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Sri Lanka lacks a comprehensive and coherent land policy: Dr. Manoj

Thibbotuwawa

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- **L**and policy amendments have not adequately addressed issues
- **Commendable efforts have been made to reform land policies**
- **Prioritise establishing a market-based land management system**
- **Streamline land policies and simplify land laws and regulations**
- **Agriculture sector is facing several key issues related to land**
- **Land fragmentation and degradation are significant issues in SL**
- **Rapid deforestation has happened in the past several decades**

Sri Lanka has a long history of land policy with several amendments that have not adequately addressed the land-use pattern changes that threaten environmental sustainability as well as the changing economic priorities of the country, said Institute of Policy Studies (IPS) Research Fellow Dr. Manoj Thibbotuwawa, in an interview with *The Sunday Morning*, noting that these policies had not only failed to adequately address the problems at hand, but also created a different set of issues.

“What all these imply is that the country doesn’t have a comprehensive and coherent land policy. Though achieving a comprehensive and coherent land policy that addresses historical, political, and social complexities can be a long and complex process, it is worth mentioning that Sri Lanka has made commendable efforts to reform its land policies to address these challenges,” he added.

In the course of the interview, Dr. Thibbotuwawa listed urgently-needed reforms and sustainable land management practices, steps the Government should take to attract investments in relation to land policies, and key issues facing the agriculture sector in relation to land. He also spoke on addressing the issue of large-scale land acquisitions in a sustainable manner; resolving issues related to the fragmentation of agricultural land, land tenure, and land productivity; and balancing the need for land while minimising deforestation.

Following are excerpts:

Could you do a Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis of Sri Lanka's current land policies? Do we have a comprehensive and coherent land policy?

The main objective of a land policy of any country should be to ensure the allocation of land for different uses that generate the highest possible private and social benefits. However, this is not an easy task in a country like Sri Lanka due to the complex situation of various land uses and market imperfections related to such uses.

Sri Lanka has a long history of land policy with several amendments that have not adequately addressed the land-use pattern changes that threaten environmental sustainability as well as the changing economic priorities of the country. Not only have these policies inadequately addressed the problems at hand, they have also created a different set of issues.

What all these imply is that the country doesn't have a comprehensive and coherent land policy. Though achieving a comprehensive and coherent land policy that addresses historical, political, and social complexities can be a long and complex process, it is worth mentioning that Sri Lanka has made commendable efforts to reform its land policies to address these challenges.

A strategic path forward requires building on strengths, addressing weaknesses, capitalising on opportunities, and countering threats. Related to the strengths, Sri Lanka has a well-defined land tenure system, with established rights for private ownership. Also, land registration and records have been in practice since the period of ancient kings, even though these registers didn't reference cadastral maps or survey plans. The country also has a comprehensive institutional structure governing land despite the complexity of the institutional architecture.

Despite these strengths, the land sector in the country suffers from several weaknesses that include the complex policy and regulatory framework governing land use, fragmented and complex land administration processes, land scarcity, tenure insecurity, land fragmentation and degradation, deforestation, land encroachment, and land disputes.

Opportunities related to the land sector include the current policy drive towards modernisation of land administration, promotion of sustainable and efficient land use practices, environmental conservation, and development of inclusive policies, while existing political instability, economic turmoil, social inequalities, and climate change act as threats.

What would you list as urgently needed reforms/sustainable land management practices?

Sri Lanka's land reform needs to address the above-discussed issues and can be broadly categorised under four major areas: policy, institutional, regulatory, and information and technology. The national land use policy should be formulated in line with the Government's current national development strategies and overall economic policies. Also, land use policies and priorities should be aligned with sustainable development principles, environmental conservation, and social and economic considerations to suit modern-day needs and challenges.

Reforming institutional structures should be done with a clear demarcation of responsibilities and activities to be carried out by the different institutions with a stipulated timeline. The current regulatory framework for land policy, which involves a complex array of legal provisions, should also be reviewed and necessary revisions must be made.

While all these reforms are equally important, establishing a market-based land management system emerges as the immediate priority to improve the quality of land administration and address land market inefficiencies for speedy land transfer for investment purposes.

These should involve scientific land suitability assessment and demarcation of zones, identifying appropriate economic uses for demarcated zones, drafting guidelines for land management practices under different zones to ensure economic efficiency and environmental sustainability, developing a land information system based on GIS tools, linking the land information system with the market through a mechanism like land banks, and establishing a monitoring mechanism.

All these land reforms and sustainable land management practices should be implemented in a comprehensive and coordinated manner, involving the collaboration of all stakeholders.

What steps should the Government take to attract investments in relation to land policies?

Clear and transparent land policies and efficient administrative processes are key to creating a conducive and transparent business environment, building investor confidence, and encouraging long-term investments. Therefore, the Sri Lankan Government can take several steps to encourage domestic and foreign investments in land-related sectors.

As I discussed above, streamlining land policies and simplifying land laws and regulations to make the policy and regulatory framework more investor-friendly and transparent is a very important aspect of attracting investments.

Moreover, strengthening property rights and land tenure security to provide investors with confidence in their land investments, developing user-friendly online platforms for land information delivery and land management practices, implementing digital land registration systems to reduce bureaucracy and improve transparency, and offering customised packages with tax incentives and benefits for investors in certain land-related sectors such as agriculture and tourism are some of the measures that the Government can adopt to create a more investor-friendly environment, attract domestic and foreign investments, and promote sustainable and responsible land use practices.

Looking at the agriculture sector and its importance in terms of sustaining livelihoods – which is more relevant locally than its economic contribution – what are the key issues facing the sector in relation to land?

The agriculture sector in Sri Lanka plays a crucial role in sustaining livelihoods, especially in rural areas, where many depend on agriculture for their income and food security.

While the sector provides significant livelihood support, it faces several key issues related to land that are particularly relevant to local communities and their well-being. These include land scarcity, conversion of agricultural land, land fragmentation, land degradation, and tenure insecurity.

Due to population growth and urbanisation, increased demand for housing, infrastructure, agricultural land, and urban development exerts enormous pressure on

the available land resources. This has led to the expansion of populated areas as well as cities and towns, converting agricultural and natural lands into built-up areas.

Also, land fragmentation is a significant issue in Sri Lanka, where land holdings are often divided into small and scattered parcels. For example, in the 1940s, the size of a holding was 2 ha. It halved to 1.10 ha per holding in 1982 and halved again to 0.52 ha per holding in 2014. This hampers agricultural productivity, making it challenging for smallholder farmers to generate sufficient income.

Land degradation is also a significant environmental issue in Sri Lanka, affecting the agriculture sector. It is driven by a combination of natural and human-induced factors leading to the deterioration of land quality and loss of productivity.

Inappropriate land management practices, including inadequate soil conservation efforts, misuse of agrochemicals, poor soil fertility management, deforestation, waste disposal, over-extraction of groundwater, and indiscriminate sand mining in rivers and streams are the main reasons for land degradation. Uncontrolled water runoff during heavy rains also leads to the removal of topsoil, further exacerbating soil erosion and land degradation.

In Sri Lanka, improper land use on steep slopes that include chena cultivation, tobacco, and clean-weeded clonal and seedling tea are erosive land uses with high soil losses, which could result in landslides and soil instability, causing land degradation and threatening communities.

A significant portion of landholdings in Sri Lanka operates under informal tenure systems, where land rights are not formally recognised or documented, leading to insecurity and vulnerability to land grabbing.

Many small farmers face challenges in securing land rights. In many rural areas, land deeds and documentation are not properly maintained or updated, leading to disputes and uncertainty over land ownership. This is another factor that discourages cultivators from doing productivity-enhancing investments and soil conservation measures.

Addressing these land-related issues in the agriculture sector is vital not only for economic contributions but, more importantly, for sustaining the livelihoods of the many individuals and families who depend on agriculture in Sri Lanka.

As you've explained, large-scale land acquisitions for infrastructure projects, industrial agriculture, and other commercial purposes often result in the displacement of local communities and loss of livelihoods, undermining food security and rural income generation. How can this issue be addressed in a sustainable manner?

Addressing the issue of large-scale land acquisitions in a sustainable manner requires a collaborative effort involving Government agencies, the private sector, civil society organisations, and local communities. The protection of rural livelihoods, food security, and the well-being of those impacted by such projects should be prioritised in the project inception stage.

For that, rigorous environmental and social impact assessments should be undertaken to ensure that land acquisition projects do not harm the natural environment, water resources, or ecosystems upon which local communities may depend. Also, local community participation should be ensured in the project planning and decision-making processes, allowing them to voice their concerns and provide insights into potential solutions. Further, benefit-sharing agreements can be signed with the investors to ensure that local communities receive a share of the economic benefits generated by such projects.

In the long term, land policy should be reoriented to cater to the broader objectives of sustainable development including economic efficiency and environmental sustainability. With the shift in national economic strategy towards an export-oriented diversified economic model, rebalancing the focus of land policy from agriculture to a diversified economy is essential.

Therefore, the best ways to address the demands of a diversified economic base are to promote land markets through policy interventions that eliminate various imperfections associated with the current land policy and develop a scientific land management system with modern land management practices.

What approach do you recommend in addressing issues related to the fragmentation of agricultural land, land tenure, and land productivity?

Addressing land fragmentation requires a comprehensive approach that involves land consolidation programmes, land use planning, improved land administration systems, and awareness campaigns on the benefits of consolidating lands. By promoting larger,

more viable land holdings, Sri Lanka can enhance agricultural productivity, improve land use efficiency, and support the livelihoods of rural communities.

Land consolidation programmes that involve merging small and scattered land parcels could be initiated to create larger, more economically-viable plots in areas with high land fragmentation with fair compensation and benefits for all participants. The fragmentation of land could be discouraged by not allowing shared inheritance of land and imposing a minimum land extent for the divided plots.

Addressing land tenure insecurity in Sri Lanka requires comprehensive land reforms, effective land administration systems, and measures to protect the rights of vulnerable communities, including women and marginalised groups. Ensuring clear land documentation, providing legal assistance to landowners facing disputes, and promoting equitable land distribution can help enhance land tenure security and contribute to sustainable land management in the country.

Reducing land degradation and improving land productivity needs a multi-pronged approach, including sustainable agricultural practices such as integrated plant nutrition management, good agricultural practices, crop rotation, crop diversification, and the use of efficient irrigation methods. Moreover, improved access to credit, agricultural inputs, technology, and other extension services for smallholder farmers are some of the measures that enhance their productivity.

While the need for land keeps growing, deforestation is increasing, with the decline of forest cover possibly causing irreversible harm. How can both these matters be addressed in a mutually beneficial manner?

Rapid deforestation has happened in the past several decades due to the expansion of agriculture and the development of supportive infrastructures such as irrigation and settlements.

Balancing the need for land with the conservation of forests is a complex challenge, but with the right policies, planning, incentives, and community involvement, it is possible to achieve a mutually-beneficial approach that safeguards Sri Lanka's environment, sustains economic growth, and supports local communities.

Implementing clear land-use planning and zoning regulations that designate specific areas for development, agriculture, and conservation will help prevent unplanned deforestation. Strengthening and enforcing policies and regulations related to forest

protection with effective monitoring systems and imposing strict penalties are some of the measures that could be taken to prevent deforestation.

Community-based forest management should be promoted to involve local communities in managing forests to create a sense of ownership and responsibility for forest protection. The public should be made aware of the importance of forests for ecological balance and incentive schemes or subsidies could be introduced for landowners who conserve forests or engage in sustainable forest management. Alternative income-generating opportunities including agro-forestry and non-timber forest products should be promoted for communities that rely on deforestation for their livelihoods.

Further, afforestation and reforestation programmes can be encouraged to restore forest cover as a collaborative effort involving Government agencies, the private sector, and local communities. Moreover, collaboration with international organisations should be sought to access funding and technical expertise for forest conservation.

Which countries and approaches do you recommend Sri Lanka should draw lessons from in reforming its land policies?

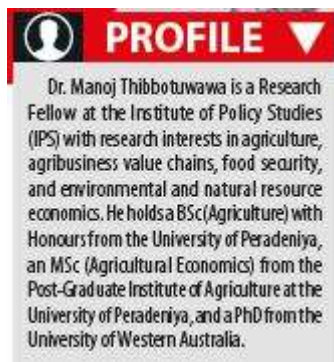
Land reform has been implemented in various countries worldwide, each with its own unique experiences and outcomes. Land reforms globally have had a mixed record of success and failure, depending on a range of factors. In general, East Asian countries like South Korea, Japan, and Taiwan provide classic examples of successful land reforms, while the experiences of most South American, South Asian, and African countries have shown some mixed results.

As highlighted above, the outcomes and effectiveness of land reform initiatives vary significantly depending on the country's specific context and political dynamics, implementation strategies, stakeholder inclusiveness, and the support provided to beneficiaries. However, they offer valuable lessons for designing and implementing future land reform programmes.

Successful land reforms provide access to land, secure tenure, and support services such as credit, extension, etc., and help reduce inequality in land ownership, alleviate poverty, and improve the livelihoods of small-scale farmers and marginalised communities, boosting investments in agriculture and food production. However,

globally land reforms have failed primarily due to poor implementation, political interference, corruption, resistance, and conflicts.

Sri Lanka should carefully adopt lessons from these countries to its unique social, economic, and environmental context. The reform process should be informed by a thorough understanding of local dynamics and the involvement of stakeholders, including Government agencies, local communities, and civil society organisations.



PROFILE

Dr. Manoj Thibbotuwawa is a Research Fellow at the Institute of Policy Studies (IPS) with research interests in agriculture, agribusiness value chains, food security, and environmental and natural resource economics. He holds a BSc (Agriculture) with Honours from the University of Peradeniya, an MSc (Agricultural Economics) from the Post-Graduate Institute of Agriculture at the University of Peradeniya, and a PhD from the University of Western Australia.

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 91, Wijerama Mawatha, Colombo 7

 themorningweb@gmail.com

 0115 200 900

 0112 673 451

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