

Peoples' Convention on the Right to Land

23rd and 24th August 2017

Why a Peoples' Convention on the Right to Land?

Since the late colonial era, the governance of land through legislative and executive (administrative) instruments and power has been the locus of intense political and social conflict in Sri Lanka. Despite repeated calls, including by the Lessons Learnt and Reconciliation Commission (LLRC), a 'national policy' on land remains elusive. Yet, as highlighted further below, legislative and executive practice—albeit fragmented and piecemeal—do cohere in certain directions.

Such practice has been shaped on the one hand by major political economic projects that sought large-scale spatial and structural transformation of political economic relations. These include the development of plantations in the colonial era, dry zone colonisation through major irrigation from the turn of independence onwards and the development of the Western region megapolis more recently. On the other hand, legislative and executive governance of land in Sri Lanka also bear the legacy of the war and ethnic conflict, the tsunami, as well as ecological crises. A running thread is the impact of the shifting balance of power between state and market forces, including global capital, increasingly allied to the post-1977 phase.

Objectives

The Peoples' Convention on the Right to Land is an attempt to bring together struggles and visions that embody a bottom-up approach to the governance of land relations in Sri Lanka. It is **motivated by the need to reshape law and policy on land in directions that are socially equitable, economically fair and ecologically sustainable**. The many conflicts, struggles and protests over land that have emerged around the country in recent years underline the need for such a reshaping of law and policy. The Peoples' Convention is also envisaged as **a forum to develop solidarities and deepen understandings across different land struggles in order to create effective responses to older and more recent patterns of dispossession and conflict involving land**.

A second major objective is to **initiate a year-long participatory peoples' process to formulate a comprehensive set of legal and policy proposals to safeguard peoples' right to land** in Sri Lanka. This has become urgent given the continuing exclusion of peoples' concerns in state policy that only underlines the importance of a peoples' process in this regard. The peoples' process is envisaged as an effort to bring communities, civil society organisations, researchers and scholars, lawyers and other practitioners to **consolidate existing and develop new proposals for legal and policy reform, i.e., a national policy framework on land**, that would serve as a locus of collective advocacy.

Background/Overview of context and issues

The political and subjective economies of land in Sri Lanka mean that land is often not just an economic or livelihood resource but central to dignity and identity. Moreover, land is very often a collective resource. At the same time, rights concerning access to and use of land in Sri Lanka are also embedded within fault lines induced by social relations concerning sex/gender, caste, class and ethno-religious identities.

The political economies of the war and its impacts (including expulsion/displacement and resettlement/return), colonial and post-colonial legal and land regimes, and social and economic development policies ranging from housing and agriculture to estate and urban development have also impacted peoples' access to land. Also implicated in this challenge are efforts at conservation of the environment and archaeological heritage.

Despite some changes, the post-war economic geography of the island remains far from being fundamentally transformed with the securitisation of land still continuing. Moreover, many communities in the North and East remain displaced and the ethnicisation of land-related conflicts over return/resettlement remains largely unaddressed. Land grabs by the military and allied actors also pose a challenge to ensuring fair and equitable land governance.

In the meantime, landlessness and its intersection with caste, gender and ethnic relations on the one hand and deeply flawed economic and agrarian policies on the other have exacerbated concerns pertaining to access to land across the country. The economic agendas of successive governments, in the late-war and post-war periods, have seen an increasing emphasis on policies that have commodified land—whether through export-oriented agriculture, tourism or urban real estate development.

A more recent emphasis on policy making with respect to promoting land titling also needs to be seen in light of an aggressive neo-liberal turn that views land as a commodity whose exchange rather than use value is to be maximized. The adverse impacts on the access to land for farmers/peasants, fishers as well as the urban and rural poor in the face of state and market-led processes of dispossession and displacement are becoming increasingly evident.

Whilst state and private capital compete for control over land in the plantation economy, Malaiyaha/Hill Country Tamil communities remain significantly marginalised in terms of access to land as well as housing. They also bear the brunt of the political ecological crisis on the plantations, most acutely underlined in recent years by repeated and increasingly deadly landslides. A different manifestation of the political ecological crisis is evident in the spread of Chronic Kidney Disease of unknown etiology (CKDu), especially in the Mahaweli areas and beyond. It also underlines the environmental legacy of major irrigation and colonisation schemes, which have also been implicated in ethnic conflict ever since the Gal Oya project at the turn of independence.