

28 August 2019

District Secretary
District Secretariat
Mullaitivu

His Excellency President
Democratic Socialist Republic of Sri-Lanka
Presidential Secretariat
Colombo

Your Excellency President,

Fundamental Rights Violations by the Mahaweli Development “L” Zone Project

We the people of Kokkuthoduvai, Kokkilai and karunatkerni areas of Maritimepattu (Karaithuraipatru) division of Mullaitivu district present our please before you.

1615 acres of our paddy land areas which are located in the villages namely Uththarayankulam (Nelunkulam), AmayanKulam (Kiribanweva), Kulavadukkulam, Adayakaruththaankulam, Nayadichchamurippu, Sivanthamurippukulam, Thattamlai, Kunjukkulam (Tikiriweva), Sagalaatraveli of the Kokkuthoduvai, Kokkilai and karunatkerni areas of Maritimepattu (Karaithuraipatru) division of Mullaitivu district are now confiscated for the development of the Kivul Oya Project of the Welioya Integrated Mahaweli “L” zone expansion.

The Kivul Oya Reservoir Project is located in the Districts of Vavuniya and Mullitivu and for which our land and water resources are exploited. The water basin of the Maha Oya will be used for the Kivul Oya Reservoir and later it will be connected to the North Central Province Canal of Anuradhapura

district ¹. The objective of this NCP Canal (Ihala Elahera Ela Project) is to provide drinking water and irrigation water to the people of North Central Province².

Schedule 9, List 1, Item 18, Appendix II, Article 2.5 of the 13th Amendment of the Constitution of Sri-Lanka states, "The distribution of all allotments of such land in such projects will be on the basis of national ethnic ratio. In the distribution of allotments according to such ratios, priority will be given to persons who are displaced by the project, landless of the District in which the project is situated and thereafter the landless of the Province."³ Further, Article 2.7 states, "The distribution of allotments in such projects on the basis of the aforesaid principles would be done as far as possible so as not to disturb very significantly the demographic pattern of the Province and in accordance with the principle of ensuring community cohesiveness in human settlements."⁴

But, more than 7000 people are going to be settled in the Mahaweli "L" zone. Already land katcheri was held for 5000 people and 2000 have been settled. Only Sinhala people are given lands under the Mahaweli "L" zone development. None of the minorities, Tamils or Muslims were given land under this project. This is violating the above stated Article 2.5 of the Constitution.

There were 10 development projects implemented under the Mahaweli Authority and 96.16 % of the land which had been distributed by these projects were given to Sinhala people. 2.39 % land was given to Muslims and 1.42 % land was given to Tamils. The ethnic ratio of the population of Sri-Lanka is respectively Sinhalese 76%, Sri-Lankan Tamils 12%, Muslims 08% and Malayaha Tamils 4%. Therefore, Mahaweli Authority has given more lands to Sinhala people in spite of the above stated Article 2.5. This is a violation of the Constitution.

We people of Kokkuthoduvai, Kokkilai and karunatkerni areas were subjected to violence attacks and were chased away from our lands. The violence erupted on 01 December 1984 and continued to 15 days until 15th December 1984. 170 people of our communities were killed including women and children. Several injured. Confiscating our lands from us and providing it to Sinhala people is basically violating the Fundamental Rights of the Constitution under Article 12.1 as per "All persons are equal

¹ Ministry of Irrigation and Water Resources Management Annual Performance – 2013, P- 60,
https://www.parliament.lk/uploads/documents/paperspresented/performance_report_ministry_of_irrigation_water_resources_management_2013.pdf

² Massive Project to Irrigate North Central Province Expedited, Colombo Page, 27 July 2019,
http://www.colombopage.com/archive_19B/Jul27_1564242736CH.php

³ The Constitution of the Democratic Socialist republic of Sri-Lanka (As Amended up to 15th May 2015), Revised Edition – 2015, Published by the Parliament secretariat, Printed by the Department of Government Printing, 9th Schedule List I on Provincial Councils : p- 194, Item 18 on Land : p- 196, Appendix II on Land and Land Settlement, Article 2.5 : p – 207,
<https://www.parliament.lk/files/pdf/constitution.pdf>

⁴ The Constitution of the Democratic Socialist republic of Sri-Lanka (As Amended up to 15th May 2015), Revised Edition – 2015, Published by the Parliament secretariat, Printed by the Department of Government Printing, 9th Schedule List I on Provincial Councils : p- 194, Item 18 on Land : p- 196, Appendix II on Land and Land Settlement, Article 2.7 : p – 207,
<https://www.parliament.lk/files/pdf/constitution.pdf>

before the law and are entitled to the equal protection of the law.” Further, Article 14 (1) (h) discusses the “freedom of movement”, but our right to movement in our own lands are denied.

In spite of the recommendations of the Lessons Learnt and Reconciliation Commission under paragraphs 9.143 and 9.227⁵, the Mahaweli authority is confiscating our lands from us with the support of the army and giving it to Sinhala people. Due to the implementation of the Mahaweli project in Mullaitivu district Tamil villages are transformed to Sinhala villages. It is more evident as per the 10th page of the Resource Profile Report 2016 of the Mahaweli Authority⁶, the official map of the Mahaweli “L” zone which was developed by this Authority⁷ and the Daily News e-paper news on Mahaweli L zone (a state sponsored news paper)⁸.

Schedule 9, List 1, Item 18, Appendix II, Article 1.1 of the 13th Amendment states, “State land required for the purposes of the Government in a Province, in respect of a reserved or concurrent subject may be utilised by the Government in accordance with the laws governing the matter. The Government shall consult the relevant Provincial Council with regard to the utilisation of such land in respect of such subject.” But, without consulting the Northern Provincial Council the land distribution is taking place.

We appeal Your Excellency to take necessary actions to withdraw the Mahaweli settlements which take place in our lands and to hand over the lands to the Paddy Development Department of Karaithuraipatru Division or to the Irrigation Department of Northern Province.

Kokkuthoduwai North Rural Development Society

Mullaitivu

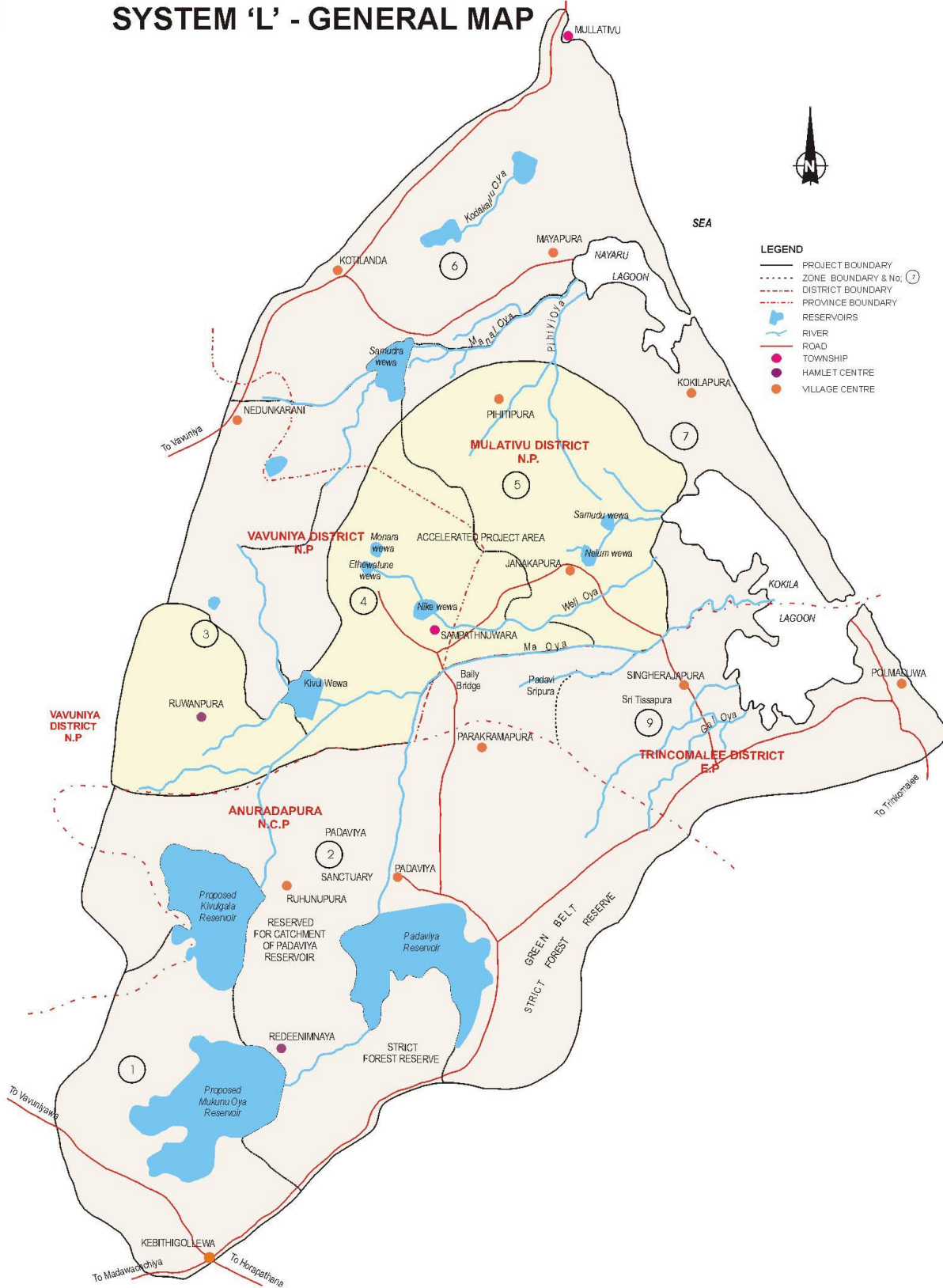
⁵ Report of the Commission of Inquiry and Lessons Learnt and Reconciliation, November 2011, <http://slembassyusa.org/downloads/LLRC-REPORT.pdf>

⁶ Resource Profile 2016, Mahaweli Authority of Sri-Lanka, <http://mahaweli.gov.lk/en/pdf/Scollerships/Res.pdf>

⁷ Mahaweli Development Programme, System “L “ – General Map, <http://mahaweli.gov.lk/en/maps.html>

⁸ Massive Development Plan for Mahaweli L Zone, Daily News E Paper, Monday December 25, 2017, <http://www.dailynews.lk/2017/12/25/local/138218/massive-development-plan-mahaweli-l-zone?page=20>

MAHAWELI DEVELOPMENT PROGRAMME SYSTEM 'L' - GENERAL MAP



<http://mahaweli.gov.lk/en/maps.html>