Effective Land Administration” in Land Related Conflict Situations

28 September 2018
Deqing, Zhejiang Province China

Palitha Udayakantha
Surveyor General, Sri Lanka
Member of Expert Group in Land Administration
SRI LANKA

- TOTAL AREA 65,610 SQ KM.
- POPULATION 20 MILLION
- STATE OWNED LAND – 72 %
- PRIVATE LANDS – 28%
- ESTIMATED LAND PARCELS – 12 MILLION
CONFLICT IN NORTH AND EAST
1983 TO 2009

• Some people have been chased away by militants
• Others were settled in some of those lands
• Significant displacements / IDP
  • Some moved to other areas / Refugee camps
  • Some went abroad as refugees / mainly India, Europe
CONFLICT OF 30 YEARS / NO BOUNDARIES / TERRAIN CHANGED SIGNIFICANTLY

- DOCUMENTS DESTROYED LAND REGISTRY / OTHER ADMINISTRATIVE OFFICES
- STATE LANDS / STATE ALIENATED LANDS PERMITS/ GRANTS / LEASES / UNAUTHORIZED OCCUPATION
- PRIVATE LANDS
- GENERALLY BOUNDARIES WERE MARKED BY WELL MAINTAINED FENCES / EASY TO IDENTIFY / COMMUNITY WITH THE HELP OF GOVERNMENT OFFICES SETTLED THEMSELVES
- LANDSCAPE CHANGED BY ACTIVITIES / SOME BOUNDARIES NOT EASILY IDENTIFIED IN SOME CASES
- SURVEY PLANS WHICH DOES NOT HAVE GRID REFERENCE DID NOT HELP AT THIS SITUATION
Changes to law was made to allow re-settlement

- Government changed the prescription law
- 10 year undisturbed / uninterrupted occupation – entitled to processary title
- This was changed for the affected areas – made not valid after 1983
- Reconciliation boards appointed for dispute resolution at village level
- Reconciliation process began
SYSTEMATIC RE SETTLEMENT PLAN ACTIVATED

• POLICIES FORMULATED FOR RE SETTLEMENT / SPECIAL AGENCY ESTABLISHED
• SPECIAL DISPUTE RESOLUTION MECHANISM - MEDIATION BOARD CAME IN
• VILLAGE BY VILLAGE SETTLEMENTS
• WIDEST POSSIBLE PUBLIC AWARENESS TO AVOID LEFT BEHINDS
• HELP PROVIDED TO FIND LOST DOCUMENTS
• WHERE NECESSARY OWNERSHIP VERIFIED BY COPIES IN OTHER OFFICERS / LEDGERS/ DUPLICATES OF DOCUMENTS
• SETTLERS IDENTIFIED THEIR BOUNDARIES AND SETTLED THEMSELVES IN MAJORITY OF CASES WITH GUIDANCE OF VILLAGE LEVEL GOVERNMENT OFFICERS
SOLVING PROBMS IN PRIVATE LANDS

• AWARENESS CAMPAIGNS CARRIED OUT / COLLECTED POSSIBLE DOCUMENTARY/ OTHER EVIDENCES OF OWNERSHIP

• OFFICES / SENIOR VILLAGERS WERE MEDIATORS IN PROBLEM SOLVING.

• IF CANNOT BE SOLVED IN FIRST ROUND PASSED TO A HIGHER LEVEL

• LOCAL KNOWLEDGE HELPED A LOT

• IN CERTAIN AREAS COMPLETE RE SETTLEMENTS WERE DONE WITH THE AGREEMENT OF ALL AFFECTED
MOST OF THE ISSUES HAVE BEEN SORTED OUT

- Participatory approach was effective above all.
- Not many went for litigation.
- Legal remedies took long time and has little effects.
- Government provided alternative lands for those whom the original land cannot be given due to some reason.
- Safeguarding forest wildlife reserves was also given preference.
- It was taken as an opportunity to re-arrange land use patterns in some cases.
UNIQUE SOLUTIONS ARE TO BE FOUND CONSIDERING EVERY ASPECT OF THE ISSUE AS EACH SITUATION IS UNIQUE

UNHCR / UN HABITAT HELPED A LOT IN THESE ACTIVITIES

THANK YOU