

# **Land Availability and Land Tenure**

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## **Summary**

There is no shortage of land in Sri Lanka that is suitable and could be used for growing fuelwood trees. There is however uncertainty about what land is available now, with sufficient security of land use rights to encourage this land use. There are a number of reasons for this uncertainty about the land. First, it is a constant challenge to revise land legislation to keep pace with the rapid changes taking place in land use. By default what is happening is that existing legislation is being updated in piecemeal fashion, bypassing the need for its systematic overhaul and rationalisation. Secondly, there is a multiplicity of government and parastatal institutions in the country authorised to implement the land legislation but, with overlapping and sometimes ill-defined missions, they often have inadequate means for its enforcement. Thirdly, there is the lack of good and modern record keeping, with maps, on the land tenure and administration of each parcel of used land in the country. Such records must form the objective basis for sustainable land tenure and land use. Fourthly, there is an unknown number of people and agencies willing to be involved in growing fuelwood trees, but they need to be identified and given the necessary support. Fifthly, with nearly 80 percent of the country still under some form of state control, Sri Lanka's land, its management and its uses remain subject to significant government intervention.

This paper focuses on two of these aspects of land and land management. They are, first, the availability of land records, land legislation and maps that will be of use in assessing land availability for fuelwood, and, secondly, the availability of new 'recruits' to the envisaged significant programme of expansion of the sector. Statistical land data are carefully recorded by many agencies, but the information they provide would benefit from updated mapping and correlation. In particular, currently unmapped parcels of state land that contain unregularised encroachments will reduce the apparent total area of legally available land that appears in the land records. Land policies and legislation are adequate, if disentangled, to support the growing of fuelwood trees and provide the legal basis for increasing the size of areas under this land use, but they need to be rationalised.

Recruits in government agencies and in civil society will require sustainable backing if they are to move into the fuelwood plantation sector. In particular, government institutions that support large-scale use of the land for fuelwood plantations will benefit from improved integration of their activities, and particularly those that they have responsibility for comprehensive utilisation of state land. Smallholders of individual land parcels who wish to alter their uses need assurances that the land leases they hold will give them long-term security for the sustainable management and harvesting of any fuelwood that they grow.

## 1. The key government agencies involved with land availability and management

At present the administration and management of land is handled by nearly 60 institutions across the country (Institute of Policy Studies, 2004), though there are six that are key to the development of land for fuelwood plantations.

- The Alternative Energy Division of the Ministry of Science and Technology has the remit to examine feasible alternative sources of energy for electricity production other than the conventional hydropower, coal and gas supplies. As such it links with land users for the production of biomass energy from fuelwood.
- The Ministry of Agriculture, Livestock, Land and Irrigation aims to make Sri Lanka the optimal user of land resources in Asia. It implements government policies on land and soil conservation. It administers state land and its alienation through the Land Commissioner's Department, Land Settlement Department, Survey Department with its Centre for Remote Sensing, and the Land Use Policy Planning Division, and as such has significant influence over land use and management.
- The Ministry of Environment and Natural Resources leads on the management of the environment and the sustainable development of the land. Through its Forest Conservation Department it implements government policies on forested land.
- The Ministry of Plantation Industries oversees tea, rubber and coconut plantations through the Land Reform Commission. It is responsible for the alienation and management of land vested in the Janatha Estates Development Board and the Sri Lanka State Plantations Corporation, as well as in the Land Reform Commission. The LRC now manages the only state controlled rural land that can readily be made available to the private sector.
- The Ministry of Mahaweli and River Basin Development and Rajarata Development ensures the sustainable use of the natural resources of the Mahaweli and other major river basins. It introduces new methods aiming to improve the land use systems of these areas.
- The National Physical Planning Department of the Ministry of Western Regional Development is responsible for oversight of planning the physical infrastructure of the country, and for providing conceptual initiatives aiming at the sustainable development of the land. The technical functions of the Department are operational through its Research Information and GIS Unit.

Silva (2001), quoted in Institute of Policy Studies (2004), gives the extents of urban and rural land controlled by a selection of key authorities.

*Table 1.1. Key land managers and the extent of land they control, as a percentage of the total land area of the country (Silva, 2001).*

<i>Land Managers</i>	<i>Land area controlled</i>	
	<i>In sq km</i>	<i>In percent</i>
Forest Department	19,500	29.7

<i>Land Managers</i>	<i>Land area controlled</i>	
	<i>In sq km</i>	<i>In percent</i>
Department of Wildlife Conservation	8,200	12.5
Urban Development Authority	6,900	10.5
Southern Area Development Authority	6,100	9.3
Coast Conservation Department	4,600	7.0
Mahaweli Authority	3,500	5.3
Plantation Companies	2,500	3.8

## **2. Land availability for fuelwood plantations**

The government departments just listed provide information in a variety of reports and formats on land use and its availability for new uses. However it is often difficult to correlate directly one set of available land data with another, when taken from different departments. This difficulty refers to data on land use, to available land for different purposes and forms of land administration, and to the geographical locations of individual land parcels. Reasons for discrepancies are that the different government originators of land use data do not always integrate their activities as well as they could with other sources. They do not always have the resources required to maintain up-to-date records of the rapidly changing scenario of land use and management, or to maintain good links with other sources producing similar data. There is also the basic need for clarity in the meanings of different land uses and types of land administration and tenure, so that like can be compared with like.

Following is a selection of the types of land and land use data that are generally available and that will be of direct relevance to any systematic development of fuelwood plantations.

2.1. The Centre for Remote Sensing in the Survey Department carried out a land use survey in 1980-84 of the whole country and published 1:100,000 scale maps derived from air photo interpretation of (mostly) 1979-81 air photos at 1:20,000-1:50,000 scale. In 2002 this survey was reported during the earlier EU Fuelwood Project, so its main findings only will be given again here. The 25 maps of the land use survey covered each of the 25 districts of Sri Lanka, and each contained statistics of the area of different land uses by Divisional Secretary's (DS) Division. Sixteen land use categories were mapped and measured, of which three were potentially suitable for fuelwood plantations.

- i. *Sparsely used cropland*: Chena (shifting cultivation), recently abandoned chena, sparsely used rainfed cropland (permanent dry cropping), neglected or abandoned tea, rubber and coconut lands, land under development.
- ii. *Scrub land*: Low growing vegetation with more than 50 percent scrub coverage, including trees with less than approximately 45 percent crown closure.
- iii. *Grassland*: Open park country with less than approximately 50 percent scrub coverage (damana and savannah), villus and other temporarily flooded land and patana (up-country grassland).

Summing the separate DS Divisional land use data from the CRS maps gives the following statistics for these three land use categories.

*Table 2.1. Centre for Remote Sensing statistics of 1980-84 land use coverage by District that is of relevance to fuelwood plantation development.*

<i>District</i>	<i>Sparsely used crop land in ha</i>	<i>Scrub land in ha</i>	<i>Grass land in ha</i>	<i>Total in ha</i>
Jaffna	10,510	6,810	10	17,330
Kilinochchi	16,300	10,230	420	26,950
Vavuniya	40,150	17,750	370	58,270
Mullativu	22,400	13,010	640	36,050
Polonnaruwa	51,120	40,600	10,750	102,470
Hambantota	69,330	39,970	1,950	111,250
Ratnapura	101,570	11,970	3,150	111,690
Puttalam	58,700	19,430	4,240	82,370
Kurunagala	112,710	7,280	120	120,110
Badulla	84,430	14,240	10,230	108,900
Moneragala	186,330	44,070	14,130	244,530
Kandy	28,280	12,110	6,010	46,400
Nuwara Eliya	8,630	9,880	7,560	26,070
Galle	16,320	960	910	18,190
Matara	9,690	0	200	9,890
Matale	45,600	20,180	5,580	71,360
Ampara	127,720	33,410	3,030	164,160
Colombo	750	580	700	2,030
Kalutara	14,840	650	80	15,570
Mannar	11,590	22,410	3,680	37,680
Anuradhapura	186,500	103,790	1,720	292,010
Batticaloa	38,920	35,240	15,040	89,200
Trincomalee	46,000	33,230	260	79,490
Gampaha	120	740	200	1,060
Kegalle	20	930	200	1,150
<b>Totals in ha</b>	<b>1,288,530</b>	<b>499,470</b>	<b>91,180</b>	<b>1,879,180</b>

The CRS maps and statistics act as the most reliable benchmark of the status of land use throughout the country in the early 1980s. It may be the source of the often quoted figure of 1.6-1.7 million hectares of land being available for fuelwood plantations. However the data are now more than 20 years old, during which time land uses have changed significantly. The closed canopy forest cover alone fell from 27 percent of the country in 1982 to 23.9 percent in 1992. More up-to-date land use data are required to indicate what areas remain that are potentially available and may be suitable for fuelwood plantations.

2.2. The Survey Department is in the process of providing this update of the land use map coverage of the country. The new map coverage is at 1:50,000 scale and has

currently been completed for 44 of the 92 sheets covering the country. It is based on interpretation of air photo coverage, except for the Colombo sheet that is based on satellite image interpretation.

*Table 2. 2. Survey Department statistics of the most recent air photo coverage and currently completed land use mapping, by 1:50,000 topographical sheets*

<i>Sheet No.</i>	<i>1:50,000 Sheet Name</i>	<i>Year(s) of air photography</i>	<i>Completed land use map</i>
1	Manipay		
2	Point Pedro		
3	Jaffna		
4	Chavakachcheri		
5	Mullian		
6	Delft		
7	Iranativu		
8	Killinochchi		
9	Iranamadu		
10	Mullaitivu		
11	Talaimannar		
12	Tunukai		
13	Mankulam		
14	Alampil		
15	Mannar		
16	Palampiddi		
17	Padawiya		
18	Kokilai		
19	Silawatturai		
20	Madhu Road		
21	Vavuniya		
22	Pankulam		
23	Nilaweli		
24	Wilpattu		
25	Tantirimale		
26	Madawachchiya		
27	Horowupathana		
28	Trincomalee		
29	Kalpitiya		
30	Kala Oya		
31	Anuradhapura	1992, 1994, 1999	X
32	Kaudulla	1999	X
33	Kathiraweli		
34	Puttalam		
35	Galgamuwa		
36	Kekirawa		

<i>Sheet No.</i>	<i>1:50,000 Sheet Name</i>	<i>Year(s) of air photography</i>	<i>Completed land use map</i>
37	Polonnaruwa	1992, 1994, 1999	X
38	Vakaneri		
39	Kalkudah		
40	Battulu Oya	1992, 1994	X
41	Nikaweratiya		
42	Dambulla	1999	X
43	Elahera	1992, 1994, 1999	X
44	Aralaganwila		
45	Batticaloa		
46	Chilaw	1994	X
47	Kurunegala	1994	X
48	Matale	1999	X
49	Pallegama	1993	X
50	Maha Oya		
51	Paddiruppu		
52	Kochchikade	1994	X
53	Kegalle	1999	X
54	Kandy	1999	X
55	Mahiyangana	1999	X
56	Padiyatalawa	1981, 1999	X
57	Ampara		
59	Negombo	1994	X
60	Attanagalla	1994	X
61	Gampola	1999	X
62	Hanguranketha	1999	X
63	Bibile	1988, 1999	X
64	Tirukkivil		
65	Tirukkivil cont.		
66	Colombo	1999 (IRS-LISS III)	X
67	Avissawella	1994	X
68	Nuwara Eliya	1999	X
69	Badulla	1999	X
70	Monaragala	1999	X
71	Pottuivil		
72	Komari		
73	Kalutara	1994	X
74	Ratnapura	1994	X
75	Balangoda	2001	X
76	Haputale	1999	X
77	Buttala	1991, 1992, 1993	X
78	Panama		
79	Aluthgama	1994	X
80	Matugama	1992, 1999	X

Comment:

<i>Sheet No.</i>	<i>1:50,000 Sheet Name</i>	<i>Year(s) of air photography</i>	<i>Completed land use map</i>
81	Rakwana	2000, 2001	X
82	Timbolketiya	1991	X
83	Kataragama	1991	X
84	Yala	1992	X
85	Balapitiya	1994	X
86	Ambalangoda	1994	X
87	Morawaka	1994	X
88	Hambantota	1991	X
89	Tissamaharama	1991	X
90	Galle	1994	X
91	Matara	1994	X
92	Tangalle	1994	X

The maps show 55 different land uses categories, of which five are immediately relevant to the growing of fuelwood plantations.

- 39. Open forest
- 40. Forest plantations
- 41. Scrub
- 42. Chena
- 43. Grassland

Two further categories may also be available for fuelwood plantations.

- 46. Forest reservations
- 52. Barren lands.

These 55 categories are an increase in number from the original 16 land use categories that were mapped by the Centre for Remote Sensing in the 1980s.

Digital copies of the maps that have been published are now available, at Rs 14,800 each, from the Survey Department, and these indicate the locations and extents of each land use category. Considering the price, no copies of the digital maps were obtained and so the current locations and extents of land suitable for fuelwood plantations have not been acquired as yet from this source.

2.3. FAO in 1999 examined the then current situation in Sri Lanka of land resources management. It found that the man:land ratio was about 0.36 ha of land available for use per person, though the net per caput land availability was only about 0.15 ha. The remaining 0.21 ha per person is not readily available, either because it has been designated for conservation or it has topographical or ecological constraints. The study provided a general land balance sheet as at 1996, in hectares.

*Table 2.3. Land balance sheet for Sri Lanka, from FAO as at 1996.*

<i>Land use</i>	<i>Hectares</i>
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<i>Land use</i>	<i>Hectares</i>
Utilised land (agricultural and urban)	2,635,000
Forests, wildlife conservation and catchment areas	2,000,000
Sparsely utilised land (under poor quality tea, patana grass, etc.)	728,800
Reserved land (reservoirs, stream banks, roads, etc.)	585,300
Steeply sloping land (sloping excessively for crop production)	380,000
Barren land (rock, sand, poor vegetation cover, etc.)	77,000
Land over 5000 feet/1500 metres altitude	76,400
Mangroves and marshes	70,000
<b>Total</b>	<b>6,552,500</b>

FAO report that these figures reveal the growing pressures being placed by people on the land resources. It is resulting in increasing land degradation and a reduction in areas of land available for agricultural uses. Apart from land under chena cultivation, it is estimated that 46 percent of the agricultural land is affected by water erosion and 61 percent by declining soil fertility. Much of this land would be suitable for fuelwood plantations, which have the potential to reverse the degrading trends if well maintained and providing adequate vegetative cover of the ground.

2.4. IUCN in 2001, using Forest Department data of 1992-94 amongst other data sets, identified a category of forest land that has potential for fuelwood plantations. Sparsely forest- covered land is that which is under open forest, scrub forest, chena or savanna grassland. The location of this category of land has been given by districts. Within this category IUCN has recognised that significant areas are degraded and in need of restoration by regenerative measures, including by means of growing fuelwood plantations.

*Table 2.4. Distribution of sparse and degraded forest land by districts, from Forest Department 1992-94.*

<i>District</i>	<i>Area of district, in ha</i>	<i>Sparse forest cover, in ha</i>	<i>Degraded sparse forest, in ha</i>	<i>Percent of district covered by degraded sparse forest</i>
Ampara	450,031	41,760	34,243	8
Anuradhapura	722,178	116,693	98,022	14
Badulla	285,673	27,843	18,097	6
Batticaloa	263,983	16,325	13,223	5
Colombo	68,469	36	0	0
Galle	161,256	1,699	373	<1
Gampaha	141,890	20	0	0
Hambantota	262,307	55,077	49,569	19
Jaffna	107,848	298	268	<1
Kalutara	164,391	1,266	670	<1
Kandy	192,808	5,980	2,033	<1

<i>District</i>	<i>Area of district, in ha</i>	<i>Sparse forest cover, in ha</i>	<i>Degraded sparse forest, in ha</i>	<i>Percent of district covered by degraded sparse forest</i>
Kegalle	168,328	492	221	<1
Kilonochchi	132,499	6,042	3,927	3
Kurenegala	489,787	14,766	8,565	2
Mannar	200,148	11,762	9,644	5
Matale	206,050	9,207	6,442	3
Matara	130,829	2,076	723	1
Moneragala	576,763	52,569	45,735	8
Mullaitivu	260,946	17,987	12,950	5
Nuwara Eliya	174,109	3,273	589	<1
Polonnaruwa	344,988	22,949	18,358	5
Puttalam	315,485	17,104	14,538	5
Ratnapura	327,034	4,491	1,616	<1
Trincomalee	267,991	17,629	14,985	6
Vavuniya	200,836	16,503	14,525	7
<b>Total</b>	<b>6,616,627</b>	<b>463,847</b>	<b>369,316</b>	<b>6</b>

IUCN recognises that the categories of sparse and degraded forests are somewhat subjective. However, some areas classified as dense forest are in need of restoration. These areas are meant to have a closed canopy cover exceeding 60 percent, and to cover 23.9 percent or 1,582,757 ha of the country. They comprise 1,094,287 ha of dry zone forests and 488,470 ha of wet zone forests. However it is estimated that about 29 percent or 317,343 ha of the dry zone dense forest and about 17 percent or 83,040 ha of the wet zone dense forest should now be classified as degraded forest.

2.5. The Fragile Areas Conservation Strategy (2005) gives data by some districts on uncultivated areas available for fuelwood plantations. The Plantation Management Monitoring Division, Ministry of Plantation Industries, oversees the management of this land, which is owned as estates by Regional Plantation Companies, the Sri Lanka State Plantation Corporation (SLSPC) and the Janatha Estates Development Board (JEDB).

*Table 2.5. Currently uncultivated land, by some districts, that is administered by the Ministry of Plantation Industries as at 2005.*

<i>District</i>	<i>Extent of uncultivated land (in hectares)</i>
1. Kandy	5,790.40
2. Badulla	3,004.60
3. Ratnapura	2,915.10
4. Matale	2,343.81

<i>District</i>	<i>Extent of uncultivated land (in hectares)</i>
5. Nuwara Eliya	2,333.00
6. Kegalle	653.80
7. Matara	589.57
8. Kalutara	88.29
9. Colombo	54.22
10. Monaragala	11.61
11. Galle	11.12
<b>Total</b>	<b>17,795.10</b>

The Plantation Management Monitoring Division holds information on the precise locations of these uncultivated areas. Some of the land apparently remains unutilised because of its physical unsuitability for cultivation, being rocky, steep or waterlogged. Some of the land has already been assigned for various development purposes, including for dendropower projects. Other development purposes to which the land may be assigned include tea, rubber, oil palm and forestry plantations, village expansion, and housing and resettlement schemes.

2.6. Figures are not readily available for the areas of State Land remaining in each district. This is because many different government departments and agencies administer land parcels, and the present land administration structure of the country has no single Land Information Centre where data such as these can be obtained. However, over 83 percent, or about 5,440,000 ha of the total land area of 6,552,500 ha, of Sri Lanka are under some form of State control. There are 1993 figures from the Land Commissioner's Department giving the most recent records by district of areas under alienated State land and regularised encroachments.

*Table 2.6. Alienated and regularised State land, as at 1993.*

<i>District</i>	<i>Alienated State land, in ha</i>	<i>Regularised encroachments, in ha</i>	<i>Total, in ha</i>
Colombo	4,064	426	4,490
Kalutara	16,074	8,679	24,753
Gampaha	289	434	723
Kandy	10,147	2,115	12,262
Matale	15,481	4,326	19,807
Nuwara Eliya	6,359	1,602	7,961
Galle	24,942	6,613	31,555
Matara	14,080	5,440	19,520
Hambantota	28,295	10,456	38,751
Mullaitivu	11,305	4,202	15,507

<i>District</i>	<i>Alienated State land, in ha</i>	<i>Regularised encroachments, in ha</i>	<i>Total, in ha</i>
Jaffna	29,891	2,083	31,974
Kilinochchi	372	0	372
Mannar	8,283	3,270	11,553
Vavuniya	31,066	11,075	42,141
Batticaloa	35,576	10,092	45,668
Trincomalee	26,307	10,119	36,426
Ampara	24,144	17,686	41,830
Kurunegala	51,962	47,867	99,829
Puttalam	36,939	23,594	60,533
Anuradhapura	77,440	34,631	112,071
Polonnaruwa	54,851	11,470	66,321
Badulla	27,772	4,795	32,567
Moneragala	17,242	26,131	43,373
Ratnapura	18,584	10,252	28,836
Kegalle	3,989	2,921	6,910
<b>Total</b>	<b>575,449</b>	<b>260,283</b>	<b>835,732</b>

The Land Commissioner's Department, which provided these figures, is responsible for the distribution of State land among institutions and the public, and for the issuing of grants to alienated State land. The Department functions under the provisions of the Land Development Ordinance, the Land Grants (Special Provisions) Act and the State Lands (Recovery of Possession) Act.

2.7. The Land Use Policy Planning Division (LUPPD) is assembling a comprehensive Land Data Bank of land use and planning data for the whole country. The data are being collected by LUPPD District Land Use Planning Office personnel, who are now working on the ground in each district except Jaffna, Kilinochchi, Mannar and Mullaitivu. Data of 2005 on the extents of state owned land that is potentially available for fuelwood plantations and is presently unutilised are given for the same districts as are covered by the Fragile Areas Conservation Strategy. Note that there are discrepancies between the two sets of figures, though the Land Data Bank does cover all state owned land, not just that owned by SLSPC and JEDB, and does break down the figures to Divisional Secretaries' (DS) Divisions within districts. The areas given for agriculture and for settlement are those recommended but not yet assigned. The total extents of available land are frequently more than the extents available for agriculture and settlement, but it is not stated what uses are suitable for the unallotted areas. Neither is a reason given for only selected DS Divisional data being provided for these 11 districts, though it may be because only these have been surveyed to date, with the remainder to be provided in due course.

Table 2.7. Total extents of available land, by districts and DS Divisions, as recorded in LUPPD Data Bank as at 2005.

<i>District</i>	<i>Divisional Secretary (DS) Division</i>	<i>Extent of available land in ha</i>	<i>Available for agriculture in ha</i>	<i>Ha available for settlement in ha</i>	
Badulla	Badulla	0.00	0.00	0.00	
	Bandarawela	87.30	13.40	5.30	
	Ella	49.10	1.50	4.50	
	Haldummulla	8,940.80	79.50	3.00	
	Hali-Ela	135.50	72.00	31.50	
	Haputale	0.00	0.00	0.00	
	Kandaketiya	402.60	201.00	0.00	
	Lunugala	36.00	3.00	25.00	
	Meegahakivula	656.00	505.00	4.50	
	Passara	476.90	191.00	20.00	
	Rideemaliyadda	840.00	155.00	0.00	
	Soranathota	229.60	76.00	26.00	
	Uva Paranagama	20.00	0.00	0.00	
	Welimada	0.00	0.00	0.00	
	<b>Total</b>	<b>11,873.80</b>	<b>1297.40</b>	<b>119.80</b>	
	Ratnapura	Ayagama	24.83	22.38	0.63
		Balangoda	111.66	10.00	99.95
Ehiliyagoda		0.00	0.00	0.00	
Elapatha		0.50	0.30	0.00	
Embilipitiya		0.00	0.00	0.00	
Godakawela		58.71	0.00	0.00	
Imbulpe		575.90	51.63	0.00	
Kahawatta		0.00	0.00	0.00	
Kalawana		32.75	8.02	0.50	
Kiriella		31.92	0.00	0.00	
Kolonna		1,155.69	762.61	0.00	
Kuruvita		11.00	11.00	0.00	
Nivithigala		0.00	0.00	0.00	
Opanayaka		0.00	0.00	0.00	
Pelmadulla		12.54	12.54	0.00	
Ratnapura		48.90	40.00	0.00	
Weligepola		125.78	0.00	0.00	
<b>Total</b>	<b>2190.18</b>	<b>918.48</b>	<b>101.08</b>		
Matale	Ambanganga Korale	20.00	4.00	16.00	
	Dambulla	10.06	2.60	7.46	
	Laggala-Pallegama	20.00	12.00	8.00	
	Naula	1,489.05	348.45	154.00	
	Rattota	24.00	10.80	13.20	

<i>District</i>	<i>Divisional Secretary (DS) Division</i>	<i>Extent of available land in ha</i>	<i>Available for agriculture in ha</i>	<i>Ha available for settlement in ha</i>
	Ukuwela	0.00	0.00	0.00
	Wilgamuwa	0.00	0.00	0.00
	<b>Total</b>	<b>1563.11</b>	<b>377.85</b>	<b>198.66</b>
Monaragala	Bibile	1,350.62	1148.42	202.20
	<b>Total</b>	<b>1350.62</b>	<b>1148.42</b>	<b>202.20</b>
Kegalle	Aranayaka	0.80	0.80	0.80
	Bulathkohupitiya	103.22	103.22	103.22
	Dehiovita	37.13	5.25	5.25
	Deraniyagala	138.18	138.18	64.88
	Kegalle	39.33	1.30	4.81
	Mawanella	91.41	72.81	6.26
	Ruwanella	1.02	0.40	0.00
	Yatiyanthota	89.76	14.56	14.56
	<b>Total</b>	<b>500.85</b>	<b>330.52</b>	<b>199.78</b>
Kalutara	Bulathsinhala	214.63	51.77	5.06
	Palindanuwara	215.56	20.24	0.00
	<b>Total</b>	<b>430.19</b>	<b>72.01</b>	<b>5.06</b>
Kandy	Akurana	0.00	0.00	0.00
	Delthota	80.90	25.90	40.00
	Doluwa	20.77	0.00	0.00
	Ganga Ihala Korale	0.00	0.00	0.00
	Harispattuwa	0.00	0.00	0.00
	Hatharaliyadda	0.00	0.00	0.00
	Gangawata Korale	0.00	0.00	0.00
	Kundasale	3.23	0.00	3.23
	Medadumbara	12.15	0.00	0.00
	Minipe	0.00	0.00	0.00
	Panvila	1.31	0.00	0.00
	Pasbage Korale	0.00	0.00	0.00
	Pathadumbara	0.00	0.00	0.00
	Pathahewaheta	67.32	0.00	67.32
	Poojapitiya	0.00	0.00	0.00
	Thumpane	0.00	0.00	0.00
	Udadumbara	13.37	9.32	4.05
	Udawalatha	53.87	0.00	0.00
	Udunuwara	23.74	20.66	22.53
	Yatinuwara	0.00	0.00	0.00
	<b>Total</b>	<b>276.66</b>	<b>55.88</b>	<b>157.90</b>
Nuwara Eliya	Ambagamuwa	8.00	8.00	0.00
	Hanguranketha	4.04	0.00	0.00
	Kothmale	11.60	8.90	0.00
	Nuwara Eliya	8.50	3.44	0.00

<i>District</i>	<i>Divisional Secretary (DS) Division</i>	<i>Extent of available land in ha</i>	<i>Available for agriculture in ha</i>	<i>Ha available for settlement in ha</i>
	Walapane	0.64	0.64	0.64
	<b>Total</b>	<b>32.78</b>	<b>20.98</b>	<b>0.00</b>
Matara	Kotapola	0.00	0.00	0.00
	Pasgoda	1.70	0.60	1.10
	Pitabeddara	8.50	8.50	8.50
	<b>Total</b>	<b>10.20</b>	<b>9.10</b>	<b>9.60</b>
Galle	Neluwa	0.00	0.00	0.00
	<b>Total</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
Colombo	<b>Total</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
	<b>Grand Total</b>	<b>18,228.39</b>	<b>4230.64</b>	<b>994.08</b>

Sketch diagrams have been prepared by the LUPPD of land parcels reported to the Land Bank as being available for utilisation, in what is in effect a mapping-out exercise. The mapping-out has been divided into three phases of work. Phase I covers parcels of freely available, unalienated state land, Phase II covers alienated and undeveloped or abandoned land, and Phase III yet to be started will cover private land. Mapping of land parcels covered by Phase I is being completed for all districts except Jaffna, Kilonochchi, Mannar and Mullaitivu. The parcels are visited by LUPPD District Land Use Planning Officers and DS Divisional staff and roughly surveyed and mapped with chain and compass, though in future they will be located accurately when up to 20 GPS units are made available. Each parcel is given a unique Survey Department ID number, which is its link to accurately locating it through Survey Department records of Final Village Plans. The sketch diagram of each parcel also gives its location by district, DS Division, Grama Niladhari Division number, name of location, name of land, extent of land, and assessed suitability for agriculture, industry, housing, commercial forestry, pasture/grazing, conservation, nature/ecotourism, and other specified uses. Each extent of suitable land is assessed as highly, moderately or marginally suitable.

## 2.8. Summary of tables of land availability

The main points to bear in mind about these tables are that they are linked with maps showing at least the locations of administrative divisions in the country, and that they relate to two different facts about what land may be available for fuelwood plantations. The first fact is related to land use and the second to land tenure. Tables 2.1-2.4 give information about how the land was being used at the time it was mapped, though Table 2.2 has no extents of areas of land. Table 2.5 gives information about land use that is under the authority of one specified agency, the Ministry of Plantation Industries. Table 2.6 gives information on the tenurial status of land, but not on its use, and Table 2.7 gives precise figures for small areas of a few DS Divisions where the land tenure is known, and which are currently available for a new use. It is only Tables 2.5 and 2.7 that combine information about land use and land tenure, and so provide information of most help to

the project in determining just what areas of the country are available for new fuelwood plantations, with their forms of administration also known.

In reality, there will many other areas than these where fuelwood plantations could be grown, either by changing the current land use to this new one, or by changing the current status of the land tenure and administration so that the land can be leased for growing fuelwood. Table 2.8, from Silva (2001), indicates some potentially available land areas for fuelwood plantations, due to land uses that are declining in area coverage. Note that it does not show which areas of declining land uses have already been acquired for a new land use, but it does indicate where land may be available. Neither does it indicate the land uses that are losing ground to those that are increasing their coverage, in particular urban areas. Within the legal bounds that are set, individual land users who are given sufficient incentives to grow fuelwood for energy production will change their land uses and effectively become new recruits to the technology. Government agencies administering blocks of land can also authorise that they are used for specified purposes, and the private sector can ensure profitable land uses are sustained on their land holdings.

*Table 2.8. Changes in land use between 1983 and 1994, from Silva, 2001.*

<i>Declining land uses</i>	<i>Change in extent (ha)</i>	<i>Percent change</i>
Dense forests	175,238	10
Tea, estates	33,596	24
Paddy, wet zone	13,421	8
Rubber	9,649	6
<i>Total area of declining land uses</i>	231,904	
<i>Increasing land uses</i>	<i>Change in extent (ha)</i>	<i>Percent change</i>
Urban areas	462,295	512
Homesteads	100,202	8
Paddy, dry zone	43,036	8
Coconut, scattered trees	22,192	93
Coconut, excluding scattered trees	5,599	1
<i>Total area of increasing land uses</i>	633,324	

Environmentally, well maintained fuelwood plantations will be appropriate forms of land use in most of the country, as this use of the land provides the vital role of conserving soil and water during periods of intense rainfall. In practice, whether this land use expands in Sri Lanka will depend on sufficient political and economic incentives being given to land users, as they will decide where and how much land they use for growing fuelwood trees.

### **3. Enabling policies for fuelwood plantations**

According to the most recent data available (Institute of Policy Studies, 2004) approximately 80 percent of the land in Sri Lanka is controlled by the State, with the balance being held privately. The resulting problem of landlessness is acute, with about

27 percent of rural farmers being formally landless. The annual deforestation rate is currently estimated at 1.6 percent, by encroachers required to subsist off the land and practising chena cultivation and by large agricultural schemes clearing forests for their expansion. This apparent land shortage has been a significant contributory factor in the high level of encroachment onto State land, the rapid decrease in forest cover and the need to enact land policies that realistically reflect these changes.

In this situation the main areas of State land that could readily be made available to the private sector for fuelwood plantations are controlled by the Land Reform Commission of the Ministry of Plantation Industries. This is estimated by IPS (2004) to be approximately 6 percent of the country or 400,000 ha, though the Institute admits that these data are based on the latest information available to it, from the Agricultural Census of 1982. This date of more than 20 years ago confirms the limited availability of current and reliable land data. It is against this background of land administration and usage that the national forest and land policies in place should be viewed. It reveals that land availability for fuelwood plantations, or other large-scale land uses, is as much a matter of providing enabling land policies to encourage new recruits as it is of supporting the land markets for fuelwood growers.

*3.1. Forest policies.* The key forest policy of the Sri Lankan government during the last 10 years (National Forest Policy, 1995) supports fuelwood plantations and the objectives of the Pro-Eco Project. It states firstly that the forest plantations sub-sector should grow trees on degraded land. This land includes that used for shifting cultivation, where tea estates have been abandoned, and land left barren as grassland, coastal sandy areas, montane highlands as well as derelict land. Secondly, the policy encourages the private sector, both commercial and within rural communities, to support forest development and within forestry principally the forest plantation sub-sector. Together these two policy initiatives provide an enabling environment for reforestation to be taken forward, usually on degraded state land alienated under long-term lease arrangements. With such a high proportion of land formally remaining under state ownership, the government has an opportunity to oversee a significant increase in land used for fuelwood plantations by communities and the private sector.

The Sri Lanka National Forest Policy (1995), as the current important policy milestone for encouraging fuelwood plantation development, has two key objectives:

- To increase tree cover and forest productivity, in order to meet the needs of the present and future generations for forest products and services
- To enhance the contribution of forestry to the welfare of the rural population, and to the strengthening of the national economy.

This policy resulted in the Forestry Sector Management Plan and its implementation through forestry institutional reform in Sri Lanka, starting in 2000 and continuing. The recent progress that has been made in the forest sector has advanced an understanding that effective management of land used for growing trees needs to be people-centred. In participation with local communities, the Forest Department and other land-related agencies are now putting into practice:

- The new policies and legislation, as competent instruments for forestry development;
- The community-focused structure of the work of forestry and related agencies, which will be developed to enable them to implement a partnership approach to forest management;
- Viable commercial forestry and forest-industry operations of the state, which are separated from other operations and made financially self-sustaining and efficient, and which will have an increasingly important role reserved for the non-state sector;
- Supportive policy evaluation, legal and institutional reforms, which it is expected will in time be institutionalized and become routine government activities; and
- The rehabilitation of degraded forest land, for conservation or multiple-use production wherever it is economically and technically feasible, mainly for the benefit of local people.

3.2. *Land policies and tenure.* The development of land policies in Sri Lanka has been a lengthy process, and must continue and respond to increasing pressures that people are placing on the land. Essentially for the growth and management of fuelwood plantations, the land policies deal with the five different forms of tenure, administration and use of land that exist across the country.

- i. Private land. The final tenure of all land is held by the State, unless it is registered as privately owned. Since the 1840s and the Crown Lands Encroachment Ordinance (1840) there have been many attempts to extend the area of private land and introduce registration of title. However, in spite of a variety of Acts and draft legislation, title to privately owned land is still only formally registered in a small part of the country. Most of the urban land in the country is held in private ownership and registered, whilst most of the rural areas where fuelwood plantations will be developed belong ultimately to the State and remain unregistered. In the rural areas until 1972 there were large areas of private land under plantation crops, but then the Land Reform Law restricted private ownership to a maximum area of 50 acres/20 hectares. The plans produced of private land are primarily for rating purposes and are not necessarily authoritative as to boundaries. The standard form of conveyance of private land continues to be the registered Deed of Transfer.
- ii. State land. About 80 percent or 5,250,000 ha of Sri Lanka is formally owned and administered by the State, which therefore has responsibility for its sustainable management and development. Since the Crown Lands Encroachment Ordinance, officially all forest, waste, unoccupied and uncultivated land has been presumed to be the property of the State, unless private ownership can be proved. In practice, State land is that land which is administered by an agency of the government for a development scheme, transport, housing, conservation or other purpose. Agencies administering land of relevance to the project are:
  - Ministry of Agriculture, Livestock, Land and Irrigation
    - Land Commissioner's Department
  - Ministry of Environment and Natural Resources

- Ministry of Fisheries and Aquatic Resources
- Ministry of Mahaweli, River Basin Development and Rajarata Development
- Ministry of Plantation Industries
  - Janatha Estates Development Board
  - Sri Lanka State Plantations Corporation
  - Land Reform Commission.

The Land Commissioner's Department has a central administrative oversight of state land, being responsible for the:

- Distribution of state lands among institutions and the public
- Conservation, management and development of state lands
- Maintenance of a uniform land administration system
- Issuance of title to alienated state land
- Regularisation of encroachments onto state land

The Ministry of Plantation Industries is responsible for land assigned for plantation crops of tea, rubber and coconut, and operates with three main departments. The Ministry has responsibility for the alienation of land that has been vested in the JEDB, SLSPC and LRC.

It is important to note that state control of land provides little incentive for active participation by local communities in sustainable land management, such as through the development of long-term fuelwood plantations. State land managed by government departments has to be managed at a state level, but elsewhere communities of land users can play important roles in land use planning if their active participation is needed because the state has relaxed its authoritative control.

- iii. Alienated state land. In order to provide for the legal use of rural state land by individual farmers, in 1935 the Land Development Ordinance was enacted for the alienation of state land. This does not provide for the sale of state land and its becoming private land, but for its long-term leasing to private individuals or organisations under a leasehold arrangement. An application for state land to be alienated has to be submitted to the State authorities, the land identified has to be proved to be State land available for leasing, and it has to be mapped out and gazetted for alienation. This form of land administration will be the most commonly used for land that is available for community-based fuelwood plantations. The most recent figures for the extent of alienated state land provided by the Land Commissioner's Department indicate that approximately 575,000 ha had been alienated by 1993, representing about 9 percent of Sri Lanka.
- iv. Regularised encroachments of state land. The increasing pressure on all land to provide for the livelihoods of the rural poor has meant that they have illegally encroached onto state land for agricultural purposes, without waiting for its formal mapping out, gazetting and alienation. Encroachments on to state land commenced as soon as the Crown Lands Encroachment Ordinance was gazetted

in 1840, as this took all unoccupied and uncultivated land to be crown property. Even in settlement schemes that have subsequently been established for poor farmers, the adjoining forest land has been continuously encroached and has required regularisation.

A national survey of encroachments in 1979 under the Land Commissioner's Department identified that there were then about 605,000 encroachers in the country, occupying more than 375,000 ha of land. Up until 15 June 1995 the Land Commissioner's Department carried out a programme of regularisation of many of these encroachments, such that the legal status of each parcel of this land was effectively the same as if it was alienated state land. Each of the Provincial Commissioners, within whose provinces encroachments were made, took the final decision as to whether or not they could be regularised. No regularisation of any encroachments that have occurred since this date has taken place. Fuelwood that is supplied for dendropower generators from regularised encroachments could be sourced from such legally held land.

- v. Unregularised encroachments onto state land. This is the most problematic land tenure situation, and the one that will have to be carefully handled by developers of fuelwood plantations. It is likely to continue until government is able to provide a comprehensive policy and plan for the usage of its officially unutilised areas. An unregularised encroachment covers state land that is irregularly used, usually over short periods by chena cultivators, so that the authorities do not have time to evict the encroachers. Otherwise it is state land in which regularisation of encroachments will never be permitted because it has a Conservation Order placed on it. There will always be the need to protect land reservations and environmentally fragile areas, supported by means of this legislation. However, beyond the remit of this Order there are frequent opportunities to encroach onto state land and to remain there, as has been shown by the regularisation of many encroachments in the past.

The 1979 survey of encroachments identified 55,000 ha of state reservations containing encroachments, including onto stream and road reservations, and in ecologically marginal lands. Neither legislation nor regularisation will be satisfactory solutions to the ongoing problem of this illegal land use, and it would be advisable for fuelwood plantation developers to refrain from any involvement with unregularised encroachments.

By way of indicating that it continues to be a source of conflict, the 2003 annual report of the Land Commissioner's Department gives the results of a survey carried out of the encroachments within inter-provincial irrigation schemes. Before 15 June 1995, 34,537 separate encroachments onto this state land had occurred and been regularised. Between that date and 2003 a further 2195 encroachments had occurred and have remained unregularised.

In summary, fuelwood plantations should always be able to be developed on private land, the first category of land administration. In general they will be permitted on the next three categories, of state land, alienated state land, and regularised encroachments of state land. Unregularised encroached land cannot officially be used for developing fuelwood plantations unless and until the encroachments have been regularised. The situation may however arise in which gliricidia fuelwood is grown and supplied to a dendropower plant from an unregularised encroachment without this being known by the plant managers. This is because gliricidia wood does not have a transport prohibition placed on it and can be freely moved around the country.

The land policies that have been developed to administer these different categories of land have aimed to permit the state to retain final land ownership of much of the country. This in theory eases the access to land on which it is planned to develop fuelwood plantations, as this is a land use that is being given strong policy and legal backing. In practice the land containing unregularised encroachments is extensive and much of it is in unknown locations; also many regularised encroachments have not been formally demarcated and mapped.

#### **4. Enabling legislation for fuelwood plantations**

Three main enactments, and their subsequent amendments, define the legal access to land in Sri Lanka for the development of fuelwood plantations. They are the Land Development Ordinance (1935) and amendments to date, the State Lands Ordinance (1947) and amendments to date, and the Land Reform Act (1972) and amendments to date of which the most important is the Land Grants (Special Provisions) Act (1979).

4.1. The Land Development Ordinance (1935) and amendments to 1996 established the practice of alienation of State land to different classes of people for different uses. Modern land tenure policy dates from this ordinance, and provision is made in it for State lands to be mapped out for various purposes. This has permitted the expansion of areas of agricultural land used by villages into state land that surrounds them. The intention has been to help small farmers whose livelihoods have been seen as being at risk from exploitation by richer farmers and urban landowners. This is achieved by giving legal protection to the alienated plots of small farmers. Grants of long term leases made under the ordinance have restrictions on the selling of the land, on its subdivision and fragmentation, and on the methods for its usual disposal to relatives.

Key points within it of relevance to fuelwood plantations are:

- The Land Commissioner is the officer-in-charge of all State lands.
- The Land Commissioner acts in the districts through Government Agents, Assistant Land Commissioners and land officers.
- Records of alienated land (and by default what land remains available for alienation) are meant to be kept as paper copies in a Land Registry in each Government Agent's office, though this has not been verified by the project.

4.2 The State Lands Ordinance (1947) and amendments legislated for the disposal of state-owned land to persons and institutions for various developmental activities. In effect it takes further the Land Development Ordinance, by permitting the alienation of land to other than small farmers. Under this act land can be alienated by grant, lease, vesting order or the handing over of possession.

When new areas of land are sought for fuelwood plantations, they can be leased from the government under the provisions of this legislation. The Land Commissioner has the authority to issue 50-year leases on surveyed, demarcated plots of State land that have been identified as suitable and available for fuelwood plantations. With Cabinet approval the lease can be extended to 99 years. Typically the Government designates relevant officials to issue leases to individuals or agencies that would be responsible for the plantations. If the land is within the national forest estate, the Minister of Environment and Natural Resources writes to the Land Commissioner, laying out guidelines and procedures for issuing forestry leases to smallholders or private companies for the purpose of fuelwood plantation ventures on Forest Department land. Similarly, if the State land is administered by the Ministry of Plantation Industries, that ministry informs the Land Commissioner of the guidelines and procedures for issuing the land for a similar purpose.

4.3. The Land Reform Act (1972) and amendments effectively nationalised the land of the plantation sector and vested it in the Land Reform Commission, now within the Ministry of Plantation Industries. It had the objectives of limiting private ownership of agricultural land, and of overseeing the utilisation of underutilised land so as to increase productivity and employment. It imposed a ceiling of 50 acres/20 ha on land owned privately by an individual, and sought to distribute the balance of land in parcels exceeding this size for the benefit of the landless. In fact very little of the land acquired by the State under this act was transferred to individual small farmers, with most being handed to various government agencies or co-operative organisations. The Institute of Policy Studies (2004) also considers that the enforcement of the 50 acres/20 ha ceiling is now ‘unnoticeable’.

Effectively by 1988 all the state-owned tea, rubber and coconut plantations acquired by the act were managed either by the Janatha Estates Development Board or the Sri Lanka State Plantations Corporation. Available underutilised land that now remains under these agencies, and the Ministry of Plantation Industries above them, can legally be used for fuelwood plantations. For ease of conversion to this use of the land, naming fuelwood plantations as a plantation crop placed alongside tea, rubber and coconut would facilitate the process.

4.4. The Land Grants (Special Provisions) Act (1979), as an amendment to the Land Reform Act (1972), permits land vested in the State by this act to be alienated. The Ministry of Plantation Industries shares responsibility for much of this land. The alienation can be for agricultural purposes, animal husbandry, public purposes or for the construction of houses and other non-agricultural purposes. The land can be alienated by sale to persons holding less than 20 ha, by exchange with other private

lands, by lease or by rent purchase, although the last method has never been used. State land that can be leased under this act will be of value for fuelwood plantations, as the lease can be to persons or co-operatives holding less than the 20 ha ceiling for up to 50 years, extendable by agreement.

### **5. Participatory land use planning for plantation fuelwood**

Tables of land availability, and the land policies and legislation for fuelwood plantations that have been enacted, indicate that there are provisions for this land use and there is land available in the country, provided rationalisation and adequate enforcement of the laws are undertaken. Plantations on land managed by government agencies such as the Ministry of Plantation Industries and the Forest Department can readily be developed with full legal backing. Plantations managed by individual farmers on state land alienated to them will require more care, in the confirming both that specific locations are available and that the farmers have adequate rights to continue growing and harvesting fuelwood trees. The major participatory planning task will be in providing sufficient incentives and guarantees to small farmers, so that they are encouraged to change their practices to this land use, and in providing reliable markets that are needed for their long-term commitment to the cause.

As most small farmers have access to no more than 1 ha of highland on which fuelwood trees can be grown by them, if they are to be involved in this land use they will need long-term rights to the use of other land. Over the past 20 years the Forest Department has been supporting the leasing out of state land under its responsibility to farmers, to permit them to grow trees. This transfer of land management was given an impetus by the National Forest Policy (1995). It has resulted in farmers having increased capacities to grow trees on state forest land that has been alienated to them on long-term leases. Currently about 20,000 farmers cultivate wood plantations, with the largest concentrations being in Anuradhapura, Hambantota and Kurenagala districts. This large number of farmers involved in producing plantation fuelwood indicates their willingness to grow these trees where there is an economic return to them.

The current policy of the Forest Department for its plantation sub-sector is to encourage the expansion of tree growing onto degraded land, chena, abandoned tea estates, grass land and other derelict land. In order to increase the speed of this expansion, the private sector is also being encouraged through supportive government legislation to become more involved. This is in line with overall government policy to increase the role of the private sector in rural development activities, and to increase the growing and yields of forest plantations and their standards of management and maintenance. Similarly, the potential policy of the Ministry of Plantation Industries to diversify its plantation crops to include fuelwood grown commercially for dendropower will also increase the area under this land use.

The identification of farmers, who are willing to commit themselves to the long-term growing and management of fuelwood as a cash crop, will best be done through close community participation, and this cannot be taken for granted. The aim will need to

focus on the design of practices of local forest management that involve the farmers at all stages from land identification to the sale of wood to dendropower plants. Farmers, and the communities within which they derive their livelihoods, need to have land leases prepared for them in a timely manner and extending over a sufficient period to grow trees sustainably. They need to know that they will derive an annual income from their commitment and time taken away from other work. The whole process needs to have the full backing of Forest Department staff, which will mean that they should continue to receive professional development training that includes participatory processes, gender issues and community forest management.

The most successful component of recent participatory forest projects in Sri Lanka has been farmer woodlots, which augers well for the development of fuelwood plantations. However, more attention needs to be given to three important points concerning woodlots. The farmers must be assured that their leases provide for them to harvest, transport and sell the fuelwood products they grow. Secondly, they should be permitted to space the trees widely enough to allow for intercropping of other crops between them. This in effect will mean that the land use is multipurpose, involving both trees and probably food crops. Thirdly, farmers should be permitted to grow the species of trees that they wish on the land that is leased to them. They will soon find out if the species are uneconomic, but they may wish to combine species that are moderate profitable and also compatible with intercrops.

The private sector has always been more receptive to new technologies that lead to profitable ventures for energy production. So long as government provides a favourable business environment for the sector to improve productivity, reduce costs and maximise returns on its investment in fuelwood plantations, private companies will develop them. The current level of information available about alienable land and its lease arrangements is such that land availability has been subject to different interpretations by different agencies. This uncertainty is illustrated by the range of estimates of available land given in Tables 2.1-2.7, and it may undermine the confidence of potential investors in fuelwood plantations.

Finally, the need to expand the tree cover of the country, to provide for fuelwood and many other purposes, has frequently lead to a focus on the quantity of trees grown rather on the quality of their management. So farmers are given various inducements to grow trees and are often prepared to encroach onto state land and into natural forests in order to benefit from them and harvest more trees. End results are low standards of management, poor performance levels and a high proportion of plantations that become untended and fail. To lessen the chance of this happening, the new land and forest policies need to be astutely implemented and enforced with land use planning inputs that are supportive.

In summary, in areas where communities of farmers are permitted and will grow fuelwood in plantations of any size, land use planning inputs should include:

- i. Accurate maps that show the areas selected as available for fuelwood plantations, and the current and future land uses within them.

- ii. Indications within these areas of the extents of land suitable for fuelwood plantations, as identified specifically by the communities of farmers who will be involved in their production.
- iii. Identification of the sites within these areas that will be under different forest management strategies, also as identified by the local communities.
- iv. A strategy for the implementation of management plans developed for the plantations, which have been endorsed by the communities as their own.
- v. Operational guidelines that assist the communities and farmers in their continuing to grow and sell fuelwood in plantations, profitably and sustainably.

**6. A summary of the provisions of relevant land policies and legislation supporting the development of fuelwood plantations.**

<i>Policies and Legislation</i>	<i>Main provisions</i>
National Forest Policy (1995)	<ul style="list-style-type: none"> <li>• Resulted in 2000 in changed organisational structure and priorities of forestry sector</li> <li>• Approach adopted of partnership with local communities in forest development</li> <li>• Commercial forestry to be financially self-sustaining and efficient</li> <li>• Greater role given for forest management to non-state sector</li> </ul>
Land Policy (2003)	<ul style="list-style-type: none"> <li>• Degraded forest areas will be restored by replanting natural and economic species</li> <li>• Category II protected areas will permit current development activities to be continued, subject to restrictions</li> </ul>
Land Use Policy (2004 – final draft)	<ul style="list-style-type: none"> <li>• Encourages the state to promote private ownership of land</li> <li>• Bases land use on the principles of zoning and land capability</li> <li>• Supports the review and modification of existing legal framework, to promote better land use</li> </ul>
Land Development Ordinance (1935) and amendments	<ul style="list-style-type: none"> <li>• Provides for the systematic development and alienation of state land to poor rural people</li> <li>• Supports small farmers needing to expand their agricultural holdings</li> <li>• Provides for long-term leases of alienated land</li> </ul>
State Lands Ordinance (1947) and amendments	<ul style="list-style-type: none"> <li>• Legislates for the granting and disposal of state land for various development activities</li> <li>• Provides for the protection and administration of state land</li> </ul>
Land Reform Act (1972)	<ul style="list-style-type: none"> <li>• Established the Land Reform Commission</li> <li>• Fixes a ceiling of 50 acres on extent of agricultural</li> </ul>

<i>Policies and Legislation</i>	<i>Main provisions</i>
	land held by persons or companies <ul style="list-style-type: none"> <li>• Effectively, nationalised land held by the plantation sector</li> </ul>
Land Grants (Special Provisions) Act (1979)	<ul style="list-style-type: none"> <li>• Permits land vested in the state by the Land Reform Act to be alienated to the general public</li> </ul>
13 <sup>th</sup> Amendment to the Constitution (1987)	<ul style="list-style-type: none"> <li>• Provides for establishment of a Provincial Council in all nine provinces</li> <li>• Provincial Councils will have rights over land, land tenure, transfer and alienation of land, land settlement and land improvement, including social forestry</li> </ul>

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