



Internal Displacement and the National Approaches of Countries of South Asia: Sri Lanka

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Abstract

Between 1977 and 2009, Sri Lanka witnessed conflict-induced displacement with numbers fluctuating annually, due to fighting between the government and rebel forces and corresponding control of territory. The Tsunami of 2004 added further weight in terms of the number of persons displaced. Both factors taken together have made Sri Lanka one of the most displacement prone countries in South Asia. The author seeks to highlight important facts and developments related to internal displacement in Sri Lanka over this period. The 12 benchmarks of the Framework for National Responsibility for addressing internal displacement which have been released in 2009 are used to carry out an assessment of the government's efforts towards accomplishing each of them, before outlining what has been achieved so far and what remains to be done.

Author Profile

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Sri Lanka has been the first South Asian country to fully incorporate the Guiding Principles of Displacement into state policy, making it a pioneer and possibly a role model for other countries in the region. The paper seeks to highlight important facts and developments related to internal displacement in Sri Lanka over a period commencing from 1977¹ and moving up to 2011. The 12 benchmarks of the Framework for National Responsibility for addressing internal displacement which have been released in 2009 are used for this assessment. While the time span of three years is comparatively short to draw any final conclusions/make any definite statements about the success or failure of the Sri Lanka's commitment and efforts to ameliorate the situation of current internally displaced persons (IDPs) and to prevent future displacement, the paper attempts to shed light on significant developments and achievements as well as problems and thereby, seeks to be a basis for future planning and intervention. What is more, best practices and valuable conclusions are also drawn for other countries in the region that grapple with the problem of internal displacement.

After a brief introduction on the history of displacement in Sri Lanka, the paper discusses each of the 12 benchmarks and the government's efforts towards accomplishing each of them, before outlining what has been achieved so far and what remains to be done.

Between 1977 and 2009, Sri Lanka witnessed conflict-induced displacement with numbers fluctuating annually, due to fighting between the government and rebel forces and corresponding control of territory. The Tsunami of 2004 added further weight in terms of the number of persons displaced. Both factors taken together have made Sri Lanka one of the most displacement prone countries in South Asia. When Francis Deng, the RSG on Internally Displaced Persons visited the country in 1994, over half a million displaced were in welfare centers, while in 1990 one million had been displaced. When his successor Walter Kälin visited in 2007, once more conflict and natural disaster had caused displacement of over 550,000 with an additional 312,000 old IDPs. In 2009, around 290,000 IDPs escaped to government control at the end of conflict. Sri Lanka is presently witnessing a period of resettlement with efforts being made towards durable solutions.

Prevent Displacement and Minimize its Adverse Effects

Governments have a responsibility [...] to prevent and avoid conditions on their territory that might lead to population displacement, to minimize unavoidable displacement and mitigate its adverse effects, and to ensure that any displacement that does occur lasts no longer than required by the circumstances.²

Displacement in Sri Lanka has been due to two major factors, namely natural disaster and protracted political conflict. The policy of the present government following the end of the war and the two rounds of recent flood related displacement has been to minimize the adverse effects of displacement and to encourage return.

¹ 1977 has been taken as a starting point as in this year, Sri Lanka witnessed the first conflict-related displacement due to localized rioting in the Sabaragamuwa Province.

² Each subsection in this paper begins with a key idea from the Framework for National Responsibility, a discussion on the developments in Sri Lanka follows. See *Addressing Internal Displacement: A Framework for National Responsibility*, The Brookings Institution- University of Bern, April 2005, http://www.brookings.edu/fp/projects/idp/20050401_nrframework.pdf

The Resettlement Authority Act, 2007 seeks to protect and assist vulnerable groups, assist in the resolution of ownership and possession disputes and to facilitate community between IDPs and their host communities. The National Human Rights Action Plan is the government's attempt to develop a normative framework of IDPs' rights, especially the right not to be arbitrarily displaced. IDPs' rights have to be incorporated into all development planning processes. Any decision requiring the displacement of persons can only be taken after all feasible alternatives have been explored and must be justified by compelling and overriding public interest in order to protect individuals from arbitrary displacement.

In order to mitigate and manage effects of natural disasters, the government has set up a permanent Disaster Management Centre. Disaster mitigation and risk reduction is set in the framework document for Disaster Management 2005-2015 titled "Towards a Safer Sri Lanka- A Road Map for Disaster Risk Management".³

One significant cause of displacement due to flooding has been the inability of drainage systems and irrigation systems to cope with sudden loads of flood water. In an attempt to mitigate the impact of flooding, the government has focused on ensuring that catchment areas are enhanced and irrigation canals enlarged. Overall, the country now seems to be better equipped to deal with natural disasters, particularly after the lessons learnt from the 2004 Tsunami.

Raise National Awareness of the Problem

When internal displacement does occur, a government's acknowledgment of the existence of the problem on its territory and of its responsibility to address it is an essential first step towards an effective national response.

In July 1999, the Government initiated the Relief, Rehabilitation and Reconciliation (RRR) Framework process to ensure that the basic needs of people affected by conflict are met; to rebuild productive livelihoods and to facilitate reconciliation across ethnic lines. A series of consultative workshops at the district level were organized by the Consortium of Humanitarian Agencies (CHA) and a number of sectorial or thematic workshops were organized by the National Peace Council (NPC) raising awareness nationwide of the rights of IDPs. Representatives of government institutions, local organizations, stakeholder associations and international agencies attended these workshops. Their purpose was to bring to light the main grievances of beneficiary communities, problems and concerns affecting the districts, to assess existing bottlenecks in the delivery of relief and in the implementation of rehabilitation projects, as well as to recommend strategies and procedures to strengthen RRR work in a multi-cultural and multi-ethnic setting. The Government set up a Steering Committee for RRR to provide leadership to the development of the Framework and to facilitate the necessary linkages with key decision-makers within the Government, civil society and the donor community. Policy principles, an action plan and their justification form the bases of the report.

Moreover, UNHCR and allied agencies undertaking protection activities have engaged in information dissemination pertaining to rights of IDPs.

³ See http://www.dmc.gov.lk/Publications/Road_Map_Volume_2.pdf

Collect Data on the Number and Conditions of IDPs

Credible information on the numbers, locations and conditions of the internally displaced is essential to designing effective policies and programs to address their needs and protect their rights.

Registration of IDP's and related statistics are criteria to claim and qualify for entitlements of humanitarian assistance and are used for planning and delivering assistance. The country has a registration and data collection system. Difficulties arise when IDPs stay with friends and relatives, originate from areas declared as 'safe', originate from areas labeled as 'safe for return' and are displaced multiple times. The respective Government Agents (GA)/ offices regularly prepare and update official statistics on a monthly basis. For example, World Food Program rations are channeled and the corresponding numbers of displaced beneficiaries are publicly furnished. Similarly, every month government agents tabulate the numbers of displaced and all island figures are released by government agencies. Data is categorized by gender, number of family members and geographical location. Census data captures information with comprehensive household information. The causes of displacement are shown separately since most often the incidents of conflict and natural causes for displacement do not overlap and the latter has mostly been for a much shorter period, except when the Tsunami struck in 2004.

Data collected in the past has been used by all partners in general except in instances when disagreements arose on the number of persons in the zones, to which civilians were directed in the closing stages of the conflict which ended in May, 2009. Data on occasion, if not certified by the Government, when, for example, it relates to 'old' IDP's, leads to contention between the aid and humanitarian agencies and the government. Another example is the comment in the report of the advisory panel appointed by the Secretary General of the UN chaired by Darusman, released in April, 2011 which speaks of underestimation of numbers of IDP's in the final phase of the conflict by the government, the varying numbers drawn from UN figures quoted and the numbers finally tallied by the Government when IDP's fled the fighting.

Another source of disagreement has been the use of terminology in national debates on those displaced. Such issues include:

- Do people become IDPs only after they have crossed a district or divisional boundary?
- What about a displaced person who still remains within or near his/her own village?
- What if a person still works on his/her land during the day but feels insecure to stay in his/her home at night and therefore stays with relatives.
- Do people become IDPs only after certain period of displacement? If so, how long does the period have to be?
- Is a person considered an IDP if he/she has fled from fear of conflict rather than from actual conflict?
- IDPs must be civilians. Is there a working definition of civilians in order to address the situation of a person who once was a member of an armed group?
- If a person, who is displaced, is not willing to formally register with the administration, is he/she considered an IDP?
- What about IDPs who have settled in urban areas such as Colombo?

- If a displaced person gets married to someone who is not displaced, is he/she still considered an IDP?
- If a displaced person has attempted to gain permanent residence in displaced area, for example by purchasing land in his/her place of displacement, is he/she still considered an IDP?

Resolving criteria to recognize phases of displacement, their characteristics and context using settled definitions, universally and unsettled definitions nationally, will need to be discussed and addressed in the course of developing the National IDP Policy and Law.

Support Training on Rights of IDPs

Training government officials on the rights of IDPs can be essential for ensuring that they are aware of their responsibilities for protecting and assisting the internally displaced.

The Human Rights Commission of Sri Lanka (HRC) has ongoing trainings for government authorities on the rights of IDPs, and the Brookings-Bern Project on Internal Displacement has held several trainings and workshops on the Guiding Principles and IDP rights. Since its creation in 2002, the Sri Lankan Human Rights Commission's National Protection and Durable Solutions for Internally Displaced Persons Project (NPDS for IDPs Project) have conducted training programs for the protection and promotion of IDP rights. Training has been provided for HRC staff, government officials (federal and local levels), government security forces (army, navy, air force, and police), NGOs, IDPs and host communities, and private sector actors.

In 2008, the NPDS for IDPs Project trained 4,936 people through 200 trainings using the "Rights Based Disaster Response" training program, which focuses on the rights and protection of conflict and disaster-induced IDPs in all stages of displacement. The NPDS for IDPs Project includes reports of their training sessions in their monthly and annual reports. The NPDS for IDPs Project also conducts Army Training Programs. The course contents include materials on the protection of rights of IDPs, as well as materials on government mechanisms/institutions that are involved in the protection of IDPs. There are five levels in the Army Training Program. Levels three and four are training of trainer programs. The second of which was conducted for Non-Commissioned Officers of the Sri Lanka Army on Human Rights and International Humanitarian Law in August, 2009.

Since 2000, the Brookings-Bern Project on Internal Displacement has supported two regional workshops on internal displacement. The 'Regional Conference on Internal Displacement in Asia' was held in Bangkok in February 2000 with the aim to "promote the dissemination and application of the Guiding Principles on Internal Displacement, share information on the problem of internal displacement within the Asian region, and promote more regular networking among organizations involved with internally displaced persons." In 2005, the Brookings-Bern Project and the Asia Pacific Forum of National Human Rights Institutions organized a regional workshop on national human rights institutions and internally displaced persons. The workshop was held in Colombo, Sri Lanka with the participation of eighteen representatives from the Human Rights Commission and the Director General of the Ministry of Relief, Rehabilitation, and Reconciliation.

In 2002, the Consortium of Humanitarian Agencies in Sri Lanka, with financial support from the Brookings-Bern Project, conducted a series of 'Training and Assessment Workshops' in Trincomalee (July 25, 2002), Vavuniya (Aug 2002), Mullathivue, Killinochchi and Jaffna (October 13-15, 2002) and Mannar, Batticaloa and Ampara (November 3, 5, 8, 2002)

Create a Legal Framework for Upholding the Rights of IDPs

Because protection is, fundamentally, a legal concept, developing a national legal framework upholding the rights of IDPs is a particularly important reflection of national responsibility as well as a vehicle for its fulfillment.

With the end of the long term internal conflict, the Government's commitment towards granting and protecting the rights of displaced civilians has been one of the top priorities. While the country does not have a specific law on IDP's, policy initiatives have consistently addressed the needs of IDP's.

The National Human Rights Action Plan of 2011 compiled by the Government defines IDPs as "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border." The Resettlement Authority Act No. 9 legislated by Parliament in March 2007 vests authority to formulate a national policy, plan, implement, monitor and coordinate the resettlement of the internally displaced and refugees.

NGOs have sought intervention of the Supreme Court for IDP's to access land particularly in High Security Zones and to register as voters. In both sets of issues, relief, both interim and final, has been granted. In most instances the Court facilitated outcomes and assisted parties to arrive at settlements. For instance, in case of a committee led by the civilian head of local authority in Jaffna, the Government Agent and a Security Forces Commander were instructed to work on incremental release of land from High Security Zones.

Develop a National Policy on Internal Displacement

The adoption of a national policy or plan of action on internal displacement is a distinct, though complementary, measure to the enactment of national legislation. For instance, a national policy or plan of action on internal displacement should spell out national and local institutional responsibilities for responding to internal displacement, indicating the roles and responsibilities of different government departments, as well as identify a mechanism for coordination among them.

The universally accepted rights of displaced persons, to protection, to liberty and security of person, to humanitarian assistance and to their return, resettlement and integration in society constitute a key principle of official policy of the relief, rehabilitation and reconciliation activities on behalf of the internally displaced persons affected by the conflict.

The Guiding Principles were recognized as applicable to the situation in Sri Lanka and a section of principles were highlighted. The government recognized a series of parallel steps needed to be taken to ensure that all ministries brought their policies in line with these

Guiding Principles and to review the legal framework of the relevant laws to ensure that there were no inconsistencies. It recommended that the Government take steps to create awareness among civil servants, military personnel, staff of the Human Rights Commission and the Legal Aid Commission, other competent authorities and humanitarian workers and familiarize them – through dissemination, discussion and training – with the contents of the Guiding Principles on Internal Displacement and their application in Sri Lanka. Through a series of consultations in the conflict areas on the RRR Framework process, the attempt was to aid in providing feedback to the public on its intention to apply these principles. It recommended a review of the legal framework relevant to the displaced using the Guiding Principles as the analytical instrument for identifying gaps in the national regime for the protection of the displaced, in line with Sections II and III of the document; a comprehensive analysis of the situation of the internally displaced using the Guiding Principles as a basis for identifying specific policy and programme improvements to be effected from 2002 onwards; a “National durable solutions policy” for the displaced to ensure a comprehensive and consistent approach to the resettlement of the displaced in their areas of origin or in other areas, and of returning refugees from India or elsewhere, in conformity with Section V of the Guiding Principles; Support the Human Rights Commission in its effort to provide enhanced protection and assistance to the displaced using the Guiding Principles to set the standards; As a means of giving additional focus to the situation of the internally displaced and of promoting the Guiding Principles, the Office of the UN Special Representative for Internally Displaced Persons and of the UN Coordinator for Internally Displaced Persons were to be requested to make their know-how and experience available to Sri Lanka. The time frame for implementation was twelve months and the responsible entities were: Office of the Prime Minister, Ministry of Justice, Law Reform and National Integration, Ministry of Foreign Affairs, National Coordinating Committee on RRR.

It could be argued that in the RRR framework, the Resettlement Authority provided for a National Policy. This was prefigured by the work of The Presidential Task Force on Human Disaster Management. The Government-UN-NGO “Joint Plan for Assistance for Northern Province in 2011” (JPA) aims to ensure the long-term sustainable development of the Northern Province within the shortest timeframe possible. The National Human Rights Action Plan of 2011 recommends the conduct and review of existing legal, procedural and policy frameworks and to formulate/amend laws, policy and procedures as required including access to information, legal assistance, complaints mechanisms, institutional methods of relief and redress. It also calls for review of existing institutional mechanisms involved in the protection of/ assistance to IDPs and, based on such review to take necessary action to encapsulate IDP-specific issues within their respective mandates in keeping with the overall National Policy on Displacement and publish, within the National Policy framework, guiding principles for rehabilitation and prepare rehabilitation plans for various forms of displacement and geographic conditions.

Designate an Institutional Focal Point on IDPs

Designating a national institutional focal point on internal displacement can be essential to ensuring sustained attention to the problem and also to facilitating coordination within the government and with local and international partners.

Sri Lanka has had a long experience with displacement and this has led to the creation of a plethora of agencies by successive governments which deal with displacement. The National Human Rights Action Plan of 2011 refers to the need for institutional coordination of

sectorial policies to deal with 'rights of displaced persons during displacement and immediately after return, resettlement and reintegration'; identifying, strengthening and establishing a permanent institutional focal point that will coordinate and consolidate efforts of various organizations in the event of large scale displacement.

Since 1983, when displacement assumed significant proportions, the displacement focused institutional mechanisms created by the Chief Executive have been in place including the Office of the Commissioner General Essential Services, the Relief and Rehabilitation Authority for the North, Presidential Task force for Human Disaster Management, Framework For Relief, Rehabilitation and Reconciliation, Resettlement Authority with accompanying legislation. The Authority was to ensure resettlement or relocation; facilitating IDPs entry into the development process; co-ordinate the efforts of the Government, donors, international non-governmental organizations, civil society agencies and others possessing the required mandates and resources in order to end displacement of persons; to formulate and implement specific programmes. The Authority has been succeeded by more powerful institutional arrangements which derive authority from the Office of the President, hence mobilize the entire machinery of government and supporting agencies.

Earlier, two primary coordination mechanisms existed between the Government and humanitarian actors to serve the interests of IDP's. The Consultative Committee on Humanitarian Assistance (CCHA), a high-level forum for coordination and policymaking led by the Minister of Disaster Management and Human Rights and attended by key ministries, United Nations and key bilateral donors with subcommittees on IDP resettlement and welfare, logistics and essential services, livelihoods, health and education. MDM&HR chaired a monthly IDP coordination meeting which allowed humanitarian agencies to raise operational and protection concerns with ministries, government agents and security forces. More recently, the collaboration saw a tripartite Government, UN, INGO document titled *Joint Plan for Assistance for Northern Province in 2011*. The primary source of dialogue is meetings with NGO's and the Presidential Task Force for the North.

Encourage National Human Rights Institutions to Integrate Internal Displacement into their Work

It is well recognized that national human rights institutions make an important contribution to national efforts promoting and protecting human rights. [...] In countries with internal displacement, national human rights institutions have a valuable role to play in protecting and promoting the human rights of IDPs, as indeed has been recognized and encouraged by governments in UN resolutions.

The National Human Rights Commission (NHRC) was established in 1997. The NHRC has sufficient powers, regional presence and full time staff to perform its functions. It is obliged to receive and investigate complaints. It also has an advisory role with the government to formulate legislation, and initiate administrative directives and procedures, to promote and protect fundamental rights. The NHRC has broad powers including investigative and inquiring powers; to intervene in court proceedings with the permission of the court; monitor the welfare of detainees through regular inspections of places of detention; undertake research on human rights issues and public education programmes on human rights and summon persons before the Commission to procure evidence including

documentary evidence and to examine witnesses. (Section Eleven of the HRCSL Act No. 21 of 1996)

The IDP unit of the Human Rights Commission has been advocating sensitivity on best practices. Ultimate effectiveness is guided by the direction and assistance given by the Commissioners. The National Protection and Durable Solutions for Internally Displaced Persons Project was initiated in 2002 in three districts and focused on land issues, documentation needs, claims for government compensation and registration for voting, in the following year it received 5,587 complaints concerning IDPs. The geographical presence of the Office was extended to cover three more districts. By 2004, 2961 additional complaints pertaining to IDP's had been received.

The 2005 Tsunami resulted in the expanding of the coverage to two more districts affected by the Tsunami. The NHRI with the Colombo University Community Extension Centre undertook consultations on Post Tsunami recovery and progress by conducting 800 focus group discussions with those affected and displaced from 13 of the affected districts. The focus on those affected and displaced by the conflict continued with progress in 2010 as follows: It had regional offices in Batticaloa, Jaffna, Puttalam, Vavuniya, and Trincomalee and coordination office in Colombo. The offices covered additional districts of Mannar, Killinochchi and Mullaitivu.

The overall impact included the following:

Campaigns for awareness raising were undertaken for 6581 persons through 96 programmes, 57 of which focused on Human Rights Defenders, 278 persons for these campaigns were selected from Vavuniya, Killinochchi, Batticaloa, Trincomalee, Mullaitivu, Mannar and Jaffna. Those trained engaged in protection and promotion of human rights activities at the field level. Human rights instruments were translated into Sinhala and Tamil and published as Toolkits; 13 legal clinics were conducted; 37 Human Rights Monitoring Missions [HRMM] were conducted in areas where IDPs were located.

The presence of a dedicated unit focusing on IDP's is indicative of the importance attached to the subject. The future work of the unit focused on IDPs would be subject to availability of funds to support its work. Mario Gomez writing in 2002 on NHRI's and IDP's for the Brookings Berne Project, states, "While governments may have been motivated by their own political agendas in setting up these institutions, the institutions have the potential to take on a life of their own depending on the social and political contexts, the personalities and staff that direct the institutions and the type of engagement that civil society actors have with these institutions. For the human rights activist it does mean that it may become possible to 'capture' these institutions and shape their activities in such a way that they may have a positive impact on the overall human rights culture. This would depend on a number of factors: the domestic political and social context, international pressures, the personalities who lead these institutions, the quality of the staff they direct, and the imagination and persistence of the activists. Governments may be motivated by extraneous factors and their own agendas in setting up these institutions this does not preclude human rights activists from using them in ways that can have a positive impact on the human rights culture of a country.

In the area of internal displacement, human rights commissions could begin by integrating internal displacement into government policy and legal frameworks, conducting inquiries into serious violations of the rights of the displaced and by publishing reports and

recommendations. For national human rights commissions, the challenge will be to generate the capacity within the institution to perform these tasks. If the commissions are willing to work with NGOs, local professional associations, the business sector and academics, it will be possible to generate this capacity. It is to be hoped that commissions will show the vision and leadership to do this.

The manner in which the Disaster Relief Monitoring Unit (DRMU) of the NHRI set about its work following the Tsunami is a model worth studying. The DRMU was set up in anticipation of the many human rights related issues which tsunami-affected persons would face in post-tsunami life in both short and long term with a special mandate of monitoring government and non-government activities which would have human rights implications for the tsunami-affected. The DRMU acted as advisor, watchdog, investigator, activist, researcher, consultant, partner, coordinator and awareness raiser to various groups in many different activities. At the field level, in direct contact with tsunami affected persons, at divisional and district level with public servants and implementers of donor relief agencies, and at central level with policy makers and leaders of organizations. The DRMU worked with the National Protection and Durable Solutions for Internally Displaced Persons Project of the NHRC. The DRMU focused on the Tsunami affected and the Internally Displaced Persons project worked on conflict affected IDPs.

The Terms of Reference (TOR) of the DRMU lists out eight specific areas of activity of the DRMU. Based on the TOR, the DRMU staff drafted a set of Policy Prescriptions which further elaborate on the mandate and preferred operational style for the DRMU. The Policy Prescriptions emphasized creating strong partnerships with various civil society organizations, closely working with the government sector, engaging in regular fact finding missions and maintaining direct links with affected persons in order to identify the human rights issues faced by tsunami affected persons. Furthermore, in identifying human rights problems, the Policy Prescriptions direct the DRMU to maintain special focus on vulnerable groups. Finally, the Policy Prescriptions impose a responsibility on the DRMU to lobby for State policy change based on the findings and analysis of the unit.

The NHRI newly appointed set of Commissioners have shown keenness to work with civic organizations. At the same time, it must be admitted that, the NHRI does require additional personnel and hardware to respond to the demands placed by citizens seeking its services.

To facilitate IDPs' participation in decision-making and to ensure IDPs have recourse to voice their opinion to authorities. The Resettlement Authority Act specifically provides for consultation and representation. The right of IDPs to participate in decision making is not denied. However, mainstreaming of the concept has been ineffective as there is little or no effort at listening, providing feedback and accounting for assistance. The Disaster Relief Monitoring Unit of the NHRC following the Tsunami undertook a series of consultations which focused on this vital aspect. At the time of writing this paper, the number of IDPs in camps has dwindled according to official announcements in the newspapers. However, many are with friends and relatives. The opportunities available for consultations are ad hoc and not mainstream opportunities as it is difficult to get access to the displaced once they are out of the camps.

The process of consulting must be an ongoing effort by all development agencies, an aspect stressed in the National Human Rights Action Plan which calls for the inclusion of principles on access to information on displacement and return among others.

The DRMU reported on the state of consultation of women following the Tsunami as interestingly it affected largely women. 'The instant that it hit, the Tsunami proved to be a natural discriminator, killing a majority of women and children. In Ampara district, where gender-disaggregated data has been made available, statistics show that approximately 66% of the dead were women. There were 3,677 women reported to have died as compared with 1,926 men. This pattern was repeated across all Tsunami-affected districts.'

Ensure the Participation of IDPs in Decision-Making

Internally displaced persons have the right to request, and to receive, protection and humanitarian assistance from their governments. An environment must exist where IDPs can make their views known without risk of punishment or harm.

The importance of participation in decision-making processes from the camp level up to the many committees established by the Government such as the 'Damage Assessment Teams', the District and Donor Consortiums and the 'Grievance Committees' cannot be highlighted enough. Policy demands have been made for voter rights under the Fundamental Rights provisions of the Constitution. However, the majority of IDPs seem disinterested given other pressing issues in situations of displacement. Moreover, the resources needed to travel to participate in political activities and to vote during times of elections may be discouraging. There are also issues such as non-registration due to procedural conditions which preclude registration in more than one district during revisions of electoral rolls which ultimately results in denial of the right to vote.

While being among the most vulnerable and affected groups by conflict and natural disaster⁴, not many women participate in decision-making processes, although this differs from District to District and from forum to forum as reported in the August 2005 Report of the Women's Division: Disaster Monitoring and Relief Unit. In addition, cultural and social factors seem to play an important part in determining the degree to which women participate.

The Women's Division found that there has been a top-down approach in the delivery of relief, rehabilitation and the commencement of reconstruction, causing there to be very limited involvement of IDPs in the decision-making processes. This lack of involvement is even more pronounced when gender disaggregated data is provided. One consistently sees the minimal participation of women at the District level in decision-making roles in Government offices dealing with tsunami-related issues down to the communities in camps, where camp committees are male oriented. In instances where women have formed camp committees of their own, these committees do not generally have any voice when it comes to influencing decisions about the Camp.

Interestingly, in the Muslim camps visited, there was usually a women's committee that addressed the needs of the women and represented them to NGOs etc. This may be due to cultural norms within the Muslim community that require separation of the sexes. However, although this was true of camps and transitional shelter sites visited in Trincomalee, it did

⁴ The DRMU reported that the Tsunami affected largely women: 'The instant that it hit, the Tsunami proved to be a natural discriminator, killing a majority of women and children. In Ampara district, where gender-disaggregated data has been made available, statistics show that approximately 66% of the dead were women. There were 3,677 women reported to have died as compared with 1,926 men. This pattern was repeated across all Tsunami-affected districts.'

not apply to all Muslim camps. For example, in Kalmunai (Ampara District), there was a camp where women expressed that they did not want to form their own committee, and preferred to stay in their homes. In this camp, women communicated their concerns to the men who would bring them up in the mosque and make decisions and find solutions on behalf of the women.

The contribution made by women to camp committees, and their participation was found to heavily depend on the focus of NGOs aiding specific camps. If the NGO was gender-sensitive and encouraged participation, women were much more active. For example, in Batticaloa, where the Women's Coalition for Disaster Management (WCDM) operates, women are actively voicing their concerns and implementing change. The involvement of women in decision-making is essential if policies and actions taken are to be needs-based. Women are often the decision-makers when it comes to domestic matters, for example, decisions regarding feeding and clothing the family. They should therefore be consulted on nutritional needs, and should provide input on decisions that will affect their quality of life during any process of relief, rehabilitation and reconstruction. Women living in welfare centers must be consulted in order to ensure that the best possible solution to relocation and resettlement is found. Their lives are grounded in the community surrounding their homes, thus they often have a better understanding of how and where resettlement should occur. Decisions regarding relocation must also take into account women's livelihoods, "which are often different to those of men and which may be linked to the physical environment and social context of their original community", and their physical security which is also linked to their knowledge of the area in which they live. The lack of participation of women at the very basic level of the relief and distribution processes is a matter of concern and can have serious repercussions on broader aspects of women's rights.

Support Durable Solution

National Responsibility for internal displacement extends to ensuring that IDPs have access to a durable solution to their plight. This means making every possible effort to facilitate the return or resettlement of IDPs in accordance with their rights.

The Resettlement Authority Act was to assist the displaced and refugees obtain lost documents; assist in providing infrastructure facilities; education and health facilities; implement resettlement programmes including housing to assist in the mobilization of both local and foreign financial resources; facilitate solution of problems related to ownership and possession of movable and immovable assets; forge a better understanding between the internally displaced persons and host communities; facilitate the restoration of basic human rights including cultural rights to empower internally displaced persons; receive representations on the needs of the displaced; and make representations regarding the same to agencies mandated to find solutions. It was also expected to mobilize the displaced to initiate and implement partnerships for the recovery and development in accordance with individual or community needs; promote livelihood activities among displaced persons and refugees; provide reasonable access to information on policies, resources and progress on activity earmarked for their recovery and facilitate dialogue with concerned intervening agencies; and ensure a conducive physical environment for resettlement, by clearing land mines and debris and repairing damaged infrastructure.

The Act addresses many of the issues required to end displacement. It is a model legislation which unfortunately remains largely unutilized. In 2009 the President appointed the

Presidential Task Force (PTF) for Resettlement, Development and Security in the Northern Province under the Chairmanship of the Minister for Economic Development, who was then the Senior Advisor to the President. The mission of the PTF was to formulate a strategic framework for the revitalization of the Northern Province and to implement a rapid resettlement and recovery programme. On the directives of the PTF, relevant Government Ministries took over the responsibility to provide basic services and infrastructure in Welfare Centres. An accelerated programme called “Uthuru Wasanthaya” (Vaddakkin Vasantham”, “Northern Spring”) was launched by the PTF to resettle the displaced quickly and safely in their places of origin through a 180 day initial plan; build back better facilities, basic infrastructure and services; and provide livelihood facilities. It was undertaken through two strategy components - humanitarian assistance through a series of relief and early recovery measures to facilitate the resettlement process; rehabilitation of much needed infrastructure, which included provision of permanent shelter, supply of safe drinking water, rehabilitation of main highways and sub roads, railway lines, major and minor tanks, irrigation systems and improvement of hospitals and schools.

Allocate Adequate Resources to the Problem

Carrying out policies and programs for IDPs and providing them with necessary assistance [...] as well as ensuring their physical security inevitably requires human and material resources. National responsibility therefore requires that governments devote, to the extent possible, resources to address the needs and protect the rights of their internally displaced populations.

The management of welfare centres and implementation of “Uthuru Wasanthaya” with the accelerated implementation of “180-Day Programme”, cost the government upward of \$360.3 million. The commitment made by donors up to the end of 2010 for Northern Province was approximately US\$ 2,129 million of which US\$ 1,798 million (Rs. 199, 61 million) were loans and US\$ 331 million grant assistance from ten major donors. The areas supported included provision of water, housing, irrigation, supply of electricity, rehabilitation of roads and railway, health, in all the five districts.

UN agencies and partners mobilized US\$ 187 million (Rs. 20,762 million) for food, education, water and sanitation facilities, Non-Food Items (NFI) and health services. This was about 64 per cent of the total requirement. It did not include assistance provided through national level UN programmes to the Northern Province as well as other parts of the country.

NGO activities in 2009 concentrated on the needs of population in welfare centers and outside the welfare centers only in early 2010. NGO programmes contributions between May 2009 and December 2010 amounts to approximately Rs. 2.5 billion (US\$ 22.5 million), with about 50 NGOs contributing. An important aspect of the NGO contributions was their active participation starting from the grass root level, on the basis of needs identified by the Divisional Secretaries with the participation of the communities.

Cooperate with the International Community when National Capacity is Insufficient

When governments do not have the capacity to provide for the security and well-being of their displaced populations, they should, as an exercise of responsible sovereignty, invite

or accept international assistance and work together with international as well as regional organizations in addressing the protection and assistance needs of the displaced and identifying durable solutions to their plight.

During the period of the conflict, the government invited UNHCR and subsequently the entire UN humanitarian response mechanism and international humanitarian agencies to operate and support protection activity for the displaced. The work of the UN has been complimentary to that of the government agencies.

RSG missions of Dr. Francis Deng in 1994 and his successor Professor Walter Kalin, to Sri Lanka highlight the interaction between the mandates of the two RSG's and the Sri Lankan government. The RRR framework document shows the degree of acceptance of the Guiding Principles by 2002, echoed further by explicit reference, once more in 2011, in the National Human Rights Action Plan.

The RRR under Policy direction and coordination in 2002, recommended that the Government establish a National Coordinating Committee on Relief, Rehabilitation and Reconciliation to ensure that uniform strategies, programmes and procedures are adhered to by all stakeholders; that adequate financial resources are made available; and that the overall humanitarian situation is regularly assessed. The composition recommended included key line Ministries, UN, Donors, ICRC and NGO's. It is an example of the willingness of development partners to work from a common platform. It is a fact that interventions in humanitarian imperatives during civil strife with ongoing hostilities and fighting often leads to tensions with one or more parties including national governments especially when the conflict ends with a militarized solution. The RRR framework was developed to address these issues.

Collaboration between government and international partners is best summed by the title of the Press Release "Joint Plan for Assistance (JPA) for Northern Province in 2011", which accompanied the launch of a tripartite call for assistance . The Plan also includes a wide-range of early recovery efforts such as improving health and nutrition, clearing mines to support continued resettlement, education initiatives, water and sanitation strategies and strengthening of civil administration and national protection mechanisms. Several key considerations lay behind the efforts outlined in the document, including the following:

- Efforts of all stakeholders in 2011 concentrate in bridging the gap between relief and recovery, and in moving towards sustainable development and the creation of more livelihood opportunities.
- All programmes and assistance identified is coordinated to maximize the impact of limited resources available and to avoid duplication of work.
- Work towards a stronger partnership with the relevant government entities in an effort to maximize the impact of the agreed programmes and activities, and in full respect of existing agreements and mandates.
- Partnership agreements among Government, the UN and NGOs would be encouraged indicating their respective expertise and responsibilities, so as to add value to the process and partnership.
- The Government and the United Nations will provide more opportunities for engagement of the civil society in the recovery process, for the additional experience they can bring, for the contribution they can have in implementation of activities, and for their ability to help mobilize additional resources for assistance

Conclusion

The phenomenon of displacement in Sri Lanka commenced before the Guiding Principles on Displacement were developed, however, many of the best practices recommended were incorporated as government policy at the end of the War. The country, in this writer's view, has succeeded in developing knowledge base that could be used in the future when dealing with displacement. These include the RRR Framework, Resettlement Authority Act, the work of the DRMU of the NHRC and its functions which could provide effective institutional mechanism to end displacement. The role of advocacy particularly by national civic actors is another important aspect of the Sri Lankan story. The recent JPA is entirely the effort of two individuals who worked to bring about resolutions to many difficult issues. The work of the Disaster Relief Monitoring Unit following the Tsunami is inspirational and worthy of emulation. Notwithstanding criticism directed at governments for weak implementation, national responsibility was not abdicated. The efforts at early recovery were founded on a belief of ultimately building better infrastructure and systemic measures for dealing with current IDPs and preventing future displacement.

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