



# General Assembly

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## Human Rights Council

### Fortieth session

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Agenda item 2

**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 Tamil Uzhagam, 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.

[12 February 2019]

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\* Issued as received, in the language(s) of submission only.

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## **‘Mahaweli’ undermine Land Powers of the Provincial Councils and supporting Sinhala Colonization**

With regard to the overall Mahaweli Scheme, almost all provisions of the 13th Amendment with respect to land have been disregarded. More thousands of Sinhalese families had been settled in the Trinco, Batticaloa and Amparai District of the Eastern Province. Through the Mahaweli ‘L’ System, government is in the process of doing and planning massive Sinhala Colonization in the Northern Province as well.

### **1. Mahaweli Authority**

The Mahaweli Master Plan in the Dry Zone of Sri Lanka has earmarked 365,000 ha of land for development of Agriculture in 13 Systems identified under the by the Mahaweli Development Programme. It was intended to construct a series of reservoirs and hydroelectricity plants and develop a large area of land with irrigation in order to facilitate the establishment of new settlements and development of agriculture. The implementation of the Mahaweli Development Programme is a mandate of the Mahaweli Authority of Sri Lanka established in 1979 by an Act of Parliament. The Mahaweli Development Authority's current task is to implement the envisaged project plan in the balance areas proposed by the Master plan and also Gazetted areas. This includes rehabilitating and maintenance of the irrigation network, administration of the land, enhancing the production of agriculture and the post settlement process. Further, MASL is responsible for managing irrigation water for 101,526 ha. of Irrigable land in the dry zone.

#### **1.1 Functions of the Mahaweli Authority**

The functions of the Authority in, or in relation to, any Special Area shall be —

- (a) to plan and implement the Mahaweli Ganga Development Scheme including the construction and operation of reservoirs, irrigation distribution system and installations for the generation and supply of electrical energy;
- (b) Provided, however, that the function relating to the distribution of electrical energy may be discharged by any authority competent to do so under any other written law;
- (c) to foster and secure the full and integrated development of any Special Area;
- (d) to optimize agricultural productivity and employment potential and to generate and secure economic and agricultural development within any Special Area;
- (e) to conserve and maintain the physical environment within any Special Area;
- (f) to further the general welfare and cultural progress of the community within any Special Area and to administer the affairs of such area;
- (g) to promote and secure the participation of private capital, both internal and external, in the economic and agricultural development of any Special Area; and
- (h) to promote and secure the co-operation of Government departments, State institutions, local authorities, public Corporations and other persons, whether private or public, in the planning and implementation of the Mahaweli Ganga Development Scheme and in the development of any Special Area.

#### **1.2 Mahaweli Authority Act No. 23 of 1979- Provisions relating to land**

“3. (1) The Minister may, with the approval of the President from time to time, by Order published in the Gazette declare any area which in the opinion of the Minister can be developed with the water resources of the Mahaweli Ganga or of any major river to be a special area (herein after referred to as ” Special Area “) in or in relation to which the Authority may, subject to the other provisions of this Act, exercise, perform and discharge all or any of its powers, duties and functions.”

It shall be lawful for the Minister to whom the administration of this Act is assigned to exercise in, or with respect to, any special area-

- (a) the powers conferred on a Minister by paragraph (b) of the proviso to section 20 of the Land Development Ordinance ;
- (b) the powers conferred on a Minister by sections 49, 51, 79 and 80 of the Crown Lands Ordinance.;
- (c) the powers relating to special grants and leases of State land conferred on a Minister by any provision of the Crown Lands Ordinance or by any Order or regulation made thereunder.”

Mahaweli Act provisions are very clear It gives a license to the Minister in charge of the Mahaweli Authority to do whatever he likes with respect to land, disregarding the provisions of the 13th Amendment to the Constitution.

### 1.3 Mahaweli ‘L’ System and Sinhala Colonization

In the original Mahaweli master plan developed by the foreign experts, the project was not targeted the Northern and eastern provinces. In 1988 through a special Gazette notification Mahaweli ‘L’ system was created and expanded through another special Gazette notification in 2007 for the exclusive purpose of Sinhala colonization of a strategic piece of merging Land of North and East Provinces, in order to wedge the North from the East to seek to permanently wedge the demographic contiguity of the northern and eastern provinces.

It has been reported, The Meliora centred Mahaweli L Zone is under a massive infra structural development at present. It is learnt that after the ending of the war in 2009, through expansion of Mahaweli project in L Zone, 6000 Sinhala families have been colonized in the Welioya area. Over 2000 acres of livelihood lands belongs to the Tamil community, displaced in 1984 also redistributed to the colonized Sinhala families. The Mahaweli Development Authority has spent over Rs.6000 million for providing development assistance in the Welioya area, after the war. There is no single Tamil family benefited through the Mahaweli programme in the region.

Successive Governments have adopted various strategies to keep the centre secure, and power centralized. One of the most “popularly” and “effectively” used strategies by Governments over the decades, has been that of “colonization” or “forcible settlements” of Southerners in the North. The marked difference between previous Governments and the current one is how blatantly and strategically it is utilizing both the military and civilians from the South, to fulfil its agenda. Currently, the modus operandi of the State seems to break the Tamil majority demographic of the North by settling Sinhala from the South along the Southern border of the Northern and Eastern Province. The Mahaweli L and the proposed Kand J zones are systematically planned to change the demographic pattern and contiguity of Tamils and accelerating Sinhala colonization in the North. The Welioya DS division in the Mullaitivu district of the Northern Province, created for the exclusive purpose of Sinhalicisation of a strategic piece of Tamil Land in order to wedge the North from the East, has been carved out by joining territories of the Mullaitivu district as well as territories of the Vavuniya district. This has been done in such a way, so that Vavuniyaa would lose its boundary with Trincomalee and the Sinhalicised Welioya will have contiguity with Anuradhapura district of the North Central Province. The Sinhala colonies in Mahaweli ‘L’ system seek to permanently wedge the demographic contiguity of the northern and eastern provinces .

### 1.4 Mahaweli Authority supports Sinhala encroachers in Mullaitivu

Eight Sinhala encroachers including, Mr Mihindukulasooriya Rukmal Thushara Livera and Ms Salina Marian Dedunu Dias, were occupying the land belongs to Tamils. The land in question is a fishing Paadu (an area of coastal sea-bed falling within the scope of a 10-feet long drawnet).

The Paadu is known as Maratimepatu. As the illegal encroachers were harassing Tamil fishers and engaged in the unlawful fishery at large-scale, the Tamil fishermen started to agitate and complain. Also, the Divisional Secretary was forced to seek the legal avenue at

Mullaitivu District/Magistrates' Court in February 2017. The defendants were arguing that the said lands were in their domain of control for a long time. Since they had deployed the area [with SL Navy backing] for a long time, they were now entitled to the ownership of the Paadu/land, they argued. District Judge MSM Sumsudeen delivered a verdict in January 2018 in favour of the application filed by the District Secretary. However, the Sinhala encroachers continued to occupy the lands defying the order of the courts with the backing of the occupying SL Navy and the SL Police. They also appealed at the SL Supreme Court against the decision of Mullaitivu District Court. However, their appeal was dismissed by the SL Supreme Court in February 2018 and Supreme Court decision was not favourable to them. Subsequent, they filed a revision case in Vavuniya high Court against the decision of Mullaitivu District Court, with the view of questioning the land authority of divisional secretary Maratimepattu in the Mahaweli 'L' system. In 6 August 2018, the Mahaweli authority has provided new lands to the 8 encroachers.

### **1.5 Proposed artificial Population growth in The North by Mahaweli**

Mahaweli L and the proposed K and J zones are systematically planned to change the demographic pattern and contiguity of Tamils and accelerating Sinhala colonization in the North. If this trend continues, it is very likely that other major towns in Northern to be undertaken in the future by Mahaweli Authority which will badly affect the Tamil's heritage in particular political power and economy .

## **2. People mobilises against Mahaweli**

Around 5,000 Tamil-speaking people of all walks of life mobilized on 28 August 2018 in one of the biggest protests to take place after 2009 in Mullaitivu. The entire district was brought to a standstill as private businesses were shut down in support of the action. The rally was assembled by a spontaneously formed civil action group titled, "Anti-Mahaweli Tamils' Heritage Forum" (AMTHF). The organisers presented the six demands in a letter addressing the SL President Maithiripala Sirisena politely. The six concrete demands are as follows

1. Mahaweli projects within the limits of the Northern Province should be scrapped;
2. The land permits issued to encroaching fishers from South in Kokkulaay, Kokkuthoduvaay and Karunaaddukkeani should be withdrawn;
3. The lands of 2,000 Tamils, who were evicted from their village in 1984 should be handed back to them.
4. The SL Archaeology Department, which is seizing the sites of heritage at wanton from Tamils to distort the history, should be restrained.
5. The Sinhala colonization, de-linking the territorial contiguity of the North-East, should be stopped forthwith.
6. The ban on livelihood activities in the lagoons that are unilaterally declared as natural-reserves by Colombo, should be lifted.

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Tamil Movement (Suisse) NGO(s) without consultative status, also share the views expressed in this statement.