

Workshop Report

Date	:	17 & 18 of September 2010
Venue	:	Ampara
Principle Resource person	:	Mr.K.Kurunathan (Retired Assistant Land Commissioner)
Resource Persons	:	Mr. Lakshan Dias, Programme Manager, CHRD Mr. F.Solomentine, Programme Officer, CHRD Ms. B.Kishanthini, Legal Coordinator, CHRD Ms. R. Dalreen, Documentation Officer, CHRD

01 Day

The workshop commenced at 10 am at Manikkamadu with assistance of Helvetas. Mr.Zabree, Project Officer, Helvetas welcomed everyone and briefed objectives of the program and thanked Peaceful Co-existence Committee for organizing the event. Following the welcome address, retired Assistant Land Commissioner for East Mr.Kurunathan gave valuable input to the following topics and it is apt to mention these continued in sessions held in the following two days.

Mishandling land documents

- Loss of personal title documents of private property or land due to document destruction, arson or looting.
- The loss of institutional copy of title documents of property by district registrars or notaries due to document destruction, arson or looting.
- Permits that were not transferred in the name of the current owner who is legally qualified to have the land.
- Loss or destruction of state held title documents due to fire, loss during transfer between government agencies.

Conversion of annual permits to LDO permits

- Annual permits which are renewed annually do not require land surveys and conversion to the land. Land Development Ordinance (LDO) permits are hard because it is difficult to define the location of land.
- Annual permits have been issued to bogus encroachers because the exact location of the land has not been decided.

Land boundaries

- Loss or destruction of the boundary makers.
- Contested boundaries between valid land title holders.
- Contested boundaries between occupants of where neither possesses a title.

Land Inheritance

- Lands permits for government land have not been registered by deceased parents before the time of death, and there is no designated successor.
- Difficulties in determining succession or contested.
- Potential competition or discrepancies between various laws of inheritance and national or international principles of fairness.

Encroachment/Secondary occupation of state or private land.

- Government restrictions regularizing the ownership of encroachments on state land after 15 June, 1995.
- Encroachment a land where another party has a legal annual permit, grant, long-term lease or title.
- Encroachment of land by IDP/IDF partially or totally where another party has legal title.
- Partial or total encroachment by an IDP/IDF on property or land for which another party has a legal title and it will be difficult or impossible for the IDP/IDF to return to his or her place of origin.

Lands occupied by police or security forces

- Offices, camps or bases on either privately owned property or land or on government land to which an individual has a title.
- Military occupation of high security zone in which an individual has a title.

The afternoon session held in Kudduvil was conducted by retired Assistant Land Commissioner Mr.Kurunathan on the topic of Forest Reserved Land which gave a vast knowledge about the land issues in the district. On this occasion he explained that all forest area is owned by the forest department and it is stated under the Forest and Forest Protection Ministry Circular No 05/2001. He further mentioned procedures of handing land to landless persons. The problems identified were elephant fence which is an encroachment of the land of the inhabitation and delay in issuing permits.

Day 02

On this day the program held at Deegavapi with the assistance of Helvetas. As same as the previous day, Former Assistant Land Commissioner Mr.Kurunathan conducted the session on land issues which was translated by Mr.Lakshan Dias and Mr.Solomentine. On this occasion the type of land deeds were explained and ways of obtaining a deed was also discussed. And an example of Chandrika Bandaranaike Vs Sugathapala Mendis (FR/352/2007) case (*The petitioner presented the case on the basis of an infringement pertaining to the acquisition of land on the premise that such land would be utilized to serve a public purpose whereas, Former President Chandrika Bandaranaike knowingly, deliberately and manipulatively sold to a private entrepreneur to serve as an exclusive and private golf resort in Sri Lanka, one carrying a membership fee of Rs.250,000/-*) was highlighted where Chandrika Bandaranayaka was accused for to emphasize rights of the citizens in the country.

The problem pointed out in the program was the misunderstanding between two communities regarding land issues. The Q&A session which took place following tea break was a real eye opener for the participants where they came to know so many key facts which they had never known on the subject of land.

On the same afternoon a meeting was organized by the Peaceful Co-existence Committee where a brief summary of three previous sessions (including the one held on the previous day) was presented. Important issues such as ways of solving permit issues by submitting petition letters and arranging private surveyors under supervision of retired surveyors were discussed and analyzed.

The meeting proved fruitful as the gathering decided on steps to be taken in the future in solving the land rights issues. The people did not mention some of their problems nor reported any malpractices of corrupted and lethargic government officials due to fear of being taken to task. Finally it was decided that a committee will be formed to solve their internal problems within the district. The PCC members appreciated the efforts put in by CHRD and Helvetas.