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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by Association Lutte Contre La Violence Faite Aux Femmes, a non-governmental organization in special consultative status

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

[22 August 2023]

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



Land Grabbing and Forced Colonization of Tamil Eelam by Sri Lankan Security Forces

In Northern Sri Lanka, unequal access to land has been a centuries-old problem. The major reasons for the conflicts and contestations over land in this region include the Sri Lankan forced occupation of Eelam Tamils lands.

The protracted genocidal war against Eelam Tamils by Sri Lankan security forces accompanied by heavy militarization by the Sri Lankan state ; the state's attempts to give a Sinhala-Buddhist character to the territories in the North under the pretext of archaeological research; the multiple displacements suffered by Eelam Tamils during the war; and finally the land grabs done in the guise of preserving the ecosystem and development. To understand these contestations and inequalities.

The State and Its Apparatuses

Since the end of the war, governments that have come to power have used the Department of Archaeology, Department of Wildlife Conservation and the Forest Department to dispossess the Tamil and Muslim communities of their land in the North. For example, politically motivated archaeological excavations are currently underway amidst heavy military presence, seeking to establish Sinhala-Buddhist claims over the cultural landscape of the North. Several religious sites and indigenous shrines, especially those that are currently worshiped by Eelam Tamils Saiva, have been reclaimed as ancient Buddhist sites without any substantial evidence. The authoritarian and militaristic manner in which the Department of Archaeology conducts its excavation projects without any regard for the opinion of the local communities turns these projects into hegemonic exercises of majoritarian chauvinism. These actions sever communities from sites of worship which are culturally meaningful to them. Such hegemonic archaeological initiatives ignore the religious and cultural fluidity of these sites in that they have taken on different and overlapping identities over the centuries due to social, economic, and political developments. Instead, they further polarize communities along ethnic and religious lines, posing a serious challenge to cultural coexistence.

Chauvinistic colonization schemes which use the rhetoric of social justice and welfarism alongside the state's attempts to re-demarcate district boundaries without consulting minority communities have created inter-ethnic tensions in the North. Recently, Tamil groups protested a move to annex two villages in Anuradhapura district in the North-Central province to the Tamil-majority Vavuniya district. The protesters saw this as a chauvinistic attempt to weaken the political strength of Tamils in Vavuniya district and the Northern Province. In the 1980s, in Weli-Oya, previously known by its Tamil name Manal-Aru, the military evicted Tamils from their land and gave it to Sinhalese from the Southern parts of the country. To date, Tamils who lost their lands have neither been given alternative lands nor compensation for the land they lost. To be clear, while allocating land for landless Sinhalese is a welcome step, the process must address the tensions that come with settling Sinhalese in areas predominantly inhabited by minorities in a political context where the centralized state remains majoritarian in character. Using the military apparatuses of the state to initiate and sustain these land allocation processes, and not involving the minorities in developing inclusive land distribution policies, is majoritarian and chauvinistic.

The military continues to occupy land in several parts of the North that once belonged to Tamil and Muslim communities including Valikamam North in Jaffna, Mullikulam and Silavathurai in Mannar, and Keppapulavu in Mullaitivu. It is also acquiring new land in the post-war years. Almost every week, there are protests by local communities against the military's attempts to acquire land under the pretext of national security or archaeological excavation. A powerful protest led by Tamil women who had been evicted from their lands in Keppapulavu by the military drew the attention of the entire country and the international community a few years ago. However, the state did not take any appropriate steps to meet the women's demand to return their land.

The protestors' demands highlighted the fact that the community relates to land not just in terms of ethnicity—for the women who participated in this protest, land was also a material site that provided livelihood and an intimate space of security.

Land, Identity and Livelihood

In the North, contestations over land are tied to, and inflected by, questions of both identity and livelihood. Many Tamils and Muslims view the state's attempts to start excavation projects as a threat to sites associated with their cultures and traditions in the region. However, land is not just a cultural symbol, it is also a material site that is a primary source of livelihood for many. When there is shortage of land, or when the land owned and used by the people is abruptly alienated by the state without proper alternatives, people's livelihoods are adversely affected. This is especially the case for those engaged in agriculture and small-scale production that requires land as a primary resource. Recently, in Mullaitivu district, a Buddhist priest (based at the archaeological site at Kurundurmalai and the Department of Archaeology) claimed that lands in the neighborhood that were historically cultivated by Tamil farmers for several generations belong to a Buddhist site that the Department of Archaeology is now in the process of 'recovering'. Historically, many Hindus from the Tamil community worshipped the Aiyandar shrine at this site. The Buddhist priest, under the pretext of carrying out excavation work, has obstructed Tamil farmers from engaging in agricultural activities on the adjoining land. The seven Tamil families that own this land amounting to 36 acres are no longer able to use it for cultivation. This is a clear example of how hegemonic archaeological initiatives are a threat to both cultural pluralism and the livelihoods of Eelam Tamils.

“In over-emphasizing the role of ethnicity in contemporary land struggles, some Tamil nationalist narratives fail to bring to light the ways in which landlessness is experienced as a form of inequality within the Tamil community along lines of caste, class, and gender”

Furthermore, people's relationship to land through livelihood can be articulated in gendered terms. For example, at a recent discussion, a group of Muslim women in Mannar, many of whom had lost their land to militarization following their eviction in 1990, expressed the need for more land to engage in poultry farming, net-weaving or small-scale food production in their own compounds. They note that having a bigger compound around their houses allows them to easily engage in production while attending to their domestic responsibilities as mothers and care-givers. Thus, our evaluations of the impact of land grabs need to look beyond identity and culture, to consider the related economic and gendered processes that shape people's relationship to land.

Resistance from Eelam Tamils

Amidst surveillance from the Sri Lankan security forces, over hundred protests were held in North and East of Sri Lanka, demonstrating against ongoing Sinhala colonisation in Vavuniya.

Plainclothed officers from the security forces were seen photographing the pro-testors as intimidation and surveillance of Tamil political activity continues across the North-East.

Banners decrying the Sri Lankan archaeological departments erasure of Tamil history and calling for Land to be given to Tamil people were held. A memorandum was also handed over to the North East of Sri Lanka.

The Sri Lankan government has increased its colonisation efforts in North and East of Sri Lanka with land grabs attempted by the Forestry and Archaeological department to facilitate the building of illegal Buddhist viharas.

Over 2000 Buddhist vihara are being built illegally in the forested lands of a Tamil villages in North and East of Sri Lanka. Buddha statues were also been put up, and a Buddhist monk stationed there along with two security personnel reported to be members of Sinhala home guards in different.

Recommendation

- a. Take immediate measures to demilitarize North and East and hand over lands (occupied by the military for over 35 years) to their rightful owners without any further delay. Also the Eelam Tamils of the North East must be given access to their residential and agricultural lands to engage in economic and livelihood activities
 - b. Having violated international humanitarian law and engaging war crimes the Relevant UN bodies must urge the Government of Sri Lanka to sign the Rome Statute in order to ensure justice and accountability to the victims of such heinous crimes under the International Criminal Court.
 - c. Endorse the Tamil genocide resolution of 2015 passed by the Northern Provincial Council in February 2015.
 - d. Perpetrators of war crimes, crimes of genocides and crimes against humanity must be investigated and brought to international justice process.
 - e. Council Members to have a new Resolution under Agenda 4 to appoint a special Rapporteur to monitor and investigate ongoing human rights violations and repression against the Tamil people.
 - f. To the 4th committee members of General Assembly: To recognize that Tamil territories are not governing by Tamils
 - g. Conducting an internationally monitored Referendum.
 - h. We call on the European Commission to stop being complicit in the genocide against the Tamil people and to suspend all aid and benefits such as the Generalized System of Preferences Plus (GSP+) granted to Sri Lanka.
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