

A BRIEF EXAMINATION OF _____

CONTESTED RELIGIOUS SITES

IN SRI LANKA _____





#MINORMATTERS

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A BRIEF EXAMINATION OF CONTESTED
RELIGIOUS SITES IN SRI LANKA

BY BHAVANI FONSEKA

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EXECUTIVE SUMMARY

The report examines the issue of land conflicts and contestation related to places of religious worship. These are not new developments, with trends evident over the decades and post-war years seeing the continuation of tensions over existing sites and the emergence of new sites. This is in a context where the root causes of conflict have not been addressed, with recent years witnessing triggers that can contribute to new conflicts and exacerbate old ones. One particular area that has seen conflicts over the decades is in and around land, with issues of ownership, use, control and access being a driver of conflict. The cycles of violence, including the war years, witnessed national security, development, agriculture, and irrigation being used to justify certain policies and practices that resulted in creating divisions within communities, fears of land appropriation, militarisation and changing demographics. Other trends include the use of archaeology, protecting national heritage and demarcating areas as sacred lands, with fears growing that such practices fuelled by ethno-nationalism will not only displace and dispossess communities but have larger implications for governance and reconciliation in Sri Lanka.

State policy and practices such as what is seen in the work of the Department of Archaeology indicate a state-driven policy to protect 'national heritage', which many perceive as heritage linked to the majority community. The terminology such as 'protecting national heritage', 'sacred areas', and 'archaeology' are often used to push a narrative invoking the past with the present and the need to protect one religion and sites linked to a particular religion over another. The practice of identifying a site as a Sinhala Buddhist sacred site feeds into the narrative of protecting it for the Sinhala Buddhist nation, perpetuating ethno-nationalism and the marginalisation of minorities.

Over the decades, religious actors have started to play a prominent role in land in the North and East. Post-war years, in particular, have seen Buddhist clergy in several areas increasingly playing a role in establishing new Buddhist sites and appropriating lands. In several emerging conflicts, locals claim that their private land is being taken over by Buddhist clergy. Several cases discussed in this report in the North and East speak to the involvement of Buddhist clergy who have constructed Buddhist temples in lands that are contested, with allegations of land appropriation and the displacement of minority communities and dispossessing them of their lands. Such acts are in a context of increasing ethno-nationalism where the Sinhala Buddhist hegemony is displayed through the introduction of policies and practices.

Intercommunal and interreligious conflict across Sri Lanka has continued from the war years and is evident in several areas in the post-war period. In some

instances, despite knowing the identity of the perpetrators, limited to no action is taken. This is particularly notable in instances where the perpetrators emanate from the majority community. Ethno-religious violence must also be understood amidst the economic and political changes that the country has experienced and continues to experience. Such trends are not new but go back to colonial periods, with the post-independence period seeing increasing polarisation and tensions. Ethno-nationalism and religious issues found new life in political discourse, with nationalist groups using it as a tool in politics and power. Such developments have contributed to a narrative that sees Buddhism as supreme and the portrayal of a Sinhala Buddhist nation, chipping away at a secular and plural country.

The ownership, control, and use of land are critical issues in a country where conflicts have defined its direction, with the state and other groups using land to control areas and establish a presence with wide implications for politics, identity, and reconciliation. This report does not attempt to comment on all these aspects but looks at several contested religious sites and their impact. This report demonstrates how competing land claims have created uncertainty and apprehension among communities and heightened tensions.

As noted in the cases and against the backdrop of Sri Lanka's fraught decades-long cycles of violence, the fear is that competing land cases and contested religious sites combined with other issues such as politics and economics can contribute to new triggers of violence and result in conflicts.

The report also notes the multiple actors that are relevant in the area of land. As the report highlights, several central government actors are involved in matters that have a bearing on ownership, control, and land use in the North and East, with most often minority communities facing numerous challenges with their lands and livelihoods. The lack of clarity with some of these initiatives and lack of action, when complaints have been made, have compounded fears among locals of a state policy to deprive people of their lands and to bring in communities from other areas. All this has contributed to a deep suspicion that the central government, with the support of the defence establishment and others, are using multiple means to change demographics that will have significant implications for electoral and identity politics.

Also of note is that syncretism is evident in some religious practices in Sri Lanka, with rites and rituals associated with one faith also having a presence in other religions. These show that pluralism and coexistence are possible in Sri Lanka. But as evident with recent developments and trends, fears are that the contestation over religious sites and land conflicts will contribute to new triggers for violence that have deep implications for recovery, reconciliation and stability in Sri Lanka.

METHODOLOGY

The research was conducted in September and October 2023 and is based on desk and field research. The researcher conducted several field visits to sites that were agreed upon with 'MinorMatters'. The selection of sites was based on competing claims and contestation over religious sites. Field visits involved interviews with local communities, officials, civil society, media and others who were able to share information that informed the case studies and analysis in the report. Due to requests made by some interviewed in the course of the research and also due to security issues, the report does not name individuals interviewed or those who shared information. Desk research involved a literature review and examining information on relevant laws and structures related to the issue.

Due to the short duration of the research and limited time frame, this is not an exhaustive study in the area but highlights key trends and broad issues with several case studies that capture ground realities.

INTRODUCTION

Post-war years have seen several instances of incitement and ethno-religious violence that are linked to specific events, such as the Easter Sunday attacks in 2019. These are not isolated instances as a pattern is evident where ethno-nationalism has fuelled discourse and narrative and the inaction taken against perpetrators contributes to a perception that alleged perpetrators are beyond the reach of the law. Such instances have been a reminder of Sri Lanka's fragile peace.

This is in a context where the root causes of conflict have not been addressed, with post-war years witnessing triggers that can contribute to new conflicts and exacerbate old conflicts. One particular area that has seen conflicts over the decades is in and around land, with issues of ownership, use, control and access being a driver of conflict. The cycles of violence, including the war years, witnessed national security, development, agriculture, and irrigation being used to justify certain policies and practices, fears of land appropriation and apprehension with the impact of militarisation and changing demographics. Other trends, such as the use of archaeology, protecting national heritage and demarcating areas as sacred lands, have seen a revival in post-war years, with fears growing that such practices fuelled by ethno-nationalism will not only displace and dispossess communities but have larger implications for Sri Lanka.

Further, as discussed in the report, in several cases in the North and East, Buddhist clergy have played a key role with the support of central government actors and the military to appropriate lands. In some instances, the legality of what has occurred is in question and some cases are before the courts. These are compounded by central government actors that on the face of it have an inclination to protect sites claimed to be of Buddhist significance. Such practices, providing preference to one community while marginalizing others, have compounded fear and apprehension among the minorities in the area. As the cases highlight, several competing claims over lands with religious significance have the potential to create new conflicts and require urgent attention and action.

While this report is not an exhaustive study of this issue, the significance of these issues and the potential for new conflicts must not be ignored. In such a context, it is imperative to take note of the trends identified in this report and initiate action to mitigate violence and prevent new conflicts.

The report first examines the broad trends that must be noted when discussing the issue of contested religious sites followed by a brief discussion about the laws and structures that are relevant to the issue. The report goes on to examine

several cases of contested religious sites in Sri Lanka. At the outset, it must be noted that the sites are not exhaustive but those selected in discussion with 'MinorMatters'. The report ends with a list of recommendations.

BROAD TRENDS

This section examines broad trends that are relevant to understanding the implications of contested religious sites and their impact.

State policy and practices, such as what is seen in the work of the Department of Archaeology, indicate a state-driven policy to protect ‘national heritage’, which many perceive as heritage linked to the majority community. As noted by Nira Wickramasinghe, heritage in the Sri Lankan context is “an essentially present centred cultural practice and an instrument of cultural power. It is as much about the production of the present as it is about the reproduction of a past.”¹ The terminology, such as ‘protecting national heritage’, ‘sacred areas’ and ‘archaeology’, are often used to push a narrative of invoking the past with the present and the need to protect one religion and sites linked to a particular religion over another. The practice of identifying a site as a Sinhala Buddhist sacred site feeds into the narrative of protecting it for the Sinhala Buddhist nation, perpetuating ethno-nationalism and the marginalisation of minorities. As some of the case studies in the report highlight, this narrative has picked up traction beyond the North and East and is evident in other sites, including Kurugala/Jailani, Dambulla and Devanagala.

Over the decades, religious actors have played a prominent role with land in the North and East. Post-war years, in particular, have seen Buddhist clergy in several areas play a key role in establishing new Buddhist sites and appropriating lands.² In several emerging conflicts, locals claim that their private land is being taken over by Buddhist clergy with no action taken. For example, the cases highlighted in this report from the Kuchchaveli DS in Trincomalee District are directly linked to Buddhist clergy with lands of both Tamil and Muslim communities affected. As noted by a resident in the area, “We have cultivated these lands for decades, but now Buddhist clergy are taking over areas claiming they are Buddhist sites and the officials are not taking any action”.³ In Mullaitivu and other areas in the North, the case studies demonstrate a nexus between central government actors, security forces and Buddhist clergy. Such acts are in a context of increasing ethno-nationalism, where the Sinhala Buddhist hegemony is displayed through the introduction of policies and practices. The appointment of task forces, such as the Archaeology Task Force for the Eastern Province, is an example of the nexus of ethno-nationalism and militarization, which is discussed later in the report.

1 Nira Wickramasinghe, *Producing the Present: History as Heritage in Post-War Patriotic Sri Lanka* (2013) *Economic and Political Weekly*, vol. xlvi: 43, 91-100, p. 91.

2 PEARL, *State Sponsored Sinhalization of the North and East* (2022)

3 Interview in Trincomalee, September 2023

In several of the cases, locals claimed there were no Buddhist temples prior to the war and that these new sites were being created with the support of the central government and the military, with the aim of changing the demographics. Other contested sites, such as the Muhudu Maha Vihara in Ampara District, also raise questions of legality and whether the local residents who have been residents in the area for decades are being dispossessed of their lands to entrench a Sinhala Buddhist presence in the area. A local civil society activist noted “fears of how officials including the police and military are supporting Buddhist clergy and politicians to grab lands belonging to minorities and displace them from their homes”.⁴

Intercommunal and interreligious conflicts across Sri Lanka have continued from the war years and are evident in several areas in the post-war period. Perpetrators are known and identified in some cases, but in most cases, there is limited to no follow-up action taken. This is notable in instances where the perpetrators emanate from the majority community. Ethno-religious violence must also be understood amidst the economic and political changes that the country experienced. Such trends are not new but go back to colonial periods, with the post-independence period seeing increasing polarisation and tensions.⁵ Ethno-nationalism and religious issues found new life in political discourse, with nationalist groups among all communities using it as a tool in politics and power. The emergence of religious political parties and bodies such as the Jathika Hela Urumaya, the Bodu Bala Sena, Sinhala Ravaya and other such groups speak to the direction the country has taken in recent decades.⁶

Such developments have contributed to a narrative that sees Buddhism as supreme and the portrayal of a Sinhala Buddhist nation, chipping away at a secular and plural country.⁷ This is compounded by the Constitution, which provides that Buddhism is given the foremost place. This coupled with the emergence of political Buddhism and heightened ethno-nationalism created a narrative of Sinhala Buddhist hegemony in post-independence years, fuelled by the policies in the post-war period.

Ownership, control, and use of land is a critical issue in a country where conflicts have defined its direction with the state and other groups, using land to control areas and establish a presence with wide implications for politics, identity and reconciliation.⁸ This report does not attempt to comment on all

4 Interview in Ampara, September 2023

5 Vijay Nagraj & Farzana Haniffa, *Towards Recovering Histories of Anti-Muslim Violence in the Context of Sinhala-Muslim Tensions in Sri Lanka* (International Centre for Ethnic Studies 2017)

6 Nira Wickramasinghe, ‘After the War: A new patriotism in Sri Lanka?’ (2009) *The Journal of Asian Studies* 68(4): 1045-1054; Nira Wickramasinghe, ‘Sri Lanka in 2020: Return to Rajapaksa Regnum’ (2020) *Asian Survey*, Vol. 61, Number 1, pp. 211-216

7 Gehan Gunatilleke, *The Chronic and the Entrenched: Ethno-Religious Violence in Sri Lanka* (ICES 2018)

8 CPA Attacks on Places of Religious Worship in Post War Sri Lanka 2013

these aspects but looks at several contested religious sites and its impact. As discussed in the case studies, competing land claims have created uncertainty and apprehension among communities and heightened tensions, with fears increasing of new conflicts.

As seen in several cases in the report, the construction of new buildings or the conducting of religious practices can be seen as a form of violence, resulting in fear among religious minorities. As several noted in the North and East, the discovery of religious symbols linked to Buddhism has seen the claim by the State, Buddhist clergy and majority community over those sites, ignoring the claims of minorities and pushing a narrative of a Sinhala Buddhist state. "We fear that the sudden discovery of something that is claimed to represent Buddhism will mean the automatic assumption that the land belongs to the majority community and completely ignore religious practices of the minorities as we have seen with recent developments in Mullaitivu".⁹ In most cases, the complex history of sites is ignored, fuelling a narrative that only captures the presence of the majority community. As seen in sites such as Kurundumalai, it ignores the use of the site by minorities and how the land has been used for decades. Such practices increase the fear among minorities that more appropriation in the areas will occur that expands the presence of the majority community and ignores the claims and practices of minorities. This is against the backdrop of Sri Lanka's decades-long cycles of violence, with fear that new cycles of violence may occur due to competing land cases and contested religious sites combined with other issues such as politics and economics.

The report also notes the multiple actors that are relevant in the area of land. As the report highlights, several central government actors are involved in matters that have a bearing on ownership, control, and land use in the North and East, with most often the minority communities facing numerous challenges with their lands and livelihoods. The lack of clarity with some of these initiatives and lack of action, when complaints have been made, have compounded fears among locals of a state policy to deprive people of their lands and to bring in new communities from other areas.

All this has contributed to a deep suspicion in the area that the central government, with the support of the defence establishment and others, is using multiple means to change demographics that will have significant implications for electoral and identity politics.

Despite the cycles of violence in the past, Sri Lanka has in particular times shown attempts at ethno-religious pluralism and coexistence, but these are most often taken over by incidence of ethno-religious violence and incitement that engulfs

9 Interview in Mullaitivu District, September 2023

minorities and creates new levels of fear. This though must be contrasted with some practices on the ground, with local communities being able to cohabit without major incidents of violence and having early warning systems in place to mitigate and prevent conflict.

Further, syncretism is evident in some religious practices in Sri Lanka, with rites and rituals associated with one faith also having a presence in other religions. Sites such as Kataragama are examples where places of religious worship linked to Buddhism, Hinduism and Islam can be found in one area. Similarly, some sites, such as Adam's Peak, are identified as places that are important to several religions. These show that pluralism and coexistence are possible in Sri Lanka, but as evident with recent developments and trends, fears are that the contestation over religious sites and land conflicts will contribute to new triggers with implications for recovery, reconciliation and stability in Sri Lanka.

RELEVANT FRAMEWORK AND STRUCTURES

This section briefly examines several laws and structures relevant to the study of contested religious sites.

LEGAL FRAMEWORK

The present section examines several laws that are relevant to the focus of the study. Research must also be understood in a context where Buddhism has the foremost place in the Constitution, with constitutional and legal guarantees provided to religious freedoms.¹⁰

ANTIQUITIES ORDINANCE

The Antiquities Ordinance of 1940 details the regulations governing archaeologically protected sites. According to this Ordinance, the Commissioner of Archaeology has the authority to permit sites or monuments to be declared as protected sites and to regulate activities in those spaces. Once a site is gazetted as an Archaeological Reserve, all structures on it are to be preserved and no new constructions or removals are allowed even within the buffer zone without prior permission from the Department of Archaeology.¹¹

THE TOWN AND COUNTRY PLANNING ORDINANCE

The Town and Country Planning Ordinance of 1946 as amended is also worth noting. The law is relevant to private lands and authorises 'the formulation and implementation of a national physical planning policy; the making and implementation of a national physical plan with the object of promoting and regulating integrated planning of economic, social, physical and environmental aspects of land'.

Section 6(2)(b) provides the Minister the power to gazette lands as 'urban development areas'. The law also provides that an area gazetted under the Ordinance is not allowed construction, demolition, alteration or repair.¹² The Minister is also empowered with making interim orders for areas gazetted under the Ordinance. Thus, the Ordinance provides the Minister powers to decide the

10 Article 9 of the Constitution

11 The Antiquities Ordinance No. 09 of 1940 and the Antiquities Amendment Act No. 24 of 1998 deal with the preservation of buildings and sites of archaeological importance. There is also a practice of gazetting areas of religious significance under the Town and Country Planning Ordinance, but referring to them as 'sacred areas' (CPA, 2013, Attacks on Places of Religious Worship in Post-war Sri Lanka).

12 Section 47

use of the land gazetted and impose restrictions. Most recently, a gazette was issued for the Muhudu Maha Vihara, naming it as a Sacred Area under this Ordinance.¹³

Attempts to bring law reform as seen in 2011, when the then Government attempted to bring the Town and Country Planning (Amendment) Bill, were challenged in the Supreme Court. The Bill attempted to declare private property as ‘sacred areas’, “conservation areas”, and “architectural areas” raising concerns that such terminology would be used to acquire people’s lands. Such attempts may occur in the future with constant scrutiny required on the law-making and introduction of policies that can impact ownership and use of land.

LOCAL AUTHORITIES

The different laws applicable to local authorities also have relevance over religious sites, including for the construction, expansion, and removal of sites. In this, it is important to note the provisions in the Urban Councils Ordinance of 1940 (as amended), the Municipal Council Ordinance of 1947 (as amended) and the Pradeshiya Sabha Act of 1987 (as amended).

THE URBAN DEVELOPMENT AUTHORITY ACT

The Urban Development Authority Act of 1978 empowers the Minister to declare areas as ‘urban development area’.¹⁴ An area that is gazetted as an urban development area can face restrictions in terms of its use, construction, and demolition. An area that is marked as an urban development area can also impact places of religious worship with a permit required to conduct any religious activity. Dambulla was named the ‘Dambulla Urban Development Authority Area’ by a gazette dated 24 March 1994 and later expanded in 2005.¹⁵

The laws briefly discussed in this section have relevance to the study, but it must be noted that Sri Lanka has several other laws that apply to other issues linked to land, such as those marked as forest lands, Mahaweli lands and wildlife areas.

RELEVANT STRUCTURES

This section briefly examines two key entities that are relevant to the focus of the research and have played and continue to play a prominent role. They are the Department of Archaeology and the Ministry of Buddhasasana. It must also be noted that other actors have a role over land, such as other statutory

13 Gazette No 2345/37, 15 August 2023

14 Section 3

15 No. 811/17, 1994.03.24 and No. 1419/10, 2005.11.17

bodies in the areas of urban developments, forest, wildlife and Mahaweli and the involvement of security forces.

DEPARTMENT OF ARCHAEOLOGY

The mission of the Department of Archaeology of Sri Lanka is to function as Sri Lanka's apex institution and chief regulatory body for the management of its archaeological heritage.¹⁶ The Minister in charge of the subject can declare archaeological monuments by a gazette. This is evident in several areas in Sri Lanka, though questions remain as to how an area is identified and the criteria used, if any, to fall within the purview of the Department. For example, a few years back, a list in Batticaloa showed names of over 600 sites for the district, the highest number so far seen from any district in the North and East. Information obtained through a Right to Information application filed in 2020 also indicated 26 sites in Mannar, 53 sites in Mullaitivu and 43 sites in Vavuniya Districts. No information is publicly available regarding the criteria used by the authorities to identify these areas. Recent months have also witnessed attempts by the Department of Archaeology to survey land and put markers in the area with the intention of demarcating them as sites coming under the institution. Cases in this report also show that the Department works with Buddhist clergy to restrict access of minorities to their lands and to take over land for Buddhist temples. Locals informed that several sites were identified in either their residential lands or lands used for livelihoods, raising fears of possible displacement and dispossession. "We have owned this land and resided here for decades, but we fear that the Department or a Buddhist monk will one day just walk into our land and claim it is a Buddhist site. If this happens, we don't think the Police will do anything to protect our rights".¹⁷

As noted in the cases, the Department is active in the Kuchchaveli Division in Trincomalee District. For example, the Department was attempting to gazette several areas in Thiriyai and Thenmaravady, which includes both private and state land. Attempts to gazette lands resulted in several cases filed in the High Court in Trincomalee, with interim orders granted to prevent officials from entering the land and restraining them from proceeding with the action of granting lands to religious temples.¹⁸ Several cases continue to be in the Magistrates Court and High Court where attempts by the Department to mark lands as those coming under their purview are being challenged by locals who claim ownership.

16 Several laws that are relevant include the Antiquities Ordinance No. 09 of 1940 and amendments; Antiquities (Amendment) Act 1998

17 Interview in Trincomalee, September 2023

18 Interview with lawyer, September 2023

These and other cases highlighted in the report demonstrate a prominent role played by the Department, with many minorities in the areas believing that they are furthering the agenda of Buddhist clergy and others to give prominence to Buddhist religious sites and side-line minorities.

MINISTRY OF BUDDHASASANA

The Ministry of Buddhasasana was established on 16th June 1988 exclusively for the jurisdiction of Buddhism.¹⁹ Gazette Notification No. 2187/27 dated 9th August 2020 established the Ministry of Buddhasasana, Religious and Cultural Affairs, putting all religious affairs under the control of one Ministry.²⁰ The Ministry, under the Buddhasasana and Religious Section, has many departments under its purview including the Department of Buddhist Affairs, Department of Muslim Religious and Cultural Affairs, Department of Hindu Religious and Cultural Affairs, Department of Christian Religious and Cultural Affairs, Department of Public Trustee, Buddhasasana Fund and Department of Archaeology.

Other entities: In addition to ministries and statutory authorities, recent years have also seen entities appointed by the Executive that have relevance to the research focus. For example, the **Presidential Task Force for Archaeological Heritage Management in the Eastern Province**²¹ was appointed by the then President Gotabaya Rajapaksa in June 2020 and was headed by the Defence Secretary. At the time of its appointment, its members comprised the majority community, including several Buddhist monks. Subsequently, two additional members were appointed to represent minorities. The appointment of this particular task force and its membership raised concerns for a province that included all three communities, raising fears about whether it was the latest attempt to appropriate lands belonging to the minorities.

Several cases, such as the Muhudu Maha Vihara, the Deeghvaapiya Temple complex and the Kuchchaveli land cases, showed the task force members playing a particular role. In the Deeghvaapiya temple case, competing claims have been evident as to the extent of land that falls within the temple premises. In the 1970s, the government of Sirimavo Bandaranaike transferred around 500 acres of land to the temple through a gazette. In 2008, the then President, Mahinda Rajapaksa, instructed the temple to be developed as a sacred site. Several from the majority community claim that the area around the temple has monuments of historic and religious significance and that more lands need to be gazetted as sacred lands. Such statements have raised concerns among the Muslim communities who reside in the area.

19 Official Website of the Ministry of Buddhasasana, Religious and Cultural Affairs, <https://mbs.gov.lk/web/history/>

20 Official Website of the Ministry of Buddhasasana, Religious and Cultural Affairs, <https://mbs.gov.lk/web/history/>

21 Established by Gazette Extraordinary no. 2178/17), 2 June 2020

The surrounding area has both Sinhalese and Muslims residing and cultivating with many fearing their lands will be taken over. In February 2021, the Deeghvaapiya Trust Fund was created for the public to donate to reconstructing the Buddhist statues in the area. According to media reports, the restoration is to be done with the assistance of the military and the Civil Defence Force (CDF) under the leadership of the Defence Secretary and head of the Archaeology Task Force.²² Further Ven. Ellawala Medhananda Thero, a member of the Task Force, stated that the team examined and identified 2,000 sites as Buddhist heritage in the Eastern province, though no information is available about how the sites were identified. Whilst the Task Force is no longer in existence, it is yet another example of the nexus between the central government, Buddhist clergy and the military in the fuelling of ethnonationalism and attempts at land appropriation.

²² Of Sacred Sites and Profane Politics: Tensions over Religious Sites and Ethnic Relations, Secretariat for Muslims, October 2015

LAND CASES

This section examines several land cases in different parts of Sri Lanka that have seen contestation of ownership and control of religious sites in the post-war period. In some instances, the contestation has resulted in violence and the damage and destruction of buildings. Most of the sites discussed here are located in the North and East, with the exception of three sites in the Kegalle District, Matale District and Ratnapura District. The sites listed here are by no means an exhaustive list but are indicative of the nature of contestation, actors involved and triggers for new conflict.

The cases are listed under each district and are in alphabetical order.

AMPARA DISTRICT

1.1 Mayakkalli Hill/Manikkamadu

Mayalakkalli Hill is located in Manikkamadu village in Irakkamam Divisional Secretariat in the Ampara District. It is identified as an Archaeological site by the Department of Archaeology. In the 1930s, both Muslim and Tamil communities lived in the Irakkamam division, with Tamil families moving to the Manikkamadu area around this area. They have faced displacement from the area due to the war.

Locals stated that in October 2016, on Deepavali, a Buddhist statue was placed by the Kalmunai Buddhist priest with the support of the Department of Archaeology.²³ Subsequently, a five-acre land was grabbed by the temple from a local whose father owned and used the land for cattle.

According to officials, one acre of the land has been given to the construction of the Buddhist Temple. The area comes under the Gal Oya scheme, with 9 Tamil families having received 3 acres of land per family in 1965. The total land given amounted to 27 acres. In 1981, the Tamil families went on to lease the land to Muslim families from the Samanthurai area. According to locals, Tamil families were displaced due to the war, and this has resulted in the Muslim families changing ownership of the land. They noted that they were “unfairly treated as the lands belonged to us prior to the war, but the Muslims changed ownership when we were displaced”.²⁴ Despite complaints, no action has been taken by the authorities. Now, the 27 acres of land is divided between 10 Muslim and 9 Tamil families, with competing claims coming from both sides. At present, a

23 இலங்கை: மாயக்கல்லி மலை பௌத்த விகாரைக்கு நிலம் ஒதுக்க எதிர்ப்பு, BBC News Tamil, 12 September 2018, <https://www.bbc.com/tamil/sri-lanka-45498244>

24 Interview with affected communities, September 2023

Buddhist temple has been constructed on the hill.

1.2 Muhudu Maha Vihara

The Muhudu Maha Vihara in Ampara is another case of contestation of ownership of land involving the Department of Archaeology, a Buddhist monk, the military, and local communities. In this case, locals informed that the Department is attempting to take over lands where the Muslim community has been residing.

The temple is identified as an ancient site built by King Kavantissa in the 2nd Century BC to mark Vihara Maha Devi landing on this beach after she was cast out into the seas to appease an 'irate' ocean – a curse of the gods – from the Kelaniya kingdom.²⁵ The site has ancient pillars and a Buddha statue renovated by the Department of Archaeology in the 1960s.

According to the documentation available, the first gazette for the area was issued in 1936, which marked 72 acres as state land. In 1951, a second gazette was issued that marked the land as falling within the purview of the department, but in 1965 and after a visit by the department, a new gazette was issued declaring 30 acres as national heritage. Subsequently, some monuments were discovered outside the 30 acres, which raised concerns.

Muslim residents claim that 45 families have resided in the area for decades and that they were given land documents under the Jaya Bhoomi scheme during the Chandrika Bandaranaike regime in 1994. Locals stated that in the 1950s a small Buddhist temple was in the area with one monk residing. Locals had supported maintaining the temple, but it was abandoned during the time of the war.

In 2002, the Sri Lanka Survey Department issued a plan to relocate the residents and farmers to another section of the land in Muhudu Maha Vihara. However, the plan was not followed through. In 2012, a complaint letter was filed by the Archaeological Office of Ampara to the Director General of the Archaeological Department of Colombo, stating that an illegal temple was constructed without any permission within the archaeological sites. According to locals, in 2018/9, a stupa was built without permission from the authorities, but no action was taken. More recently, a new gazette was issued in 2023.²⁶

Under the previous government, the site came under new focus when the Defence Secretary, who was also the head of the Archaeology Task Force, visited the area and instructed the then IGP, the Senior DIG for Ampara and the Commander of the Navy to provide maximum security to the place.

²⁵ Yomal Senerath-yapa, 'Muhudu Maha Vihara: Where history and mystery still lie buried' Sunday Times, 3 July 2022, <https://www.sundaytimes.lk/220703/plus/muhudu-maha-vihara-where-history-and-mystery-still-lie-buried-487363.html>

²⁶ Gazette No 2345/37, 15 August 2023

The nexus of central government actors, Buddhist clergy and the military in this case is another example of where Sinhala Buddhist ideology linked with the protection of heritage is supported by the security apparatus.

1.3 Palamunai Mullikkulam

Mullikkulam Hill is situated in the Palamunai area in the Ampara District, where the majority population is Muslim. Locals believe it to have historical relevance, with the area marked as an archaeological site by the Department in 1999.

Since the 1990s, the land has been cultivated by the Muslim community. In 1998, President Chandrika Bandaranaike Kumaratunga issued land grants to five Muslims and they had used the lands for ten years. During the war, they were not able to access the lands but recommenced agricultural activities in 2007. It was then that the Department of Archeology claimed the site coming within their purview as it contained several inscriptions and charged the farmers. A case was then filed by the farmers in the Akkaraipattu District Court in 2008, with the judgement given in favour of the farmers in 2013.²⁷

In 2022, a group of Buddhist monks arrived at the site and attempted to build a stupa. In March 2022, local Muslim politicians and lawyers were able to stop the construction by bringing it to the attention of the District Secretary in Ampara. Despite this, locals are concerned that the Buddhist monks may attempt to construct again. This is a site a few miles from the **Deeghvaapiya Temple**, where there is a contested land issue (previously discussed).

JAFFNA DISTRICT

Nilavarai Well

The Nilavarai Well is located in the Valigamam East Division in Jaffna. A Shiva temple named Navasaileswaram is near the vicinity. It is gazetted as an archaeological site.²⁸

In January 2021, officials from the Archaeological Department arrived at the site to explore the area but were opposed by local politicians and activists. Subsequently, in March, officials of the Department had again attempted to explore the area but were prevented by the people.

Several other sites in the Jaffna District may result in new conflicts. One is in **Thaiyiddi**, which is in Valligamam North, Thellipalai Divisional Secretariat. In this area, the Tissa Maharamaya Vihara was built on private lands in areas that formerly came under the High Security Zone. As noted by a former local

27 Interview with lawyer, September 2023

28 Gazette No 1486 23, February 2007

official, some of the recent construction by the military is on lands belonging to private landowners with no remedies offered to the land owners.²⁹ In 2023, several protests took place where locals from the area and politicians protested the construction of the temple. A case was also filed in the Mallakam Court challenging the construction of a Thaiyiddy Monastery.³⁰ In an order dated 4th May 2023, the Mallakam Magistrate's Court directed that there should be no disruption with the worship or festivities at the temple. Locals noted that the Buddhist priest and the military conduct religious festivals and that "those coming to do poojas are Sinhalese while Tamil landowners are displaced and unable to return to their lands".³¹

KEGALLE DISTRICT

Devanagala Rock

Devanagala Rock is identified as an archaeological site by the Department of Archaeology located in Mawanella with recent contestation of the site by both Muslim and Sinhala communities. Rivalries between the communities, linked to economic and political issues, saw a clash in 2001 which spilt over to the contestation of this particular site. The area of the Devanagala Rock was expanded in 2004.³²

In 2013, tensions were exacerbated in the area with leaflets distributed by a movement named "We Sinhalese" with the intention to target the Muslim community in the area, requesting people to boycott Muslim shops and businesses. Venerable Amatha Dhamma Thero, who is considered to be the main actor in the demolition of a Muslim shrine in Anuradhapura, is reported to have said that he would destroy mosques in Kegalle as he had done in Anuradhapura and this statement fuelled tensions between the communities. There were also other actors, such as the BBS and Sinhala Ravaya, who incited violence against the Muslims and demanded authorities to take action to evict Muslims from the Rock area. Subsequently, on 3rd December 2013, the Department of Archaeology attempted to survey the land but was stopped due to protests by the Muslim community. While there have been no recent incidents of violence, the site is one that has the potential to trigger conflict due to the involvement in the past of particular extremist Buddhist clergy and groups.

29 Interview in Jaffna, November 2023

30 Case B-640/PC/230

31 Interview in Jaffna, November 2023

32 Of Sacred Sites and Profane Politics: Tensions over Religious Sites and Ethnic Relations- Kurugala/Jailani and Devanagala, Secretariat for Muslims, June 2015

KILINOCHCHI DISTRICT

Uruthirapuram Sivan Temple

Uruthirapuram Sivan Temple is located in the Uruthirapuram North GN Division under the administration of Karachi DS Division, Kilinochchi District. The temple is about 2400 years old, with recent reports of land appropriation by the Department of Archaeology.

In January 2021, officials from the Department arrived at the temple accompanied by army officers, police officers, and government officers, together with a Buddhist Monk and inspected the land. In March 2021, a senior official of the Department with other officials visited the location to clean the area. The temple trustees were not informed of any of these visits. In March 2022, the Department attempted to excavate the site but had to stop due to protests from locals. In May 2023, a letter was sent by the Department to the relevant parties, including the Divisional Secretary and temple trustees that the land was to be surveyed. Another protest occurred in response to this letter. This issue was discussed by State Minister Vidura Wickramanayake, where an order was issued to suspend the survey work. Subsequently, a team from the Department has been investigating the temple and land issue.

MATALE DISTRICT

Dambulla Khairiya Mosque

On 20th April 2012, a large crowd accompanied by the chief incumbent of Rangiri Dambulla Raja Maha Vihara attacked and damaged the mosque.³³ The mosque is registered with the Waqf Board under the Muslim Mosques and Charity Act of 1956. It is noted that the mosque was also registered with public utility providers such as the Ceylon Electricity Board as a place of worship and had benefited from concessionary rates. Despite the registration with the Waqf Board, which is what is required to operate as a mosque, the Ministry of Buddhasasana and Religious Affairs demanded registration with the Divisional Secretariat. Protests that were led by Buddhist monks claimed that the mosque was built on sacred land. Despite complaints made to the police of threats to the mosque, the crowd was able to attack the mosque with no attempts by the police to stop the attacks. Reports also indicate some monks entering the mosque, having desecrated copies of the Quran and damaging the structure. Around the same time, monks urged the locals to boycott Muslim shops and businesses. Subsequent to the April 2012 attack on the mosque, complaints were filed with the police, but no known action was taken against the Buddhist clergy and other attackers. At a subsequent meeting, parties had agreed to relocate the mosque.

³³ Of Sacred Sites and Profane Politics: Tensions over Religious Sites and Ethnic Relations- Kurugala/Jailani and Devanagala, Secretariat for Muslims, June 2015

Further, Sumangala Thero led protesters to a nearby Kovil, 'Bhadrakali Hindu', in Padeniya, which is located next to the Rangiri Dambulla Temple. He threatened to remove the Kovil, demanded Tamils be evicted, and accused them of being illegal settlers on 'sacred' land. The land, where their home and shops were located, is now transformed into a car park and an artificial lake of Rangiri Dambulla Temple. The Kovil could not be removed as protests took place but as soon as re-development activities started, a board was put up by the Urban Development Authority saying that no one could enter the area after 6 pm. Subsequently, the Kovil was relocated.

Issues regarding this land being identified as a 'sacred land' and an urban development area can be traced back to the early 1980s. In 1990, the Central Cultural Fund (CCF) moved to secure World Heritage site status for Dambulla Rock Temple. In 1993, a plan was finalised for the "Dambulla Sacred City Development Project". In 2002, CCF reported to UNESCO that the National Physical Planning Department, along with the Archaeological Survey Department and Chief Thero, is preparing a master plan to develop a sacred city in Dambulla with buffer and development zones. On 18th November 2005, through gazette No 1419/10, the Ministry of Urban Development and Water Supply designated all lands within the divisional secretariat division of Dambulla, Galewela, Naula (in part) in Matale district. This same gazette also incorporated areas previously known as 'Urban Development Areas' under section 3 of Urban Development Authority Law 1978, namely the Inamaluwe Korale and the entire town of Dambulla. On 29th November 2011, the cabinet approved UDA taking over the 'development work of sacred area'. In a few months, in 2012, the attacks occurred.

MULLAITIVU DISTRICT

Kurundumalai

Kurundumalai is known as the Kurundanur Hill and is located in the Mullaitivu district. The majority of the people in the area are Tamils and Hindus, with locals using the site for worship for several decades. The area was first gazetted on 12 May 1933 by the Department of Archaeology, demarcating 78 acres of land as an "archaeological site". Competing claims are linked to the site. Hindu devotees claim that the site is linked to the worship of Athi Aiyandar. Buddhists claim that the site is a hundred years old and is an ancient Buddhist temple. Claims also link the site to Tamil Buddhism. This is one of several cases of competing claims over religious sites where developments show central government actors working with Buddhist clergy and the security forces to give prominence to a narrative that gives precedence to Sinhala Buddhist ideology. It also shows a nexus between Buddhist clergy and the military to appropriate land belonging to and used by minority communities, with fears that such sites will be used to cement the Sinhala Buddhist ideology and change ethnic demographics in the region.

In 2018, two Buddhist priests and others had tried to place a Buddhist statue at the site and attempted to reside in the area. Since this incident, skirmishes in the area have occurred, with locals protesting the expansion of the Buddhist site and the inability to carry out their pooja. They also claim the Buddhist priests, the Department of Archaeology, the military and politicians in Colombo are working together to take over the land. “We are concerned that the Government is pushing the position that this is a Sinhala Buddhist site and erasing the fact that Tamils have worshipped here for decades”.³⁴ In recent years, social media and locals have commented on the destruction of a Trident with the State Minister Vidura Wickramanayake placing a Buddha statue in its place.

Buddhist monks had been threatening and intimidating Tamil farmers from Thannimurippu who tried to return to their land. At least three cases are still pending at the Mullaitivu Courts over the contested archaeological site with a court order in place to prevent new construction.³⁵ In 2020, surveying took place in the area with a survey report dated 14 December 2020 mentioning a ‘Kurundhi Vihara’. There are also reports indicating attempts by the Department of Archaeology to take over 81 acres of land. Locals in the area informed that this area comes within the purview of the Forest Department, but this has been disregarded by the Buddhist monks and military who continued to construct the Vihara till the court order was issued to stop all construction. Locals fear that the Department of Archaeology and the military will destroy the historic Hindu site and replace it with a Buddhist temple.

The matter is presently before the courts. In August 2023, the Mullaitivu Magistrate Court issued a ruling on the failure of the Archaeological Department officials to comply with court orders, leading to the Director General of Archaeology being held in contempt.³⁶ Despite previous orders, construction of the stupa at the temple continued with ceremonial additions. The court ordered the immediate dismantling of the post-July 14, 2022 construction. However, the Attorney General’s intervention led to a reconsideration request, prompting field visits and reinvestigation. Photographic evidence of ongoing construction resulted in the court reaffirming its order.

This case has also raised a new dimension where Sinhala politicians have made threatening remarks against the Mullaitivu Magistrate before whom the case was heard. In this particular instance, the Magistrate, who is Tamil, has come under intense pressure and subsequently resigned from his position and fled the country. This has raised the profile of the case and the role of politicians in

34 Interview in Mullaitivu, September 2023

35 Sandun Jayawardana & S. Rubatheesan, “Heat over archaeological site or people’s” Sunday Times on 18th June 2023, <https://www.sundaytimes.lk/230618/news/heat-over-archaeological-site-or-peoples-523242.html>

36 Interview in Mullaitivu, September 2023

threatening judicial officials and others with the matter now reportedly under investigation.

RATNAPURA DISTRICT

Kurugala Jailani Mosque

Kurugala/Jailani has been in the news for several years due to the contestation of the religious site.³⁷ Muslim communities consider the site a Sufi site as they believe that Muhyīuddīn ‘Abdul Qādir al-Gīlānī(1077–1166 CE), a Sufi mystic, had visited this place. For Buddhists, they claim the remains of a stupa. Locals in the village Thanjanthenna comprising both Sinhalese and Muslims claimed that they coexisted peacefully for decades and there was no issue with the site previously.

The contestation of the site was fuelled by extremist groups such as the Bodu Bala Sena (BBS), Sinhala Ravaya, and Jathika Hela Urumaya, demanding to declare that Kurugala is an exclusive Sinhala Buddhist site. In recent years, there has been a contestation of the site with new construction taking shape that has changed the landscape and the serenity in the area. In 2013, under the purview of the Urban Development and Defence Ministry, construction took place that built a staircase with several new constructions, such as a Buddhist temple, offices, and shops. The then Defence Secretary, Gotabaya Rajapaksa, visited the site in 2013 and ordered some of what was considered illegal constructions removed. 2015 saw groups such as the BBS, Sinhala Ravaya and Ravana Balaya play a role in the site, with the latter destroying the grave of the patron. Over the years, the area witnessed the expansion of the Buddhist site with new construction taking place.

In 2021, the Buddhist site was taken over by Ven. Dhammarathana Thera, who implemented a program called ‘Revival of Kurugala’, with the intention to rebuild and re-launch Kurugala within 13 months. According to media reports, the Kurugala Raja Maha Vihara has been declared as a sacred place.³⁸

This site speaks to how the promotion of Sinhala Buddhism has received support from the state and the attempts to erase and destroy a sacred area for the Muslims.³⁹ The construction of a stupa in a location that had previously no evidence of a Buddhist religious area is not new as seen with other cases in the North and East. This and other cases also highlight the challenges facing Sri Lanka, methods used by the state, security forces and clergy to perpetuate the majority religion using terminology such as ‘sacred’ and ‘heritage’.

37 Of Sacred Sites and Profane Politics: Tensions over Religious Sites and Ethnic Relations- Kurugala/Jailani and Devanagala, Secretariat for Muslims, June 2015

38 Three more temples Gazetted as Sacred Places, Daily News, 14 June 2022 <https://archives1.dailynews.lk/2022/06/14/local/280788/three-more-temples-gazetted-sacred-places>

39 Of Sacred Sites and Profane Politics: Tensions over Religious Sites and Ethnic Relations- Kurugala/Jailani and Devanagala, Secretariat for Muslims, June 2015

TRINCOMALEE DISTRICT

1.1 Kuchchaveli Division

Kuchchaveli is one of the administrative Divisions in Trincomalee District, consisting of 27 GN Divisions, and this administrative division connects the Mullaitivu District with the Trincomalee District. Kuchchaveli is a predominantly Tamil-speaking administrative division in Trincomalee, where the ethnic composition is Muslims (65%), Tamil (32%), and Sinhala (3%). Local officials informed of the construction of 25 temples in the area, with new areas allocated for several other temples, bringing the total to 32 in the division. According to officials and local communities, this is an area where local Muslim and Tamil communities have resided over the decades in both state and private lands. Local communities informed of several attempts where Buddhist clergy, with the assistance of military and police, were attempting to appropriate lands belonging to Tamil and Muslim communities.

The following table provides the name of the temple, extent of land taken over and year of registration.⁴⁰ These are all registered and constructed in the post-war period.

	Name of the Buddhist temple	Captured Land Extent	Year of Registration
1	Kandal Kaadu Purana Raja Maha Vihara	2.0234 Ha	
2	Kokkaradi Malai Putharaya Wana Senasuna	400 A	
3	Kottikulam Sangaraya Wana Senasuna	400 A	
4	Maduwakkulam Dharmaya Wana Senasuna	400 A	
5	Bambarakala Purana Raja Maha Vihara	102.408 Ha	2013
6	Bhahiya Pabatha Wana Senasunatha	16.8417	2018
7	Mahapothi Vihara	0.8094 Ha	2022
8	Debaragala Purana Raja Maha Vihara	4.0469 Ha	2018
9	Diyana Mandapam	5 A	
10	Viththyaloga Raja Maha Vihara	0.106 Ha	2020
11	Athpokuna Purana Raja Maha Vihara		2018
12	Samuththiragiri Pichchamal Purana Raja Maha Vihara	0.9315 Ha	2011
13	Cheiththiyagiri Purana Raja Maha Vihara	24.1341 Ha	2011
14	Sakarapura samuththiragiri vanasenasuna	36.0596 Ha	2014
15	Purana Gallena Raja Maha Vihara		

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Based on information provided by local officials in the area, September 2023

16	Masangawewa Pinkaththugama Raja Maha Vihara	152.679 Ha	2011
17	Sri Keththarama Vihara		2020
18	Girikandusaya neeththu papana Raja Maha Vihara	102.5766 Ha	2015
19	Pathmaraja papatha Vanasenagana	44.325 Ha	2020
20	Thapasubaluga Vanasenagana	2.4598 Ha	2020
21	Sapthanaha Bapbatha Wana Senasutha	20.2343 Ha	2018
22	Aththanagi Kantha Purana Raja Maha Vihara	88.6966 Ha	2012
23	Asirikantha Purana Raja Maha Vihara	109.986 Ha	2012
24	Sri Saththarma Yuththika Wanasesasuna	1.0438 Ha	2018
25	Mihindulene Purana Raja Maha Vihara	20.2343 Ha	2014
26	Maimuni Raja Maha Vihara		
27	Yanoja Purana Raja Maha Vihara	147.318 Ha	2012
28	Nagalena Raja Maha Vihara	59.0255 Ha	2002
29	Santhi purana Raja Maha Vihara	40.4206 Ha	2014
30	Sri Tharmothaya thagam pasala		
31	Sanmale purana raja maha vihara	62.3434 Ha	2012
32	Megaswewa		

In the Kuchchaveli DS alone, several Buddhist monks have appropriated lands from locals and built stupas with the support of politicians and security forces. One name reported by locals and in the media is that of the priest from the Arisimalai Temple known as Thilakawansa Thero. According to locals, 2142 acres of land is now under the control of the priest, an area that is predominantly comprised of Tamil and Muslim families. According to locals, the following areas of land have been taken by the priest in the Kuchchaveli DS.⁴¹

No	Grama Niladhari	Acres of land that were grabbed by the Arisimalai Monk
01	Thennamaravaddy	154
02	Pullmodai 04	98
03	Pullmodai 03	47
03	Pullmodai 02	237
04	Pullmodai 01	419
05	Thiriyai	166

41 Information received in September 2023

06	Kaddukulam(Thiriyai)	253
07	Kuchchavelli	12
08	Casimnagar	354
09	Jayanagar	50
10	Kumburupitty East	346
11	Illupaikulam	278
12	Nilavelli	5

In addition, locals reported that the Thiriya Buddhist Monk is also involved in appropriating lands from locals with three new Buddhist temples built in the area.

1.2 Malayadi Pillaiyar, Rajavanthan Hill (64 Mile Post)

According to locals, the old Malayadi Pillaiyar temple is located at the foot of the rock which has been used by the Hindu devotees for nearly 200 years. During the British period, around 15 acres in the area were surveyed and given to farmers to cultivate with documentation to show ownership over private lands. Some farmers have rights over the land under the Land Development Ordinance (LDO). The area consists mostly of Muslim and Tamil farmers. The locals claim that in 2012, a Buddhist priest from the nearby Seruvila temple attempted to create a stupa on top of the rock but was not able to do so due to protests from the community. In 2018, the Mutur Kottiyarama Mullamahar Vihara was created when some of the landowners had gifted some land in the area. Since 2019, the Vihara has been attempting to acquire 300 acres of land, which will affect the livelihoods of the communities. In 2019 and 2020, attempts to survey the land were undertaken to declare it as an archaeological site, but this was not carried out due to protests by the locals. Subsequently, the District Secretary and Divisional Secretary met with the communities in early 2021 and requested people to give land to the temple. A case was filed in the Mutur Magistrates Court to prevent taking over the possession of the land.⁴²

Several other contested religious sites in the district also require attention. A recent case that has been in the media is the construction underway of the Boralukandha Raja Maha Vihara near the **Periyakulam** area in the Town and Gravets DS division. According to a local official, the majority in the area is Tamil, with 536 Tamil families and 4 Sinhala families. This location is a private land and approval for construction was obtained from the Ministry of Buddhasasana in 2021. Construction of the temple commenced in September 2023, with locals protesting in the area and subsequently, the issue was raised by Tamil political parties. The issue was also raised with the Eastern Province Governor who had

42 Interview in Trincomalee, September 2023

put a halt to the construction. Despite the halt by the Governor, construction works are underway. A name board with the name 'Boralukanda Rajamaka Vihara' was erected in the area. Similarly, locals reported several other cases in other areas in Trincomalee District that have the potential to trigger tension and conflict in the area.

VAVUNIYA DISTRICT

Vedukunaarimalai Adilingeswarar Temple

Vedukunaari Hill is situated in Nedunkerny (Vavuniya North) Divisional Secretariat of Vavuniya District. According to locals, the temple has an ancient history of about 3000 years old, with two caves and a lingam. Brahmi inscriptions dating back to 3rd/4th BC are present in the caves. Several idols of Pillaiyar, Murugan, Naga and other deities are at the foot of the hill, with a lingam representing Adhilingeswarar at the top. The Temple Trustee stated that people have used the hill to worship for around five generations, but locals avoided the area during the period of the war and restarted in 2016.

In 2018, the Department of Archaeology attempted to acquire this temple and filed a case in court to ban the 'Pooja' activities at the temple. However, after the local people protested, the Department allowed the locals to use the site to worship but not to rebuild the temple. Cases were previously filed in the Vavuniya court by the Nedunkerny police and the Department of Archaeology to stop the annual festival.⁴³

In 2023, locals discovered the destruction of some of the idols and complaints were made to the Human Rights Commission, and a case was filed in the Vavuniya Magistrates Court.⁴⁴ A hearing into the vandalism and destruction of the idols also took place in the Magistrates Court in April 2023. The temple administration has alleged that the vandalism was carried out by the Archaeological Department.⁴⁵ The District Court had issued an order permitting the temple administration to reconstruct the temple, replace the idols, and provide security for ongoing poojas.⁴⁶

43 Interview in Vavuniya, September 2023

44 Sinhala nationalist MP Sarath Weerasekara conducts visit to Athi Lingeswaran Temple following vandalism, Tamil Guardian, 8 May 2023 <https://www.tamilguardian.com/content/sinhala-nationalist-mp-sarath-weerasekara-conducts-visit-athi-lingeswaran-temple-following>

45 Sinhala nationalist MP Sarath Weerasekara conducts visit to Athi Lingeswaran Temple following vandalism, Tamil Guardian, 8 May 2023 <https://www.tamilguardian.com/content/sinhala-nationalist-mp-sarath-weerasekara-conducts-visit-athi-lingeswaran-temple-following>

46 Sinhala nationalist MP Sarath Weerasekara conducts visit to Athi Lingeswaran Temple following vandalism, Tamil Guardian, 8 May 2023 <https://www.tamilguardian.com/content/sinhala-nationalist-mp-sarath-weerasekara-conducts-visit-athi-lingeswaran-temple-following>

In addition to the above districts, contestation of religious sites is evident in **Mannar District**. Mannar District is home to the largest catholic community in the North but also has other faiths, with recent years indicating several instances of conflict linked to religious sites and land issues. The land dispute surrounding **Thirukesawaran Temple** is of significance. This is one of the major Shiva sites in Sri Lanka. A Catholic church is also located in the vicinity of the Temple. More recently a Buddhist Temple has also emerged. According to locals in the area, an agreement was reached in 1964 between the Hindu and Catholic communities to not disturb each other's religious activities and not take over additional land. Recently, problems had commenced due to attempts to build an arch at the junction leading to the Thirukesawaran Temple, with the matter now before the court.⁴⁷

47 Interview in Mannar, September 2023

RECOMMENDATIONS

This section provides a list of recommendations targeting the state and other relevant stakeholders.

1. Political leadership that sends a clear message of zero tolerance for incitement, violence, and threats, and establishes a clear policy to protect places of all religious worship with no priority given to one religion or community is required.
2. Conduct a review of state policy and practice that involves an examination of laws, policies and practices. This should involve the revision of laws and policies that fuel ethno-nationalism and discrimination. Steps must also be taken to immediately halt practices that encourage and enable land appropriation.
3. Investigate and take action against those inciting and carrying out ethno-religious violence, land appropriation, and other actions that threaten stability and reconciliation. Police must play an active role, follow through with complaints and investigations, and arrest parties where evidence indicates incitement, violence, land appropriation and other violations. The authorities must also take prompt steps to prosecute those who carry out criminal action.
4. Local authorities and officials must take all steps to adhere to the law and prevent illegal action that results in land appropriation, displacement of communities, and deprivation of livelihoods.
5. Religious leaders must take steps to prevent incitement and violence and ensure that no member of their religion threatens communities, resorts to land appropriation and undermines peace. They should also facilitate dialogue within different groups, including inter-religious dialogue and initiatives.
6. While the present report highlights several trends and cases, this was done in a short period. A more comprehensive study is required to understand land contestation and other issues that sustain violence and identify strategies that can address triggers for conflict.
7. Local groups, including inter-religious groups, community groups and others, have played an important role in mitigating and preventing violence and curtailing new triggers for conflict. Donors and other stakeholders should support sustaining and expanding such efforts and steps to sustain a robust early warning system.

8. Support is required for local activists, lawyers, media, and groups who conduct documentation and awareness-raising work to understand the nature and scale of competing land claims and other issues linked to religious sites and to identify strategies to mitigate and prevent violence.

