rights or exacerbating grievances. Such decisions often trigger public outcry and protests.

Media Influence: Both mainstream and social media platforms wield considerable power in shaping public perception. Misinformation, sensationalism, or biased reporting can amplify existing tensions, contributing to their escalation.

Social Media's Role: Information circulated through social media platforms can rapidly disseminate and amplify tensions. The speed and reach of social media can facilitate the rapid spread of both accurate and misleading information, affecting public sentiment.

Chapter 2

Introduction

This summary analysis is based on data shared by a group of peacebuilders with improved capacity to ensure early identification of conflict triggers with regard to socio-economic and political issues. In this brief analysis, key issues connected to conflicting situations, parties involved, type of social tensions and key conflict triggers have been identified by the peacebuilders across the country in short period using a structured questionnaire. Accordingly, this note is a non-exhaustive analysis of the existing conflicting situations in relation to land and a brief snapshot of potential incidents that may adversely affect the social cohesion, if immediately unaddressed by relevant mandated authorities. The peacebuilders across the country use these findings to create a sub-national level advocacy dialogues and act as a crisis response mechanism.

Project Title: "Creating civic space to promote informed advocacy and social cohesion in Sri Lanka"

Environmental Conflicts and Rights: Land Issues

Conflict Triggers/Conflicting Situations identified by Peacebuilders

Duration of Data Collection: July 2023

Table 01:
Summary Situation Analysis – Land Issues
(Based on data received from Peacebuilders)

Description	Key Findings
Land related main issues	<ol style="list-style-type: none"> 1. Land encroachment 2. Lack of land ownership / discrimination when seeking land ownership 3. Land under security forces are not yet released to original owners 4. Large scale land selling (for companies/sand mining/soil mining) 5. Lack of sustainable solutions for land/housing issues due natural disasters 6. Declaring private land for a purpose of urban development/ common purpose
Key hotspots of land issues	Ampara, Anuradhapura, Ratnapura, Killinochchi, Vavuniya, Mullaithivu, Kegalle and Mannar
Key parties involved in the conflicting situation-by Ethnicity	<p>Sinhala Vs. Tamil</p> <p>Sinhala Vs. Sinhala</p> <p>Sinhala Vs. Adivasi</p> <p>Sinhala Vs. Muslim</p>

Key parties involved in the conflicting situation-by Religion	Buddhist Vs. Hindu Buddhist Vs. Buddhist Buddhist Vs. Islam
Key parties involved in the conflicting situation-by Third party	Domestic companies Foreign companies Smugglers Religious leaders Close affiliates/supporters of politicians
Key parties involved in the conflicting situation-by Security forces	Army Army, Navy and Air Force Civil defense and STF
Main social tensions created due to the issues	Clashes between/among groups Arrests/abductions of persons Attacks/influence on citizens/journalists/human rights defenders by those accused/alleged perpetrators Attacks on protesters by security forces/police
Main conflict triggers	Statements by political or religious leaders Hate speech by any party Interferences/conduct of security forces Illegal/unjust administrative decisions Information circulated by mainstream media Information circulated by social media

Figure 1: *Type of key issues related to land*

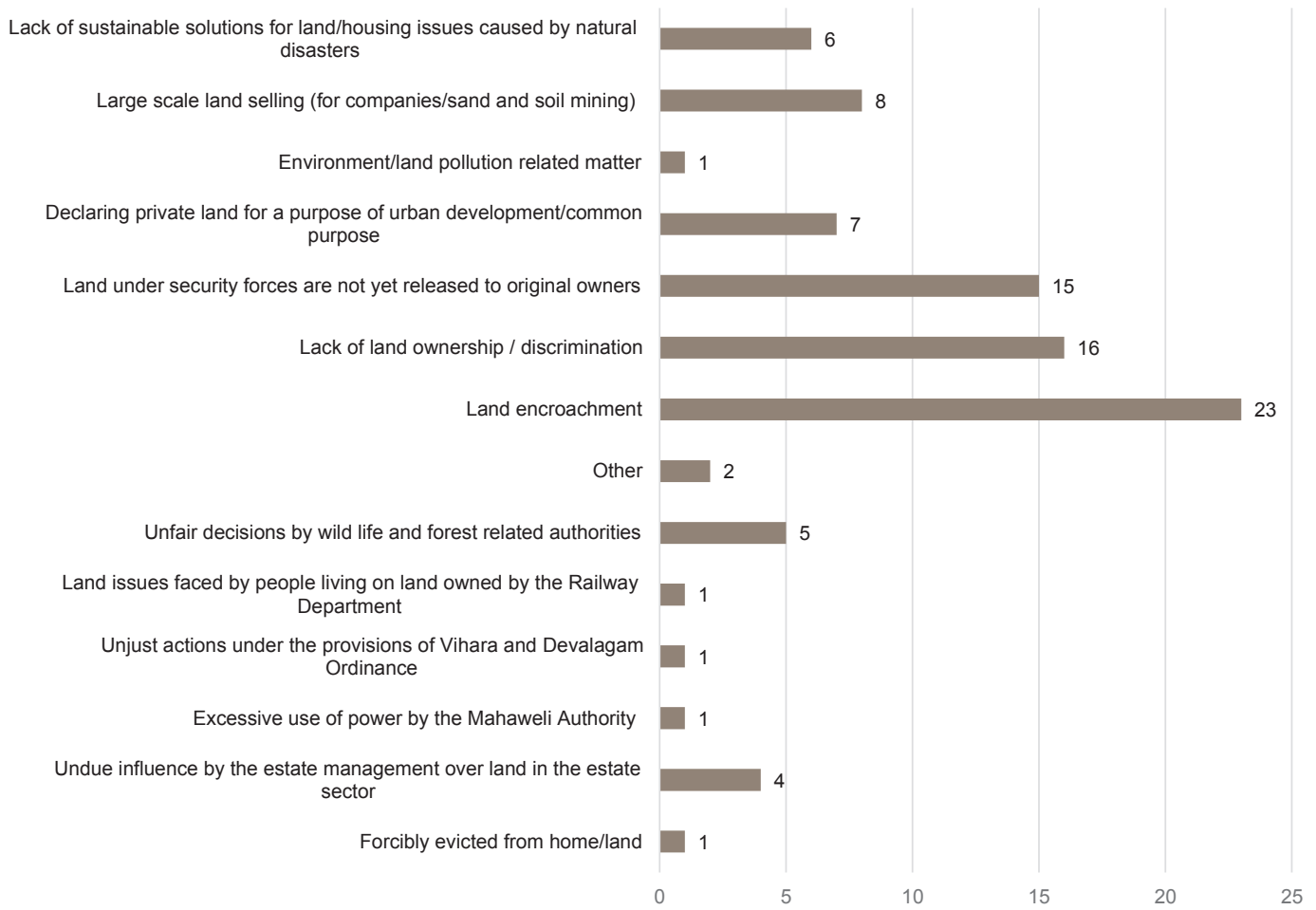


Figure 2: *Identified Key issues of Conflicting Situations on Land - By District*

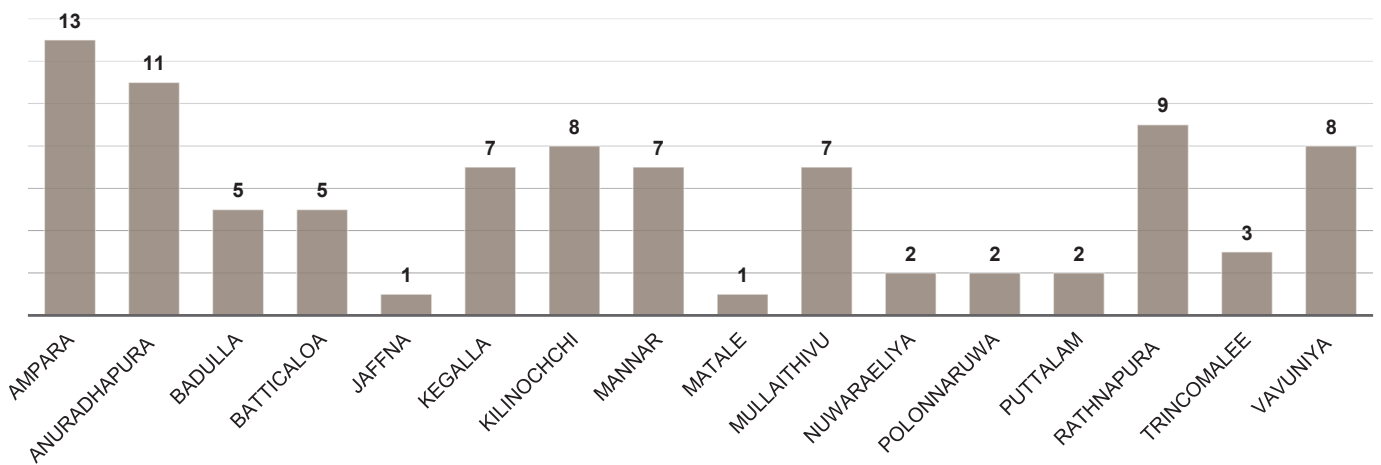


Figure 3: Identified Key issues of Conflicting Situations on Land in Ampara District - By Specific Location

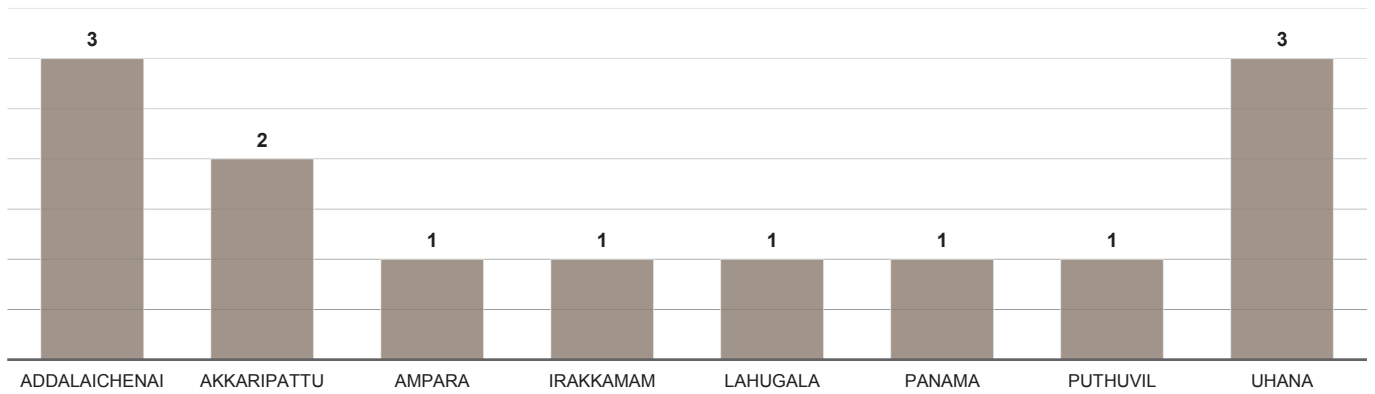


Figure 4: Identified Key issues of Conflicting Situations on Land in Anuradhapura District - By Specific Location

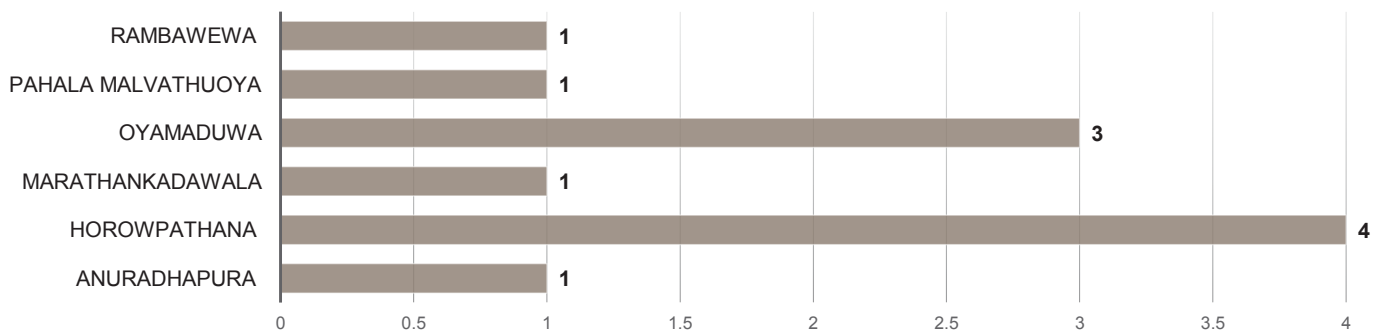


Figure 5: Identified Key issues of Conflicting Situations on Land in Kegalle District - By Specific Location

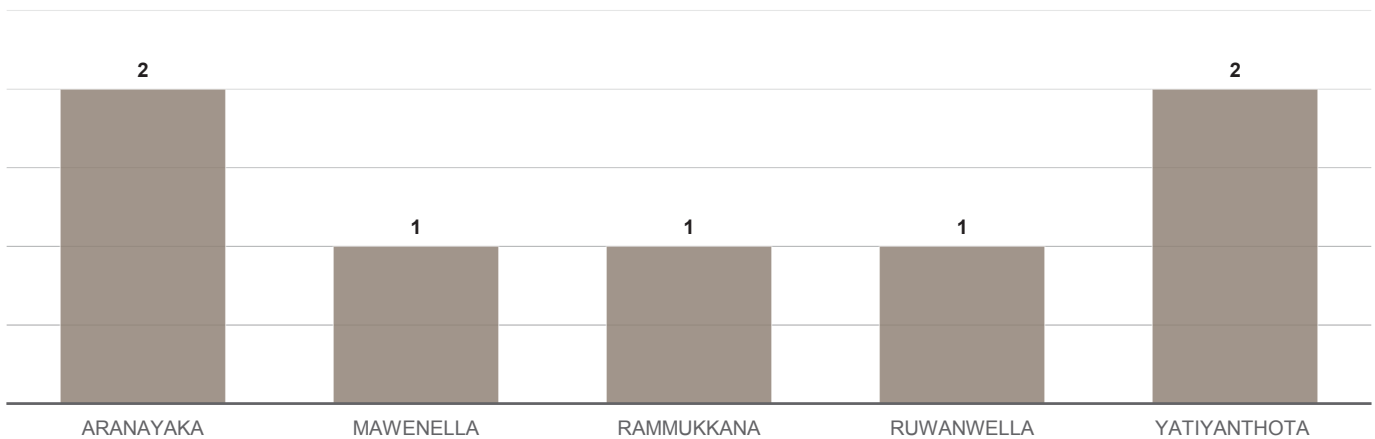


Figure 6: *Identified Key issues of Conflicting Situations on Land in Mannar District - By Specific Location*

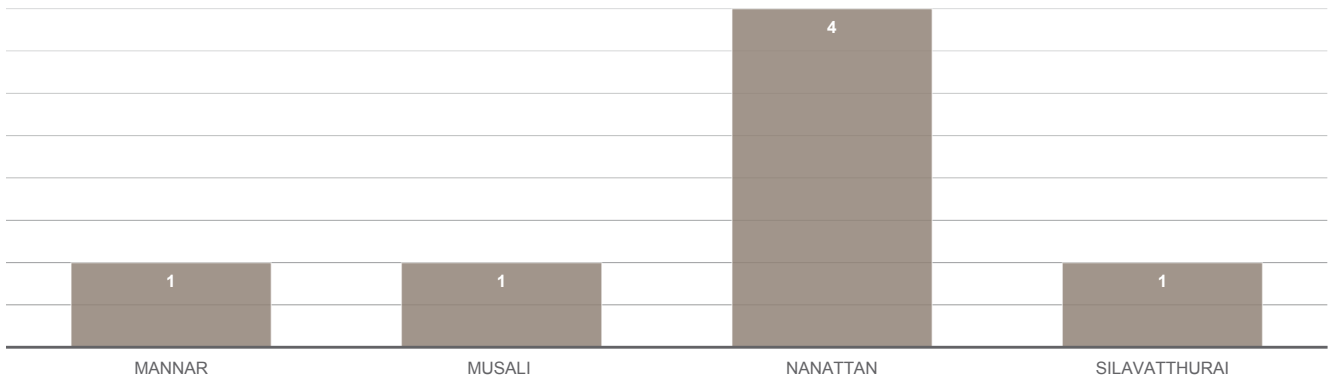


Figure 7: *Identified Key issues of Conflicting Situations on Land in Vavuniya District - By Specific Location*

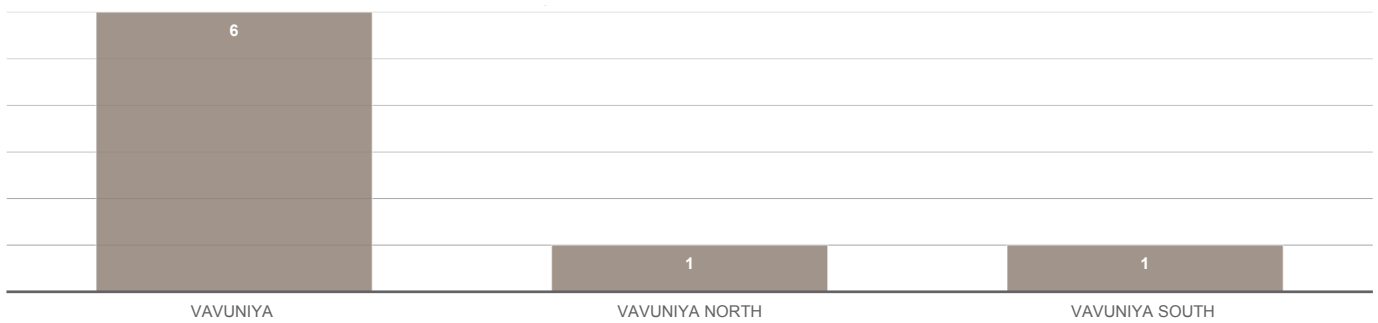


Figure 8: *Parties involved in the issue connected to conflicting situation – by Ethnicity*

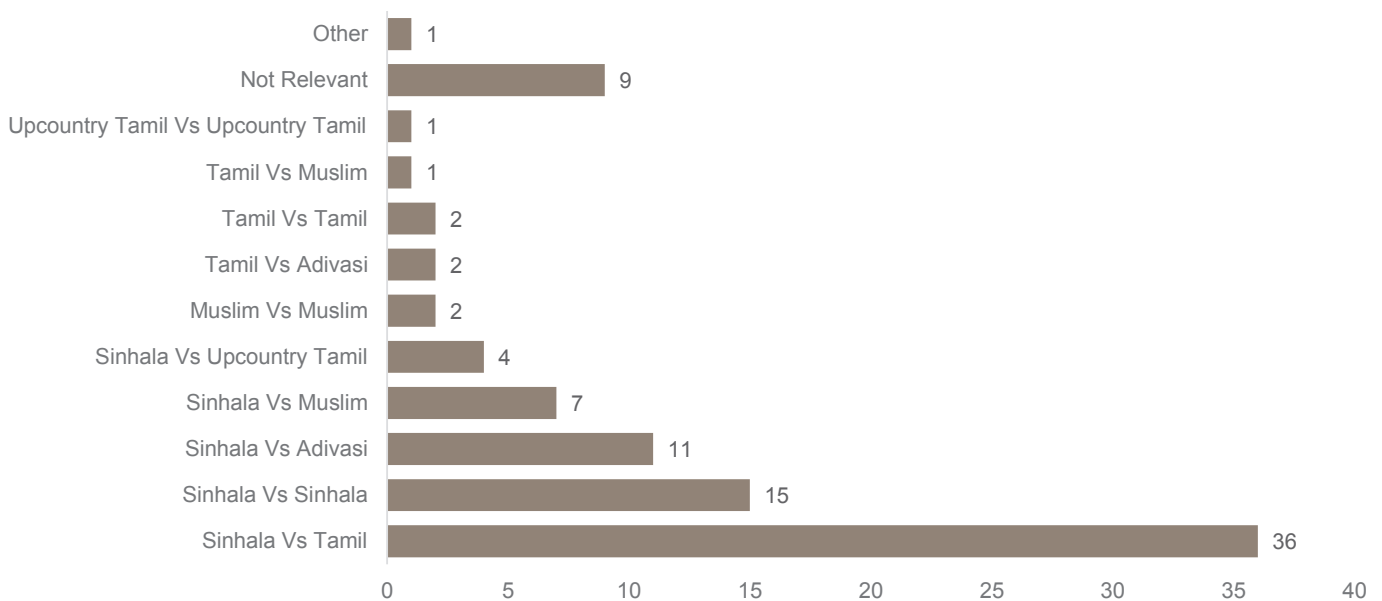


Figure 9: *Parties involved in the issue connected to conflicting situation – by Religion*

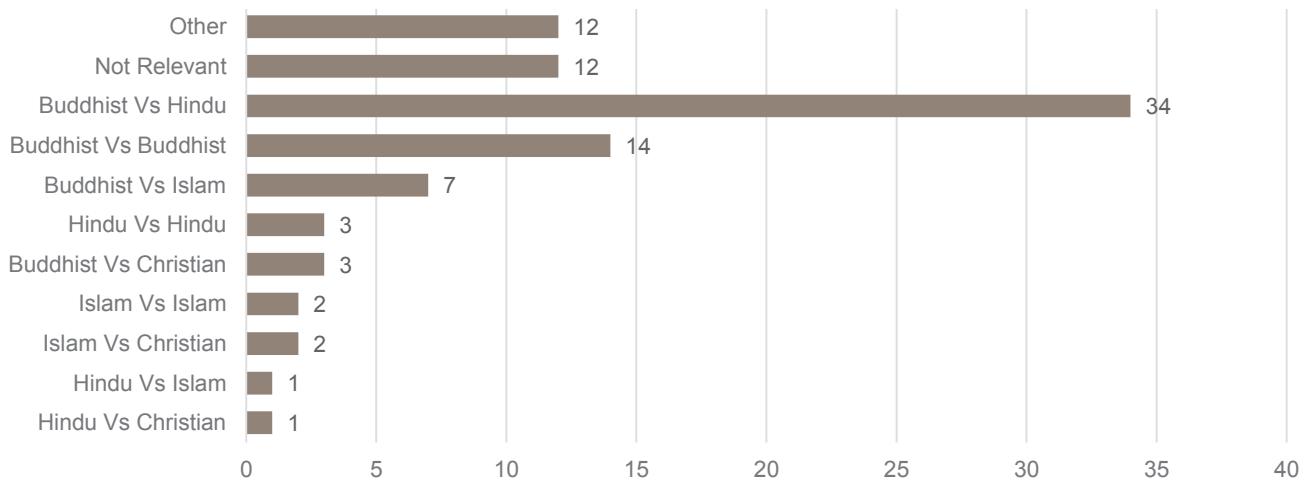


Figure 10: *Parties involved in the issue connected to conflicting situation – by Other Parties*

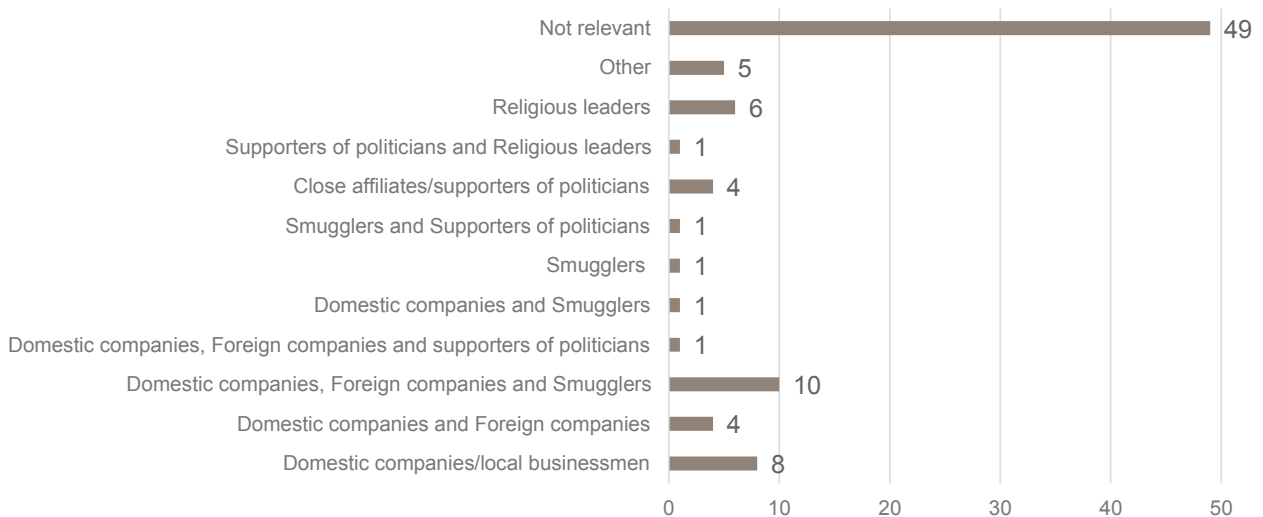


Figure 11: *Parties involved in the issue connected to conflicting situation – by Security Forces*

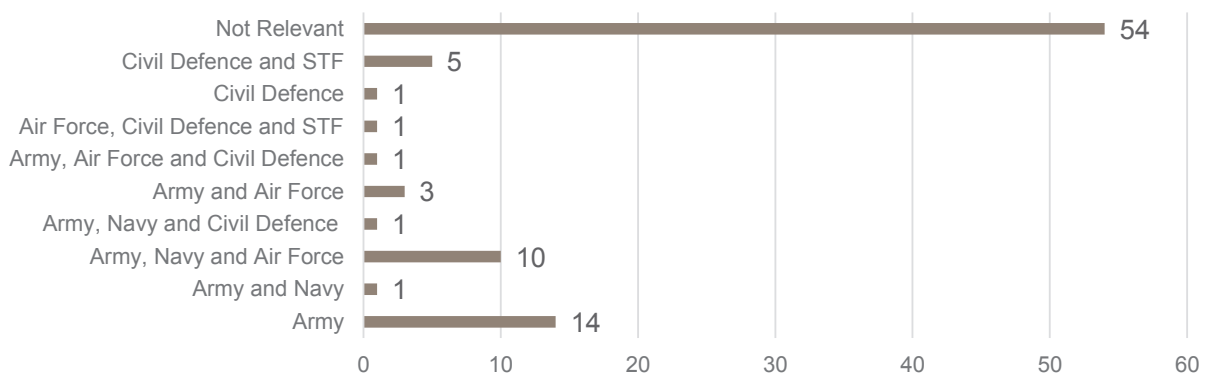


Figure 12: *Involvement of government agencies in causing/perpetuating the issue related to the conflict situation?*

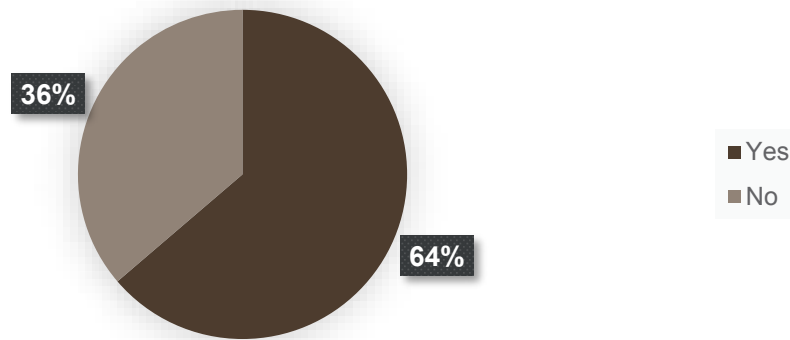


Figure 13: *Type of social tensions created due to the conflicting situation*

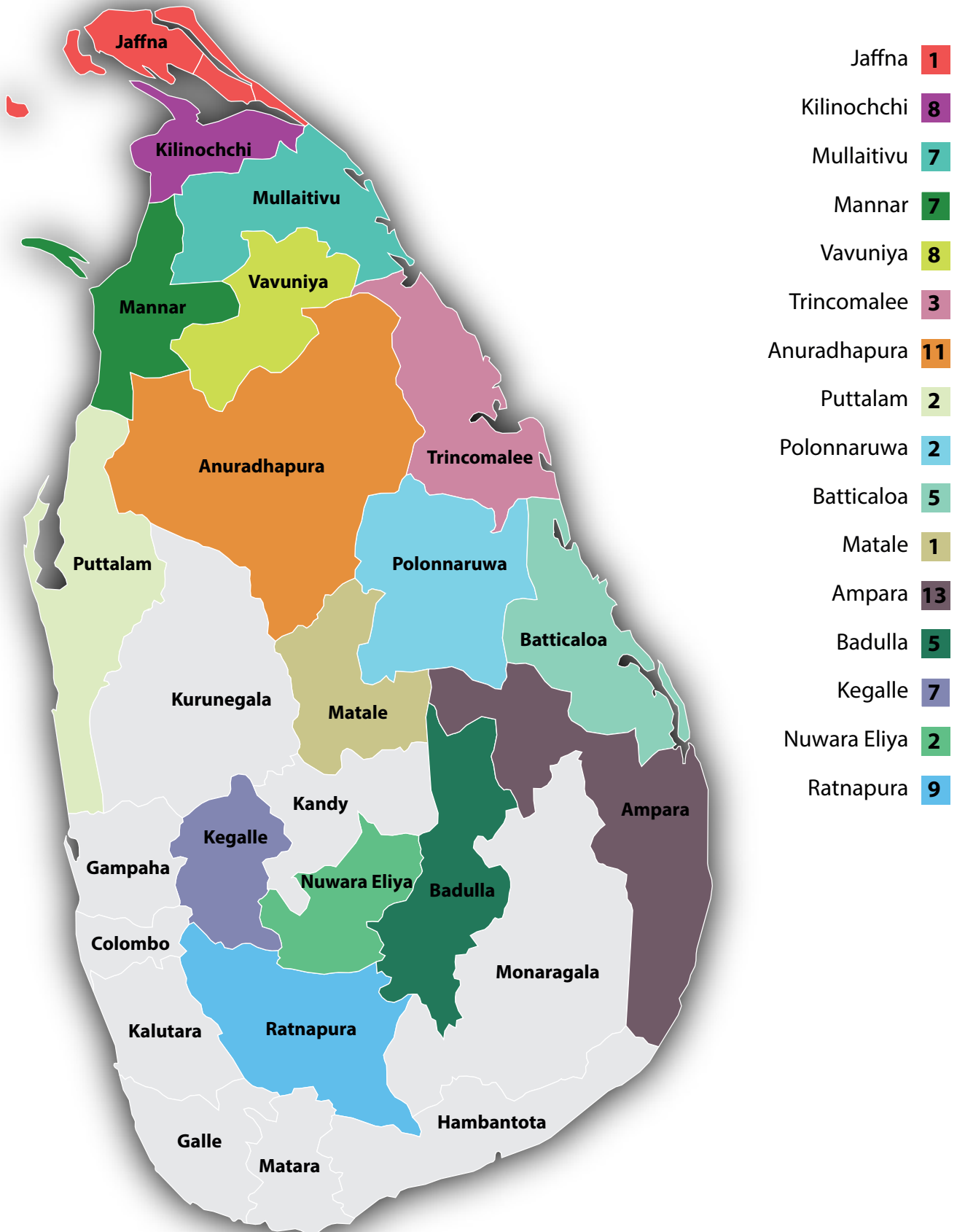
Social tensions created due to the conflicting situation	No. of Cases
Clashes between/among groups	17
Clashes between/among groups and Arrests/abductions of persons	3
Clashes between/among groups, Arrests/abductions of persons and Attacks on protesters by security forces/police	1
Clashes between/among groups and Attacks on protesters by security forces/police	2
Clashes between/among groups, Attacks on protesters by security forces/police and Attacks/influence on citizens/journalists/human rights defenders by those accused/alleged perpetrators	1
Arrests/abductions of persons	5
Arrests/abductions of persons and Attacks on protesters by security forces/police	12
Arrests/abductions of persons, Attacks on protesters by security forces/police and Attacks/influence on citizens/journalists/human rights defenders by those accused/alleged perpetrators	7
Arrests/abductions of persons and Attacks/influence on citizens/journalists/human rights defenders by those accused/alleged perpetrators	1

Attacks on protesters by security forces/police	4
Attacks on protesters by security forces/police and Attacks/influence on citizens/journalists/human rights defenders by those accused/alleged perpetrators	2
Attacks/influence on citizens/journalists/human rights defenders by those accused/alleged perpetrators	2
Attacks/influence on citizens/journalists/human rights defenders by those accused/alleged perpetrators	1
No such thing has happened till now	33
Total cases	91

14: Main Conflict Triggers caused escalations of social tensions

1. Statements by political or religious leaders
2. Hate speech by any party
3. Interferences/conduct of security forces
4. Illegal/unjust administrative decisions
5. Information circulated by mainstream media
6. Information circulated by social media

Identified key conflicting situations in relation to the citizen's right to own, use and access land in Sri Lanka – June 2023



Chapter 3

To minimize the adverse impact of conflict dynamics of citizens' right to own, use and access land as means of life and livelihood.

Having considered the data and information shared by peacebuilders whose role was to ensure early identification of 'conflict triggers' which could cause social tensions, if unaddressed, and adversely affect the social cohesion of inter and intra communities, potential crisis response approaches have been identified. Additionally, it is also expected to create a better civic space and capacitate citizens to be well-informed with evidence based information and data on potential conflict triggers and advocate with alternative crisis response approaches to promote social cohesion.

In this context, in order to minimize the potential conflicting situations, the missing aspect among a range of inconsistent laws, policies and strategies, this commentary presents below key alternative opportunities derived from the analysis of evidence-based information gathered by peacebuilders.

- ➔ Issues related to land ownership, use and access faced by war affected communities in the post-war context and adversely affecting upon land rights of private citizens should be resolved.
- ➔ All families who have lost land and/or houses placed within areas to which access has been restricted due to security reasons, or even within small plots of land locally identified and used for security purposes, be found alternate land as a matter of utmost urgency and that any compensation due to them is also paid promptly.
- ➔ Authorities should pay careful attention towards development-related initiatives that have also impacted the land rights of private citizens and ensure evictions to be done with due respect to the citizen's rights regarding land ownership, use and access while providing fair and appropriate compensation for lands acquired for such development purposes.
- ➔ Broader land-related issues created by the economic dimension, including large-scale land acquisition and use for commercial purposes in the context of the lack of robust resettlement policy being implemented, should be addressed by authorities.
- ➔ When acquiring land for a public purpose, authorities should conduct consultations with affected communities to explain reasons and provide information while ensuring the inclusion of representatives from provincial councils and local government in the consultation process in respective regions.
- ➔ Wide-ranging implications, including an impact on governance, reconciliation and democracy in Sri Lanka due to persistent land ownership, use and access issues, should be assessed by authorities with meaningful consultation with communities adversely affected by respective issues.
- ➔ Acceptable alternative solutions should be given by authorities to people facing issues related to the deprivation of the landowners' tenure security due dispossession of private land through State acquisitions should be addressed by providing appropriate farming lands to minimize direct and adverse impact on their livelihoods.
- ➔ Defective provisions in the relevant laws, acquisitions that have violated such law, and appropriation of lands that have taken place through force or violence.

- ➔ An acceptable mechanism should be introduced to retrieve the lack of title documentation of war-affected communities since most lands subject to acquisitions are from former conflict-ridden areas or farming lands owned traditionally for decades.
- ➔ Issues related to land grabbing resulting through forced eviction, which have resulted in many individuals being displaced and dispossessed, with limited to no redress available, should be
- ➔ A robust system should be established by policy maker and administrators to record individual and collective tenure rights in order to improve the security of tenure rights, including those held by the State and public sector, private sector, and indigenous peoples and other communities with customary tenure systems.
- ➔ States should provide access through impartial and competent judicial and administrative bodies to timely, affordable and effective means of resolving disputes over tenure rights, including alternative means of resolving such disputes, and should provide effective remedies and a right to appeal. Dispute resolution services should be accessible to all, women and men, in terms of location, language and procedures.
- ➔ A well-coordinated decision-makers forum consisting of the Ministry of Lands and Land Development, Survey Department, Land Settlement Department, Land Commissioner General's Department, Land Use Policy and Planning Department, Land Reform Commission, Registrar General's Department, Urban Development Authority, National Physical Planning Department, Valuation Department, Mahaweli Authority, National Land Commission should be established by the government with an accountable mandate to find solutions to emerging conflicts in relation to land ownership, use and access.
- ➔ Institutionally and functionally fragmented and geographically incomplete land administration systems should be reviewed and reformed, ensuring clarity over policy, services and institutional mandates of land administration. As the policy and regulatory improvements take time, authorities should apply pragmatic technical solutions and approaches within the current policy and regulatory framework to address emerging and prolonged land-related issues that lead to conflicting situations if left unaddressed.



VOICE OF CITIZENS



CENTRE FOR POLICY ALTERNATIVES
விசேஷ அறிவுகளை மேம்படுத்தும்
மாற்றக் கொள்கைகளுக்கான நிலையம்



www.facebook.com



www.twitter.com



www.youtube.com