

Supporting Effective Dispute Resolution:

Rapid Assessment of Community-Level Land Disputes in the Uva Province, Sri Lanka

Rapid Assessment Report

By Centre For Poverty Analysis
for The Asia Foundation

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1. Introduction

1.1 Background

Overview of the Uva Province

Despite being the second least populated province in Sri Lanka, the Uva province covers approximately 8,590 km² of land, out of which 80% is owned by the State. Out of the total land, approximately 50% of the land is considered forest land whereas 24% of the land is used for agricultural purposes, whilst 17% of the land is used for residential purposes. The remaining 9% of the land comprises grasslands, internal waters, and rocky surfaces (Uva Provincial Department of Land Commission, n.d.). These land use patterns shape the nature of land disputes and their resolution in the province.

Community-Level Land Disputes

Land is a fundamental element that defines one's way of life. In addition to being a capital asset that supports livelihoods and provides a means of generating an income for people and communities, it is also a source of personal or community identity; a legacy to be left for future generations; and a personal and/or social safety net (Bartsch & Moore, n.d.). These emotional and cultural values attached to places creates a people-place bonding, irrespective of the scale of the place. This phenomenon is also known as 'place attachment' (Altman & Low, 1992). Place attachment is a function of the ability to permit control, creativity, and mastery and opportunities for privacy, personal displays, security, and serenity. Such personalised emotions attached with places often mean that land tenure becomes a heavily politicised and an ethnicised issue, particularly where multiple identities coexist (Fonseka & Raheem, 2010).

Issues pertaining to land tenure were also a core driver and effect of the three-decade long war experienced in Sri Lanka. Cases of systemic land sector challenges – such as land grabbing and new land settlements; landlessness, encroachment on State land and illegal land sales; and loss and destruction of land – have been widely reported in post-war Sri Lanka (Flower et al., 2023). Therefore, increasing land tenure security stands as a policy priority for peacebuilding. Despite land disputes and ethnic grievances often being grouped as a cause and effect of violence, Ranathilaka (2014) argues that even in the absence of ethnic divisions, land conflicts prevail at the community level. Equally important, therefore, is the role of increased land tenure security for socioeconomic development (*ibid*). In fact, secure land tenure and property rights (LTPR) have long been acknowledged as a foundation for economic growth in both rural and urban areas.

Therefore, rising efforts to increase land tenure security and reduce land disputes are particularly relevant to an area like the Uva province, which is impeded by various socioeconomic challenges including the high incidence of poverty, low performance of education and health sectors, nutrition issues, and increased migration of productive labour to other provinces. Despite the Uva Province Five Year Vision Oriented Integrated Sustainable Development Plan - 2019-2023 acknowledging land as the greatest asset of the province – on account of its agriculture – adequate attention has not been paid to solving community-level land disputes within the province. Where land disputes are discussed within the Uva Province Five Year Vision Oriented Integrated Sustainable Development Plan - 2019-2023, attention is disproportionately focussed on government-owned land, primarily because a large share of land in the province is owned by the State.

However, cases pertaining to aggravated issues of ownership over control of land between landowners and land users have elucidated that community-level land disputes are of equal importance. Community-level land disputes – which sometimes entail intimidation and even assault – have a potential for scaling

up into communal violence (Fonseka & Raheem, 2010). Against this backdrop, replication of land dispute redressal mechanisms in an area like the Uva province can be understood as an important prerequisite to maintaining social harmony and strengthening socioeconomic development.

Land dispute resolution in Sri Lanka

Sri Lanka's legal framework for dispute resolution is codified in the form of laws, ordinances, and rules and regulations which define the rights and responsibilities of involved parties – such as citizens, cooperatives, corporations, the State and its agencies – in a society or country. Despite the formal setting facilitated within these legal parameters, disputing parties are also given the flexibility to mediate and reach mutually acceptable and customizable settlements that meet both parties' interests through voluntary settlements. It is in this backdrop that a nation-wide system of local panels of mediators was established in Sri Lanka by the passing of Act No. 72 of 1988 (as amended). Resultantly, the first Community Mediation Boards (CMBs) in Sri Lanka were established in 1990.

To strategically address land disputes and facilitate amicable settlements, and to further strengthen the mediation process to settle land disputes, the Government of Sri Lanka, in 2015, adopted a policy decision to establish Special Mediation Boards (Land) in the Northern and Eastern provinces and the Anuradhapura district for an array of land and property issues that arose due to the protracted conflict. A rapid assessment similar to this exercise was carried out in these locations prior to the establishment of a Special Mediation Boards (Land).¹ These Boards were set up according to the provisions of the Mediation (Special Categories of Disputes) Act No. 21 of 2003 by the Ministry of Justice under the guidance of the Mediation Boards Commission, working in close collaboration with the Ministry of Lands. Currently, Special Mediation Boards (Land) have been established and are operational in Jaffna, Kilinochchi, Vavuniya, Mannar, Trincomalee, Batticaloa, Anuradhapura, Ampara, and Mullaitivu districts. Additional Special Mediation Boards (Land) have also been established by Gazette No. 2217/38, dated Friday, March 05, 2021, and are operational in Colombo, Gampaha, Ratnapura, Kandy, Hambantota, Kurunegala, and Polonnaruwa districts. In 2019, these Special Mediation Boards received a total number of 1038 disputes, out of which 374 disputes were handled within the year. Of the 374 disputes handled, 202 have been settled, recording a 78.9% settlement rate for the given year. The absence of more recent data remains to be seen as a limitation within the overall mediation process.

1.2 Objectives of the assessment

Although the original intention of the Community Mediation Boards was to provide an alternative mechanism of accessing justice, the gradual increase of disputes relating to the access to land and land tenure have meant that a considerable proportion of disputes that are mediated at these Boards relate to land disputes. The Special Mediation Boards (Land) have been established due to the presence of a high proportion of disputes over State land. Special Mediation Boards are allowed to settle disputes, which the State is party to, contrary to the powers vested in Community Mediation Boards. The persistent disputes over land tenure in other parts of the country – and the positive influence of Special Mediation Boards (Land) in areas where land mediation boards were established, calls for the replication of land mediation efforts across the country. Even though the Government of Sri Lanka (GoSL) has not decided, at present,

¹ This rapid assessment can be accessed via http://mediation.gov.lk/static/media/publications/en/A_Rapid_Assessment_of_Land_Disputes_in_the_Northern_and_Eastern_Province_pbP5iz9.pdf

to expand Special Mediation Boards (Land) to the Uva province, this is an agenda that the Asia Foundation is intent to pursue.

Therefore, the Asia Foundation ('the Foundation'), called for proposals to conduct a 'Rapid Assessment of Community-Level Land Disputes' to explore the prevailing land disputes and to design training programmes for mediators. This assessment is also expected to provide recommendations to design awareness-raising programmes about community-level land dispute resolution. The following are the key objectives of the assessment based on the call for proposals:

1. To identify and understand the nature and types of land-related disputes/issues in the Badulla and Monaragala districts in the Uva province, including land-related disputes faced by the plantation community.
2. To identify the parties to such disputes.
3. To identify current ways and mechanisms used by parties to settle such disputes.
4. To provide recommendations to introduce mediation as a way of resolving land-related disputes.

1.3 Research questions

Based on the information provided in the Terms of Reference (ToR), the following research questions were considered for this rapid assessment.

1. *What is the nature of land disputes in the Uva province?*

This research question was explored through the review of literature and primary data, paying specific attention to the nature of land disputes, breaking them down by the different types of disputes, and their impact on vulnerable groups.

2. *Who are the parties to land disputes?*

This research question was explored through the review of literature and primary data to understand imitators of land disputes and vulnerable communities/individuals affected by land disputes. Special attention has been paid to the estate communities' role in land disputes taking into consideration the institutional issues inherent in their land tenure.

3. *What are the ways in which people resolve land disputes?*

People use multiple mechanisms to resolve land disputes. This includes formal settings such as litigation and resorting to the Land Division at respective District Secretariats; and Alternate Dispute Resolution (ADR) mechanisms including Mediation Boards, the Police, community-based dispute resolution mechanisms such as peace committees, religious institutions, and producer-based organizations. This research question attempts to understand the diverse mechanisms used by the communities to resolve land disputes.

4. *How do people view the use of mediation as a mechanism for resolving land disputes?*

This research question was explored through primary data, discussions with disputants, community leaders, civil society members, private sector, religious leaders, mediators, and appointed and elected government officials in the study districts, to unpack how mediation is used as a mechanism for resolving community-level land disputes.

5. *What are the critical training needs of mediators of Special Mediation Boards (Land)? What strategies can be used to create awareness on land dispute resolution?*

This research question was aimed at generating recommendations to guide the design and delivery of a training programmes for mediators to be appointed to the Special Mediation Boards (Land) in the study districts. Further, this also helped generate recommendations to guide the design of awareness-raising programmes for duty bearers and rights holders. This research question has been answered through data obtained from Key-Person Interviews (KPIs).

2. Literature review

'The Rapid Assessment of Community-Level Land Disputes in the Districts of Monaragala and Badulla', for which this literature review is primarily conducted, aims to reach an understanding of the nature of land disputes in Sri Lanka generally, and particularly on such disputes in the Uva province. The overarching aim of the Rapid Assessment, therefore, is to identify, among others, the different types of land disputes emerging in the Uva province, with a focus on rural and estate dimensions; the individuals and communities impacted by these disputes; the parties to the land disputes; the gendered impact of land disputes in the province; the multiple mechanisms by which land disputes are being currently resolved; and the feasibility of community mediation, in particular, to effectively resolve land disputes in the region. This brief literature review, therefore, is primarily targeted toward shedding light on these key aspects.

2.1 A brief analysis of relevant land laws in Sri Lanka

Several key laws relating to land rights and land-related disputes, some general and some specific, are analyzed below as they have been identified to have direct relevance to the significant issues emerging on land-related disputes in the Uva province. This brief legal analysis provides background and context to support the findings emerging from the primary data obtained through fieldwork and KPIs towards compiling this rapid assessment.

2.1.1 Overview of generally applicable laws on land-related disputes in Sri Lanka:

The laws and practices relating to land in Sri Lanka are complex and diverse in nature and their applicability is largely contingent on whether the land in question constitutes State or private land (Thirunavukarasu, 2017). The Roman-Dutch Law ('RDL') is the residuary common law of the country, which applies to issues of ownership over and/or inheritance of land when there is no statutory law in place. Therefore, the RDL plays a key role in matters relating to land and property and is given effect to through the judicial system in Sri Lanka.

Laws relating to private land:

Several laws in Sri Lanka govern occupation and other rights and interests that a person has over *private land*. The **Prescription Ordinance No. 22 of 1871, for instance**, gives effect to possessory rights and to ownership of a property to the possessor of the land. Section 3 of the Ordinance prescribes a period of 10 years after which a landowner may lose title to the land due to the 'adverse possession' (uninterrupted and undisturbed) of the land in question by a competing claimant. This Ordinance is only applicable to private land.² Further, there are several personal/customary laws, including the Kandyan Law, Thesawalamai Law, and the Muslim Law that encompass substantive rights over private lands and are applicable to specific groups of people.

Meanwhile, laws including the **Registration of Documents Ordinance No. 23 of 1927** regularize the process for registering documents and other instruments regarding immovable property. The **Registration of Title Act No. 21 of 1998** provides for the investigation and registration of title to a land parcel and regulates the transaction relating to a land parcel registered under the Act and to better manifest the ownership and enjoyment of the property. The **Prevention of Frauds Ordinance No. 7 of 1840** (as amended) serves to prevent the commission of land-related frauds and perjuries and lays down specific conditions to govern transactions for the sale, purchase, transfer, assignment, mortgage of land, or other immovable properties, contracts, or agreements. The **Notaries Ordinance No. 1 of 1907** (as amended) sets out the process for the appointment of a Notary Public and introduces all rules and regulations

² Section 15 of the Prescription Ordinance provides that "Nothing herein contained shall in any way affect the rights of the State or shall be taken to apply to any proceedings in any action for divorce, or to any case in which special provision has been or may hereafter be made for regulating and determining the period within which actions may be commenced against any public officer or other person."

relevant to the functioning of a Notary in Sri Lanka, providing for their specific duties, responsibilities, and liabilities, and rights.

Laws relating to State land:

There are several key laws in Sri Lanka that govern the ownership, occupation, and other rights and interests a person may have over State land. Often these laws overlap and intersect when implemented.

The **State Lands Ordinance, No. 8 of 1947** primarily deals with grants and dispositions of State land, specifying how they are to be managed and controlled, and providing for the process for issuing annual permits, long-term leases, grants, vesting orders, and releasing certificates. The **Land Grants (Special Provisions) Act No. 43 of 1979** provides principles for the alienation of agricultural and estate lands to be granted to landless persons. The **Land Resumption Ordinance No. 4 of 1887** deals with lands alienated by the State and abandoned by their owners. The **State Lands Encroachments Ordinance No. 12 of 1840** makes provisions to prevent encroachment into State lands. The **Land Settlement Ordinance No. 20 of 1931** relates to land settlement in Sri Lanka and is applicable for the identification, distinguishing, and declaring of State lands and private lands. The **State Land (Claims) Ordinance No. 21 of 1931** provides for considerations and decisions on claims made regarding the applications made under the Land Settlement Ordinance. The **Definition of Boundaries Ordinance No. 1 of 1844** provides powers to the State to easily ascertain the boundaries of pieces of land in Sri Lanka. The **State Land-Marks Ordinance No. 9 of 1909** relates to the erection and maintenance of permanent landmarks to define the boundaries of land alienated by the State. The **Requisitioning of Land Act No. 33 of 1950** authorizes the taking of possession and use of land required for essential purposes such as maintenance of supplies or services to the life of the community, and it also provides for the determination of compensation in the event of acquisition of such lands.

Resolving land disputes:

The Mediation Boards Act No. 72 of 1988 as amended by Act No. 15 of 1997 specifically sets out the disputes that may be referred for mediation and those that may not be resolved through mediation. Additionally, **the Mediation (Special Categories of Disputes) Act No. 21 of 2003** facilitates the setting up of Special Mediation Boards for settling special categories of disputes including economic and social issues (Moore et al, n.d.). The benefit of Special Mediation Boards is that it provides a space for negotiation and amicable settlement of land-related disputes in a speedy and cost-effective manner, with the additional advantage to include a system of making settlements more formal through legal or administrative mechanisms and a concrete referral system to refer unsettled disputes to other decision-making authorities.

Meanwhile, **Extraordinary Gazette No. 2261/168** dated 06.01.2022, issued under the Mediation (Special Categories of Disputes) Act, No. 21 of 2003 sets out the categories of disputes to which the provisions of the said Act shall apply, indicating the types of disputes which may be settled through mediation. These include:

- a) All disputes relating to State lands; and
- b) All disputes relating to private lands, other than
 - I. Disputes under Section 66 of the Primary Courts Procedure Act, No. 44 of 1979 which have been referred to Primary Courts;
 - II. Disputes with regard to the recovery of premises given on rent or lease; and
 - III. Disputes relating to the rights of third parties or co-owners who were not parties to mediation in co-ownership disputes.

Additionally, the Gazette specifies that the monetary value of the subject matter under the above categories of disputes which can be settled through mediation, arising within the Special Mediation Board Areas (also specified in the Gazette), shall be less than Rupees One Million (Rs. 1,000,000/=).

2.1.2 Specifically applicable laws for the rapid assessment of community-level land disputes in the Uva Province

The [Land Acquisition Act No. 9 of 1950](#) ('LAA') provides for the process by which private lands and individual servitudes may be acquired by the State for a "*public purpose*." This must be a purpose that promotes the common good and general interest of the community and cannot encompass, *inter alia*, an undisclosed purpose, a private purpose, or no purpose at all. The provisions of the LAA set out the procedure that the State must follow, commencing from the preliminary investigation and declaration of intended acquisition up to the payment of compensation to those displaced from their lands. Every landowner is entitled to compensation for land that is acquired by the State and claims for compensation can be made to the Divisional Secretary (DS) of the relevant area. Further, the law provides for the procedure of holding inquiries into claims for compensation and provides a right of appeal in the event of an adverse decision being made against a landowner. The aggrieved persons can also demand relief from the Court of Appeal if the authorities fail to comply with the procedure stipulated in the Act; and where an individual's fundamental rights are affected during this process, they can file a petition before the Supreme Court within one month of the violation (Law and Society Trust, 2015a). In addition, there are other Statutes that impact and intersect with this principal law in the sphere of land acquisition by the State.

The [Land Development Ordinance No. 19 of 1935](#) ('LDO') relates to the systematic land development and alienation of State lands through the issue of permits, grants, and free grants which are provided to specific categories of people including those from low-income and high-income backgrounds, and to educated youth, under this law. As such, the LDO sets out the powers and functions of government officials tasked with the responsibility of regulating the use and distribution of State land. State land is primarily alienated by annual and/or LDO permits and/or by grants including Swarnabhoomi, Jayabhoomi, Ranabhoomi, and Ranbima. Additionally, LDO permit-holders can convert their permit into a grant or a deed if they are able to meet specific conditions. Jayabhoomi grants were issued during a period when these legal provisions were removed by an amendment to the LDO, and consequently, incomplete grants without title documents have caused immense problems for the occupiers (Institute for Constitutional Studies, 2019).

The LDO was [amended in 2022](#) to allow for succession/title or the holding to the land to devolve to "children" when a successor was not nominated by the land owner/holder, without distinguishing between "sons" and "daughters" as was originally stipulated in the principal enactment. Thus, an attempt was made to overcome the gendered dimensions of implementing the law, which previously prevented "daughters" from directly inheriting land, giving "sons" priority. However, in practice, the application of the amendment is yet to take full effect. Another challenge to the effective implementation of the LDO rests on the primary mechanism in place for the selection of recipients of State land, which is done through the Land Kachcheri system as mandated under the LDO. However, a statutory timeline is not provided in the LDO within which the list of selected recipients of permits is to be published, nor within which recipients will receive their permits to begin enjoying their rights over the land. Thus, in practice, the issue of permits is often delayed with many participants being inconvenienced (Raji, 2017).

The **State Lands (Recovery of Possession) Act No. 7 of 1979** deals with the recovery and possession of State lands and is applicable for the recovery of unauthorized possession/occupation of State lands. Once a 'competent authority' forms an opinion that a person is in possession of State land without authorization, s/he can serve a notice on the occupier to vacate and deliver vacant possession within 30

days (or more). When this quit notice is served, the possessor must vacate the land and does not have a right to a hearing (section 4). If s/he does not vacate, the competent authority can apply to the Magistrate for the ejectment of the possessor. The only acceptable reason that a possessor can show to continue in possession is a permit or written authorization of the State, which is valid and in force (section 9). The Magistrate's decision is final, and there is no appeal permitted against his order (section 10). However, a writ proceeding does lie to the Court of Appeal, if the possessor can show that the competent authority has exceeded his authority, did not have authority to act, or has not exercised his authority properly. Additionally, a person can be evicted from State land if she/he has built and/or occupied a building, in a reserved forest classified under the Forest Ordinance (Law and Society Trust, 2015a). Further regarding the application of the State Land (Recovery of Possession) Act, (1) lands belonging to the Land Reform Commission, (2) lands belonging to the State Plantation Corporation, (3) lands belonging to the Estate Development Board, and (4) all other lands of Corporations, Boards and Authorities are considered State lands (Thirunavukarasu, 2017).

The [Land Reform Law No. 1 of 1972](#) restricts the extent of agricultural land that could be owned by a single individual. Under this law, the Land Reform Commission (LRC) is tasked, *inter alia*, with compiling information with respect to lands, releasing statutory determinants and legal obligations, taking over lands that exceed the ceiling, paying compensation for lands taken over, returning to owners' land which has been declared but does not exceed the ceiling, and utilizing lands vested in the LRC in productive investments in accordance with the provisions stipulated in the act and policies made by the government with a view to achieving economic and social development of the country. Over the years, minor amendments have been made to the law.

The [Mahaweli Authority of Sri Lanka Act No. 23 of 1979](#) focuses primarily on the administration of lands in areas that are demarcated under the Mahaweli Act and which fall within the purview of the Mahaweli Authority. Accordingly, there are several functions that the Authority can undertake in Special Areas demarcated by the Minister, including fostering and securing the full and integrated development of any Special Area, optimizing agricultural productivity and employment potential, and generating and securing economic and agricultural development within these areas (section 12). The Authority also has the power to promote and secure the settlement of persons on lands, farms, and properties in any of the Special Areas and to pay for or assist persons settling, farming, or otherwise developing any such lands, farms, and properties in the area (section 13). The State can acquire the land/interest for the Authority in accordance with Section 21(1) of the LAA, and when there is a requirement to acquire land in a Mahaweli Special Area, the process under the LAA must be followed. Additionally, there are certain procedures that must be followed by the Mahaweli Authority to facilitate the acquisition. The Mahaweli Authority, meanwhile, can for its own purposes possess the lands in the Mahaweli Special Areas without following the procedure set out in the LAA, following instead the procedure set out under this specific Act (section 24). A person affected because his right, title, or interest in the land is acquired by the Authority may file an action in a District Court against the Authority for a declaration of such right, title, or interest and to obtain compensation from the Authority in respect of that land (section 25) (Law and Society Trust, 2015b).

The [Buddhist Temporalities Ordinance No. 19 of 1931 \(as amended\)](#) deals with lands donated to the temples and devales under a deed of dedication/gift. The Ordinance governs the management of temple property, and specifically stipulates that the management of temple property is 'vested in a person or persons duly appointed trustee' or else in 'the Viharadhipati (head of temple administration) of such temple.' The rights of the custodian of temples for the receipt of compensation in the event of acquisition for public purpose are also set out in this law. In addition, the Ordinance specifies that as a rule immovable property belonging to any temple cannot be mortgaged, sold, or alienated, unless *inter alia* it relates to a *paraveni pangu* (Section 26). A "*paraveni panguwa*" as defined under the law, means an allotment of land

held by one or more hereditary tenant/s subject to the performance of services or rendering of dues to a temple. Additionally, the law spells out the process by which a *paraveni pangu* may be transferred (Section 27) and lays down the procedure for the recovery of property which has been improperly alienated (Section 28). Significantly, the provisions of the Prescription Ordinance do not apply to any claim for the recovery of any property belonging or alleged to belong to any temple or for the assertion of title to any such property (Section 34).

Aside from this law, the [Temple Lands \(Compensation\) Ordinance No. 28 of 1944](#) (as amended) sets out provisions for the payment to the public trustee of money payable as compensation under the LAA in respect of lands belonging to temples. Further, the [Nindagama Lands Act, No. 30 of 1968](#) defines “Nindagama lands” as any land in respect of which a proprietor thereof was, prior to the date of the commencement of the Act, entitled to demand services from any praveni nilakaraya or maruvena nilakaraya for and in respect of a paraveni pangu or maruwena pangu held by any such nilakaraya, or to demand or receive from any such nilakaraya any sum of money in commutation of any such services, but does not include viharagama or devalagam land. The provisions of the Act aim to abolish the services due from the tenants and holders of nindagama lands to the proprietors thereof for the purpose of making such tenants and holders the absolute owners of such lands.

The [Estate Bazaars \(Compulsory Acquisition\) Act No. 19 of 1958](#), makes provision to require an intended sale of the whole or any part of an estate bazaar to be notified by the prospective vendor to the land commissioner; and to enable the compulsory acquisition by the state of any estate bazaar, and the improvement, development, lease, sale or alienation otherwise of the whole or any part of any such bazaar which is acquired by the State. The Act provides definitions for the terms, “estate”³ and “estate bazaar.”⁴

2.2 Land disputes in Sri Lanka:

General overview

Several issues relating to land disputes and land rights have emerged in Sri Lanka over the years and have been highlighted in multiple studies. The problems relating to land identified in many of these studies encompass contested ownership and disputes over title to property and land. Other issues discussed in these studies relate to the alienation of State lands and acquisition of private lands by the State; disputes relating to rural and estate landlessness; issues surrounding access to justice in land matters; the lack of clear procedural requirements and efficient land administration systems; and the gendered impacts of land rights in the country leading to discrimination of specific social groups (Thirunavukarasu, 2017). In the recent history of the country, land related research saw an upsurge with the ending of the war in 2009.

Land disputes in post-war Sri Lanka

In post-war Sri Lanka, it has been noted that across the country, land-related issues have become a recurrent problem. The nature and types of these disputes range from specific conflict-related disputes including the secondary occupation of land by civilians to lost documents obstructing the claims to ownership of land. Additionally, inadequate rights to ownership and development over land, boundary-related issues, issues arising from actions of the State and non-State parties, and grievances associated

³ The term “Estate” under the Act means *any land or group of lands, whether cultivated or uncultivated, which is not less than twenty acres in extent and which forms a separate and distinct property but does not include any property an application for the transfer of ownership of which has been made under section 11 of the Tea and Rubber Estates (Control of Fragmentation) Act.*

⁴ The term “Estate bazaar” under the Act means *a land on which there are contiguous shops or commercial buildings, and which abuts a road belonging to, or passing through, or forming a boundary or part of a boundary of, an estate, and includes such shops or buildings.*

with the lack of land, have also emerged (Sriskandarajah *et al*, 2004; Goonesekere, 2006; Fonseka and Raheem, 2011; Guneratne *et al*, 2012; and Jegatheeswaran, 2013; and Selvakkumaran *et al*, 2014). Landlessness and encroachment of land have surfaced increasingly and remain a continuing problem in several parts of the country (Fonseka, 2010).

Many of these disputes are often interlinked with broader themes and underlying issues. For instance, the right to equality from a gendered perspective, the right of inheritance, the right to compensation when lands are subjected to acquisition by the State, the loss of ownership by prescription, and terms and conditions subject to which land grants and land permits are issued (Selvakkumaran *et al*, 2014).

Regional land disputes

Additionally, in different regions of the country, specific patterns of land-related issues and disputes have been observed as being more prevalent. For example, in the North of Sri Lanka, contestation of land ownership has emerged as a significant problem, relating to both State and privately-owned land. In some cases, there have been sales of land under permits which are illegal under the established legal process for the alienation of State land. In other instances, private lands have been sold by people who are not the legal owners. Similar issues of contested ownership, illegal sales, and transfers are expected to arise in other areas of the country (Fonseka, 2010). Meanwhile, in the Eastern Province, landlessness and land encroachment has emerged as a prominent issue, where many individuals are unaware of whether the land that they occupy is private or State land, further complicating the status of their ownership and control (Fonseka and Raheem, 2010).

Several land-related disputes have also emerged under the Mahaweli Development Project where large portions of agricultural land in the dry zone were declared by gazette as the land of the Mahaweli Authority. Consequently, many communities/individuals living on the land before such declarations were made have been dispossessed, leading to further contestations about the ownership of land in these regions. Additionally, the procedure surrounding the alienation of State land and the process for selecting beneficiaries has led to land disputes in several regions of the country. In some instances, procedural aspects have excluded certain segments of society including the plantation community, from developing, residing, and/or claiming ownership over the land, thus leaving them outside the protection of the law. These communities also have limited recourse to claim rights to the lands that they have been working on for years (Thirunavukarasu, 2017). These patterns of dispossession and dislocation continue to shape people's access to and ownership of land, as the present study finds.

These patterns relating to land rights and disputes, while prominent in certain regions of the country, may be relevant for land disputes emerging in other parts of the country as well, including the Uva province.

2.3 Land disputes in the Uva province

The Uva province comprises the districts of Monaragala and Badulla. In the year 2021, the mid-year population in the province was estimated to be approximately 1.4 million to Sri Lanka's overall population of approximately 22 million. The ethnic composition of the population is largely Sinhalese (80.8%), followed by Indian Tamils (12.3%), Sri Lankan Moors (4.3%), and Sri Lankan Tamils (2.4%), whilst the religious composition in the region is made up largely of Buddhists (80.4%), followed by Hindus (13.4%), Muslims (4.5%) and Roman Catholics (1.1%) (Department of Census and Statistics, 2012).

Most of the land in the province is used for agricultural purposes, which encompasses tea, coconut, rubber, sugar cane, paddy, mixed crops, seasonal crops, chena cultivation, and other cultivation. This is followed closely by land use for vegetation, which includes forest cover and grassland (Survey Department

of Sri Lanka 2016). Furthermore, 80% of the land in the province is recognized as belonging to the State, and this has been a contributing factor to land disputes and contestations for land ownership detected in the region.

Overall, whilst it has been observed that there are significant gaps and a dearth in the literature available on the specific land disputes emerging in the Uva province, a few of the prevalent issues have been identified and discussed in more depth in the following section. The discussion also draws from similar experiences emerging in other parts of the country where there are identifiable contextual parallels with the land-related issues emerging in the Uva province. In addition, it is hoped that these gaps in the literature will be supplemented through the primary data gathered through fieldwork and interviews conducted for the purpose of compiling this rapid assessment, toward providing a more comprehensive understanding of the ground realities of land disputes in the province.

2.4 Nature and types of land disputes

Rural dimensions of land disputes

Land dispossession is a multi-faceted issue affecting livelihoods, social security and social mobility, environmental justice, and identity and is particularly prevalent in rural parts of Sri Lanka, including the Uva province (PARL, n.d.). In Monaragala, Hambantota, and Anuradhapura, large areas of land have been allocated by the State to facilitate multinational agri-businesses, while poor farmers' share of land has shrunk over the years. This has led to land disputes emerging between individuals/communities and companies as well as against the State (*ibid*). Further, in regions such as Anuradhapura, Polonnaruwa, and Batticaloa the allocation of agricultural lands to private enterprises, and forceful acquisitions by various ministries have shrunk the plots of land owned by local farmers. Illegal acquisitions affecting people's livelihoods have also been conducted by private parties, and the State has failed to protect community interests. For instance, public officers themselves have been found to be involved in the illegal acquisition of lands, in their private capacity, disrupting agricultural practices and impeding development of the land (*ibid*). Although these disputes and issues have emerged in other parts of the country, owing to contextual parallels, similar patterns and trends surrounding land disputes are observable in the Uva province as well.

Meanwhile, development projects such as the Uma Oya Multipurpose Scheme, spanning areas of the Badulla and Monaragala districts in the Uva province, have been criticized for their environmental impact and adverse effects on the livelihood of local communities in rural areas. Several issues specifically tied to land rights and ownership have also surfaced in connection with the scheme. When the project was commenced in 2008, individuals living on State land, in rented houses, rent-paying farmers, and subsidiary families were promised compensation in the form of a house and alternate land, in lieu of their displacement. However, due to poor implementation of the scheme, the compensation provided to these communities has fallen short of what was originally allocated. Displaced farmers have not been given alternate farmlands, and several individuals have been resettled in areas on steep inclines where it is impossible to construct new houses. In connection with the Uma Oya Scheme, road infrastructure projects acquiring lands from the estates in the region provide compensation to the estate company but not the community affected by such acquisitions. In addition, the compensation scheme has been lengthy and involved a tedious bureaucratic process to secure relief. The process also costs affected individuals a lot of money with allegations of corrupt and discriminatory practices. In some regions, where alternative lands were distributed, the more wealthy and influential people received larger plots of land. Overall, administrative delays, lack of information, discrepancies, and discrimination in valuing and disbursing the compensation by the relevant officers have adversely impacted the lives of the community (PARL, n.d.).

Land disputes in the plantation and estate sectors

Disputes emerging from the plantation and estate sectors of Sri Lanka, including in the Uva province, have surfaced several cross-cutting issues relating to land ownership and rights in this sphere. A commonality observed in both sectors was that the plantation workers' access to housing is linked to their work on the estates and plantations. Private companies possess the land usually on long-term land leases from the State. Workers' incomes are very low, and they are trapped in cycles of poverty and a system of dependence on the companies, whether State or private, that manage the land. Possession of land and housing for these communities is tied to restrictions on self-employment or other income-generating work and sometimes even restrictions on cultivating for private consumption. The nature of the land possession also means that these communities cannot obtain loans by using this possessed land as security because they do not officially have title to or ownership of the land (PARL, n.d.).

The tea estates were home to Tamils of an oppressed caste from Southern India brought as indentured labourers to work in Sri Lanka's tea plantations by the British, with a long history of pervasive discrimination, exploitation, and violence. The adverse effects of this arrangement have been intergenerational, and the community remains amongst the poorest and the most excluded. The generations of exploitative extraction of their labour, together with disenfranchisement and systematic exclusion from decision-making processes, lack of support from or access to public services, and a general lack of care or support for their wellbeing has become a longstanding issue in the country and has emerged around land rights and ownership as well (PARL, n.d.; CPA, n.d.; and Mohan, 2023).

Meanwhile, the sugar plantations in Hingurana and Pelwatte are State-owned. Communities living on these plantation lands were previously dispossessed by the State and some were permitted by the sugar corporations, which thereafter managed the land, to remain and cultivate it (PARL, n.d.). A case study conducted on the plantation workers attached to the Pelwatte Sugar Company in the Monaragala district shed light on several of these issues. The case study exposed that many of the communities living on State-owned sugar plantations were previously dispossessed by the State while some were permitted by the sugar corporations, which thereafter managed the land, to remain and cultivate it. Disputes over land ownership have arisen, because although residents could build a house on the plot of land allocated for them to cultivate, they did not have title or ownership to the land or property. When the cultivators were settled on the land by the company it was arranged settlements and there are now 16 settlements. Despite living on the residential plot for several years, some for over 30 years, the cultivators are not entitled to any form of ownership of the land. This means that everything they invest in their residential plot cannot be passed on to their children and grandchildren, and they fear losing their homes, as their ability to keep their homes is tied to their ability to continue to cultivate (*ibid*).

The case study highlights that in 2017 the cultivators at the Pelwatte Sugar Plantation became aware that the lease agreement between the State and the company had come to an end and began to campaign for ownership of at least the ½ acre of land that they called home. The response of the public officers also shed light on the administrative issues that hamper the quick resolution of land disputes as well as the complexities of land laws applicable in the region. In one of the settlements, a 'land kachcheri' (a meeting held prior to decisions on alienating State land to landless) was held and 90 applications were sent by resident cultivator families. 84 of the applicants received responses stating that they were eligible for ownership, however, they received their deeds to the land approximately two years after the application was submitted. The residents of two other settlements were informed that their deeds could not be given to them because the land they occupied belonged to a temple. The remaining residents who submitted applications for their lands were informed that the procedure through the Grama Niladhari office would

take time. In another settlement, 67 families only received permits for their lands, meaning that in effect the State could recover possession of the land on the basis that it was not being productively developed.

Similarly, in Ampara, people who received Gal Oya permits had their lands acquired by the Hingurana Sugar Corporation, which then promised to return the lands if the effort proved to be unsuccessful. The sugar corporation is currently growing sugar on most of the land, while ownership over the rest of the land has been distributed among a different group of farmers. In this region too, the management practices of the plantation companies are described as being dictatorial and discourage development activities on the lands which the plantation community use. Officers of the Land Reform Commission also recommend that a letter be sought from the plantation company prior to even measuring the land. The company retains control and power over decisions relating to land and livelihood and this is demonstrated in the examples of plantation managers being central to securing land-related benefits (PARL, n.d.). Although these are specific disputes that have emerged in other parts of the country, owing to contextual similarities, these patterns and trends surrounding land disputes are observable in the Uva province as well.

The gendered dimension of land disputes

Research has established that land issues can substantially affect gender relations, particularly where patriarchal customs alienate or displace vulnerable women. At its heart, it has been recognized that many of the issues of land and gender relate back to power: the lack of decision-making power that women have in questions of governance and legal reform, and the lack of power to participate in peacebuilding processes and therefore influence reconstruction and rehabilitation efforts. Numerous challenges have been identified to instituting gender equality regarding Sri Lanka's land laws, noting that its progress does not match constitutional commitments or obligations under international law, for instance, to secure land rights (Wickramasinghe, 2016). Similarly, Fonseka and Raheem have emphasized that gender can play a significant role in the challenges that an individual can face in owning, controlling and accessing land especially because women are not perceived to be heads-of-household in a traditional sense and can struggle against government administrators and military personnel who regularly exhibit patriarchal attitudes and practices in the administration of land-related services (PARL,n.d.; Gunasekera, 2021; and Sivakumar, 2021).

In relation to land, there are several laws in Sri Lanka that have long discriminated against women over the years. For example, the Land Development Ordinance No. 19 of 1935 is the key legislation with regard to systematic land development and alienation of State lands. Yet, until recently, for several decades, this Ordinance ensured preferential treatment of male heirs in succession and did not recognize the concept of joint ownership, thereby giving rise to several problems, where women are discriminated against and have limited control over land, in practice. However, there are other laws such as the State Land Ordinance, which deal more broadly with the grant and disposition of State lands in Sri Lanka, that permit joint ownership between wife and husband, thereby avoiding further discrimination and possible future disputes (Fonseka, 2010; Jayasundere and Valters, 2014; Thirunavukarasu, 2017). The People's Land Commission, taking a close look at the women's struggles for possession of lands, land rights, and human security in Sri Lanka exposed that the dispossession of land and its effects is clearly a gendered experience. Legally as well as socially, women's land rights are unfortunately connected to the unjust practices of dowry and marriage, as well as personal laws which are specifically applicable to different communities and govern land ownership and rights to inheritance.

Specifically in relation to disputes in the Uva province, women affected by the Uma Oya project indicated that the lack of water had caused economic hardship leading women to seek employment outside of their

communities and areas of residence, leading to internal and external migrations in some cases. These additional hardships have undermined their personal security, health, and well-being to a great extent. In plantation communities, the precarious nature of claims to land and the role played by intermediaries have also meant that women workers find it extremely difficult, if not impossible, to complain against harassment and other forms of violence they face. The fact that such issues are seen as secondary within their own community and even within the struggles for land further exacerbates these women's sense of unsafety.

2.5 Land alienation and re-allocation

The Land Kachcheri system appears to be the primary mechanism in place for the selection of recipients of State land under the LDO. However, while the law provides for the convening of a Land Kachcheri it does not provide for a timeline within which recipients must be selected and finalized to receive land permits and to begin enjoying their rights to the said land. In practice, the issuing of permits is often delayed, and individuals are inconvenienced and compelled to participate in Kachcheris repeatedly. On many occasions when applications for permits are rejected by the Kachcheri, reasons for such rejection are not provided.

It has been recognized that part of the reason for these delays is due to the overburdening of responsibilities on the Divisional Secretariat (DS) which is delegated with the role of issuing permits to the recipients for the alienation and allocation of State land through the Kachcheri system. Several proposals have been made to improve the independence, efficiency, and transparency of the Kachcheri system, including the introduction of procedural timelines for smoother administration and the establishment of a separate Land Department within the DS as an independent body to carry out these specific tasks (Raji, 2017).

2.6 Land dispute resolution in Sri Lanka

Community-based dispute resolution programmes offer disputants an opportunity to settle mostly minor disputes in an informal, non-adversarial, and participatory setting, mediated by volunteers. Substantively, community mediation has been hailed as providing individuals with a choice in how they want to settle disputes and as an empowering mechanism against the State control of individual lives. Thus, Mediation Boards were established as an alternative mechanism to the formal courts system with the promise of being more effective and efficient by creating a space for the local community to settle their own disputes. Yet it has come to light that Mediation Boards sometimes occupy an ambiguous space within the local dispute resolution system. For instance, questions are raised about where the Mediation Boards are placed within society and the role they play, whether it falls within the sphere of formal laws or popular justice, and whether individuals specifically engage with the Boards to resolve their disputes (Welikala, 2016).

An evaluation in Sri Lanka conducted in 2011 highlighted that the most common disputes seen by Mediation Boards were based on assault and loan cases, closely followed by land issues. Further, land disputes tend to be based on inheritance, subdivision between family members, competition between possible owners, the validity of titles, boundary disputes, encroachment issues, land access, and property damage by livestock. However, several problems were identified by mediators in practice relating to complex land disputes, including that certain land disputes which related to multi-generational processes of displacement and resettlement within a region, which were not appropriate to be resolved in mediation were brought before the Mediation Board, and were often abandoned, particularly if there was political influence. Further, mediators are not given legal training, which may have ramifications when they facilitate land disputes which require a general understanding of the complex legal framework. This is

further complicated when issues related to State lands are placed before the Boards, given that State actors cannot attend the boards in an official capacity (Valters, 2013; and CEPA, 2018).

Furthermore, it has become a longstanding pattern for land disputes to remain unresolved for long periods due to complex land laws in Sri Lanka, with some Court cases stretching up to 30 years, and during these periods valuable land has remained underutilized. Consequently, many individuals are reluctant to bring their land disputes to Court and chose alternate pathways to resolve their issues instead. These alternate pathways, take place through informal means, for instance, through forceful trespassing and evictions, informal compromises made between parties through discussions, and verbal agreements which sometimes result in long-term negative social and economic implications as the solutions sought are not always legally sound.

2.7 Conclusions, recommendations, and proposed ways forward

In light of the literature discussed relating to land disputes in Sri Lanka and the Uva province, several recommendations and proposals for solutions have been made, suggesting a way forward.

Legal reform and policy change

Recommendations have been made advocating for legal and administrative recognition of how people access, use, and own land and how to better address landlessness and homelessness in Sri Lanka. These include recognising and valuing peoples' relationships to land based on their right to engage in the livelihoods of their choice, recognising the matrilineal practices of inheritance that exist in some parts of the country and the historic possession of lands across generations, as well as the religious or cultural significance of certain lands. They further focus on developing people-centered definitions for the commons (common public land or space) and community property (possession by communities based on traditional or historic possession and use) and an urgent call to the State to amend gender discriminatory clauses in land legislation (Romeshun, 2022). Accordingly, some suggestions have been made to recognise that the right to possess and use land can be established in a variety of ways and that legal documentation is only one form of claiming a right to land and land use, and that people can derive legitimacy to their land in other ways.

Suggestions have also been made to introduce a national policy on land together with the setting up of a National Land Commission (Thirunavukarasu, 2017). This policy may include a component in relation to the land rights of women that needs to be in place for the proper inclusion of women in social and economic development. While the LDO was amended in 2022 to counter gender discrimination, other laws relating to State lands in Sri Lanka must also be amended in line with international standards underpinning gender equality. Further, with regards to the plantation sector, recommendations have been made to develop policies pertaining to the management of plantations to ensure that the labour rights of plantation workers are protected. Specific to their land rights, recommendations have also been made to facilitate plantation workers and their families to have access to a deed, through the adoption of a similar system such as the Land Kachcheri system which re-allocates State land in other parts of the country, especially when lands are allocated to them in the plantations. This document would empower them to have rights to the land they work on, and the freedom to decide how to utilize this land, whether for housing and/or household food productivity. Additionally, calls were made to ensure that women get equal rights to use, own and inherit land in these communities.

More recently, in May 2023, the President of Sri Lanka raised concerns over the outdated land-related laws and policies applicable in Sri Lanka and directed officials to amend existing laws, draft new

regulations and revise land-related policies to reflect modern development needs. The President also called for the setting up of a Land Commission.

Enhancing dispute resolution mechanisms for land-related matters

Recommendations have been made to strengthen existing litigation mechanisms, access to quality legal aid and mediation, as well as to set up an independent mechanism to address land-related issues. Accordingly, proposals have been made to fast-track land cases filed in Courts, so that they are resolved within a reasonable timeframe as well as to consider establishing a special “Land Courts” to expedite these issues. It has been proposed that legal aid for land disputes should also be offered to litigants, free of charge. Additionally, an institution mandated specifically to handle land grabs must be established as an independent, appropriate mechanism.

Specifically, regarding mediation as a pathway for land dispute resolution, recommendations have been made to reconsider the types of cases going into mediation and how they should be handled. Mediators need to be trained with basic legal knowledge and should not make “settlement” of cases the primary focus if such settlements compromise or undermine the basic rights of the parties concerned. Suggestions have also been made to develop a coherent and targeted gender strategy for community mediation, to recognise and challenge discrimination, and to enhance gender sensitivity when handling matters (Jayasundere and Rahman, 2016). Further, it has been recommended that the overriding principle for dispute resolution should be subsidiarity, the goal of resolving disputes at the lowest institutional level possible. There is also a need for fast-track mechanisms that could, for example, deal with minor land disputes surrounding residential land, and boundary disputes and for making use of inter-communal dispute resolution mechanisms in minor inter-ethnic land disputes (Korf and Lavadenz, 2007).

Improving procedure, governance, and land administration

In close connection with many land disputes, parties often accuse public officials and administrative authorities of neglecting their grievances through inefficiency and indifference, while expediting the demands of the economically and politically affluent. Further, complaints have been raised that there is a fundamental lack of coordination among the different State departments that deal with various aspects of land-related matters. Tensions among these different State departments thus detrimentally affect the resolution of people’s land issues, and therefore landless people are often misled by the cumbersome and confusing bureaucratic procedures involved in getting permits and exercising their rights, thereby exacerbating and prolonging their disputes.

In addition, it has been observed that administrative bodies often exploit the lack of knowledge in communities about the technicalities relating to the possession of State lands. Similarly, when communities attempt to receive validation for their traditional claims of land, they face similar difficulties. Officials are also accused of displaying favoritism and catering to the land-related needs of businesses and companies at the expense of people’s individual claims. Lands said to be under the protection of the Forest Department, archaeological sites, and lands reserved under the Mahaweli Scheme for instance are used for economic exploitation without transparency and due process in their transfers.

Consequently, several recommendations have been proposed to enhance effective governance, particularly through enforcement mechanisms, as well as efficient land administration systems within the country (PARL, n.d.). These are guided by principles of inclusiveness and fair treatment; transparency in decision-making; accountability for decisions made in relation to land rights; incorporating a participatory and consultative process in the allocation of lands; and introducing a comprehensive land administration

system to alleviate inequities and inefficiencies in the allocation of land resources and in the provision of land tenure security (PARL, n.d.; Perera, n.d.; Damayanthi, 2011; and Weerahewa *et al*, 2021).

These broad recommendations, in combination with specific recommendations provided in the final section of this report, should be considered when planning the setting up of Special Mediation Boards to handle land-related disputes in the Uva province.

3. Methods

This research adopts an interpretivist approach where the notion of reality is viewed to be ‘socially constructed’, for the purpose of gaining an in-depth understanding of the phenomena of land disputes through actors’ experiences. The phenomena of land disputes are complex in nature and there are numerous actors present with power-relations skewing dispute resolution. It is, therefore, important to understand the nature of land disputes present in the communities and the processes followed in resolving them through the experiences of the people. To this end, the proposed research framework constitutes an inductive, ground-up approach, that is comprised primarily of qualitative data. In addition, the qualitative data analysis is supplemented by primary or secondary quantitative data analysis, where applicable.

This research is carried out in the following stages:

1. Desk review
2. Empirical research
3. Analysis and reporting

3.1 Desk review

During the inception phase of the research, a desk review was carried out to contextualise the study and to fine-tune the conceptual framework of the research. The desk review draws on published literature, research papers, journal articles, policy papers on land disputes and dispute resolution. The desk review topics encompassed land tenure, the nature of land disputes, the mechanisms put in place to resolve disputes, the role of ADR mechanisms in resolving land disputes, including the role of Community Mediation Boards and Special Mediation Boards. This review also included an analysis focusing on the relevant Acts and Laws applicable in Sri Lanka on resolution mechanisms available for resolving community-level land disputes.

3.2 Empirical research

An in-depth, qualitative and inductive approach has been proposed to understand the complexity of land disputes present in the Uva province. The research relies on both primary and secondary data. Table 1 below illustrates the different methods, tools, and sources used to respond to the corresponding research questions. The primary data, which was collected in-person, has two main components: (1) Key Person Interviews (KPIs) and (2) Case Studies. As set out in the ToR, the rapid assessment was conducted in selected Divisional Secretariat Divisions (DSD) in the Badulla and Monaragala districts of the Uva province.

Table 1: Data collection tools and methods adopted in response to the research questions

Research questions	Data collection methods	Tools	Sources
<i>What are the nature and characteristics of land disputes in the Uva province?</i>	Qualitative	Literature KPIs and Case Studies	Available literature Discussions with disputants and key persons
	Quantitative	Secondary data	Data from community mediation boards

<i>Who are the parties to land disputes?</i>	Qualitative	Literature KPIs and Case Studies	Available literature Discussions with disputants and key persons
<i>What are the ways in which people resolve land disputes?</i>	Qualitative	KPIs and Case Studies	Discussions with disputants and key persons
<i>How do people view the use of mediation as a mechanism for resolving land disputes?</i>	Qualitative	Case Studies	Discussions with disputants
<i>What are the critical training needs of mediators of Special Mediation Boards (Land)?</i>	Qualitative	KPIs and Case Studies	Discussions with disputants and key persons
<i>What strategies can be used to create awareness on land dispute resolution?</i>	Qualitative	KPIs and Case Studies	Discussions with disputants and key persons

3.2.1 Key Person Interviews (KPIs)

KPIs were carried out with the intention of gathering expert views on the subject of land disputes. The KPIs were designed to identify the nature of land disputes, the actors involved in dispute resolution, their roles and responsibilities, the challenges faced, and to identify the possible recommendations to improve these mechanisms. KPIs were conducted at national level and at the provincial level.

07 interviews at the national level were carried out with individuals from the following categories indicated in Table 2 below.

Table 2: National level KPI list

Type	Key person(s)/organization(s) interviewed
Policymakers	1. Land Use Policy Planning Department
	2. Uva Provincial Land Commissioner's Department
	3. Mahaweli Authority of Sri Lanka
NGOs	4. Law and Society Trust
	5. MONLAR
	6. The Asia Foundation
Experts	7. National Languages Equality Project

In each district, a minimum of 10 KPIs were conducted with individuals representing the organisations listed in Table 3 below. These KPIs included relevant government officials at the Divisional Secretariat level, Grama Niladharis, Women Development Officers, representatives of non-governmental organisations and activist groups, relevant representatives from the Community Mediation Boards (CMBs) including Development Officers in-charge of coordinating CMBs and representatives of the Plantation Development Trust.

Table 3: District level KPI list

District	Key Person(s) interviewed
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Monaragala	1. Divisional Secretary
	2. Grama Niladhari officers
	3. Officials from the Land Division at District Secretary
	4. Representative from Uva Wellassa Women's Organisation
	5. Representative from Wehilihini foundation
	6. Mediation Development Officer at District Secretary
	7. Mediation Chairperson
	8. Social activist based in Wellawaya
	9. Representative from Pelwatte Sugar Corporation
	10. Representative from Mahaweli Authority regional branch
Badulla	1. Divisional Secretary
	2. Officials from the Land Division at District Secretary
	3. Land Registrar
	4. Mediation Development Officer
	5. Mediation Chairperson
	6. Mediators
	7. Mediation Training Officer
	8. Legal Aid division at the District Court
	9. Lawyer
	10. Representative from Plantation Human Development Trust
	11. Representative from Uva Shakthi
	12. Representative from Uva Workers' Foundation
	13. Representative from Uva Community Development Centre
	14. Union leader from Agricultural and Plantation Workers' Congress

3.2.2 Case Studies

The case studies, that were predominantly qualitative, were conducted with people who have faced or are currently facing land disputes. The case studies draw on people's experiences of land disputes, the actors and mechanisms that were involved in resolving the disputes, and their levels of satisfaction with available dispute resolution mechanisms.

A minimum of 15 in-depth case studies were conducted in each district bringing the total number of case studies to 30. The research tool consisted of informal conversations, structured and semi structured questions, and participator observations where possible. Although the research was predominantly qualitative, the research instrument was designed to capture some level of quantitative/numerical data including information on the volume of land disputes; the time spent with dispute resolution actors per visit; the time taken to resolve disputes; and the age, sex, income levels, and costs associated with accessing dispute resolution mechanisms. Prior to carrying out fieldwork, the draft research tools were shared with the Foundation for feedback. A team of two researchers conducted in-depth interviews in respective local languages. Each conversation lasted approximately between 30 minutes to 1 hour. Of the two team members present, one of the members conducted the interviews, while the other took detailed qualitative notes.

The sampling criteria was drawn from the past studies CEPA had carried out on this topic and drawing from prior experiences in conducting research in the proposed geographical areas. The primary data collection locations were selected on the basis of the number of land disputes reported. Therefore, the

DSDs that reported the highest number of land disputes to Community Mediation Boards were selected for the study. Accordingly, Sewanagala DSD in the Monaragala district and Hali Ela DSD in the Badulla district were selected for primary data collection. In addition, Wellawaya DSD in the Monaragala district was selected purposively to gather data pertaining to land disputes in the plantation sector.

Individual cases were identified from the records shared by the Community Mediation Boards, Land Division at the District Secretary, Grama Niladharis, and NGO leaders. To effectively capture diverse perspectives on land disputes, a cross-section of different types of land disputes and diverse methods used to resolve/settle these disputes were considered. The following are some of the important considerations that were taken into account for sampling the cases that were included in the in-depth studies. The research team ensured the incorporation of these characteristics prior to selecting the sample for the in-depth study:

Sex: Ensured both men and women were equally represented in the sample to understand the gendered differences impacting the experiences in dealing with land disputes.

Nature of land dispute: The sample included a diverse case of land disputes among the study communities. These types were further expanded during the desk review phase and the initial round of Key Person Interviews (KPIs) conducted.

Age: To the extent possible, a diverse age group was captured to understand different perspectives on dealing with land disputes.

Current status of the disputes: Two types of cases were identified on the basis of current status of the cases; (1) whether they were settled or (2) unsettled. Therefore, in each district cases were selected taking the status of the cases into consideration.

Rural/urban/estate: The sample had a mix of respondents from the rural and estate settings as it was identified that the nature of land disputes in each of these settings may vary.

Socio-economically vulnerable groups: In selecting the sample, the number of women-headed or managed households, and the number of families that received Samurdhi and/or live below the poverty line were considered.

Table 4: Total number of KPIs and Case-studies conducted, by district

District	KPIs	Case-studies
National level	07	
Badulla	14	16
Monaragala	10	15
Total	31	31

4. Findings

4.1 Nature of and parties to disputes

The nature of disputes discovered in the study locations varied due to several factors. Data collection revealed that issues pertaining to boundary of lands, transfer of lands, and land encroachment were the most recurrent and common themes with regards to the nature of land disputes. These issues were further nuanced by the types of land ownership observed in the study locations.

4.1.1 Type of land ownership leading to disputes

State land

Most of the land in the Uva province is State-owned. Particularly in Monaragala, the percentage of land owned by the State covers 99% of its total land area, leaving approximately 200 acres of freehold (*sinnakkara*) land. Although to a lesser extent, in comparison, Badulla district too holds a significant proportion of State-owned land. During the green revolution in the 1960s, communities were relocated from other parts of the country to areas in the Uva province – among other provinces – to contribute to the total agriculture production of the country, including the production of paddy and other cash crops. In doing so, relocated communities were granted 0.5, 3, and 1.5 acres of land for residence, high land crop cultivation, and low land crop cultivation, respectively, under *swarnabhoomi*, *jayabhoomi*, and *ranbhoomi* permit schemes. State land was alienated to communities via these schemes under the LDO. The limited rights to land granted through schemes, as opposed to land rights granted by a property deed, have led to several disputes among permit holders and their subsequent generations, which will be explored in the subsequent sections of this report.

Furthermore, having approximately 50% of forested land in Uva province coming under the purview of the Department of Wildlife Conservation (DWLC) and the Department of Forest Conservation – and to a lesser degree, the Department of Archeology – has also led to several reported disputes among governance bodies and alternative land users from respective communities in the Uva province.

Land belonging to the Mahaweli Authority

The Mahaweli Authority of Sri Lanka has followed a similar process of agriculture colonization which was followed by the State during the green revolution. Accordingly, communities resettled in lowlands coming under the purview of the Mahaweli Authority have been allocated 2 acres of land for sugar cane cultivation, three quarters of an acre for paddy cultivation, and 60 perches for residence. On the other hand, communities resettled in high lands coming under the purview of the Mahaweli Authority have been allocated 4 acres of land for sugar cane cultivation, 40 perches for other cash crop cultivation, and 20 perches for residence. The absence of permits – and, therefore, rights – to lands where sugar cane is cultivated and developed over generations has been a major driver of disputes between the Mahaweli Authority and the subsequent generations of resettled communities.

The KPIs in Sewanagala revealed that even though land was distributed by the Mahaweli Authority, the Authority has not intervened in its administration until 2021. Until 2014, administrative power over sugar cane land was delegated to the respective Divisional Secretariats. Therefore, between the period of 2014 – 2021, there has been no entity administering these lands, leaving community needs unattended and exacerbating disputes.

Land belonging to Sugar Corporations

Although the Sugar Corporations in Pelwatte and Sewanagala were established as State- Owned Enterprises at its inception, they currently run as semi-government entities. These plantation lands – which are predominantly State lands in essence – are leased to the sugar corporations for 30 years, at the end of which the lease agreements are renewed. At the time the land was reclaimed by the State to be leased to the sugar corporation, freehold land too has been reclaimed, leading to disputes. Under the belief that fragmentation of plantation land would lead to loss in production, residents have not been given permits to land until sugar corporations were taken under the purview of the Mahaweli Authority in 2021. Even after 2021, the number of permit holders remain limited, and the land alienation process remains lengthy and cumbersome. This also affords the sugar corporations the opportunity to reclaim any land where sugar is not cultivated, even if residents may have consumed these lands traditionally over generations.

Land belonging to the Land Reform Commission (LRC)

Under the government of former Prime Minister Sirimavo Bandaranaike, freehold land exceeding 50 acres was taken under government control and reallocated among low-income households with no land ownership to ensure equitable distribution of land resources. LRC land-related disputes have been reported among residents who were resettled in these lands without issuing them permits. On the other hand, reported cases of allocating LRC land for high income earners under political influence, especially reported from areas like Ella, for tourism purposes, have undermined the legitimacy of the process of land redistribution among low-income households.

Land belonging to the Regional Plantation Companies (RPC)

Similar to the case of sugar corporations, RPC lands are also State lands that are leased to regional plantation companies for the cultivation of tea for a period of 30 – 35 years or 99 years. Estate workers are given accommodation in line rooms constructed within RPC grounds, but they are not given any legal title – permits, grants, or deeds – over the land that they have traditionally lived in for 200 years since these communities were first resettled from India in 1823. The absence of legal title over estate land as well as the constricted way line rooms are constructed have spurred both land and space related conflicts in the estate sector that are explored subsequently.

Temple land

Land that has traditionally belonged to temples under the Buddhist Temporalities Ordinance No. 19 of 1931 have been traditionally redistributed to communities for cultivation and residence, albeit without legal title. However, since tourism in the Uva province began booming, temples have been leasing these lands to private sector companies for tourism and other income generation activities, thereby dispossessing communities that have traditionally consumed these lands over generations.

4.1.2 Types of land-related disputes

Overall, one of the key elements of land disputes is that they are shaped by the fact that identity and socio-economic positioning of individuals, families and communities govern the patterns and practices of access to land and land ownership. Socio-economic status plays a key role in deciding which rights are afforded to which communities with regards to land rights. Particularly in the rural context, land rights are determined by one's socio-economic standing, political privilege, and patronage networks that one has access to. Being resettled in agriculture colonies itself affords these communities a lower socio-economic status on the grounds that (a) they are at the mercy of the government for the fulfillment of their most

basic needs including housing and (b) the low income generated through agriculture activities with very limited value addition which require little to no skills.

Particularly in the rural sector, how land is distributed is also shaped, to a large extent, by gender. Despite making some progress with the amendment to the LDO in 2022, gendered impacts in land redistribution persist. Often women's access to land and rights over land are tied to their marital status. Particularly if the right to land is requested by an unmarried woman below 40 years of age, from the State, they are denied access to/ownership of land on the grounds of their being unmarried. Furthermore, given gendered patterns of inheritance and land ownership that have persevered through cultural ties, women have been rendered assetless and unable to rely on any safety net, in case of divorce. For example, in case of the death of their title holding spouses, older women – particularly mothers – have been known to be removed from decision making spheres even if land ownership for the first six months following the death of the spouse is transferred automatically to the wives.

“After the death of the father, it is the children that get together and make decisions about land ownership. Mothers usually do not get a say in how land is divided.”

KPI, Monaragala based NGO

In the estate sector, land disputes vary significantly, where unique as well as extremely layered power dynamics are at play. On the one hand lies the estate community with very little to no power or agency to fulfill their basic needs residing in line rooms. On the other hand lies the estate management that can exert any desired amount of power over the community. In between are *thalaivar*, *kangani*, and *kanakapulle* – who despite being members of the same ethnic groups and socio-economic standing as the rest of the estate communities – are able to exert power over their peers. These nuances are explored in detail in the following subsections.

Boundary issues

One of the most common types of land-related disputes observed in the area – irrespective of the type of land ownership – are boundary issues. Boundary issues are observed mostly among rural residents, where pressure from population growth has led to the fragmentation of land which has then been shared among successive generations. Even though to a lesser extent, disputes are also reported where State boundaries are trespassed on by members of the community. Most boundary related issues reported to the District Secretaries and Community Mediation Boards in Monaragala and Badulla have been due to boundaries not being surveyed and demarcated prior to fragmenting land. This has caused disputes between adjoining landowners if land belonging to the other party is in any way trespassed on or encroached.

Especially when land is not surveyed, boundaries are established by setting up live fences, as opposed to using concrete pillars and/or boulders. Cases reported reveal that live fences have often been removed and set up several metres away by disputing parties, often exacerbating the conflict. Given the socio-economic development and population growth that the communities have experienced, albeit low in comparison to other provinces, larger plots of lands have become a need among rural community members in the Uva province. For example, alongside the purchase of vehicles for a household, the need to enlarge pathways accessing plots of land has meant that it often comes at the expense of adjacent land plots, thus leading to disputes between adjoining landowners.

Disputes pertaining to accessways to land have historically been a driver of conflict, particularly where boundaries are not surveyed and marked. Mostly in rural settings, pathways to lands are offered to adjoining landowners for convenience and ease of access, out of informal bonds – such as trust and kinship – that tie communities together. Disputes then occur where parties feel that these informal bonds are misused and exploited or when those ties change. The following Case Study 01 unravels such a case.

Case Study 01
<p>Parties to the dispute: Kumari, Nandawathi, Kumarasiri's sons (<i>anonymised</i>)</p> <p>Kumari had originally bought the 2-acre plot of land, that is subject to the dispute in question, in 2013 from an external party. At the time of its purchase, there had been no documentation – either permit or deed – to prove ownership of the land. The land – which is located several kilometres away from Kumari's place of residence – had been used to grow bananas – a lucrative trade in the region.</p> <p>To the South of Kumari's land were two plots of land belonging to Nandawathi and Kumarasiri who are two siblings. Kumarasiri inherited a part of the land that initially was alienated to his father through a permit. The remainder of that land was sold to an external party. Nandawathi, on the other hand, received land ownership 15 years after their settlement in the land, following a land kachcheri. Even though the accessway to Kumari's 2-acres of banana land was located to the North of her land, Nandawathi agreed informally to allocate a portion of her boundary (adjoining the boundary of Kumarasiri's land) as an accessway to Kumari's land due to convenience.</p> <p>The disputes between the parties first emerged when Kumarasiri's sons – Amal and Kamal – trespassed Kumari's land and stole bananas, which recurred frequently afterwards. The dispute escalated when Amal and Kamal caused severe damage to Kumari's property. Since complaining to the police several times about the harassment caused by Amal and Kamal, to no avail, Kumari sold the land at Rs 2,000,000.00 to a third party alongside the accessway that was informally given to her based-on word of mouth.</p> <p>This transaction encouraged Amal and Kamal – under the influence of substance use – to start an argument with Nandawathi over the ownership of the accessway, which later escalated into a physical altercation. This dispute spanned across several months, with Amal and Kamal forcefully inserting a live fence blocking the accessway. Nandawathi later removed the live fence, once again freeing up space to access the land.</p>

Furthermore, demarcating boundaries has been difficult where land size is measured in units infrequently used in local vernacular. One such unit of measurement used by older settlers in the area is *kuruni*, which measures the weight of grains that can be generated from a given plot of land following cultivation. Even though 1 *kuruni* is understood to be equivalent to 10 perches, the lack of consistency associated with such loosely organized units of measurements has meant that there is always room for disputes when boundaries are not demarcated.

Even where boundaries are surveyed, and deeds are produced for freehold land, measurements of the land can be altered due to natural climatic variability. For example, soil erosion of lands situated alongside riverbanks and changes in the natural topography of rivers over time can result in boundary issues and may lead to disputes among adjoining landowners located adjacent to natural water bodies.

Transfer of land ownership

Another common land dispute reported in the Monaragala and Badulla districts alike is related to the transfer of land ownership. Given that most of the land in the Uva Province is State land alienated to communities through permits or grants, many issues have emerged with regards to the transfer of land rights. Legally, ownership of State lands alienated through permits and grants can only be transferred to a blood relative of the permit holder's choice. Historically, permits were allowed to be transferred to a male relative of the permit holder, in case of the death of the permit holder, resulting in gendered impacts with regards to land ownership. However, with the amendment of the LDO in 2022, many of these discriminatory practices have been reversed.

Most disputes occur with regards to the transfer of land ownership in case of the death of the permit holder without transferring land to a successor. Based on the KPIs, legally, a land permit is transferred to the spouse survived by the original permit holder who must, within six months, nominate a successor in title. In the absence of a nominee, the State may reclaim the land. However, disputes have been reported between siblings and other family members over land ownership even where successors are nominated prior to the original permit holder's death. As indicated by Case Study 02, family members who are able to exert power and control may often succeed in denying nominated successors both access to land and land ownership. These land-related disputes often get reported to the Police as family disputes, when there are physical altercations involved, and these disputes subsequently get referred to and recorded at the Community Mediation Boards in the same category. However, when the mediation process is initiated, the discussions in these cases reveal that at the root of these disputes there are land-related tensions.

Case Study 02

Parties to the dispute: Karuna, Kanthi, Amarasena (*anonymised*)

Karuna's late husband was the original permit holder of 60 perches of residential land, 2 acres of sugar cane land, and 0.5 acres of paddy land in Sewanagala, Monaragala. Prior to his death in 2006, Karuna's late husband had asked Kanthi – his only daughter – to build a house for her family near the family home, on the same 60-perch land. Following his death, Karuna – who was nominated as the title holder of the land – sold the paddy land to overcome financial difficulties.

However, Karuna's youngest son – Amarasena – forcefully took over the remaining land that rightfully belonged to Karuna and is currently cultivating other cash crops such as banana and aubergine on this land. Furthermore, as the sole user of the land, Amarasena has denied Karuna any share of the profits generated from the cash crops grown on Karuna's land. The dispute(s) with Amarasena has led Karuna and Kanthi – alongside Kanthi's family – to abandon the house they built and lived in for 12 years and to relocate to an entirely different area.

One of Kanthi's biggest concerns is that Amarasena does not allow her house to be rented or leased to a third party. Having obtained both electricity and water services to the house, Kanthi stands to benefit from the sale or renting of this property. However, Amarasena – who has earned the status of a "thug" in the area – has harassed and forced any interested parties away from Kanthi's property. Even though Kanthi had resorted to alternative measures such as surveying the land and demarcating the boundaries, Amarasena has forcefully removed the fences that demarcate the boundaries of Kanthi's land.

Given his social status, the *Grama Niladhari* of the area has refused to intervene into the dispute which has allowed Amarasena to continue to exert power over Karuna and Kanthi.

Data collected in Sewanagala has also revealed that when original owners of sugar cane land no longer engage in cultivation, they have joined forces with a third-party cultivator who may not own any land. This is because the transfer of sugar cane land to an external party is not permitted. Despite not engaging in cultivation, the revenues from the sale of sugar cane to the sugar corporation is deposited to the original owners' bank accounts by virtue of holding permits to these respective lands. Even though such cases have not yet been reported, KPIs in the area anticipate that this dynamic can make room for disputes to occur between the non-farming original owners and the farming secondary occupants of land. These disputes will have to be resolved by the Mahaweli and/or the sugar company, and not by the Divisional Secretary or the Grama Niladhari.

Encroachment

Encroachment is a land related dispute that exists both within rural and estate sectors. Particularly in the rural context, encroachment takes place within State lands. Given that approximately 50% of the land is forested, communities are known to encroach these forest lands for cultivation which often leads to disputes between farmers and governance bodies such as the Department of Wildlife Conservation and Department of Forest Conservation or among farmers.

"A field officer recently told me to just go and swing a machete knife in a forested area in Monaragala. You'd see at least a few farmers donned in sarongs coming at you to claim ownership over these lands. But nobody in the community has legal ownership over it. This is a very common practice here. People encroach on forests because they don't have ownership over any arable land. Then they get into conflicts with either other farmers who also have encroached on the same land or with the Department of Forest conservation. The key driver behind this dispute is not having given clear ownership over land to people."

KPI, Monaragala based NGO

Furthermore, cases of communities encroaching on reserve areas of riverbanks, roads, and railway lines – either due to ignorance or negligence – too were revealed in study locations during data collection. In these cases, the disputing parties become the member(s) of the community that encroach on State land and the respective governance agency.

Cases of encroachment are far more nuanced within the estate sector where clear and visible hierarchies of power exist. During the colonial period, estate management deliberately kept sensitive ecosystems within estates unused in order to preserve these areas. Alongside the breakdown of efficient administrative structures in estates and the decline in tea production over the years, many tea plots have been kept vacant and vulnerable to encroachment. Whenever an estate community member encroaches on these lands for cultivation, the estate management takes swift action to remove any plants cultivated and to suspend them from working in estates for a period that the estate management deems fit. Similar actions are also taken when estate community members may encroach on vacant line rooms and other structures built for residence.

However, as Case Study 03 below reveals, the action taken by estate management is drastically different when outsiders encroach estate land, primarily because the degree of power that estate management

can exert over outsiders is limited as opposed to the power they wield over estate communities who rely on estate management for support over almost every aspect of their lives.

“X estate management, which takes swift actions when estate communities encroach even a little bit of estate land, does not take the same action when Sinhalese villagers encroach estate land.”

KPI, Mediator, Hali Ela

Case Study 03
Parties to the dispute: Residents of the Queenstown Estate, Queenstown Estate Management, and residents of the adjoining village
<p>Much like in any estate setting, estate workers in Queenstown Estate also do not hold any legal title over the land that they reside on, inside the estate. Where estate workers have encroached on unused estate land, the estate management has taken action to remove any crops cultivated on the encroached land and to suspend them from work.</p> <p>While such disputes between estate communities and estate management have continuously occurred over time, a new form of dispute has emerged between the Queenstown Estate and members from the adjoining village during COVID-19 led lockdown periods, as the latter had encroached onto unused estate land for cultivations. It was during this period that the State encouraged people to engage in home gardening and cultivating crops. As a result, nearly 50-60 members of the community – both Sinhalese and Muslim and men and women – cleared unused estate land for cultivation. Approximately 10-12 perches of unused estate land were cleared per person, until the estate management intervened two days later, following estate communities’ complaining to estate management about encroachment.</p> <p>Even though the villagers had asked for permission to continue cultivation under the condition that they return the land at any time the estate required it, the management did not agree to this proposition. The dispute continued until the estate management sought the support of the Police to remove the villagers from encroaching on estate land.</p>

Conflicts arising due to limited space in the estate sector

The line rooms in which estate communities reside are a structure consisting of multiple housing units sharing a common external corridor. They are characterized by the high density of inhabitants and poor maintenance. The limited space available between and within line rooms has spurred several conflicts among neighbouring inhabitants. Waste-water used for cooking and cleaning trickling down, and sweepings transgressing to adjoining line rooms in the absence of a proper demarcation of housing units, were reported to have caused tensions between female members of neighbouring households who remain at home during the day. These tensions reportedly escalate to verbal and physical altercations when their husbands return home from work.

Given the issues arising from limited space available within and between line rooms and as a precaution against the risk of landslides, steps have been taken to build individual housing units in areas secure from the risk of landslides for residents of estate communities. One such housing scheme, the National Housing Development Authority of Sri Lanka, and the Plantation Human Development Trust (PHDT), has been constructed in partnership with the Indian government. As demonstrated by Case Study 04, disputes have occurred between the estate community and estate management when the estate community’s expectations were not being met with the housing scheme, whereby delays in construction of housing

units, non-construction of accessways to new hoses, and non-provision of basic facilities such as water and electricity led them to stand up against estate management. However, the case study presented below shows that circumstances of some estate community members may be such that they may not have the luxury of allowing conflicts of interest to escalate into disputes, even though confrontation may benefit them in the long run.

Case Study 04
Parties to the dispute: Spring Valley estate management and estate workers
<p>Some members of the estate community decided against relocating to the new housing units, given that their expectations with the housing scheme were not being met. As a means of suppressing this mobilization of workers, the estate management requested the workers who were not relocating to new housing units to hand over some of the material provided to build the houses – including roofing sheets. The estate workers were threatened that the failure to hand over roofing sheets would result in suspension of their work.</p> <p>The housing project provided roofing sheets to people to make structures as shelter against the rain, as a temporary solution as the housing project was being delayed. Given that the funds for the project were disbursed through the government – and not through the estate management – some workers stood their ground and refused to relocate to the newly constructed houses and did not render the roofing sheets.</p> <p>However, this option is not a luxury afforded to all members of the estate community alike. During data collection, one of the estate community members revealed that he was unable to take any actions of defiance which would leave him suspended from work for a few weeks, because he had to look out for his young children.</p> <p><i>“I have small children that go to school. Even though I believed that the estate management was wrong to ask for the roofing sheets back, I gave our sheets anyway. We are also planning to move to the new houses soon, even if they do not have water and electricity. The line rooms here are dangerous when it rains. I have to look out for my children.”</i></p>

A similar housing project has been constructed by the PHDT, relocating estate communities facing the risk of landslides in Moragollawatta estate to Unagolla estate. Contrary to the objectives at its inception, the new housing scheme has not only been unable to solve its space-related issues but has also exacerbated them further by constructing individual houses on plots of land smaller than line rooms. Case Study 05, below, highlights how the marginalizing socio-economic status and language barriers further constrain vulnerable communities’ land rights and access to land.

Case Study 05
Parties to the dispute: Unagolla estate community and Unagolla estate management
<p>Estate communities were relocated to Unagolla following the construction of a housing scheme similar to that described in Case Study 04, considering the communities’ exposure to the risk of landslides. This scheme differs from the previous housing scheme in that 50% of the funds for the construction of the housing scheme comes from PHDT, whereas the remaining 50% comes from the relocated members themselves. The information asymmetries in the repayment schemes and loan agreements which are</p>

produced only in English and Sinhalese have left community members trapped in a vicious cycle of debt.

Despite members from the community making the same loan instalments, there have been major discrepancies in the degree to which individual housing units are completed, with some units having only the foundation laid. Even where housing units are completed to a sizeable degree, water and electricity services are yet to be provided. These nuances have compromised the interests of the community members, who much prefer living in line rooms, with restricted space and exposure to the risk of landslides, as they are far more equipped for residence, with basic services such as water and electricity provided.

Moreover, the new housing units have created an array of new space-related issues that were not present when the community members were living in line rooms. The plots of land on which houses are constructed are smaller than what the community was promised, i.e., 7 perches. This too has led to disputes between the estate community and estate management. This limited space has also meant that the community is now unable to raise livestock or grow vegetable behind their housing units, like they used to when they were living in line rooms.

Development projects causing displacement, dispossession and resettlement

The acquisition of private land by the State is facilitated by the Land Acquisition Act No. 9 of 1950. Accordingly, the State has the right to acquire land for public purposes as long as the communities giving up their land are compensated either financially or with alternative land. However, decisions regarding compensation have been delayed where residents have been unable to prove land ownership due to lack of documentation. In similar situations that have occurred due to past development projects, residents have received delayed compensations at the value of land estimated at the beginning of the development projects which has not been adjusted for inflation. Even where residents are compensated, their reluctance to give up land stems from their unwillingness to give up control over an important tangible asset. These nuances are explained in Case Study 06, below.

Case Study 06

Parties to the dispute: Road Development Authority and Dasanayaka (*anonymised*)

Dasanayaka is a former military serviceman who currently works as a farmer engaged in the cultivation of bananas in a 2-acre State land. The right to the land was alienated to Dasanayaka's father who nominated Dasanayaka as the title holder following his death. Dasanayaka's ancestral home, which he has now inherited, has a freehold title. Following a road accident whereby a bus toppled onto his ancestral home, the Road Development Authority (RDA) made provisions to build a safety rail separating the main roads and adjacent land. At the time of this accident, Dasanayaka was still serving in the military.

Following his retirement from the military, Dasanayaka began his banana cultivation. Upon realizing that most of the access points to his cultivation plot are now blocked by the safety rail – which has increased the time and cost associated with transporting inputs and bananas to and from his plot of land. This has led to a dispute between Dasanayaka and the RDA.

In addition to public purposes, issues between residents and the State have also emerged as land – both freehold and that which is alienated through permits and grants – has been acquired for development

projects. This has led to the dispossession of complete or partial land among communities. A case in point is the Uma Oya project-related resettlement plans, for which land was acquired from communities against their will. The unwillingness of the community to give up land stems partly from the information asymmetry associated with the process of land acquisition.

“Uma Oya project was started in 2012. But it was last year that our lands were divided prior to acquisition. In more than one case, our signatures have been obtained in empty sheets of paper, without stating the reason why.”

Case Study, farmer from Wellaway

Case Study 07
<p>Parties to the dispute: Maharagala farmer (Cyril) and Uma Oya Development project parties (anonymised)</p> <p>The communities dispossessed by the Uma Oya Project were given 1.5 acres of land in Maharagala as ‘a gift’ (<i>santhosha</i>) land for cultivation purposes. This was in addition to the 0.5 acre land given to them near their village. Cyril has been living and cultivating red onions and other perennial crops for over 30 years on 3 acres of State land in Maharagala. A year ago, surveyors came to measure his land and he was told that he will be only given 1 acre, and the rest of his land will be given to those dispossessed from the Uma Oya development project. He said;</p> <p><i>“The Surveyor Department came and measured our land. We asked the Wildlife Department if they had permission to do the measurements and they said no. We have lived here for about 30 years. There are about 200 families around here impacted just like me.”</i></p> <p>Cyril has no documentation to his land. However, the State has recognized his presence on this land on multiple occasions. For example, he received free fertilizer, and the State built a road to reach the village. He explains this as follows,</p> <p><i>“There was no bridge to come to our village. When it rained, I would keep my daughter on top of my shoulder and get to the other side of the river. Through the Gami diriya programme they gave us 60% of the money to make the bridge. The rest was from our effort. We built it in 2 months.”</i></p>

Cases of large scale, illegal sand dredging under political patronage have also been reported in land that has been plotted prior to acquisition for development projects, further challenging the communities’ trust in the process.

Issues pertaining to documentation

Illegal documentation and illegal sales of land – both due to lack of awareness of land rights as well as negligence – have been common practices where land ownership cannot be transferred to a third party through sale. Alternatively, residents have also been known to receive a title deed signed by a paralegal (*goda perakadoru*) to claim land ownership or to produce a document signed in front of a paralegal stating that permits to State lands have been transferred on day x to person x. However, neither of these documents are legally binding in a court of law. Where disputants are not privy to how the law works, these documents can be and are being used as evidence against other parties as a tool of exerting power.

“If a community member faces an emergency and needs to find money quickly, they would illegally sell the land that they hold the permit for. For example, they would sign a piece of paper stating that they

sold the land. However, legally, only the District Secretary has the power to transfer ownership for State land because permits are registered only if they are approved by the District Secretary.”

KPI, Monaragala-based NGO

Corruption of systems and officials also play a key role in the process of producing documents that are both forged and legal. Data collected in Monaragala revealed that the sale of plots of lands that residents have consumed generationally, albeit without legal title, has resulted in the mass production of grants bypassing the legal routes that need to be adhered to. When these communities need emergency cash, they resort to logging and selling lucrative trees that grow in these lands. However, to transport timber, a permit is needed which can only be obtained if documentation proving land ownership is produced. In the absence of documents proving land ownership, communities have resorted to commissioning contractors who expedite the process, receiving grants for land ownership through bribery of *Grama Niladharis* and administrators in higher offices along the chain of command. These communities are then left with a little sum of money from the sale of timber after deducting the commission paid to contractors and the cost of bribes.

“In this trade, we have to pay many bribes. A Grama Niladhari must be paid Rs 10,000.00; officers at the Divisional Secretariat must be paid Rs 15,000.00; and officers at State Timber Corporation must be paid Rs 20,000.00 as commissions. If not, it will take years to get these things off the ground.”

Case study, timber trader from Monaragala⁵

Common property issues

Disputes over common property resources are more space-related issues than land-related issues. Among disputes reported over sharing common property resources, sharing water and public access ways take precedence. Particularly in the estate sector, closing access to publicly shared pathways using roofing sheets (*takaran*) is commonly practiced when resentments grow between members of the same community, leading to disputes.

In addition, cases reported of estate communities using pipes to redirect water from communal waterways for their household and agricultural uses revealed that disputes have occurred between upstream estate communities and downstream villagers, as the water share available to downstream users is compromised. Although not always a given, where there are conflicts of interests between heterogeneous communities, such disputes have known to escalate, manifesting into individual and/or communal and verbal and/or physical altercations, especially when livelihood activities are disrupted.

4.2 Resolution mechanisms

4.2.1 Current mechanisms for resolution

Communities use a number of mechanisms to resolve land disputes at present. This section describes resolution mechanisms used in our study areas (Monaragala and Badulla). Within these mechanisms we highlight how identities and power structures shape the options for resolution, the experience of the resolution mechanism and the outcome of the mechanisms. When relevant the experiences of the three groups - village or town community, estate tea/upcountry community and plantation (sugar cane)

⁵ This quote was from a case study conducted in Monaragala for the Rapid assessment of community-level financial disputes in six (6) districts (Kandy, Polonnaruwa, Monaragala, Gampaha, Colombo, and Anuradhapura) in Sri Lanka, led by CEPA on behalf of TAF.

community – are distinguished. The main entities that these groups approached to address land dispute resolution were Grama Niladharis, Divisional Secretariat's office, Community Mediation Boards (CMB), the Police, the Supreme Court, NGOs and Community Based Organisations (CBOs), the Mahaweli Authority, the Sugar Corporation, estate management, trade unions and the Assistant Commissioner of Labour (ACL). The entity that the disputants chose to approach depended on their identity and the type of land that caused the dispute.

Grama Niladhari and the Divisional Secretariat

Given that a majority of the land in the province is State-owned land or land alienated by the State via permits and grants, disputants in the “village or town” and those that reside in State land tend to initially go to the Grama Niladhari in the event of a land dispute. The discussions with the Grama Niladhari highlighted that they resolved boundary related disputes, disputes in dividing land among the family members and that they provided advice when there was a lack of awareness on how to legally divide land, which consequently created disputes. If disputes were not resolved at Grama Niladhari level, attempts were made to resolve the dispute within the Divisional Secretariat's office. If this option also failed, a legal route was taken. While the process may vary slightly from each Divisional Secretariat, the process followed in Sewanagala is as follows:

“The land dispute is first brought to the Grama Niladhari. If the dispute cannot be solved by the Grama Niladhari, it is referred to the Land Division in the office of the Divisional Secretariat. If the dispute cannot be settled there either, it is referred to the colony officer (Janapada Niladhari) and the land-use officer. If this process does not settle the dispute, legal measures are taken. In this process some land disputes such as boundary or encroachment related disputes are referred to the Mediation Board as well”.

- Divisional Secretariat, Sewanagala

Estate management, ACL and the politicians

The estate community often does not go to the Divisional Secretariat to resolve land disputes. Instead, they often seek assistance from the estate management if the dispute is related to a boundary issue or sharing of space. If the dispute involves the estate management, the community approaches politicians, or as disputes are often linked to their livelihood, they approach a trade union.

“When we go to the DS office with our land issues, the officers tell us that this is land that belongs to the company, you should talk to the estate manager about these issues”.

- Case Study, Estate worker, Hali Ela

If the estate manager is a party to the dispute, communities are either referred to the ACL or taken to the Police by the estate management. The reference to ACL accentuates the primarily labour-based relationship between the estate management and the workers, which is often used either coercively or sometimes more overtly and threateningly, by the estate management, to resolve disputes in their favour. This is discussed in more detail below.

The ACL and the Police may refer the case to the Community Mediation Board, or the case could go to courts and be settled or be referred to the Community Mediation Board through courts. The instances

where estate communities go to the Community Mediation Board for land disputes is very rare. A rare case where people residing in the estate were taken to the Community Mediation Board through the intervention of a politician is described in Case Study 8 below. This case highlights how the agency of the estate community is constrained by their limited land rights, the nature of their relationship with the estate management and the communities' preference in approaching politicians to resolve their land disputes, faced with their lack of bargaining power with the estate management.

Case Study 08
Parties to the dispute: Residents in Uva Katewala Estate and the estate management (<i>anonymised</i>)
<p>Three years ago, Ganeshan encroached forest land close to his home in the Uva Ketawala estate and cultivated pepper and arecanut. The land that he encroached was next to the land on which his father had cultivated pepper for many decades. Ganeshan, along with 11 others, was arrested and taken to the police station for encroaching estate land by the estate management. Even though other residents had also encroached land it was the 12 people who had cleared land adjoining the land that Ganeshan had cleared who got arrested. On the morning that they were arrested a local politician was contacted and within 24 hours all 12 people were released. Upon their release, they were referred to the Hali Ela Mediation Board.</p> <p>For Ganeshan and the 11 others, the mediation process took 1 and a half years. Ganeshan reported that he had visited the CMB at least 12 times and spent more than half a day waiting for the other parties to show up. Within their 12 visits they were allowed to share their side of the story only once. He reported that they were treated well and that they were able to voice their concerns in Tamil and felt like they were heard. However, after a year and a half had passed, a document containing a settlement was presented to them for their signatures. The resolution had already been decided by the estate management - the 12 people would be allowed continue to grow in these lands, but the yield must be sold to the estate.</p> <p>Ganeshan described the settlement as one that he was not a part of and one that he considered to be unfair. He mentioned that the estate supports the cultivation of tea and other crops by providing fertiliser and advice on cultivation, none of which were offered for the pepper cultivation. They decided to agree to the settlement as they knew that they had no land rights and they had already spent so much time and money trying to resolve the dispute and did not want the case to go to courts.</p>

As in the upcountry areas, when there is a power imbalance between disputing parties and when one party has legal rights to the land and the other has a rights-based argument of land-use for many years, it is harder for the settlement to be made equitably. This was evident in cases such as the two described above.

Another complexity of the land disputes emerging in the estate sector is that if the estate management is a party to the dispute, this may impact the disputant's livelihood. For example, in several cases the estate worker's job was suspended for certain periods of time. In Case Study 04, above, that involved the estate community of Spring Valley and the estate management, community members who refused to relocate

who were still working at the estate had their work cancelled for one week. Another group of respondents from the Spring Valley estate were taken to the police station for not relocating. At the police station these respondents were treated in a disrespectful and racist manner, as highlighted in the quote below.

“They (a police officer) told us that they were the ones who had made the mistake by giving houses to people like us.”

Case Study, Spring Valley

The respondent explained that her identity as someone from the estate and limitations in speaking Sinhalese did not give her the option to voice the injustices that her community experienced. Similar to Case Study 04 which questioned whether the ability to be a party to a dispute might be a privilege not afforded to everyone, the option of choosing a resolution mechanism was also limited to some groups. While there may not be an overt exclusion from dispute resolution mechanisms such as the Divisional Secretaries, Grama Niladharis or the Community Mediation Boards, the fact that these resolution mechanisms are nested within discriminatory socio-cultural hierarchies and structures shape the resolution experience and may impact the outcome of the resolution process as well.

Sugar Corporation and Mahaweli Authority

The experience of land dispute resolution mechanisms by communities that reside in plantation land varies from that of the communities that live in estate/upcountry land. Communities that work growing Sugar Cane for companies such as the Pelwatte Sugar Corporation come under the purview of multiple entities (Divisional Secretariat, the plantation company and the Mahaweli Authority). In Sewanagala, these communities have been settled in the area by providing them land for sugar cane cultivation, residential purposes and paddy land, as discussed above. However, to this day, they have not been given rights of ownership to their land, except a few plots that have been provided with permits in 1983-84. These communities also have limited access to local administrative services.

In Monaragala some of the sugar cane land falls under the purview of the Divisional Secretariat and others under the Mahaweli Authority. Therefore, the administration of the communities falls under the plantation companies, the Mahaweli Authority or the Provincial Council. All three entities have their own land dispute resolution process. The plantation companies and the Mahaweli Authority have their representation at the community level, similar to the Grama Niladhari, and through these representatives, disputes are reported. For example, disputes in the Mahaweli Authority administered areas are reported to the Unit Managers, then to the Divisional Managers, via the Land Officer. These disputes are categorised and resolved, and those that are complex are referred to the Regional Manager who visits the Divisional Office about once a month and resolves disputes. On such a date, about 10 cases are resolved.

The sugar company has the power to make decisions on land use and livelihoods. As such, disputes related to transfer or sales of sugar cane land, discussed above, are reported to the Sugar Companies. A Land Committee of the Sugar Company convenes about once a month and resolves disputes concerning boundary disputes, cultivation of crops other than sugar cane, irrigation issues and transfer of user rights.

Community Based Organisations (CBOs)

CBOs play a crucial supporting role to the general public, especially those who do not own land, in securing their rights to the land that they have been occupying or cultivating for decades. CBOs help communities by advocating for their land rights, assist them by providing them legal counsel, educate them on legal matters, refer them to the right entities for dispute resolution and some CBOs have processes that act like the mediation process. For example, in the case of the Pelwatte Plantation, described in Case Study 10 below, it was the CBOs that assisted communities by sharing information and campaigning with them for tenure documents. The Uva Wellassa Women's Society along with other CBOs brought lawyers and educated communities and mobilised them to fight for their rights.

Community Mediation Boards (CMBs)

Respondents of our case studies described the mediation process as a good alternative to the court system, which is not a viable option for those with lower incomes. Some respondents mentioned that they are not comfortable taking legal action as they are not well-versed with laws. When respondents received a letter from the Mediation Board, they did not consider not attending and most attended the sessions. Some described the process as being 'equal', but the outcome ultimately favoured the party with more power. One such case is described below:

Case Study 09
Parties to the dispute: Paddy farmer and temple (chief monk)
<p>Premasiri encroached 3 acres of land in Uduwara to cultivate paddy after he heard the then President Gotabhaya Rajapaksha on the radio, asking citizens to cultivate in abandoned land. He was not aware that the land he was encroaching belonged to the temple. Initially members from the temple came and accessed the land and informed him that he and a few other villagers who had encroached the land could continue to cultivate on it. However, after a year, representatives from the temple informed Premasiri and one other in a land adjoining him, that the temple required the land. This was after he had witnessed buyers surveying his land. Since it took him a lot of effort to clear the land, he believed that he had a right to the land and lodged a complaint with the Police. He was referred to the CMB through the Police. The settlement that was reached through the CMB was that the temple would give Premasiri 1 acre of land. Premasiri said the following about the settlement:</p> <p><i>"The reason that we settled was not because we got what we wanted, but because we didn't want to keep dragging this problem. We do not know a lot about the laws, so we did not think of going to courts. We also know that the process is costly and that we have no legal rights to the land. The temple is powerful, and we would not have gotten what we wanted."</i></p>

The number of land disputes that are reported to the two Community Mediation Boards focused on in this study – Hali ela and Sewanagala - are relatively lower than other types of disputes (i.e. financial disputes). Disputes are referred to the Community Mediation Board mainly by the Divisional Secretariat, the Courts, and/or the Police. In Sewanagala most of the land disputes that come to the Mediation Board are reported as family disputes.

Using mediation as a mechanism to solve land disputes is more equitable and a pro-poor process. The mechanism allows the disputing parties to voice their opinions and express their concerns, unlike the legal system where a lawyer would speak on behalf of the disputant. It is also less costly and time-consuming compared to the legal system. The process cannot give a verdict, only a resolution, that is reached through the participation of the disputing parties. The goal of the process is to have an outcome that is a win-win situation for both parties, unlike the legal system which results in a win-loss situation.

“In the mediation process an individual is able to speak for themselves and express their problem. In the court system it is a lawyer that does this. Underprivileged people cannot pay a lawyer's fee, therefore, the mediation process is better.”

Mediation Board Chairperson, Hali Ela

If the dispute cannot be resolved through the mediation process, or if one party or both parties do not show up, a non-settlement statement is provided. Following this, the case can be taken to courts. In addition, there are several ways that one may misuse the mediation process. Examples are highlighted in the quote below.

“Some parties do not come to the Mediation Board as they know they will win through the legal route and others come to the Mediation Board just to get a non-settlement form and then go to courts.”

Development Officer, Sewanagala Divisional Secretariat

The mediation process also has a number of limitations. There is no machinery to enforce the decision that is reached through the mediation process in the current Mediation Act. If the parties violate that agreement, they face no consequences. In some cases, when the parties do not follow the agreed conditions after a case is settled, the case comes back to the Mediation Board.

“If a party violates a rule, there is no enforcement machinery. That is an issue. If you make amendments to the current Act there should be enforceable machinery, there should be an appellate process. Also, if an individual does not follow the decision that the settlement said, what are the repercussions? Repercussions are required.”

KPI, Senior Lawyer Badulla

Furthermore, the current method used to nominate and select mediators was viewed to be biased and favoring a certain group of people. Some key persons interviewed mentioned that the selection is biased towards government pensioners, retired teachers and individuals nominated by clergy in temples. There is also a tendency to recruit mediators older in age.

“It is important to have older mediators and younger ones. 50% of the mediators should be between 35-50 and the other above 50. And we should try to have 50% of the mediators to be women.”

Mediation Chair, Hali Ela

There were also instances where Community Mediation Boards were seen to be discriminatory towards women, as mediators may project discriminatory societal norms to the process of mediation. For example,

respondents such as those in the case below stated that the mediators were not sensitive to the gendered nature of land laws.

“The Community Mediation Board has no knowledge and awareness on the rights of women and how they are discriminated by the system. When mediators are selected it is important that they are trained on this. There is also limited privacy in the process and making sure women are protected and respected is important.”

Women's Organisation, Wellaway

Furthermore, respondents highlighted the need to make the public aware of the presence and the role of the Community Mediation Board and that the mechanism is there to serve communities.

“The mediation process is a good way to resolve land disputes, but the public needs to be made aware of the Community Mediation Board. Lots of people are not aware of the Community Mediation Board’s role in dispute resolution. The Community Mediation Board should be promoted as a pro-poor mechanism to resolve disputes.”

Development Officer, Hali Ela

Once a dispute is resolved copies are written of the settlement certificate. If the case has been referred by the courts, a copy is sent for the court record, to the Police, to the two disputing parties and one copy is kept at the Mediation Board for documentation purposes. These five reports are handwritten. Taking photocopies is prohibited, but carbon copies can be made. Considering that there is a lot of recording done manually (four to five copies of the settlement statement etc.), providing technological support to the CMB is important. However, a barrier is that those in the Mediation Board do not have high digital literacy. Therefore, recruiting younger mediators is necessary. Furthermore, members of the CMB requested laptops and printers and an increase in the allowance given for stationery as the cost has increased significantly during the current economic crisis.

4.2.2 Proposed special mediation boards to resolve land-related disputes

All key persons interviewed mentioned that establishing a Special Mediation Board is important and necessary for the Badulla and Monaragala districts. However, they also highlighted the issue of accessibility when it is established at a district level, especially in a district such as Monaragala, where Katharagama or Sewanagala DSs are located more than 100 km away from the district capital, with very poor public transport in the case of the latter. In addition, since there is a large volume of land disputes that are reported in a district, having one entity at the district level may not be practical. Instead having the option of a mobile Special Mediation Board is important for accessibility.

“There is no problem with having the Special Mediation Boards at the district level, however, the distance that one needs to travel to reach the location will make it inaccessible and impractical to many. For instance, there is 110 kilometers from Sewanagala to Monaragala. To go from Sewanagala to Monaragala, people have to go to Thanamalwila and then take another bus to Monaragala. The distance will be a huge issue for the community. Since there is no bus to go to Monaragala directly, this is a practical issue.”

Some divisions in a district have less land disputes than others and the types of land in the divisions differ, therefore when having mobile mediation boards, some districts need to be prioritized. While the mobile mediation boards are useful, some areas may not have suitable places to host the mediation sessions. This needs to be taken into consideration. Mobile mediation boards may lead to delays in resolving a dispute and steps need to be taken to avoid this. Further, KPIs, including mediators stated that it is important to facilitate land inspections in cases of land disputes. However, physical safety of mediators against threats of assault by the disputing parties must be ensured. Awareness of the inception of the Special Mediation Board and its role, especially among government officials who deal with land-related issues, is essential. These authorities should be made aware that the Special Mediation Boards are not a mechanism to take power away from them.

There were several recommendations for the mediators of the SPECIAL MEDIATION BOARD that were discussed. The mediators that are recruited to the Special Mediation Board should be individuals that people at the village level know and respect. It is preferable that they are educated. They should be trained in the applicable land laws, components of a deed, how to write a deed and how to read it and how to look at a *Paththiruwa* and they should know about the laws governing State lands. Mediators need to be trained every six months. When recruiting mediators, focus should be placed on assessing an individual's practical skills and not only their written knowledge. Since the mediators at the Community Mediation Boards have experience in the mediation process, including them to the Special Mediation Board was recommended.

"There needs to be good training on land issues and laws. In the Special Mediation Board there should be a policeman, and those that have knowledge and training on land. Lawyers are not a necessity as they would have the tendency to convert the dispute into a legal case."

Mediation Chair, Hali Ela

All respondents stated that having an expert committee is important. The expert committee needs to be individuals who are able to share technical skills with the mediators. They need to evaluate the progress of the Special Mediation Board and form a report monthly. Recommendations for individuals on the expert committee ranged from a surveyor, policemen, retired government officers in the Land Division, agrarian service officers and lawyer. Some respondents specifically recommended not having lawyers as mediators in the Special Mediation Board, but having them on the expert committee instead, while others recommended no lawyers at all. It was also recommended that at least one of the Special Mediation Board members should have notary skills. Furthermore, there were recommendations for the expert committee to be available to assist disputants and not just the mediators.

4.2.3 Beyond resolving land disputes to addressing land rights: Alienation of State land for the landless

As stated in the literature review section above, the land kachcheri is used to alienate State land to landless individuals who make requests for land and the Divisional Secretariat plays a significant role in this process. However, the land kachcheri was seen as a lengthy process by people. Further, while in general regarded as a mechanism used to ensure land ownership for landless, gender discriminatory practices were observed within this process. In the land kachcheri process, similar to those described in

Case Study 9 below, women stated that their request for ownership was not considered in a fair manner. One such case is highlighted below:

“There was a land kachcheri in 2000 and I requested for the right to my land, but I did not get it. Then in 2008 there was another land kachcheri, and they told me that I am eligible to receive land. In 2015 there was a land kachcheri and I was not able to receive a deed for my land. The reason that was given was that when you are a single woman, there is no one to inherit the land.”

Case Study, Kanthi, Wellawaya

Further, parallel land administrative structures, lack of coordination among these structures and sometimes gaps in administrative mandates leave the public with little recourse when trying to secure their land rights. Case Study 10 below explains the process that a group of sugar cane cultivators had to go through to receive land. The complexity of administrative structures is highlighted in the quote below where the *Grama Niladhari* in Buttala informed the cultivators that sugar cane land is not managed under him.

Case Study 10

Parties to the dispute: Sugar cane planters and the Pelwatte Sugar Cooperation (*anonymised*)

Approximately 32 years ago, State land was given to the Pelwatte Sugar Cooperation on a 30-year lease. Subsequently, each cultivator was given 4 ½ acres of land and ½ an acre was allocated for residential purposes. Despite living in these lands for many years, some 30 years, these communities had no rights to these lands.

When the 30-year lease expired, the cultivators used the opportunity to request for land rights for the ½ acre residential plot. Among the 199 people that requested for deeds, 152 were able to receive deeds. However, 47 applicants did not receive the deeds due to several reasons. Some did not receive their deeds because they had issues with documentation, while others were denied deeds because they had bought the land from the initial owner and were not eligible for the deed as the transaction was illegal. Some respondents mentioned that there are some members who have not received the deeds to date as the land officers were having trouble visiting the land for inspection during the fuel crisis.

The struggle of receiving these deeds is highlighted in the quote below:

“In 2007 we wrote letters to the Buttala Divisional Secretariat and the chair of the Land Commissioner, under the Right to Information Act. This was done through the Uva Wellassa Women’s Society. They wrote letters to the President as well. In 2017 the Women’s Society put together a committee to address these land rights issue. We were able to get educated about land laws and our rights. We went to Jaffna and Polonnaruwa and protested asking for the rights to our land. After much struggle, in 2020 there was a land kachcheri and some of us received deeds to our land.”

In order to strengthen land ownership, as per the KPIs conducted in Sewanagala, the Mahaweli Authority first provides land permits, then after about a year, a grant document is provided, by charging Rs. 250. The Authority conducts mobile awareness programmes to encourage farmers to apply for land permits. As per the KPI, by now, out of the total of 10,303 land plots, 6616 have received grants, 1381 do not have any ownership document and 779 have permits but are unable to get the grant documents due to various complications.

5. Conclusions and Recommendations

Given that about 80% of the land in the Uva province is State land, the role mediation mechanisms can play in resolving land disputes are limited. While boundary issues of land alienated by the State form a substantial portion of disputes, the more pressing, critical and complex land disputes or rights related conflicts are centered around land ownership and tenure security. At the foundation of this complexity is the lack of legal and administrative recognition of how people access, use and own land, when dealing with landlessness. The neglect, indifference, and inefficiency of public officials and administrative authorities when dealing with land-related grievances and ownership, access and documentation requests, exacerbates these tensions. Parallel administrative structures dealing with land matters - for example in Monaragala district, the Mahaweli Authority, Sugar companies and Divisional Secretary - devoid of efficient coordination, often leave gaps in administration, resulting in lack of clarity on how and through whom to initiate a resolution process. In Badulla district, these parallel structures or dispute resolution mechanisms include the estate management companies, sometimes politicians, trade union representatives and labour authorities. The perception that the most politically and socio-economically affluent such as corporates requests are expedited adds further fuel to these tensions, especially in areas of Badulla where tourism is present and developing. Resolving these critical issues is beyond the mandate of the Community Mediation Boards.

In both districts, the power hierarchies and imbalances created by specific identity-based, geographic and political affiliations shape how disputes are created, the resolution mechanisms that are available to disputing parties and the experience of the resolution process. For example, as the empirical sections above noted, the power-laden labour relations within the estate sector complicate the nature of disputes created within the sector and their resolution process.

Resolving land-related disputes is critical to ensure social cohesion and the wellbeing of men, women and children. Land-related disputes leading to family disputes, physical violence and disturbing community-level peace can be observed. As such, strengthening not only Community Mediation Boards and Special Mediation Boards on land, other mechanisms and actors that engage in resolving land-related disputes such as Divisional Secretaries, officers from the Land Division at the Divisional Secretaries, Grama Niladharis, Mahaweli Authority and Plantation Companies is critical.

All respondents agreed that a Special Mediation Board to address land disputes would be valuable to address disputes that arise due to land. Key persons from the Community Mediation Board mentioned that due to the high number of disputes that are reported to the Community Mediation Boards, having a Special Mediation Board for land would reduce the number of cases and allow time and space to focus on other disputes. The complex nature of land disputes and the need to work within legal structures calls for a process with key experts. Key recommendations are outlined below:

- 1. The process followed to nominate mediators needs to be amended.**

The call for nominations should reach a wider audience. The nomination and selection process should be transparent and not biased towards selected groups in a community. Ex: retired teachers or nominations only by clergy.

- 2. The composition of the Special Mediation Board needs to take the following factors into consideration:**

There needs to be a quota for younger members and women. It is crucial that there are sufficient mediators that can communicate in Tamil and that those who require Tamil mediators are given priority in the selection process. If possible, having mediators representing all ethnic groups is recommended.

- 3. Mediators need to have advanced training touching on the points outlined below. In addition, having a session every six months to discuss lessons learnt among mediators is recommended.**

Mediation Boards are rooted in the social, ethnic, gender and class structures of their environment. Therefore, mediators need to be trained to be sensitive to these aspects and not project their biases to the mediation process. Training needs to include the skills to read legal documents, deeds and identify fraudulent documents.

- 4. The process by which disputes are referred needs to be strengthened.**

Understanding the types of land in the respective districts and other entities that take part in resolving land disputes is important. For example, in Sewanagala, NGOs, sugar companies and the Mahaweli Authority have their own mechanisms and systems in place to resolve land disputes. Mediators need to be aware of these mechanisms and refer cases to the relevant authorities.

- 5. An expert committee needs to be formed.**

The committee needs to comprise of representatives or a selection of representatives from the Land Commission, Assistant District Secretariat (Land), a member from the Survey Department, Road Development Authority, Mahaweli Authority and Sri Lanka Administrative Service. The expert panel should advise both mediators and the disputants. However, the advice of the expert committee should not colour the mediators' decision on dispute resolution.

- 6. Explore the possibility of facilitating land inspections along with some form of security for mediators in the Special Mediation Boards or create guidelines on which type of land disputes could have site visits.**

- 7. To avoid issues with accessing Special Mediation Boards, mobile Special Mediation Boards need to be conducted on a rotation basis. Alternatively, to ensure that the Special Mediation Boards does not get inundated, several Mediation Boards can be established in regional clusters.**

Respondents were concerned about how they would access Special Mediation Boards with limited transportation options, increased cost of transport and increased time spent to get to the centers. Women raised safety concerns and limitations in their ability to attend meetings whilst juggling care responsibilities.

- 8. The proposed SMS system to invite parties for Community Mediation Boards should be implemented for Special Mediation Boards alongside sending out letters.**

- 9. Record both number and type of land disputes and make available to decision makers and implementers.**

Recording data on the type of land disputes beyond the categories of family-related disputes that lead to land disputes and land disputes is important. The data on the types of land disputes and issues in a particular district is valuable for donors, NGOs and civil society, and decision-making

bodies when understanding what issues to prioritise in a district. For instance, even though the Special Mediation Boards may not be able to resolve disputes related to the human-elephant conflict, having a record of the number of disputes reported is valuable for practitioners.

10. Special awareness needs to be given on the role of the Special Mediation Boards to a number of stakeholders.

The public should be made aware of the inception of a Special Mediation Board. Awareness of the role of the Special Mediation Board and how the structure is there to assist the Divisional Secretariats should be made known to all relevant government stakeholders that address land disputes in the district. Awareness should also be spread among the Mahaweli Authority, Sugar Cooperation, Police and estate management. In addition, NGOs and CBOs should be made aware of Special Mediation Boards. Raising special awareness on the process of mediation and the role Community Mediation Boards and Special Mediation Boards play within communities in resolving land disputes among legal officers is important.

11. Providing training and awareness for officers in the Land Division at the Divisional Secretariats.

Officers at the Divisional Secretariats should be provided with a refresher training on existing land laws, regulations and being sensitive to the socio-cultural context when dealing with land-related disputes, especially those that involve vulnerable or marginalized individuals and communities.

Further, the land officers need to be targeted for special awareness sessions on the mediation process and the type of disputes that can be resolved through the Special Land Mediation Board. Along with the awareness programmes recommended above, it is important to make sure that the government entities working on resolving land disputes are aware that the Special Mediation Board is there to assist the existing structures and not to take away the power from them.

12. A suitable space should be allocated for Special Mediation Boards.

The location should have spaces that could afford privacy for disputants. Having a dedicated permanent location without routine location change avoids confusing parties.

13. Resources and technological support need to be provided to mediators.

Stationery allowance should be increased. There needs to be a push for digitizing the system as the process of data entry is tedious.

14. The criteria for deciding what type of disputes are entertained by the Special Mediation Board should take into consideration parameters beyond monetary value.

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7. Annexes

7.1 Terms of Reference



The Asia Foundation

Call for Proposals

To conduct a Rapid Assessment of community-level land disputes in the Uva Province, Sri Lanka

Introduction and Background

Mediation is one of The Asia Foundation's (the Foundation) long-term flagship programmes in Sri Lanka, spanning over three decades of support to the Ministry of Justice and the Mediation Boards Commission since 1989, when community mediation boards were first designed and established. At the inception, the Foundation supported the government with exposure to interest-based mediation processes and systems, trained mediators with interest-based mediation skills and techniques and facilitated the setting up of Community Mediation Boards around the country to provide voluntary and semiformal dispute resolution mechanisms to enable speedy and free access to justice for people. The process involves a group of mediators that facilitate people to negotiate concrete and mutually satisfactory agreements to resolve their disputes. In Sri Lanka, people face many disputes over the state and privately-owned land. There is a formal system of redressal for disputes over private land and State land comprising the formal courts and a grievance redressal system within the Ministry of Land. However, land disputes often languish in the formal courts or fester unattended into larger conflicts. In the alternative dispute resolution arena in Sri Lanka, minor land disputes between private parties are addressed in the Community Mediation Boards, while disputes over State land are often dealt with by officers attached to the Ministry of Land and its affiliated institutions at the national level, Provincial Land Ministry and Department of Provincial Land Commissioners at the provincial level, District Secretariat and Divisional Secretariats at the district and divisional and community level.

To strategically address land disputes and facilitate amicable settlements, and to further strengthen the mediation process to settle land disputes, the Government of Sri Lanka, in 2015, adopted a policy decision to establish Special Mediation Boards (Land) in the Northern and Eastern Provinces and Anuradhapura District for an array of land and property issues arose due to the protracted war. These boards were set up according to the provisions of the Mediation (Special Categories of Disputes) Act No 21 of 2003 by the Ministry of Justice under the guidance of the Mediation Boards Commission, working in close collaboration with the Ministry of Lands. Currently, Special Mediation Boards (Land) have been established and are operational in Jaffna, Kilinochchi, Vavuniya, Mannar, Trincomalee, Batticaloa,

Anuradhapura, Ampara, and Mullaitivu districts. In 2019, these special mediation boards received a total number of 1038 disputes, out of which 374 disputes were handled within the year. From the 374 disputes handled, 202 have been settled, recording a 78.9% settlement rate for the given year.

Based on the experience of the first Special Mediation Boards (Land) in the Northern and Eastern Provinces and in the Anuradhapura district, the Ministry of Justice adopted a policy decision to expand Special Mediation Boards (Land) to seven (7) other districts. Accordingly, a special gazette notification was issued in 2021 to establish Land Mediation Boards in Kandy, Gampaha, Colombo, Kurunegala, Hambantota, Polonnaruwa, and Rathnapura districts, and these Special Mediation Boards (Land) are expected to commence sittings in 2023.

The Supporting Effective Dispute Resolution (SEDR) project implemented together by The Asia Foundation and the British Council, funded by the European Union, proposed further support to strengthen the Land Mediation Boards and its mechanism through supporting to establish Land Mediation Boards in the districts of Badulla and Monaragala in the Uva province.

As a preliminary step, the Foundation expects to conduct a 'Rapid Assessment of Community Level Land Disputes' to identify land disputes in the Uva province in Sri Lanka. This Rapid Assessment will provide an understanding of the nature and characteristics of the land-related disputes and issues faced by people at the grassroots level. It would further provide insight into how these disputes can be resolved according to the best interests of those who are affected and explore views on the use of mediation as a mechanism for resolving disputes at the community level.

The objectives of the Assessment:

- To identify and understand the nature and types of land-related disputes/issues in the Badulla and Monaragala districts in the Uva Province, including land-related disputes faced by the plantation community.
- To identify the parties to such disputes.
- To identify current ways and mechanisms used by parties to settle such disputes.
- To provide recommendations to introduce mediation as a way of resolving land-related disputes.

The Rapid Assessment is expected to cover the following areas:

- A Desk Review that captures insights into land disputes in the Uva Province.
- Empirical research into
 - The nature and characteristics of the land-related disputes in the Uva Province.
 - Land-related issues faced by people at the community level in the Uva Province and the ways in which people resolve these disputes.
 - Views of people, including community leaders and government officials in the Uva Province, on mediation as a mechanism for resolving land-related disputes at the community level.
- Recommendations to guide the design and delivery of a training programme for mediators to be appointed to Special Mediation Boards (Land) in the Uva Province.

- Recommendations to guide the design of awareness-raising programmes for duty bearers and rights holders.

The Rapid Assessment is expected to be conducted during three (3) months commencing February 1, 2023.

Submission of Proposal

Please submit a proposal outlining the following:

1. Approach to the assessment including objectives and areas of exploration
2. Methodology and tools
3. Description and sample of respondents
4. Data collection plan
5. Analysis framework
6. Quality assurance mechanisms
7. Ethical considerations and mitigation plans
8. Workplan and timeline
9. Detailed budget
10. Names and CVs of Research Team
11. Sample of previous similar work

The proposal should be submitted to Imran Hasan, Program Manager, The Asia Foundation by email (Imran.Hasan@asiafoundation.org) or delivered to The Asia Foundation, 30/3, Bagatalle Road, Colombo 3 on or before 25 January 2023.

7.2 Key Person Interview Question Guide

Introduction to the study

The Centre for Poverty Analysis is conducting a study on community-level land related disputes in the two districts in the Uva province of Sri Lanka. We are mainly interested in learning about the land-related disputes, mechanisms used for resolution of these dispute/s that you face and any recommendations you may have to strengthen these mechanisms.

1. Land ownership

1. To your knowledge what are the prevailing issues of ownership of land in this area?
2. What are the issues relating to other land/agricultural/fisheries/livelihoods related to land (irregularities in land inheritance etc.)?
3. What are some of the specific problems in relation to accessing land? Such as claiming ownership etc.
4. Who in your opinion are affected most by these problems? Women? Widows? Plantation workers?
5. To your knowledge how do individuals/groups acquire ownership of property in this area? Both in the past and present context.
 - a. If it is a government grant have they received the deed for the land?
 - b. What type of deed? Swarnabhoomi etc
 - c. Who was the original grantee?
 - d. Have the lands been surveyed? [for demarcation & clarity of location]
6. What types of land tenure are available in your area? (Private, State land etc)
7. Can permit holders alienate property on their own?
8. How is land registered in this area? What is the procedure?
 - a. What is the normal procedure for formal record-keeping of permits/grants?

2. Nature and type of disputes

9. What type of land-related disputes are reported?
10. What is the nature of these disputes?
11. Who are the parties to these disputes? (Ex: state vs private, private vs private)
12. Are there particular groups that report land-related disputes more than others?
13. Are plantation workers impacted differently by these disputes? If so, how and why?

3. Mechanisms used by parties to resolve land disputes

14. Where do people generally go to resolve their disputes? (DS/LO/CO/GN, Mediation Boards, Courts, Police etc.)
15. Where do people usually go to resolve land disputes? Why?
16. Are land disputes reported to the relevant parties?
17. Who gets involved in resolving these disputes?

18. What are the mechanisms currently in place to resolve land disputes? Probe for
 - o Peace committees, inter-religious committees, production-based organisations,
 - o What kind of actors get involved in resolving disputes? (Police, politicians, GN, DS)
19. What is the process followed in each of these mechanisms?
20. How effective are these mechanisms in resolving land-related disputes?
21. Who do you think has access to these mechanisms? (probe for socio-economic and demographic groupings)
22. Do you think a particular group seeks access more than others? Why?
23. What kind of people do not access these mechanisms to resolve their land-related disputes? Why? How do they resolve those disputes?
24. Are you aware of any government plans for the enhancement/strengthening of local-level dispute resolution mechanisms?
25. What is your opinion about the use of Alternate Dispute Resolution (ADR) mechanisms in your area for dispute resolution?
26. For which types of land disputes would people use ADR? Why? (Probe by socio-economic characteristics such as ethnicity, gender, etc.)
27. What is your role in dispute resolution? Do you get involved in resolving land disputes?
 - a. What are the challenges faced by you in performing your role in resolving land disputes?
 - b. In your opinion, could you play a more prominent role in resolving land disputes? If so, how?
28. In your opinion, what other agents/agencies, State or otherwise, could play a more effective role in land dispute resolution?

4. Mediation as dispute resolution

29. What is the role of Community Mediation Boards (CMBs) in resolving land disputes?
30. How do they function? Where are they held? When?
31. Are the locations and times accessible for the people to attend?
32. How were they established? By whom?
33. Are you aware of the process followed within these Boards? (Ask about summoning, mediation, settlement, and post-settlement)
34. How effective are they in resolving land disputes? How sustainable are these resolutions and settlements?
35. How do CMBs contribute to the overall peace situation of the country?
36. Who do you think accesses CMBs? (Probe for socio-economic and demographic groupings)
37. Do you think there is a need for Special Mediation Boards to resolve land disputes? Why? [Probe for challenges faced by CMBs when engaging in land dispute resolution]
38. How would Special Mediation Boards differ from CMBs?
39. What kind of land disputes can be resolved by Special Mediation Boards? Why?

5. Specifically, for MTOs/Chairpersons/Mediators

40. How can interest-based mediation be applied to settle/address land disputes?
2. What proportion of the disputes reported to the CMBs are land disputes?
 - a. What are the types of land disputes that come before CMBs?
41. In your opinion, what are the general challenges that are faced by parties that hinder successful settlements with regard to land disputes?
42. Do you think there is a need for Special Mediation Boards to resolve land disputes? Why?
43. Where should they be held? What can be done to increase accessibility by disputants from the respective districts? (Probe: Operating on roster-basis)
44. What challenges do you face when a roster-based operation is carried out?
45. What skills and knowledge are required to become a mediator of land disputes?
46. Do you have any specific recommendations?
47. What are the challenges faced by you in discharging your duties as a mediator, particularly relating to land disputes?
48. What mentoring support is needed?
49. What technical support is needed for the mediators to carry out their routine tasks? (Expert panel)
50. Do you think an expert panel is required to provide technical assistance to the Special Mediation Board?

If yes,

- a. Who should be part of it? What should be the composition? (Probe: sex, ethnicity/religion, location)
 - b. What should be their qualifications?
 - c. What should be their roles and responsibilities?
51. Do you require new technology (knowledge and equipment) to perform mediation-related activities?
52. What should be the composition of the mediators on each Mediation Board? (Gender, age, ethnic/religious, educational qualifications, experience)

7.3 Case Study Question Guide

Introduction to the study

The Centre for Poverty Analysis is conducting a study on community-level land-related disputes in the two districts in the Uva Province of Sri Lanka. We are mainly interested in learning about the land related disputes, mechanisms used for resolution of these dispute/s that you face and any recommendations you may have to strengthen these mechanisms. This question guide also includes general questions related to you, your household, experiences, and perceptions in accessing dispute resolution mechanisms in the area. Would you be able to talk to us? It would take about one (1) hour. Everything you share with us will be strictly confidential – we will not share who said what with anyone else. Your participation in this study is strictly voluntary, and you can ask us to stop the discussion at any point. You can stop me and ask questions at any point in the discussion. There are no right or wrong answers, we are only interested in learning about your experiences and what you think about the issues that we raise.

Networks and community membership

1. If you want to resolve any dispute or problem that you are facing, who do you go to first? Why? Example-boundary issues, loan repayment issue
2. If you want to get advice or resolve livelihoods/employment related issues, who do you go to? Why? Example, getting a job for your son/daughter-who do you go to?
3. Are you part of any society/group/collective (social, economic, cultural or religious) in the community? Do you hold any positions in the society?
4. Which religious institute do you visit most? Do you meet the religious leaders often? Do you get advice from them on any issues/disputes?

Socio-economic profile of the disputants

6. How many members are there in your household?
7. What is your level of education? What is the highest education qualification within the household?
8. Who do you consider the head of the household?
9. What are your family's main forms of livelihood? Is this a traditional livelihood or a new form of livelihood? (to explore the caste affiliation)
10. Do you own land/housing?
11. What is the ownership status of this dwelling? (Only one response is possible)
12. Do you have deeds/documentation for the house/property? If yes what type of ownership?
13. Does your household own any land? If yes, how much in perches?

Livelihood type	Proportion of the total household income (last year)
1. Self-employed <ul style="list-style-type: none">• Farming• Fishing• SME/MSME/Business	
2. Employed <ul style="list-style-type: none">• Government/Semi-government• Private sector	
3. Daily wage (informal)	

4. What is your average monthly household income (past month)	
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Land dispute

14. Where is the disputed land located (GN division/village)?
15. What is the extent?
16. What type of ownership? (Sinnakkara, Shared, Permit, Lease etc.)
17. How is the land used? (cultivation, residential, commercial)
18. How did the dispute occur? What caused the dispute?
19. When did the dispute occur?
20. Who are the actors/parties involved in the dispute?
21. How did it develop?

Dispute resolution mechanisms, including Community Mediation Boards

22. What steps were taken to resolve the dispute?
23. Who did you approach first to resolve it? Who was involved in trying to resolve it?
24. How did you get to know about the resolution mechanism/s?
25. How was the resolution experience like for you?
26. If you had a choice, would you have gone somewhere else? Where?
27. Why did you go there? (cost, easy access, past experience, word of mouth, track record of LMBs, was asked to do so-by police, no other options,)
28. What was/were your expectation/s when you approached those engaged in resolution?

Specific to those who have taken their disputes to the Community Mediation Boards

29. Were you aware of CMBs prior to taking your dispute there? How did you hear about it?
30. As far as you know, how can a disputant approach CMBs?
31. Did you approach CMB to address this dispute?
32. How many times did you go to the CMB? What was your experience like?

Process

33. How were you invited? Did you get a letter? From whom? What did the letter say? Was the letter clear and did you understand what the next step was?
34. What did you feel when you saw the letter? Did you get advice from anyone about what is mentioned in the letter?
35. At any point did you think of not going to the resolution process after seeing the letter? Why?
36. Is it different to what you expected? In what ways?

Specific to those who had gone to CMB: Experience with the mediation process

37. Can you tell us a little about the process followed in approaching LMB to resolve your dispute? What was your expectation about the process?
38. Were you confident to face CMB?
39. How did you travel? How long did it take to reach there? Did you know the location? What did it cost for you to go there?
40. Who was there? Did you know them? How?
41. How many men and women were there? Do you think the composition of the CMB affected the discussion in any way?

42. Did a surveyor, lawyer and/or a valuer take part in the process? Do you think it would have been good to have such experts advising your case?
43. For how long did you have to wait? How did they call you in? how did they address you? (by name, nick name, amma, appa)
44. Describe the setting for us? (seating arrangement, type of hall, seats given)
45. What were the questions they asked? Did you understand the questions? Were you able to ask for clarifications? Were you able to respond to the questions?
46. Did you feel uncomfortable at any point during the discussion? Why?
47. How long was your issue discussed? Do you feel that is adequate? Why?
48. In general, did you feel that they listened to your side of the story?
49. Do you feel that the discussion was deep enough or was it superficial? Were there other things that you felt needed to be discussed but did not get a chance to discuss? What are the reasons?
50. Was the other party present? What did they say? Were there any tense moments during the discussion? How did the CMB member react during this moment?
51. At any point did you feel that they were biased? Why?
52. How was the discussion documented? Who did it? Were you asked to write anything during the discussion or afterwards? Were you able to write? Did anyone help?
53. How did each sitting conclude?

Outcome

54. What was the final outcome?
55. Are you happy with the outcome (settlement or non-settlement or withdrawal)? Why? If not, why are you not satisfied? (Is it biased? Is it not practical/feasible to implement? You don't agree with it?)
56. How satisfied are you with the technical advice received? Was it helpful in the process?
57. Did your perception or expectations about LMB change after going through the process?
58. Do you have a settlement/non-settlement certificate?
59. In general, did you feel that you are/were treated well? (impartial, informed, respect) why?
60. In what state is the dispute at?
61. Would you go to LMB to resolve any other land disputes in the future? Why?
62. Would you recommend others to approach LMB to resolve land disputes?
63. If not resolved yet,
64. Why is it not resolved? What are the obstacles or challenges?
65. How do you think it can be resolved?
66. How would you compare your experience of the LMBs with your experience with other dispute resolution mechanisms such as the Police, Divisional Secretariats, religious leaders, GS or the Courts?
67. What was similar and what was different?