"PEOPLE WANT PEACE"

Repatriation and Reintegration in War-Torn Sri Lanka

by

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The U.S. Committee for Refugees operates under a three-part mandate:
• to defend the basic human rights of refugees, most fundamentally, the principle of nonrefoulement, no forced return of a person with a well-founded fear of persecution to his or her homeland;
• to defend the rights of asylum seekers to a fair and impartial determination of their status for refugee protection;
• to defend the right of decent and humane treatment for all displaced persons, the uprooted victims of human conflict.

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Government of Sri Lanka:
- Presidency
- Ministry of Reconstruction, Rehabilitation, and Social Welfare (MRRSW)
- Ministry of Foreign Affairs
- Armed Forces, Mannar
- Government Agent, Vavuniya
- Government Agent and Department Heads, Mannar
- Assistant Government Agent, Trincomalee

Australian High Commission
United States Embassy
International Committee of the Red Cross (ICRC)
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Shalavam Kuppam refugee camp, India
Kovalam refugee camp, India
Alles Garden transit camp, Trincomalee
Sealord reception center, Trincomalee
Clappenburg welfare center, Trincomalee
Pesalai open relief center, Mannar Island
Madhu open relief center, Mannar
Veppamkulam transit center, Vavuniya
Asikulam transit center, Vavuniya
Cheddikulam transit center, Vavuniya
Modara welfare center, Colombo

The names of most individuals with whom USCR met in Sri Lanka have been omitted from the text of this paper.
"PEOPLE WANT PEACE"
REPATRIATION AND REINTEGRATION
IN WAR-TORN SRI LANKA

The controversial repatriation of Sri Lankan Tamil refugees from India resumed in August 1993, with the return of some 6,900 Tamils during a four-week period. Another 3,000 Tamils are due to repatriate in early 1994. Thousands of other internally displaced Sri Lankans, mostly Tamils, also returned to their home areas during the summer and autumn of 1993 under a "resettlement" plan promoted by the Sri Lankan government.

To the outside observer, these developments, which followed a limited improvement in Sri Lanka's overall human rights situation, and a lull in fighting in the early part of 1993, might have suggested that peace was close at hand.

But that was not the case. Throughout 1993, the positions of the two main parties to the conflict, the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) rebel group, became increasingly polarized. The government grew more hawkish, rejecting negotiation in favor of pursuing a military solution. The LTTE reiterated a willingness to negotiate, but its record on negotiating in good faith is poor.

In late September, the conflict exploded with deadly ferocity when the Sri Lankan military launched a major attack on LTTE-controlled areas. In mid-November, the LTTE retaliated with an even more virulent counter-attack. More than 1,200 Sri Lankan soldiers and LTTE rebels, and scores of civilians, died during the two attacks. The casualties sustained by the Sri Lankan armed forces in the November LTTE attack were the highest the military had ever suffered in a single encounter during the conflict.

Even before the hostilities re-ignited, many Sri Lankans and international observers had little hope for peace. Afterwards, not only did peace appear even more remote, but local human rights workers also feared that heightened inter-ethnic tension could lead to a deterioration in the overall human rights situation.

Unless the high death toll and dismal military failure of both the September and November attacks leave the Sri Lankan military and LTTE with some sense that a military solution is not possible, the outlook is grim indeed.

Build-up to Renewed Fighting

The LTTE seeks independence or some form of increased autonomy for the predominantly Tamil areas of northern and eastern Sri Lanka, which the LTTE refers to as Eelam. The LTTE controls much of northern Sri Lanka and has a reduced but still active presence in eastern Sri Lanka. During August 1993, the month prior to the renewed fighting, the LTTE gave very mixed signals about its direction. On August 18, it stated that it was again willing to negotiate with the government, and reiterated that it was also willing to accept some form of federal government structure that would provide Tamils some level of self-rule in the north and east. On August 29, however, the LTTE took a step that seriously threatened the welfare of hundreds of thousands of Tamil civilians living in areas under its control: it attacked and sank a Sri Lankan navy boat near the port of Point Pedro, where International Committee of the Red Cross (ICRC)-escorted ships unload relief supplies for LTTE-controlled Jaffna, Sri Lanka's second largest city. The attack took place near an ICRC-escorted relief ship.
guerrillas also ransacked the ICRC office in Point Pedro.

Point Pedro and Jaffna city lie on the Jaffna peninsula, which is located at the northern tip of Sri Lanka and is primarily under LTTE control. Both the government and the LTTE had previously given assurances that the neutrality of ICRC's operations at Point Pedro would be respected. Due to the attack, the ICRC temporarily suspended relief shipments to Jaffna.

In early September, Sri Lanka's president, D. B. Wijetunga, who took office in late May 1993, after the assassination of then-president Ranasinghe Premadasa, fueled antagonism by categorizing the conflict in Sri Lanka as a "terrorist problem, not an ethnic problem." His statement, which was widely reported in the national and international media, angered even Tamils who do not support the LTTE because it appeared to invalidate long-standing Tamil grievances.

Shortly after the president's statement, Bradman Weerakoon, special adviser to the president on international relations, told U.S. Committee for Refugees (USCR) staff that the government did not view negotiation with the LTTE as possible, and indicated that the government would pursue a military solution to the conflict. He said, "The feeling that the LTTE is a body one can negotiate with is out. The actions of the LTTE are such that one cannot depend on them for an agreement. So, the strategy now is to disarm and destroy the LTTE."

Within a week, the government launched its new military offensive. On September 28, Sri Lankan armed forces attacked LTTE-controlled areas near Kilali, a small port used by the LTTE that is located 15 kilometers north of Elephant Pass, the government-held point at which the Jaffna peninsula meets the Sri Lankan mainland. The offensive, which failed to meet its objective, proved very costly. It resulted in the deaths of an estimated 150 government soldiers (the largest military casualty figures in two years), 200 LTTE rebels, and dozens of civilians.

On November 11, the LTTE retaliated with a major attack on the government's army and navy bases near Elephant Pass. It captured and held the bases for nearly three days, trapping hundreds of government soldiers behind LTTE lines. Government forces recaptured the bases on November 14. The LTTE attack and government counter-attack left some 400 government soldiers and a similar number of LTTE rebels dead, and hundreds of others wounded. The LTTE also reportedly captured or destroyed more than U.S.$ 5 million worth of government military equipment. One Sri Lankan news-

People Want Peace. They are tired of living in fear and suffering."

"People want peace, called it "the worst disaster to hit the security forces."

Weerakoon's statement to USCR reflected a view that USCR encountered frequently in southern Sri Lanka: there is little if any political will on the part of the government, the military, southern opposition parties, or the Sinhalese public in general to work toward a peaceful resolution to the conflict.

USCR only heard urgent calls for peace in the grim camps for internally displaced persons and in the northern and eastern districts whose residents, mostly Tamil, but also Muslim and Sinhalese, have borne the brunt of the fighting, human rights abuses, and suffering engendered by the conflict. "People want peace," said a Tamil woman from Jaffna. She added, "They are tired of living in fear and suffering. They want a solution through talks, not violence."

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In October 1991, USCR published Sri Lanka: Island of Refugees, which examined the conflict in Sri Lanka, reported on conditions of asylum for Sri Lankan refugees in India, and analyzed efforts to provide relief and/or protection to internally displaced persons.

People Want Peace updates that 1991 report, concentrating on current conditions in Sri Lanka, the status of refugees in India, and the situation of internally displaced Sri Lankans. It includes an assessment of the repatriation program for refugees and the government's "resettlement" program for internally displaced people. It concludes with recommendations that address the plight of Sri Lanka's uprooted people.

This paper is based in part on USCR on-site work in Sri Lanka and southern India in September 1993. USCR's visit to Sri Lanka took place just before the conflict intensified. Therefore, many interviewees' comments reflect the situation in Sri Lanka prior to that.

DEVELOPMENTS SINCE 1991

The Conflict

Most of those whom USCR met in Sri Lanka noted that the level of armed conflict in Sri Lanka—the number and scale of military operations and number of casualties—diminished to some degree in 1992, and particularly in 1993, prior to the September hostilities.

One international observer familiar with
the Sri Lankan situation said, "The tactics of the LTTE and the war in general have changed significantly since USCR published Sri Lanka: Island of Refugees. The LTTE seem to have less financial support, and that may have influenced their change in tactics. They are moving away from conventional, Vietcong-style guerrilla warfare, and toward more IRA-style terrorist tactics that can achieve more dramatic results utilizing less manpower. A suicide bomber can draw more attention than 500 guerrillas attacking an army base."

He added that since February 1993, the war appeared to have "gone to sleep." In 1992, some 1,200 government soldiers, a similar number of Tigers, and probably more than 1,000 civilians died as a result of the conflict. Between February and late September 1993, only some 300 government soldiers and a similar number of Tigers were killed.

Surprisingly, he said, Sinhalese people hardly seem to notice the lull in the fighting. He attributed that to the Sinhalese community's lack of interest in the conflict. "The Sinhalese are escapist," he said. "They are not particularly interested in their own war, and don't consider the severity of the situation." A Sri Lankan human rights advocate was among several who made similar assessments of the attitude of Sinhalese toward the conflict and the human rights situation in the country. He said, "There is a human rights crisis in Sri Lanka, the magnitude of which is not understood by the international community, nor even by the general population in southern Sri Lanka."

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Human Rights: Qualified Improvement

The same month that USCR published Island of Refugees, October 1991, a delegation from the United Nations Working Group on Enforced or Involuntary Disappearances visited Sri Lanka. The group documented 12,000 disappearances between 1983 and 1991, the highest figure for any of the 40 countries that the Working Group had visited. The Working Group blamed the Sri Lankan military, police, and death squads for most of the disappearances.

Amnesty International (AI) also visited Sri Lanka in 1991. That organization made 32 recommendations to the government aimed at improving the human rights situation in Sri Lanka. The government publicly accepted 30 of AI's recommendations. In a February 1993 report, AI said, "Since mid-1991, the government of Sri Lanka has displayed much greater openness to scrutiny by international human rights organizations..., which AI hopes will contribute to the strengthening of human rights protection and the work of human rights organizations within the country." The Sri Lankan government facilitated both of USCR's visits to the country (1991 and 1993) and cooperated fully with USCR staff while there.

USCR encountered some evidence that the human rights situation has improved since 1991, especially in early 1993. An official with a local nongovernmental organization (NGO) said, "Human rights abuses, particularly in the last six months, are much less. Disappearances were a problem last summer [1992], but since early 1993 I haven't heard many reports of disappearances." He noted, however, that young Tamil men in Colombo are often harassed or picked up in police roundups, and that the Sri Lankan Air Force's regular bombing of LTTE-controlled Jaffna results in a number of civilian casualties.

Others made similar observations. An informed international observer (speaking in early September) said, "There has been a quantitative improvement in the number of disappearances and detentions by both sides. The last large, random killing by the army of Tamil civilians was in August 1992. The last big killing by the LTTE of civilians was in October 1992, when they killed 160 Muslims near Polonnaruwa. The LTTE still kills civilians, but for a purpose, not at random as they had done previously. But I don't think that Sinhalese public opinion has noticed that."

But a local lawyer cautioned, "There has been a drop in disappearances and detention, but I don't know if you can argue that there has been an improvement [in the overall human rights situation]." A local human rights advocate added, "There remain many concerns about human rights: killings, torture, detention without trial, disappearances. There has been a decline in the numbers affected, but the problem is still serious."

Colombo: Arrests of Tamils

In the months following the assassinations of opposition leader Lalith Athulathmudali on April 23, 1993, and President Premadasa on May 1, both of which the Sri Lankan authorities attribute to the LTTE, the security forces arrested and temporarily detained thousands of Tamils. The arrests began on May 17, just after the ruling party in government, the United National Party (UNP), won elections for provincial councils in six out of seven provinces where elections were held. The arrests were often
The Northern and Eastern provinces are claimed by the LTTE as Tamil Eelam.

People Want Peace
Ever since Sri Lanka gained independence in 1948, the relationship between the Sinhalese majority and Tamil minority has been marked by rivalry, wavering between uneasy peace and open conflict.

For two decades, younger generations of Tamils watched a succession of Sinhalese-dominated governments conspire to undermine Tamil cultural heritage, linguistic rights, traditional homelands, and educational and employment opportunities. They watched their own leadership suffer defeat upon humiliating defeat in Parliament in a futile effort to secure at least equal rights or limited autonomy.

In 1972, an 18-year-old school dropout named Velupillai Prabhakaran, along with about 30 fellow Tamil teenagers, formed the Tamil New Tigers (TNT). In 1976, TNT changed its name to the Liberation Tigers of Tamil Eelam (LITE). Soon afterwards, Tiger attacks on policemen and public officials, particularly Tamil “traitors,” began to escalate.

Events reached a bloody watershed in July 1983. In three days of rioting, an estimated 2,000 Tamils were killed and perhaps 200,000 people were driven from their homes. Between 27,000 and 30,000 Tamils sought asylum in India in 1983.

As the fighting between the Sri Lanka security forces and the Tamil militants intensified, the flow of refugees continued. By early 1987, the number of Tamil refugees in India had climbed to 135,000.

Between 1983 and 1987, the LTTE operated freely out of Tamil Nadu. In 1985 and 1986, New Delhi made several attempts to mediate between the Sri Lankan government and the LTTE. In 1987, frustrated by the intransigence of the LTTE militants, Rajiv Gandhi issued what amounted to an eviction notice to the guerrillas.

With the Tiger leadership back on the island, the Sri Lankan government launched a major military offensive and appeared on the verge of taking Jaffna. Due to pressure from India, Colombo announced the end of its military operation. On July 29, 1987, India and Sri Lanka signed an accord that allowed India to send peace keeping forces to northeastern Sri Lanka. It did not take long, however, for the Indian forces to also become mired in the conflict.

Under pressure from both the Sri Lankan government and the LTTE, India decided to withdraw, completing the process in March 1990. On June 11, LTTE guerrillas attacked 17 police stations in the Eastern Province and captured an estimated 600 policemen. An eyewitness said, “They drove out...all the Sinhalese residents of Batticaloa....[Then] the army began to move in. ... [They] proceeded to destroy all the Tamil buildings....”

Within days of the violence in Batticaloa, conflict had spread throughout the Northern and Eastern provinces, driving Tamils, Moslems, and Sinhalese from their homes in a desperate search for safety. By late July, there were a reported 880,000 people displaced in some 640 welfare centers. More refugees also fled to India. In May 1991, statistics compiled by a refugee group showed a total of 210,000 refugees in India.

The arrests were often arbitrary and based solely on ethnicity.

People Want Peace
ment waged the bitter final stages of its anti-insurgency campaign against the Janata Vimukthi Peramuna (JVP), or People's Liberation Front, an ultra-leftist youth movement, now largely defunct, that beginning in 1971 waged a violent campaign to overthrow the Sri Lankan government.}

AI added that while "there is no indication yet of widespread 'disappearances,'" the manner of the arrests, the inability of relatives to trace some of those arrested recently, "and the fact that the safeguards on arrest in detention which the government agreed to [with Tamil leaders] in June are not being implemented, all contribute to a fear that conditions may be allowed to develop which would again facilitate 'disappearances' in custody."

According to the December 1993 BRC report, in the last eight months of 1993, Sri Lankan authorities arrested 8,000 Tamils in Colombo, of whom an estimated 1,000 to 2,000 remained in detention in December. The report said that young men without jobs or relatives in the capital and who do not possess National Identity cards, which Tamils find difficult to obtain, are particularly vulnerable. It added that, according to sources in Colombo, police there "run flourishing extortion rackets," demanding large sums of money from relatives seeking to secure detainees' release.

A Tamil living in Colombo told USCR that despite the arrests, many of the nearly 250,000 Tamils thought to be living in Colombo (including more than 100,000 from the North and East who have sought refuge in the capital), manage to live their lives fairly normally. However, he added, few Tamils feel truly safe in Colombo. He said,

Tamil in Colombo fear that though most Sinhalese are cordial to us, at any time they could turn against us again--like [they did] in 1983. But this time we would have no place to go. We can't go to Jaffna; we can't go to India. We would just have to jump into the sea.

The East: Abnormal Normalcy

Presidential advisor Weerakoon said that the government's current strategy was to try to "clear the Eastern Province first, and try to deal with the Northern Province thereafter. Clearing of the East means that there would be an opportunity for people from the East to return home and resume their normal lives." Once that was achieved, he added, the government would try to enable Tamils to re-establish a non-LTTE leadership, resurrect local social and political institutions, and work toward the election of new provincial councils. Clearing the East, Weerakoon said, would also isolate the LTTE from sources of logistical support in the East.

In fact, the government already argues that the situation in much of the East has returned to normal, and is actively encouraging displaced persons from much of the East to return to their homes.

But not everyone agrees. One informed source said, "The military claims that it is more in control in the East, and the government has even talked about holding local elections there, but the LTTE has made no strong effort to challenge the government there. If they did, I'm not convinced that the government could maintain the present situation." Another observer concurred. "The LTTE has inexplicably abandoned the East," he said.

The Eastern Province is comprised of three districts: Trincomalee, Batticaloa, and Amparai. There are a number of similarities, but also differences, in the current situation in each.

• Trincomalee district: Much of Trincomalee district is under government control, and the road between Colombo and Trincomalee town is open to traffic during daylight hours. Trincomalee town bustles with activity, and there are people on the streets well into the evening. But as with Sri Lanka in general, appearances can be deceiving.

A Sri Lankan human rights group, INFORM, reported on an April 1993 visit to Trincomalee:

The approach to Trincomalee is still as heartbreaking as it was; the remains of large homes devastated by conflict...stand mute testimony to the vagaries of war.... The town, however, looks fresh and new.... A degree of normalcy prevails, and government offices are functioning. But the radius within which this atmosphere predominates remains small, and on the periphery there seem to be large areas which are officially 'cleared' [of LTTE control and under Sri Lankan military protection] but which in fact are still within reach of sudden strikes by the LTTE. And beyond that are the no-man's-lands of the war.

INFORM said that even in Trincomalee town the situation is not normal. Its report added, "The case of a 'round up' that had taken place in the town [Trincomalee] a few days before our visit, on the 20th [of] April, was cited to us over and over again by a number of people as evidence of the
tenuous nature of the security of the people in the town.”

- Batticaloa district: In Batticaloa district, the area that the government considers safest for resettlement is the coastal strip, home to 80 percent of the district’s population. Although the military has declared many inland areas of Batticaloa district also ready for resettlement, some LTTE activity persists there, and many conditions necessary for resettlement do not exist.

Of particular concern in Batticaloa is the situation of displaced Muslims. Virtually all Muslims in Batticaloa were displaced either to neighboring districts or to larger towns on the coastal strip when inter-ethnic violence broke out between Tamils and Muslims in 1990. Muslims, who represented one-third of the population of the three districts in the Eastern Province, lived mostly amicably alongside Tamils until August 1990, when the LTTE attacked a mosque in Batticaloa, massacring more than 120 Muslim men and boys who were there praying. That set off a wave of communal violence between Muslims and Tamils throughout the East. In October 1990, the LTTE ordered all of the estimated 100,000 Muslims living in LTTE-controlled areas of the North to leave the region. Most remain in welfare centers, primarily in the Puttalam area on Sri Lanka’s west coast.

Although tensions between Muslims and Tamils in Batticaloa district are said to have eased, many Muslims, whose villages were widely scattered among inland Tamil villages in Batticaloa’s agricultural areas, are afraid to return without assurances that the LTTE will not attack them or at least that the security forces will protect them. Meanwhile, much of their land is being farmed by Tamils who have resettled in nearby villages, and many Muslims fear they may have difficulty reclaiming it.

- Amparai district: Relations between Muslims and Tamils are reportedly better in Amparai than in other eastern districts. Government forces control virtually all of Amparai district, and the government wants the district resettled. In fact, a large majority of Amparai’s displaced have already resettled, either with government assistance or independently. Inadequate assistance has prevented others from returning to their homes.

Conditions for those who remain in welfare centers are rapidly deteriorating. It is estimated that for the government to give grants to all who resettle, and to put in place the most basic infrastructure needed in Amparai district alone, would cost U.S. $13 million.

Jaffna: Fear and Suffering

A resident of Jaffna told USCR that people there live in “fear and suffering.” She described the problems they face:

The Sri Lankan conflict has caused untold human suffering. Thousands have been killed and hundreds of thousands have been uprooted from their homes. A lull in the conflict in early 1993 ended abruptly when fighting re-ignited in September. Above, a recently returned refugee awaits her rations. Photo: USCR/Hiram A. Ruiz
The displaced people are living in difficult conditions, but even those in their own homes have a high level of frustration. Many are unemployed. Construction workers can't work because there's no cement; fishermen can't fish [the government recently banned all boat traffic on the north coast of Sri Lanka]; pregnant mothers are undernourished because they can't get high protein foods, and babies are born underweight; the shelling is a constant worry; people are reluctant to talk to each other because they fear the LTTE's intelligence service.

Food prices continue to soar in Jaffna, especially for commodities not provided by the government, and fewer and fewer people can afford them. Colombo restricts the movement into LTTE-controlled areas of a wide range of products, from matches to cement, that it believes the LTTE could use to its benefit. That causes additional difficulties for civilians. Reportedly, some people die because even basic medicines are not available.

According to an international relief worker familiar with the situation in Jaffna, there are significant psychological problems. "You can be bombed at any time; the sound of MIG jets approaching terrifies the population," she said. A local NGO official added, "Last month, a bomb was dropped near a school just when the children were walking to school. Six children died. The Air Force said they were aiming for an LTTE target, but their airplanes drop their bombs from very high up for fear of being shot at, so they often miss." An international organization official added that random shelling of the city by the Sri Lankan military is even more of a problem, because in the case of bombing, people can hear the airplanes coming and have some time to move or hide, but when there is shelling, people do not have time to seek shelter. Yet, somehow, people survive. One observer said that there is a siege mentality, that people are proud that they manage to survive against such odds.

Another foreign relief official described the bizarre political situation that prevails in Jaffna:

The LTTE is in control, but the government has a presence and is responsible for the day-to-day running of the city. It is a very unusual and delicate situation that has a lot of pros for the LTTE. They can criticize the government and demand more from them if they are not satisfied. They don't have to be responsible for schools, roads, the post office, etc., so can concentrate their efforts on waging war. They collect taxes from the people in Jaffna, but don't have to use any of it to maintain city services.

The government can claim it controls Jaffna, and doesn't have to live with a de facto Tamil mini-state on Sri Lankan soil, but has to bear the cost of not only feeding the population, but also carrying out the myriad functions of government. It's an expensive price.

According to the February 1993 Sri Lanka Monitor, produced by the British Refugee Council, "Observers say both sides liberally plunder food aid. A Colombo police investigation is now underway into missing relief consignments, and the Tigers routinely confiscate about 30 percent [of food shipments] in Jaffna."

An NGO worker described day-to-day life in other LTTE-controlled areas of the North:

There is food security. In some areas of Kilinochchi district, farmers have excess produce, but they have nowhere to sell it [because they cannot get their produce to Jaffna, their traditional market]. The tanks [reservoirs] on which the farmers depend for irrigation are falling apart, but they can't be fixed because they can't get enough cement. The health situation is generally adequate. Hospitals get what hospitals in other parts of the country get, which is not adequate, but in other areas private traders who supply pharmaceuticals supplement what's in the hospitals. Since that doesn't happen in the North, problems are more evident.

Another informed observer countered, however, that there are fewer hospitals functioning in Jaffna now than years ago, that there are fewer doctors per capita because many have fled, and that many people who live outside Jaffna city cannot get to Jaffna hospitals because of security or transportation problems.

The LTTE

Assessments of the level of support for the LTTE among Tamils living in LTTE-controlled areas vary significantly. A foreign observer who has visited Jaffna said, "Most people in Jaffna are ambivalent
towards the LTTE.... They probably don't like the taxation and coercion... [but] many feel that the LTTE at least stand up for their interests.” In its November 1993 issue, the Sri Lankan news magazine *Counterpoint* noted that government actions have many Tamils into the LTTE’s camp. In an editorial, the magazine said,

"A first hand view of the suffering and hopelessness of the ordinary people in the [Jaffna] peninsula has brought home to us their predicament: the government has not given them any real option, and continuous bombing and shelling, added to the economic hardship created by the blockade [of many goods by the government], is driving them into the arms of the LTTE.... The fact of the matter is that the government has...strengthened [the LTTE]...through a complete and total disregard for the non-privileged Tamils in this country.

But the LTTE has also alienated many Tamils through its actions. It has eliminated, either by killing or silencing through intimidation, most Tamil leaders who opposed or threatened its dominance. As one observer noted regarding LTTE’s head, Velupillai Prabhakaran, “Over time, [Prabhakaran] got rid of the moderate elements, those who would support negotiations and a peace process. Now he’s surrounded by young guys who have been Tigers since they were in their early teens and who don’t question his leadership or policies.”

The LTTE is very disciplined, and has an extensive intelligence system. According to a recent visitor to Jaffna, the LTTE enforces law and order by intimidating the population. He said, “People [in Jaffna] don’t break the rules; no one—other than the LTTE—would dare tamper with the rations.” He too emphasized people’s ambivalence toward the LTTE. On the one hand, he said, “People just won’t criticize the LTTE. If you come up against them politically, you’ll get killed.” But he added, seemingly incongruously,

"People are not frightened of the Tigers; the Tigers are their sons.... Their hearts and souls may not be behind the Tigers, but they say that the only concessions Tamils have got have been as a result of the LTTE’s guns. If there were an election in

An estimated 604,000 Sri Lankans are internally displaced. Some 255,000 of them live in government-run Welfare Centers such as Clappenburg camp, above. Clappenburg, located near Trincomalee, consists of large, windowless, metal storage hangars built during World War II. The families who live there create small cubicles for themselves using cardboard, cloth, or other available material. Although it poses a serious fire hazard, many cook in their cubicles rather than in the small communal kitchens located at the sides of the hangars.

Photos: USCR/Hiram A. Ruiz
Jaffna tomorrow, the LTTE would win a majority... The Tigers will remain strong as long as the government in the South offers no reasonable, acceptable solution—which it can’t do because of southern politics. So what choice do Tamils have but the Tigers?

A Tamil resident of Jaffna offered a very different perspective. Comparing life in Jaffna under the LTTE to Germany under the Nazis, he said, “Many people don’t want an LTTE government. They have had a taste of it, and they don’t like it.” A Tamil human rights activist added, “I don’t think people believe that the LTTE have the capacity to develop and administer a state in which people would like to live.”

Another source noted that one result of the LTTE’s elimination of moderate elements who would favor negotiation is that the LTTE now only thinks in terms of military objectives. He said, “The LTTE only has a military wing. They have no political, diplomatic, or administrative wing. Therefore, any action they consider taking is evaluated only in terms of its value to the military goal.”

An informed outside observer offered the following analysis:

The Tigers use violence and intimidation to keep Tamils anxious and suspicious and prevent them from exploring other, more moderate political alternatives to the LTTE. They provoke government attacks on Tamil communities outside the North and East to encourage isolated Tamil communities to flee to LTTE-controlled areas and thus demonstrate that the LTTE is the only defense Tamils have.

THE INTERNALLY DISPLACED: RELIEF

A tragic consequence of the ethnic conflict in Sri Lanka has been the uprooting from their homes of hundreds of thousands of Sri Lankans, mostly Tamils, but also Muslims and some Sinhalese. While many fled as refugees to India, a majority became displaced within Sri Lanka, both in government-controlled areas and in areas under LTTE control.

According to the government, some 604,000 Sri Lankans remain internally displaced (see chart). A majority are living in the homes of relatives or friends or have found their own temporary accommodation, but some 255,000 live in basic, often dismal conditions in government-run camps known as “welfare centers.” Virtually all the displaced, including more than 300,000 living in LTTE-controlled areas, depend on the government for food and essential services.

In most districts, government estimates of the size of the displaced population are said to tally generally with the number of people receiving relief assistance. Some question, however, whether all those who were once displaced still are, or whether all of those who are displaced actually need assistance.

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>NO. OF WELFARE CENTERS</th>
<th>PERSONS IN WELFARE CENTERS</th>
<th>PERSONS OUTSIDE WELFARE CENTERS</th>
<th>TOTAL PERSONS DISPLACED</th>
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<tbody>
<tr>
<td>JAFFNA</td>
<td>233</td>
<td>67,649</td>
<td>175,771</td>
<td>243,420</td>
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<td>MANNAR</td>
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<td>32,441</td>
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<td>52,144</td>
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<td>7,401</td>
<td>8,591</td>
<td>15,992</td>
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<td>18,870</td>
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<td>32,427</td>
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<td>22,473</td>
<td>26,792</td>
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<td>TOTAL</td>
<td>522</td>
<td>255,176</td>
<td>349,554</td>
<td>604,730</td>
</tr>
</tbody>
</table>

Source: Ministry of Reconstruction, Rehabilitation, and Social Welfare (MRRSW)
In Jaffna, these questions are the subject of debate. One source called the number of displaced in Jaffna a "holy cow." Colombo must accept the estimate provided by the government agent (GA) in Jaffna, and the GA, whose predecessor was assassinated by the LTTE, is essentially obliged to give the same number that the LTTE uses. The LTTE has a vested interest in the government's providing ample supplies of basic food rations to Jaffna, both to ensure that the city's residents do not blame the LTTE for failing to ensure adequate supplies, and because the LTTE appropriates for its own purposes a percentage of all the food that arrives in Jaffna. All this makes the accuracy of the official estimate of the number of displaced in Jaffna questionable.

Relief Costly

The financial cost to the government of providing relief and rehabilitation for the displaced is very high. Through its Emergency Reconstruction and Rehabilitation Program (ERRP), implemented by the Ministry of Reconstruction, Rehabilitation, and Social Welfare (MRRSW), the government provides relief to internally displaced persons (and returned refugees) and helps to rehabilitate those able to return home. According to the MRRSW's 1992 progress report on the program, "The ERRP was launched in 1988 as a key strategic element of the government's policy to achieve reconciliation, restore normalcy, and lay the foundation for future development in the areas affected by the conflict in the North and East."

In 1992, the relief aspect of the program cost 1,953 million rupees (some U.S. $40.7 million). Of that, 1,844 million rupees (approximately U.S. $38.4 million) was spent on food aid (including transportation and distribution costs).

Expenditures on rehabilitation and reconstruction, including costs associated with the "resettlement" program, totalled 1,669 million rupees (about U.S. $34.8 million), bringing the total cost of the relief and rehabilitation program in 1992 to some 3,623 million rupees, or about U.S. $75.5 million.

The government bears the cost of food aid, although since February 1992 the World Food Program (WFP) has been providing food aid to the displaced in districts under full government control. The government also receives some international community funding for the rehabilitation and reconstruction portion of the program. Since 1989, the international community has pledged U.S. $493 million to Sri Lanka for the ERRP. To date, the Sri Lankan government and donors have signed agreements for funding of projects totalling U.S. $395.6 million, of which the Sri Lankan government has received reimbursement totalling U.S. $176.5 million for expenditures incurred.

Welfare Centers: Despair and Deprivation

Conditions in most of the welfare centers are described as poor and deteriorating. USCR visited Clappenburg welfare center near Trincomalee, where hundreds of families live in huge, windowless, corrugated iron hangars built for storage of...
The Sri Lankan government has a program that pays compensation to women who have become widowed or have lost grown sons who might have supported them. The program pays 50,000 rupees (about U.S. $1,040) for the loss of a husband, and 25,000 rupees for the loss of a son. But the cumbersome application process keeps many women from applying for or receiving the grants. One of the women's NGOs USCR met with has helped more than 500 women to apply for and obtain those grants.

At a welfare center in Colombo, a 31-year-old widow with four children who also looks after her mother talked about the difficulty of surviving in the camp, and her concerns about the future. She said that she has no income and that she and her family live on government rations. She sells some of her rice ration to local shops in order to buy vegetables. Her husband was a farmer, and she has land in Batticaloa district, but her house was burned to the ground. She has heard rumors that the camp where she lives may close and that the government may move her back to Batticaloa. If that happens, she said she will go, because the 6,000 rupees the government is promising is her "only hope for the future." (Under the government's resettlement program, families that resettle receive a 2,000 rupee settling-in grant and a 4,000 rupee grant to resume economic activity. See section on the resettlement program.)

The human rights worker described conditions at Clappenburg welfare center as "abominable," but noted women's attempts to make it more tolerable. "Each little enclosure testifies to the efforts of the people, in particular the women, to maintain some semblance of 'normalcy' in the midst of this environment of despair and deprivation," she said. "In one, you find some plastic flowers in a vase before brightly colored pictures of the Hindu deities. In another, framed photographs of family members—people frozen in a better time—are perched on a cardboard box."

At one welfare center, USCR met Devi, a young woman who typified both the suffering and trauma that the head of the women's NGO said women have suffered, and the resilience the human rights worker who visited there found. In 1985, her father was shot and killed. In 1986, her brother was killed. Her maternal uncle was arrested in 1987, and his whereabouts remain unknown. In 1990, her sister, brother-in-law, and a niece were all killed. Devi now looks after her mother and her late sister's three orphaned children. There are no males left in her family. The family lives on the government-provided rations. Yet Devi makes time to help even more people by working as a Red Cross volunteer. The head of the local women's NGO, who has known Devi for some time, said that not only is Devi always helping others, but that she always does it with a smile. Until she heard Devi tell USCR about her losses, she had no idea of the hardships she had endured.

"The conditions of life of the internally displaced...are indeed shameful."
UNHCR Open Relief Centers:
Changing Roles and Challenges

In late 1990, as tens of thousands of Tamils fled via Mannar Island to India (including a number of former refugees who had repatriated from India just weeks or months before), UNHCR launched a relief initiative to provide temporary safe shelter in Sri Lanka as an alternative to flight to India. UNHCR defined the Open Relief Centers (ORC) on Mannar Island and in Madhu district as temporary places where “displaced persons on the move can freely enter or leave and obtain essential relief assistance in a relatively safe environment.” The ORCs would not constitute “safe havens,” but “neutral areas,” where, according to UNHCR, “there is tacit understanding with both parties that cadres carrying arms should not enter.” However, there have been, and continue to be, challenges to the basic ground rules to which UNHCR believed the government and LTTE had--verbally--agreed.

Use of ORCs as alternatives to flight to India became moot shortly after their inception because the Sri Lankan security forces blocked the passage of would-be refugees heading toward Mannar Island and the Indian Navy blockaded the Palk Strait, which separates Sri Lanka and India. As a result, the ORC’s purpose became only to provide temporary safe shelter.

In September 1993, the Pesalai ORC on Mannar Island had a population of 1,422, including 759 displaced persons and 663 people who returned from India in 1992 but still could not return to their homes (some 1993 returnees later joined them at Pesalai). Although the government considers Mannar Island cleared, the military continues to label some parts of the island, which in 1981 was home to some 49,000 people but now has a total population of about 26,000, “no-go” areas.

Pesalai’s status as a safe, neutral place has been challenged frequently. In February 1993, following an LTTE attack near the camp, Sri Lankan security forces fired into the camp, reportedly injuring two children. In August, local police arrested three Pesalai residents. The three are still missing, and the police now deny having arrested them.

A Tug-of-War at Madhu

The Madhu ORC has remained a place of temporary refuge, but increasingly it has become home to a long-staying displaced population. On several occasions during 1992 and 1993, waves of persons fleeing violence sought sanctuary and assistance at Madhu. While many of those returned home, many others remained. Returnees from India who originate in surrounding districts and who could not or did not wish to return home have also remained in Madhu indefinitely.

Madhu’s neutrality has also been strongly tested, particularly by the LTTE. Beginning in September 1992, the LTTE adopted an increasingly visible presence in the center, even openly carrying arms. In December, UNHCR protested to the LTTE, which initially dismissed the agency’s complaints and only yielded on the arms issue when UNHCR threatened to pull out of Madhu.

Another problem arose in late May 1993. When the Sri Lankan government agreed to allow displaced persons and returnees living in welfare centers in government-controlled areas to return freely to LTTE-controlled areas, dozens of residents of Madhu center who originate in Vavuniya district asked UNHCR to help them move to government-controlled areas of Vavuniya. UNHCR passed the requests on to the LTTE, which refused.

The government cut off rations as of August 1 to all of the 5,700 displaced persons at Madhu who originated from LTTE-controlled areas of Vavuniya district. The government’s action was primarily a political challenge to the LTTE, with the government in effect saying that since it had allowed displaced people to return freely to LTTE-controlled areas, the LTTE should do the same for those in Madhu wanting to go to government-controlled areas.

Caught in the middle were the displaced, who depend on food aid but who were left without it.

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rarily suspended all its operations in LTTE-controlled areas, charging that it was “no longer able to carry out its humanitarian mandate without putting the security of its staff at risk.” UNHCR added, “The ORC operation is predicated upon two key principles: freedom of movement to and from the ORC and, within this framework, the provision of adequate food and basic amenities to ORC residents. Recently, UNHCR increasingly felt that the operation was swaying from these two key principles.” The agency said that it hoped “that conditions permitting their resumption [of the suspended activities] could be recreated in the near future.”

**THE INTERNALLY DISPLACED: RESETTLEMENT**

Although the government has been implementing rehabilitation projects through the ERRP since 1988, it has only actively promoted its “resettlement” program since 1992.

Officially known as the Unified Assistance Scheme, the resettlement program is an ambitious plan that in theory provides families that resettle monetary grants and temporary rations as well as help in rebuilding the infrastructure of their communities.

Serious constraints and concerns regarding the program include the fact that it takes place amidst continuing conflict; that the government is not fully adhering to the guidelines for the program’s implementation; and that it may be manipulated for political purposes.

Although only a minority of those currently displaced are likely to be able to resettle as long as the conflict in Sri Lanka continues, the government estimates that as many as 30,000 of the approximately 46,000 displaced families in Mannar, Vavuniya, and the three districts in the East are from “cleared” areas that the government wants to resettle.

Under the resettlement program, the government provides families returning to their homes in government-controlled areas a modest 2,000 rupee (approximately U.S. $41) “settling-in” allowance (SIA), a 4,000 rupee ($82) “productive enterprise grant” (PEG) aimed at helping them re-establish a livelihood, free food rations for three months after their resettlement, and a grant of up to 15,000 rupees (about $312) to help them rebuild their homes.

The government is also supposed to provide necessary infrastructure (for example, road repair and rebuilding of schools and other public buildings) and services (health care, education), as well as protection and security, to resettled communities. However, as one local government official said, “That is the plan. I’m not saying that is the reality.” An international relief worker added that even if resettling families received all the grants they are entitled to, beginning again would be an uphill battle. “To expect people to turn 4,000 rupees [the amount of the PEG] into sustainable livelihood in three months is unreasonable. It is just not viable,” he said. Without the grants, however, people cannot survive unless the government continues to feed them, he added.

According to the resettlement program’s guidelines, families are only to be resettled in areas that the government has determined to be safe, and a family’s decision to resettle is to be fully voluntary. In March 1993, the government lifted restrictions on displaced families returning to LTTE-controlled areas if they so wished. Families returning there are not eligible to receive all of the assistance available under the resettlement program, but do receive food rations for three months.

In general, whole villages have tended to resettle together, rather than individual families resettling one at a time, partly because of security concerns (people believe there is safety in numbers), but also because of government planning.

**Funding Problems**

Several factors impede implementation of the program. The most significant issue is money. The Sri Lankan government simply does not have the funds to provide continuing relief to the internally displaced population and carry out both rehabilitation and resettlement programs. While it has received considerable donor help, the need far exceeds available funds.

The funding problems compound each other. Families that do not resettle due to lack of funds remain dependent on government aid in welfare centers. When the government is unable to pay families that do resettle their productivity enterprise grants, it provides them food aid indefinitely.

The government provides funds for SIAs and for the food rations to resettled families. The United States, Norway, and Australia help fund the PEGs and housing grants. In its December 1992 Progress Report on the ERRP, the Ministry of Reconstruction, Rehabilitation, and Social Welfare said, “The availability of funding is rapidly becoming an overriding constraint to resettlement... The existing sources of donor funding are adequate to support only a part of the total number of resettled families eligible for assistance.”
Bureaucratic mismanagement also affects resettlement. Though the MRRSW determines new resettlement locations, and secures parliamentary approval for the budget to cover resettlement in those locations, it has no control over the treasury's disbursement of budgeted funds. As a result of a devolution of responsibilities and powers that has taken place in Sri Lanka, funds for resettlement projects (as well as relief, rehabilitation, and other kinds of spending) are channeled through the Divisional Secretaries in each district, rather than through the MRRSW or district Government Agents, the top local government officials.

When Divisional Secretaries approach the treasury for funds that have been allocated to their divisions, the treasury is reportedly often low on cash to make those funds available. Whether a particular Divisional Secretary successfully obtains funds appears to depend more on timing and the Divisional Secretary's connections in Colombo than on needs, MRRSW planning, or priorities. As a result, few families that resettle receive a full package of assistance, and rehabilitation projects planned for resettlement areas do not materialize.

Although statistics on how many displaced persons have already resettled either with government assistance or by their own means are in doubt, the government estimates that it would require 900 million rupees (about U.S. $18.7 million) to pay the SIA and PEGs to all the displaced families already resettled but waiting for their grants. At the end of 1992, the MRRSW also estimated that to provide SIA, PEG, and housing grants to the 30,000 families it estimated would soon be eligible to resettle would require an additional 630 million rupees (approximately U.S. $13.1 million).

The Representative of the United Nations Secretary General on Internally Displaced Persons, Dr. Francis Deng, also noted bureaucratic problems affecting the payment of grants. A UN advisory following Deng's November 1993 visit to Sri Lanka said that Deng "urged that all efforts be made to streamline and expedite the payment of government benefits to [the] resettled."

Even though the government cannot provide most families that resettle the grants it has promised, it encourages them to return to their home areas anyway. One government official told USCR that even if people resettle and must continue indefinitely to depend on government food aid, that is still preferable to their remaining in welfare centers. At least at home they are on their own land and may be able to farm or garden to supplement their rations, he said.

Competition and poor coordination among government agencies in the resettlement process is another problem. Although the MRRSW has a central planning role, other agencies are involved in implementation, and each appears to act independently. The national Housing Development Authority (HDA), for example, is responsible both for disbursing housing grants to resettling families and for building nationally subsidized houses in some areas. In at least one locale, the HDA has used resettlement housing grant monies to build homes directly, at a cost per house equal to approximately seven family housing grants.

**Motivation for Program Questioned**

The government promotes the resettlement program as desirable for the welfare of the displaced, contributing to national stability, and economically necessary because it reduces the number of displaced persons dependent on government aid. However, there is concern that the government may have other, more political, reasons for promoting resettlement. For example, the more families that resettle, the more the government can assert that the situation in Sri Lanka is "normalizing," a concept the government is promoting both at the international level and, perhaps more importantly, to the Sri Lankan electorate (national elections are due to be held in 1994). Some observers argue that in its zeal to promote resettlement, the government is not observing its own guidelines for voluntariness and for resettling families only to fully safe areas. While some say that the MRRSW is pushing resettlement for political reasons, other sources cite the military, which has its own tactical rationale for wanting to see certain areas repopulated, as the driving force behind the resettlement program.

A top government official in one eastern district said that the MRRSW is pressuring his area to quicken the pace of resettlement. He said that while previously the Ministry had told him that they did not want to force people to resettle, more recently they said he had to resettle all the displaced in his district by the end of 1993. But "families from rural areas are a little scared to go back home.... If they do not want to return, we will not force them." He added, "We are caught between the Ministry [MRRSW] and the refugees [displaced]."

A local NGO official said, "The people won't [resettle] voluntarily if they don't think it's safe. They have been told they must resettle, but so far the government is not forcing them. People have
been told that if they do not resettle their rations will be cut off, but that has not yet been put into practice.” But another local observer said that forced resettlement does occur. She said, “People are moved out of camps in Trincomalee to cleared areas. The camps are then destroyed so that they have no place to return to.”

According to the UN advisory following the visit of Dr. Deng to Sri Lanka,

In the absence of a political settlement..., Dr. Deng observed that resettlement of displaced persons was a very delicate process, requiring sensitivity on the part of all parties; it was not a process that could be forced or hurried.... [Dr. Deng] encouraged the government to ensure that the policies on resettlement as laid down in the government’s own guidelines were understood and adhered to by all those involved in the resettlement process.

Christie Silva, a top official at the MRRSW, insists that the agency adheres to the principle of voluntariness. “People must be satisfied that if they return they will not become displaced again,” Silva said. “We would be very wary of pressuring people to return. The government would prefer to continue to support them [the displaced] than resettle them in areas where conditions are not ripe.”

A complicating factor is the poor security in some areas. For example, Cheddikulam, near Vavuniya, is both a resettlement site and the site of two UNHCR camps for returnees. The dividing line between parts of Vavuniya under government control and LTTE-control goes right through Cheddikulam. The military considers the government-controlled part of Cheddikulam safe, but others, including displaced people from that area, are wary of living so close to the front line. The two UNHCR camps for returned refugees in the Cheddikulam area are about five kilometers from the demarcation line, and, according to UNHCR, returnees have not voiced concern about their security.

In Mannar district, the military recently withdrew from an area that it had controlled, where a number of displaced families had been resettled because it was “cleared.” Displaced persons point to such situations when expressing concern about security if they resettle. A local NGO officer said, “People still in the camps [welfare centers] are looking closely at the consequences for those who have resettled, and according to how they fare, will decide what they will do.”

**Displaced Persons in Colombo Forcibly Moved to East**

The closure of some of the welfare centers for displaced people in Colombo has caused concern. On June 10, according to the human rights group INFORM, the MRRSW told residents of Vivekananda camp that the camp would close on June 16, and that residents originating in Batticaloa district in the East would have to return there and either resettle in their home villages or go to a welfare center.

There was a failed attempt to close the camp on June 16, and a new date, June 30, was set. Buses escorted by members of the security forces arrived at the camp at 3:00 a.m. on June 30. Families willing to go voluntarily were placed on the buses first. Families who were not from Batticaloa were then put on buses that took them to other welfare centers in Colombo. Finally, according to INFORM, “The police took their bags [of those who did not want to return to Batticaloa] by force and threw the bags on the buses; some persons got into the buses to collect their belongings; others who had remained outside were pushed into the buses, sometimes with the use of physical force.”

The closure of Vivekananda camp was followed by the closure of the camp at Mannikar Pillayar Temple one month later. Residents in that camp who were not from Batticaloa were also transferred to other Colombo camps, causing increased overcrowding there. “The issue has to be raised about the ad hoc and unplanned nature of this process of evacuation of camps in Colombo and re-settlement that is taking place with scant consideration for the lives of people involved,” INFORM said.

USCR visited Modera camp in Colombo, which is also threatened with closure. There, USCR met former residents of the camp at Mannikar Pillayar Temple who had been returned to Batticaloa but who had made their way back to Colombo. According to one such person, who said that he returned from Batticaloa because he feared forced recruitment by the LTTE, a majority of the former Kovil camp residents returned to Colombo after collecting their resettlement grants and were surviving in the capital as best they could without any government assistance.

Residents of Modera camp said that they feared returning to Batticaloa for a variety of reasons. A woman at the camp who lost one of her sons in 1978 said that she feared for the life of her other son if she returns to Batticaloa. She is afraid of the police, of the military, and of the LTTE. If the camp...
is closed, she said she wouldn't know what to do. A man at the camp said that because the camp is partly controlled by the Eelam People's Democratic Party (EPDP), a former Tamil opposition group that now cooperates with the government and is charged with keeping LTTE infiltrators out of the camp, he feared that the LTTE would consider him an EPDP supporter and take reprisals against him.

An MRRSW official defended the relocation of Batticaloa residents from Colombo even if they couldn't resettle in their original homes. He said, "Once they are back in their district, they are better able to get information about the situation in their home village." But according to a local observer, the government has not adequately assisted those forcibly moved to the East. She said, "This particular group of internally displaced persons were dumped...on the beach with no food or shelter for two to three days, until the NGOs in Batticaloa and elsewhere moved in to help.... No real arrangements were made [by the government] to receive them in Batticaloa.... To date, [they are] living in a makeshift camp in Batticaloa town."

Resettlement and Colonization

Another aspect of resettlement that worries Tamils is fear that the government may be using resettlement as a tool for colonization. Control of land is one of the issues at the heart of the conflict between Tamils and Sinhalese. For years, Tamils have accused the government of encouraging and facilitating the move of Sinhalese people into predominantly Tamil areas in order to alter the ethnic balance and dilute what political power Tamils have. Some of those USCR interviewed said that now Tamils are concerned that the government is using the resettlement program to mask further colonization. For example, an April 1993 report by the University Teachers for Human Rights--Jaffna UTHR(J), a small Tamil group now based in the South that documents human rights abuses, said,

There is an underlying trend in and around Trincomalee.... The state is bent on Sinhalisation of the whole area.... Much

Control of land is one of the issues at the heart of the conflict between Tamils and Sinhalese.

Young residents of Pesalai Open Relief Center on Mannar Island in their school uniforms. Most of Mannar Island is under government control. There have been a few LTTE attacks on or near the island since 1991, and government forces have arrested several civilians, but more than half of the island's residents are back in their homes and many day-to-day activities, including education, have resumed. Photo: USCR/Hiram A. Ruiz

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paddy land was temporarily abandoned by Tamil owners who fled as refugees. Some of these lands in relatively secure places are being cultivated by Sinhalese in arrangement with the armed forces. There is seeming connivance by the authorities in encouraging Sinhalese encroachments [squating] under protection of the forces and consequent moves to regularize them. These have given rise to both anger and resentment among Tamils. To them, the formula followed appears to be: destroy Tamil houses, help Sinhalese build houses, and create conditions where many Tamil refugees cannot or will not return.

The report cited a number of specific examples in which Sinhalese have taken over the land and homes of Tamils in Trincomalee district with government assistance.

**Corruption in the Relief and Resettlement Programs**

USCR heard several complaints about corruption. An official with a local NGO said, “From the top to the bottom, there is corruption. We know that the government gets millions, but it doesn’t come here. What can we do? We have heard [about corruption] and know it, but cannot pinpoint it.”

According to a report by the UTHR(J), “Stories of corruption in Trincomalee are many, involving building contracts…and so on. In the case of refugees [internally displaced persons] who depend on relief for food and shelter, they suffer tremendously because of corruption.” The UTHR(J) report detailed how corrupt officials make considerable sums of money by substituting poor quality building material for better quality material provided by the government and by cheating on the amount of rations distributed to the displaced. The report quoted a local government official as saying, “If all the relief provided by the Rehabilitation Ministry (MRRSW) and donor agencies reached the people, they would be amply cared for. But not one division is getting the full amount. I would say that they would be lucky to get half.”

USCR raised this issue with a senior local government official in the East, who acknowledged that there have been some problems. He said that decentralization, which has resulted in many more people being responsible for funds and goods at division level, particularly in the rural areas, has contributed to corruption. But, he added, district level officials had done “whatever possible” to stop corruption.

**THE ROLE OF NGOs AND DONORS**

**NGOs' Role Vital But Limited**

Staff of a Trincomalee-based NGO said, “If it weren’t for the international and local NGOs, thousands of people would havestarved. The government provides them [the displaced] only the bare rations. But people need clothes; there isn’t enough employment, and those that do find work only earn 40 or 50 to 100 rupees per day [approximately $1 to $2].”

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**Asylum in The West**

(Adapted from *Sri Lanka: Island of Refugees*)

By mid-1986, roughly 75,000 Sri Lankan Tamils had sought asylum in Europe, North America, and Australia. Nearly 25,000 others sought asylum in the West each year after that, bringing the total to more than 220,000 by mid-1991. The issue of asylum for Tamils has proved vexing because Sri Lankan Tamils have traditionally been a migrating minority, showing a tendency since British colonial times toward upward and outward mobility.

The European response to Tamil asylum seekers in the 1980s was to smudge the line between bona fide refugee and deportable migrant. Most European governments were content either to grant Tamils some kind of temporary leave to remain on humanitarian grounds or to deny asylum but simply not enforce deportation. Germany granted asylum to fewer than one percent of the 50,000 Tamils who had sought asylum there by mid-1991. During the same period, France granted asylum to 60 percent of the 30,000 Tamil asylum seekers there.

In North America, Canada’s policy towards the more than 20,000 Tamil asylum there has been liberal, while the United States has granted asylum to only a small percentage of its thousand-plus Tamil asylum seekers.
While local NGOs are playing a big role in some areas, both in welfare centers and in the resettlement process, lack of funds severely limits what they can do. But many local NGOs receive financial assistance from international NGOs. The director of one local NGO emphasized the importance of that support. She said, "The international NGOs are of great help. We turn to them for all our immediate needs."

The government acknowledges the NGOs' vital role, and has identified a number of areas in the resettlement program in which it would like to see further NGO involvement. According to the MRRSW, "NGOs have been making significant contributions toward the initial establishment of settlers in temporary housing and assistance with construction of permanent housing. Sometimes this has been necessary because of the delay in arrival of government funding for these purposes." The MRRSW says it would welcome further NGO assistance in organization and transportation of housing materials, providing tools and seeds for vegetable gardens, income-generating activities, provision of school materials, and special support for widowed-headed households.

Various local NGOs expressed concern, however, that the government is relying too much on the assistance provided by NGOs. One NGO official said, "NGOs have to be careful that the government doesn't relinquish its role because NGOs are providing needed assistance." A Trincomalee-based NGO official echoed similar concerns, saying, "The government is trying to shift much of the burden [for other types of assistance] on the NGOs."

The contribution made by NGOs was recognized by the UN's Deng during his visit. The UN advisory on that visit said that according to Deng, "NGOs continue to play a critical role in supporting the displaced and the resettled, both materially and morally."

NGOs, both local and international, but perhaps particularly predominantly Tamil NGOs, operate in a delicate security environment. According to INFORM, they "walk an uneasy tightrope" between the LTTE and the government security forces (including pro-government armed Tamil groups).

## Role of Donors

Some of those interviewed by USCR said that they thought that governments providing foreign aid to Sri Lanka could and should do more to press Sri Lanka for a peaceful resolution of the conflict. A human rights worker in Colombo said, "The attitude of the donor community has been disappointing. A stronger donor position could make a difference, could inject a level of seriousness into the negotiations process—and save lives." A Tamil human rights advocate added,

> There is a considerable case for foreign pressure to make the government act rationally. After all, about half of the government's budget comes from foreign aid. But it's also important not to make the government feel up against the wall. The Sri Lankan military already feel that there are constraints on it [as a result of international pressure] that no one places on the LTTE.

But donor governments that aid Sri Lanka often do not link foreign aid to Sri Lanka to specific government policies regarding the conflict, some apparently believing that doing so would not prove helpful. Some donor governments question whether they know what policies the Sri Lankan government should best pursue regarding the conflict. Therefore, they are reluctant to link their aid to specific policies. They say that a risk also exists that if donors were to take such action, there would be a strong negative response from the government, the opposition, and the media. The opposition would likely accuse the government of submitting to undue influence by foreign governments, and the resulting political turmoil would result in greater policy confusion. Nevertheless, a number of NGO workers, both local and international, told USCR that they would like to see donors more actively monitoring the programs the government implements with their funds. In particular, they said that donors should pay close attention to the resettlement program to ensure that the government does not resettle people involuntarily or primarily for political rather than humanitarian reasons.

Donor governments have informally pressed the Sri Lankan government on human rights issues for some time, and believe that their efforts have contributed to improved human rights in Sri Lanka. Some donor governments believe they should exercise similar, behind-the-scenes pressure on Colombo to resolve the conflict politically. Representatives of donor governments told USCR that they believe that by encouraging economic development, democratization, and a more democratic press, they can help to foster an environment in which the necessary national debate over the conflict can take place.
UNHCR INITIATIVES ON DEPORTEES AND SAFE PASSAGE

"Passive Monitoring"

In 1992, UNHCR reversed its policy of generally objecting to Western governments deporting Tamils after denying their asylum claims. At that time, UNHCR offered to play a role in monitoring the situation of Tamils deported to Sri Lanka by Western countries, but only in the Colombo area, which in June 1992 a UNHCR evaluation team concluded was relatively safe for Tamils. The agency would not actively monitor every deportee. Rather, it would undertake “passive monitoring,” meaning that when cases of deportees encountering security problems were reported to the UNHCR office in Colombo, the agency, in conjunction with the government that deported those individuals, would make enquiries to, or intervene with, the Sri Lankan authorities to help find a solution.

For Western governments, UNHCR involvement in such a venture would represent a safeguard that would make their deportation of Tamils politically more palatable at home. The

LTTE opposes mandatory return, but, according to UNHCR, has said that if such returns do take place, it would welcome UNHCR monitoring. The Sri Lankan government, which consistently seeks to impress upon the international community that normalcy prevails in most of Sri Lanka outside the North, argues that it is safe for denied asylum seekers to be returned to Sri Lanka.

UNHCR, while continuing to urge “prudence” regarding deportations, continues to propose passive monitoring for two reasons. First, it helps safeguard what UNHCR calls the overburdened asylum systems in Western countries by reducing the outflow of Sri Lankan asylum seekers who do not genuinely need protection. Second, the agency says that the proposal would help “ensure that rejected asylum seekers are returned in safety and dignity.”

Local and international NGOs and human rights groups have expressed concern about the proposal, not only because UNHCR has not spelled out what level of protection passive monitoring would provide, but also because of the Sri Lankan security forces’ widespread practice, since May 1993, of arbitrarily arresting and detaining Tamils, particularly young Tamil men (a category into which many potential deportees fall), in the Colombo

Tamil Nadu, India: Dozens of Sri Lankan Tamil refugee families live in dark, crowded cubicles in the building above, which was constructed as a storm shelter. More than 76,400 Sri Lankan refugees live in 132 refugee camps in India; some 30,000 to 98,000 others (estimates vary widely) live outside the camps. Photo: USCRI/Hiram A. Ruiz
area. Some international NGOs have argued that if UNHCR is to become involved in a mandatory return process, its role should be active, not passive. In 1993, an estimated 300 rejected Tamil asylum seekers were deported to Sri Lanka, including one group of some 100 individuals deported by Romania. According to UNHCR, more than 89,000 Tamils sought asylum in Europe during the period 1988-1992.

The Swiss government was the first Western government to seek to negotiate a mandatory return agreement with Sri Lanka. Norway, the Netherlands, France, and Denmark have also expressed interest. UNHCR has also discussed the proposal with the Swiss government. In December 1993, the Sri Lankan government approved the content of a proposed mandatory return agreement with Switzerland. Formal ratification of the agreement is expected in January 1994.

"Safe Passage"

Several years ago, the government blocked Elephant Pass, the only land crossing to the Jaffna peninsula. Since then, relief goods bound for Jaffna travel by ship from Colombo to Point Pedro, while civilians leaving or going to Jaffna must travel by small boats across the Jaffna lagoon. Sri Lankan navy patrols blockade the Palk Strait to ensure that supplies do not reach Jaffna from India.

Civilian traffic to and from Jaffna is heavy. Hundreds of small boats ferry passengers, who pay the LTTE a tax, across the lagoon in the dark of night. They cross to visit relatives, to transact business on the mainland or bring back goods to sell, and to go to banks to collect remittances from relatives abroad. For Jaffna's residents, that link with the outside world is not only financially significant, but also psychologically vital.

In late 1992, the government declared the lagoon off-limits, and said it would attack any boats found crossing it. In December 1992, UNHCR was asked by various parties to help arrange a safe passage agreement that would allow relief goods and/or civilians to flow directly from the Sri Lankan mainland to the Jaffna peninsula. As a result of government attacks, which continue intermittently.

Despite the increased danger of the crossing, hundreds, sometimes thousands, of people undertake it anytime it is possible. They gather at either end of the lagoon waiting for the LTTE to give the green light for a mass crossing, which usually only takes place when the Sea Tigers, as the LTTE's "navy" is called, are able to block the Sri Lankan navy patrol boats in their port or have launched a diversionary attack.

UNHCR agreed to the requests to pursue a safe passage agreement as a "humanitarian action," according to a UNHCR representative. UNHCR's initial negotiations with the government and LTTE appeared to go well, although there were considerable differences between the government and LTTE over whether safe passage should be only for relief goods or for relief goods and civilians, and over what the exact route should be. The government proposed opening the Elephant Pass land passage, but the LTTE, fearing that the government would try to launch an attack if the pass were open, rejected that idea in favor of UNHCR's proposed route via the Pooneryn causeway, with a ferry bridging the 200-meter gap between the northern and southern sections of the causeway.

Negotiations resulted in UNHCR drafting separate agreements to be signed by the government and UNHCR and the LTTE and UNHCR. The government had rejected a tripartite agreement, saying that such an agreement would implicitly accord the LTTE equal status with the government. Progress on the negotiations was temporarily stalled following the assassination of President Premadasa, but resumed some weeks later, at which time the government indicated its agreement. At that point, however, the LTTE refused to give its consent. Observers believe that the LTTE decided that it had little to gain, and a lot to lose, if safe passage became a reality--most notably revenue from the thousands of civilians who pay it to cross the lagoon, and the cover that civilian traffic provides for the movement of LTTE supplies and personnel from the mainland to the peninsula. Another LTTE objection was said to be that the agreement might have weakened its sovereignty claims over Tamil Eelam.

The proposal is technically still on the table, but virulent attacks against both the proposal and UNHCR by the Sri Lankan media have made it politically impossible for the government to consider signing the agreement now, even if the LTTE were to relent.

During January and February, some 350 persons...were killed on the lagoon, mostly as a result of government attacks.
REFUGEES AND REPATRIATION

Tamil refugees have fled to India in several waves during the past ten years. The most recent wave—some 50,000 new refugees—followed a major outbreak of communal violence in Sri Lanka in mid-1990. At its peak in 1991, the Sri Lankan refugee population in India reached 210,000. According to figures provided by the Indian government to UNHCR, there are 106,400 Sri Lankan Tamil refugees in India, of whom some 76,400 live in camps and 30,000 live outside the camps, mostly in cities and towns across Tamil Nadu state. Other sources say that the actual number of Sri Lankan Tamil refugees living outside the camps is as high as 98,000.

When Sri Lankan Tamil refugees, who are of the same ethnic group as the majority of the population of Tamil Nadu, arrived, both New Delhi and the Tamil Nadu state government (which is responsible for domestic aspects of the refugee situation, such as providing assistance) welcomed them and provided for all of their basic requirements. The Tamil Nadu government permitted the refugees freedom of movement, as evidenced by the fact that more refugees live outside camps than in them; allowed refugee children to attend state schools; and gave the refugees access to the local health care system. New Delhi, which is not a signatory to the 1951 UN Convention or 1967 Protocol Relating to the Status of Refugees, did not, however, allow UNHCR or other international groups access to, or permission to assist, the refugees.

Refugees’ Situation Deteriorates

Indian public opinion toward the refugees changed dramatically following the assassination of former Indian Prime Minister Rajiv Gandhi, which the Indian government attributes to the LTTE.

That change in attitude was a blow to refugees. New Delhi and the Tamil Nadu state government began encouraging, pressuring, and in some cases forcing refugees to return home. Between January and June 1992, some 23,000 refugees repatriated. Most refugees who repatriate are from among those living in the 132 refugee camps. According to S.C. Chandrachasan, of the Organization for Eelam Refugee Rehabilitation (OFERR), a refugee-run NGO that assists the refugees,

In January and February 1992, the repatriation was a fairly voluntary process. But by March there were not enough volunteers, so New Delhi passed an order telling local officials to ‘persuade and advise’ the refugees to repatriate. That led to much trauma. Even formerly friendly [local] police and government officials became harsh.

In July 1992, following international criticism of the repatriation, New Delhi agreed to permit UNHCR to play a limited role in future repatriations. The agency was told that it would be permitted to interview refugees just prior to their departure to determine if they were returning voluntarily. During the UNHCR-monitored repatriations that took place between 1987 and 1990, UNHCR was only able to interview repatriating refugees once they were on board the ships taking them to Sri Lanka, or upon
their arrival in Sri Lanka.

On August 2, the repatriations began again. On the first day, UNHCR was not allowed to interview departing refugees. When the agency was allowed to interview refugees on August 3, it encountered a group of 48 families from Mandapam camp who said that they had been forced to go to the repatriation transit point. UNHCR said that the families should not be repatriated.

A week later, an Indian court ruled that the refugees were being forcibly repatriated and ordered a halt to the repatriation. At a subsequent hearing, the Tamil Nadu government argued that UNHCR’s involvement guaranteed that there would not be any forced repatriations. The court lifted the injunction and the repatriation resumed. The court also ordered, however, that Tamil-language copies of the court’s ruling, which noted that repatriation should be voluntary, be distributed in the refugee camps.

After that, according to OFERR’s Chandrashan, the repatriation remained by and large voluntary until it ended on October 1 due to a lack of volunteers and the onset of theonsoon season.

A report by the human rights group Asia Watch concluded that many of the refugees who repatriated in 1992 did so “under duress.” The report said that the refugees had faced “implicit, and sometimes explicit, coercion.” It added that refugees lacked the information they needed to make an informed decision about repatriation, and that many of those who repatriated said that “if they had known about the conditions in Sri Lanka, they would not have decided to go back.”

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**Refugees Voice Their Views**

USCR interviewed a number of refugees at three refugee camps in Tamil Nadu regarding their living conditions, and about repatriation. At the first camp USCR visited, one man said that those who were repatriating were people with relatives in safe areas. He said that he receives some news about Sri Lanka by listening to the British Broadcasting Company (BBC) radio news, and hears some second-hand reports about the situation at home. He added that he did not want to return to Sri Lanka until his home area in Trincomalee district was free of both Sri Lankan soldiers and LTTE guerrillas. A woman at the same camp said, “Any family with children above the age of 13 is afraid to return for fear that their children will be conscripted by one side or the other.”

Another man interviewed at the camp said that he had signed up to repatriate because his wife’s mother had written and asked the family to return. He said that they are “not very happy about going,” but that they must. A refugee interviewed at a second camp who had also volunteered to repatriate said that he did so because his wife was ill and he wanted her to be near her mother.

A woman refugee whose husband was arrested by the Sri Lankan army and never seen again said that life in the camp is very difficult for her. She has five children and no job; the family survives on its rations. “Sometimes we have only one meal a day,” she said. Asked if she had been pressured to repatriate, she said, “Officials asked us to register [for repatriation] and be ready to leave. They told us we would get all sorts of help in Sri Lanka, but people [who have repatriated] have said that is not true.”

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**Repatriation 1993**

Shortly after the 1992 repatriation ended, the Tamil Nadu authorities began a new repatriation registration drive. By February 1993, another 6,000 refugees had registered to repatriate. Initially, the Indian government said it did not have ships available to carry out the repatriation. However, after UNHCR volunteered to make ships available, New Delhi reversed itself and announced that it would provide the necessary ships.

In May 1993, New Delhi introduced various measures apparently aimed at pressuring refugees to leave India by making their day-to-day life more difficult. Following instructions from New Delhi, the Tamil Nadu government barred access to the refugee camps to NGOs that had been supplementing government provisions. As a result, a wide variety of such services were curtailed. These included: supplementary feeding for children, the elderly, and pregnant and lactating women; additional medical and health services; education services such as paying school fees, establishing schools in the more remote camps, and supplying textbooks; income generation activities; counselling; and recreational activities.

The government also imposed restrictions on the refugees themselves, such as limiting the hours during which refugees could leave camps and making it more difficult for them to work. The new restrictions compounded financial problems. According to local relief workers, since 1990, the cost of living has more than doubled, yet the level of government assistance to refugees has remained the same. Local and international NGOs, including the U.S. Committee for Refugees, and others concerned with the refugees, strongly criticized the restrictions...
1993 RETURNEES’ REASONS FOR REPATRIATING

At various sites in Sri Lanka, USCR interviewed a number of families and individuals who had repatriated from India in August-September 1993. Some were interviewed at length, others briefly. The families interviewed were staying in separate sections of the camps and had lived in different refugee camps in Tamil Nadu. Below are excerpts of the responses that some of the families we interviewed gave when asked why they had repatriated.

**Returnees interviewed at Alles Garten transit center near Trincomalee:**

“Our three sons were here [in Sri Lanka]. They said, ‘Why don’t you come back?’”

“We decided that if we were going to suffer there [in India], we might as well suffer here.”

“There was not much work [in India]. There were medical problems. When we got sick, we had to buy our own medicines.”

“Indian officials told us that if we returned to Sri Lanka, we would be able to return to our own homes and that [UNHCR and the Sri Lankan government] would help us to get employment. After we heard that, we decided to return.”

**Returnees interviewed at Veppamkulam transit center near Vavuniya:**

“My parents were here [in Sri Lanka]. I received a letter from them saying that the situation was okay and that I should return.”

“I had three reasons. My children’s education (we were told they would not be allowed to remain in school after the eighth standard [grade]); jobs—we couldn’t get jobs in India; and we didn’t like the lifestyle of the people in India.”

“We got letters from relatives here saying that the situation is okay. We also got information from previous returnees that it was okay.... Also, my mother was here.... We were not pressured in India.”

“We decided to return nine months ago because of the problem of jobs. There was a kind of pressure also, from the camp administration. Sometimes we were not allowed to go out to our jobs.”

“I received a letter from my brother, who was looking after my daughter, saying that my daughter was mentally affected. So I returned to look after my daughter.”

“I had written to my mother in Jaffna saying that I was suffering a lot. I had no job in India; I was only living on my rations. She wrote and asked me to return home.”

**Returnees interviewed at Asikulam transit center, near Vavuniya:**

“[In the camp in India, I was told we wouldn’t receive rations for much longer—but that wasn’t the main reason. I came because the Indian officials said that the situation here was alright now. Also, I was fed up in India. My older brother had returned, and he asked us to come back.”

“The camp officials forced us to return. They told us that if we didn’t leave the country, we would not be allowed to go out to work. If I couldn’t work, I couldn’t survive. They also told us they would cut off our rations, but I don’t like to mention that.... If we hadn’t faced those problems, we would have stayed in India.”

“We received a letter from my husband’s family asking us to return.”
that New Delhi imposed on the NGOs and refugees. Because it took several months to determine who would provide the ships, the repatriation of those who had registered by February was not scheduled to begin until August. The Indian government would once again allow UNHCR to interview refugees prior to their departure. UNHCR would still be denied access to the camps, but it would be permitted to distribute a leaflet to the refugees explaining what kind of assistance UNHCR would be providing to returnees in Sri Lanka.

Despite the planned—if limited—UNHCR involvement, there was criticism of the new repatriation. Some groups said that India was once again pressuring the refugees to return by making their lives more difficult. Others argued that the refugees’ decision to return could not be considered truly voluntary because they were denied adequate information about conditions in Sri Lanka. Just before the repatriation began, Asia Watch called for a halt to it.

Others took a different view. An official with an international organization in Sri Lanka said that refugees should be left to choose for themselves, and warned that “there is a danger of ‘we [in international organizations and NGOs] know what’s best for you’ creeping into the situation.”

UNHCR viewed its role in the repatriation as providing the refugees a measure of protection, and facilitating, but not promoting, their repatriation. In a letter to OFFER explaining its role, UNHCR’s Chief of Mission in India said,

We are convinced on the basis of our experience with last year’s [1992] repatriation movement, that only those who volunteer to return will be returned under the arrangement [between UNHCR and the government of India]. We are also satisfied with the government’s assurances to us in this regard.

The repatriation began on August 13, 1993. A total of 6,927 refugees repatriated in seven crossings during the four-week period ending September 7. UNHCR staff in India interviewed about 70 percent of the repatriating refugees prior to their departure. The agency asserted the voluntary nature of the 1993 repatriation and refuted charges that the Indian government exerted pressure on the refugees to repatriate. In a 20-page report on the repatriation, the agency said,

There were some indications that a small number of refugees had been subjected to pressure to sign their voluntary repatriation papers. Far from being policy, this pressure appears to have been imposed on the part of certain officials who overstepped the boundaries of their responsibility. Such incidents were quite rare and certainly the exception.

The report added that 68 persons who claimed to be repatriating under duress returned to refugee camps, and that “it was possible to transfer them to alternative camps if they were concerned about possible harassment by officials in their original camp.” Another 156 refugees, the report added, “claimed they had been coerced into volunteering for repatriation,” but repatriated anyway.

Chandrahasan painted a very different picture. He described UNHCR’s involvement as a double-edged sword:

We see an advantage to UNHCR’s monitoring. India can’t physically force people to leave. On the other hand, if UNHCR is not going to carry out its full mandate, if it is going to stand by while coercion goes on [in the camps, where UNHCR is not present] yet attest to the voluntary nature of the repatriation, what service are they doing to refugees? What is the difference between forced and coerced repatriation?

Chandrahasan told USCR that he believed that no more than a third of the refugees who repatriated in August and September did so fully voluntarily. The others, he said, either could not make an assessment of the situation in Sri Lanka due to insufficient information, or were misled by the leaflet UNHCR distributed in the camps, which he said painted too rosy a picture of what assistance returnees would receive. That view was reiterated by an international organization official in Colombo, who said that UNHCR may inadvertently have given refugees the impression that it was more able to protect and assist them upon return than was actually the case.

The fact that refugees need information on which to base a decision about repatriation was recognized by UNHCR’s Executive Committee in its 31st session in 1980. According to the Conclusions on International Protection adopted during that session, the Executive Committee “recognized the importance of refugees being provided with the necessary information regarding conditions in their
country of origin in order to facilitate their decision to repatriate."

Addressing cases such as those of the 156 refugees who claimed coercion but repatriated anyway, Chandrahasan said that if refugees are in fact repatriating as a result of pressure or coercion, by the time they reach the transit point, they are at the point of no return. They know that UNHCR is not present in the camps, so is unable to protect them if they are returned there. So, when the UNHCR officer asks them if they are leaving voluntarily, they have to say yes.

Chandrahasan also said that refugees are aware of the fate of the 48 families whose forced repatriation UNHCR prevented on August 3, 1992. According to OFERR, they were kept for weeks at a site in Madras under very poor conditions, then sent back to their original camp, where they found that their former houses were no longer available and where government officials made their lives particularly difficult. "The message that was sent to other refugees was clear," Chandrahasan said. "If you tell UNHCR you don't want to repatriate, your life in India will be hell."

A large majority of those interviewed said that they had made their decision to repatriate voluntarily. USCR interviewed more than two dozen Tamil families who returned from India during the recent repatriation. A large majority of those interviewed said that they had made their decision to repatriate voluntarily, largely free of external pressure. Most cited personal reasons such as family reunion or an illness in the family, for repatriating. Others said that relatives or friends had told them it was safe to return; still others said they wanted to return home even if conditions were less than ideal. Some families mentioned varying degrees of pressures in India— including threats of rations being cut off, or not being allowed to continue working— as contributing to their decision, but only one family cited those pressures as the primary reason for their return (see box, page 24).

UNHCR's field officer in Trincomalee had made a similar assessment. He told USCR that, based on his interviews with recent returnees, he was satisfied that the repatriation had been voluntary:

September 1993: Recently-arrived returnees at the Sea Lord reception center near Trincomalee prepare to continue their journey to their home areas. They are among 6,927 Sri Lankan Tamil refugees who repatriated from India during a four-week period beginning August 13. Photo: USCR/Hiram A. Ruiz
A majority of people I spoke to said they had signed the repatriation forms some time ago. Some had received letters from family members saying it was okay to return; others said that the standard of education was not good in India; others said they returned for health reasons, or that they were tired of the camps in India, or that if they were going to be in a camp, that they preferred to be in camps here [Sri Lanka].

Nevertheless, most concerned parties, including UNHCR, believe that conditions in Sri Lanka are such that repatriation should not be promoted at this time.

The restrictive measures imposed on the refugees and local NGOs by the Indian government appear aimed at pressuring the refugees to return. Though refugees have not cited those measures as significant factors in their decision to repatriate, that may well change as the day-to-day living situation of refugees still in India worsens. The question then arises whether refugees who are newly agreeing to repatriate now are doing so fully voluntarily.

RETURNEEES IN SRI LANKA

Although UNHCR has been present in Sri Lanka since 1987, its role concerning returnees remained limited until 1993. The agency provided for the immediate, emergency needs of returnees by helping to upgrade existing transit centers, establishing several new ones, and providing mobile clinics to the Sri Lankan Red Cross. Since UNHCR's involvement in the repatriation process on the Indian side did not begin until after agreements were signed between UNHCR and the Indian government in late July 1992, and because UNHCR had no formal agreement with the Sri Lankan government regarding repatriation, UNHCR assistance to returnees was given informally. Responsibility for assisting the returnees lay with the Sri Lankan government.

Following its agreement with India, UNHCR sought to formalize its involvement with returnees in Sri Lanka by proposing a Memorandum of Understanding (MOU) with the Sri Lankan government. Although the government agreed to the MOU in principle in the autumn of 1992, the document was not formally signed until February 1993. Under the terms of the MOU, UNHCR would continue to provide for returnees' emergency needs, and returnees would be free to return to areas under LTTE control with UNHCR assistance, but would not have to do so if they felt it was unsafe. Some 1992 returnees whose home villages are in areas now under LTTE control experienced difficulty returning there and were still living in reception centers. Although the government did not guarantee amnesty for returnees, it agreed that security forces would not "carry out interventions in reception centers without prior consultation with the civil administration and UNHCR."

The 1992 Returnees

By the end of 1992, about 75 percent of the refugees who returned during that year (21,500 out of some 29,000) had left the transit centers and gone either to their original homes or to stay with friends or relatives. Nearly half of those who remained in transit camps at the end of 1992 returned to their homes, mostly in LTTE-controlled areas, after the signing of the MOU.

According to the head of a local NGO, many of the 1992 returnees still living in camps are reluctant to return home, in part because some who have returned face significant difficulty. "Sometimes the government says an area is cleared, but it isn't fully cleared," he said, "or people don't get the help they were promised. Most of the returnees still living in the camps want to go home, but there isn't the security and infrastructure they need to make it."

There have been several reports of 1992 returnees experiencing security problems. For example, the government detained 18 returnees upon their arrival in Sri Lanka, 15 of whom were released within a short period of time (this incident took place before UNHCR monitoring of the repatriation commenced). When security problems arise in camps or transit centers, UNHCR follows up the cases with the government. Once returnees leave the camps, however, the agency's ability to monitor what happens to them, particularly if they return to LTTE-controlled areas, is limited.

UNHCR Assistance to 1993 Returnees

In the case of the August-September 1993 repatriation, UNHCR in Sri Lanka facilitated the return of most of the returnees to their original home areas very quickly. Of the 1,516 returnees who originated from and returned to Trincomalee district, some 62 percent did not go into UNHCR camps, but returned directly to their own homes or, more often, went to stay with relatives and friends. Most of the others
As long as armed conflict continues in Sri Lanka...many refugees in India are likely to stay.

remain at Alles Garten transit center, near Trincomalee town.

Of the 4,972 refugees who returned to Vavuniya (who are mostly from the five Northern Province districts of Vavuniya, Kilinochchi, Mullaitivu, Jaffna, and Mannar), 1,626 had moved on to their home areas by mid-September, while 2,971, mostly those from LTTE-controlled areas, moved into the Asikulam or Veppamkulam transit centers near Vavuniya. Returnees from other areas of Sri Lanka, including 351 from Mannar Island—150 of whom are now living at the Pesalai ORC—and a small number from the south, were also helped to return home. At the time of USCR’s site visit in September 1993, there were no reports of security problems involving 1993 returnees. Between October and December, however, Sri Lankan security forces arrested six returnees, all of whom were released after UNHCR intervention.

Conditions at the Veppamkulam camp are poor, but according to UNHCR, most of the returnees placed there are unlikely to remain at the center for long. Conditions are quite good at both the UNHCR-built Asikulam camp, and the Cheddikulam camp, which is still under construction and will house future returnees. Asikulam and Cheddikulam camps will be able to accommodate several thousand returnees, and the possibility exists that, given deteriorating conditions for refugees in India, and good housing and assistance available at Asikulam and Cheddikulam, some refugees may decide to repatriate with the intention of remaining in the transit camps indefinitely, rather than planning to return to their home areas. That could lead to problems if refugees in India decide to repatriate believing they can remain in transit camps, but subsequently either UNHCR or the government limits the length of their stay.

The Sri Lankan military requests that returnees proceeding to LTTE-controlled areas remain in transit camps for at least two weeks in order to consider carefully the implications of their return to LTTE-controlled areas, including the possibility that the LTTE might not permit them to leave those areas again. The military also attempts to interview all the returnees. Upon reaching the dividing line between government and LTTE-controlled areas, returnees heading into LTTE areas are subject to hours-long searches by the Sri Lankan military. They are then also searched and in some cases interviewed by the LTTE once they reach LTTE-controlled areas.

In the two Vavuniya camps are a few families from Jaffna who are experiencing difficulty returning home. The government allows all returnees to go to their home areas, but it is technically illegal for anyone to cross the Jaffna lagoon, the only way to reach Jaffna at present. UNHCR is reluctant to help returnees break that law, so will not help them to return all the way to Jaffna. The Jaffna returnees involved are angry, saying that the leaflet UNHCR provided them in India stated that they could return to their home areas with UNHCR assistance.

Those returning to government-controlled areas are eligible to receive the same government assistance available to internally displaced families who resettle: a settling-in grant, productivity enterprise grant [PEG], and housing grant, as well as food aid until three months after they receive their PEG. UNHCR gives returnees who go to LTTE-controlled areas a "pre-settlement housing assistance" grant valued at 5,000 rupees (U.S. $104), usually in the form of housing material, and kitchen material valued at about 500 rupees (U.S. $10). They are also eligible for government food aid for three months. UNHCR is also planning a series of small-scale "micro-enterprise" projects—similar to the quick impact projects, or QUIPS, that UNHCR implemented in the Nicaraguan and Cambodian repatriations—aimed at facilitating reintegration.

A complaint raised by some returnees is that the leaflet that UNHCR distributed in the refugee camps in India outlines the assistance that returnees are entitled to receive from the government, but does not indicate that the government is often unable to provide all that assistance. While internally displaced persons who resettle are probably aware of that problem, refugees in India often are not.

Future Returnees

For the foreseeable future, the rate of repatriation will probably remain similar to what it has been: thousands, rather than tens of thousands, during each repatriation phase. As long as armed conflict continues in Sri Lanka, with no attempt to address—and redress—the root causes of the conflict, many refugees in India are likely to stay. That could of course change if Indian government pressure to repatriate again escalates to blatant coercion or even forced repatriation.

When the refugees begin to repatriate in very large numbers, whatever the reason, Sri Lanka will be pressed to absorb the returnee influx. Even if most are able to return promptly to their home areas, their need for reintegration assistance will be
considerable. If, as would be likely if the refugees return following a successful political resolution of the current hostilities, the repatriation coincides with the return home of vast numbers of displaced persons, Sri Lanka will need considerable international assistance to manage the situation.

PROSPECTS FOR PEACE

In its July 1993 Sri Lanka Information Monitor, INFORM said,

Initiatives to seek peace or negotiations leading up to a settlement of the conflict seem...to have ground to a halt with the intransigence of the LTTE and the military both playing a role.... Polarization between those in both communities who sought a peaceful and negotiated solution...and those who sought a military solution was growing and the latter camps—the hawks—were gaining support on both sides.

INFORM’s comments were typical of those USCR heard from a number of sources in Sri Lanka. Among them were:

• A human rights worker in Colombo: “There is no political will in the South to address the problems. The rift between ethnic groups is now worse than ever.”

• The head of a large, Colombo-based, local NGO: “The government is not...looking for any opportunities to resolve [the conflict]. The LTTE no longer insist on independence; they have indicated a willingness to consider some sort of federal system. The only way for the government to test [the LTTE’s sincerity] is to move forward with talks. But there has not been political will to do that. There hasn’t been collective will, nor any single powerful leader to take the lead and be a rallying point.”

• An informed foreign observer: “I don’t see any significant movement on the issue of the conflict.... There is no grassroots peace movement. The war feels far from Colombo. People here don’t feel pressured by it. At present, the price of war is affordable. So there is no political incentive for the government, or the LTTE, to make concessions.” He added that renewed talk about a military solution “further dampens the hope of a political solution,” and, “With elections scheduled in 1994, I don’t anticipate any dramatic breakthrough in the next twelve months.”

• A local human rights worker argued that there are in fact those who want to see negotiation, and that they must be encouraged. He said, “The domestic peace constituency is modest, but it exists. It needs to be strengthened with technical support, and nurtured—nourished—by the moral concern of the human rights community.”

The University Teachers for Human Rights (Jaffna) offered the following assessment of the LTTE’s position in a report titled, "Land, Human Rights, and the Eastern Predicament:"

"There is no political will in the South to address the problems. The rift between ethnic groups is now worse than ever."

Nevertheless, the news magazine Counterpoint argued that the LTTE must be a part of any solution. An editorial in the magazine’s November 1993 issue said,

The LTTE may not have been the true representatives of the Tamil people at the outset, and in the best of all possible worlds they would not be in the future, but right now, as a direct result of the government’s actions [which have driven Tamils to the LTTE], they must be an integral part of any political solution to the ethnic crisis. There is no doubt, moreover, that the only solution is a political one.

A knowledgeable observer of the Sri Lankan political situation suggested that if the Sri Lankan government wants to bring about a fair, peaceful, and lasting solution (and he isn’t convinced that it does), it must come up with a package of proposals that “addresses the needs and grievances of the Tamil community...and marginalizes the LTTE.” He added that the government must also “bring along the political opposition, and educate the Sinhalese population (including the clergy) on the need to arrive at a solution—why it is important for the country; why it is not a sell-out.” But another source
expressed reservations about the government’s potential for success, even if it genuinely pursued all of the above recommendations. He said, “Any time one party has tried to offer something to the Tamils, the opposition party uses that against them politically.”

USCR did hear a few at least hopeful comments. Referring to an agreement signed by Israel and the Palestine Liberation Organization (PLO), which observers considered a significant breakthrough in Israeli-Palestinian relations, the head of a local NGO in the East said, “If Israel and the Palestinians can come together, why can’t we?” An editorial in the English-language newspaper Daily News on the day after the Israel/PLO accord noted Norway’s role in helping mediate that agreement. The paper said, “It may be significant that Norway has been approached, and has shown some willingness, to mediate in the Sri Lankan conflict too.” That editorial was in sharp contrast to the almost daily barrage of editorials and commentaries against foreign involvement in the Sri Lankan situation that appeared in the media during the weeks USCR was present in Sri Lanka.

On the subject of outside mediation, a Sri Lankan lawyer added, “My perception is that while mediation can be good, a solution has to arise from within—from citizens’ groups, NGOs, etc. I don’t think we’ve exhausted our internal problem-solving potential. But, while I have some hope for that process, I don’t see it bearing fruit in the immediate future.”

As 1994 began, attitudes polarized even further. According to the Xinhua General Overseas News Service, the newly appointed chief of the Sri Lankan army “told local journalists that he would do his best to finish off the war.” In its January 4, 1994 summary of world broadcasts, the British Broadcasting Corporation cited a PTI news agency report from New Delhi that added:

Sri Lankan President D.B. Wijetunga has dismissed the possibility of a special devolution of power to the troubled northeastern region of the island.... Wijetunga said the island faced a terrorist problem not an ethnic one. “It could be termed an ethnic problem if the Tamil people are persecuted in the rest of the country and are driven out, but as everyone knows, Tamils live freely among the Sinhalese and Muslims quite amicably and in harmony,” he said.... Wijetunga said that the most important thing he would do in 1994...was to bring an end to terrorism.

Meanwhile, a Jaffna newspaper quoted LTTE leader V. Pirabhakaran [sic] as saying that...he would make it absolutely clear that the doors for peace would be closed forever if the Sinhala government continued its ruthless military methods and launched major offensives.

People Want Peace
CONCLUSIONS

The voluntary repatriation of refugees and the return home of internally displaced people is a development that all those concerned with uprooted people welcome. Yet, in today’s world, such returns usually occur under less-than-ideal conditions, and present difficult choices for all concerned.

The repatriation of Sri Lankan Tamil refugees and resettlement of internally displaced Sri Lankans fall into that category. Clearly, repatriation to Sri Lanka at this time is risky: the potential remains for renewed inter-ethnic communal violence; and the root causes of the problems in Sri Lanka—the grievances of the Tamil minority—have yet to be redressed. For the same reasons, the advisability of a return home is also questionable for many internally displaced Sri Lankans.

Yet refugee repatriation, and resettlement of internally displaced Sri Lankans, is taking place. The U.S. Committee for Refugees is satisfied that a large majority of the refugees who repatriated in 1993 did so voluntarily, mostly for personal reasons. We are concerned, however, that many of those who may register to repatriate in the future may do so primarily as a result of Indian government pressure to repatriate.

USCR believes that it is appropriate for UNHCR to continue to facilitate repatriation for those who choose it voluntarily. But we also firmly believe that everything should be done to ensure that it is truly voluntary. However much one may sympathize with the burden that a large refugee population represents for India (sympathy that is at least partly tempered by the knowledge that India has chosen to refuse international assistance), the principle of voluntary repatriation must be upheld.

In Sri Lanka, UNHCR is ably assisting recent returnees. It has negotiated an agreement with the Sri Lankan government that ensures that returning refugees are allowed to go back to their original homes, even when those are in areas under LTTE control, though following the problems UNHCR faced at Madhu center, the agency has suspended its activities in most LTTE-controlled areas, including transporting returnees there. Responding to requests from various sources, UNHCR has also undertaken out-of-the-ordinary initiatives, such as the safe passage and passive monitoring proposals, to try to respond to diverse humanitarian problems.

UNHCR’s role in India is more problematic. While the fact that it has been permitted some involvement in the repatriation is something of a breakthrough, the limited scope of that involve-

ment raises concerns about the agency’s role. UNHCR should continue to seek a very necessary expansion of its role.

UNHCR should also keep clearly in mind its own assessment that conditions are not yet suitable for repatriation, and avoid any actions that would appear to encourage return. The agency must also remain sensitive to expressions of concern by many observers that India is pressuring refugees to repatriate. Some interested parties have argued that UNHCR may be holding back criticism of India’s actions in order to pursue broader objectives such as gaining greater access to all refugees in India, but that in doing so it is putting one refugee group at risk in order to protect others. UNHCR counters that it does informally bring concerns to the attention of Indian officials, and that its representations have contributed to a de facto easing of some of the restrictions imposed by the government on the refugees and NGOs.

Fundamentally, however, the most important issue affecting uprooted Sri Lankans is the conflict in that country. Like so many other seemingly intractable inter-ethnic conflicts in the world today, the conflict in Sri Lanka wanes and escalates in fits and starts, leaving death, destruction, and despair in its path. Until it ends, hundreds of thousands of Sri Lankans will remain tragically uprooted.

It is a conflict that cannot be “won.” It is highly doubtful that the LTTE can wrest independence by force, or that any Sri Lankan government will ever accept an independent Tamil Eelam. Sri Lankan Tamils cannot—and should not—accept second class citizenship in a unified Sri Lanka. Somewhere, there is a middle ground. But it can only be reached through negotiation and compromise.

At present, there is little political will in Colombo, or indeed in much of southern Sri Lanka, to negotiate or compromise. The LTTE has said that it is willing to do so, but its past actions do not inspire confidence in its sincerity. Perhaps the recent deaths of more than 1,200 people in the course of unsuccessful military ventures by both sides will encourage those in power on either side to come to their senses.

For the sake of all Sri Lankans, USCR encourages the Sri Lankan government and the LTTE to work toward peace, and calls upon all concerned, including Sri Lankans at home and abroad, and governments with strong ties to Colombo, including the U.S. government, to do all they can to encourage that process.

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RECOMMENDATIONS

In *Sri Lanka: Island of Refugees* (October 1991), the U.S. Committee for Refugees made eight recommendations regarding Sri Lanka's refugees and internally displaced and the country's communal conflict. Progress has been made on some of those, but on most the problems remain largely unaddressed. Those eight recommendations are listed below, with USCR's assessment of progress made on them to date, and of the need for continued or further action. New USCR recommendations based on the current situation follow the eight 1991 recommendations.

1. The United States and the international community should contribute to both UNHCR and ICRC appeals for their Sri Lanka programs.

Since 1991, donor governments, including the United States, have been supporting the valuable work of UNHCR and ICRC. *Their continued support is needed, and should be given, until Sri Lankan refugees can safely return home and the conflict that disrupts so many lives has ended.* Repatriations from India are likely to continue, and UNHCR's commendable efforts on behalf of returnees are vital. The work of ICRC, particularly its facilitation of safe passage of food to Jaffna and its protection of Jaffna hospital through its presence, will remain essential as long as the current situation in Jaffna prevails. (See also *New Recommendations*, No. 7.)

2. The United States and other governments should provide bilateral aid to Sri Lanka in order to maintain basic relief for displaced persons.

Despite pressing emergencies in other areas of the world, the continuing needs of the hundreds of thousands of Sri Lankans still affected by the conflict, many of whom remain dependent on national and international aid, should not be forgotten. *Donor governments should continue bilateral financial support for Colombo's relief efforts on behalf of all displaced and war-affected Sri Lankans.*

3. The United States and the international community should promote international aid and protection for Sri Lankan refugees in India, preferably through a full-time UNHCR presence.

For many years, while India extended hospitality to refugees fleeing persecution in neighboring states and either assisted them or allowed them to work and support themselves, some in the international community did not appear to consider India's refusal to permit UNHCR access a pressing problem. Now, however, some refugee groups in India clearly need protection (both Sri Lankan Tamils and Bangladeshi Chakmas have faced the threat of involuntary or less-than-voluntary repatriation). UNHCR is the appropriate body to provide that protection. *The international community should continue to press the Indian government to permit UNHCR to exercise its full mandate.*

4. Any further discussions between the Indian and Sri Lankan governments regarding the voluntary repatriation of the refugees in Tamil Nadu should involve the UNHCR representatives for the respective countries.

UNHCR is fully involved in the repatriation process on the Sri Lanka side, and now has limited involvement on the India side. *It remains imperative that UNHCR be as involved as possible in all aspects of discussions regarding repatriation.*

5. The LTTE should halt any further expulsions of Muslims—or any other ethnic communities—from the Northeast and, at the same time, should permit the free exit of Tamils seeking to leave Jaffna.

LTTE actions towards Muslims have changed. The LTTE is no longer driving Muslims out from the North and East, though that is partly because it previously drove out so many of the Muslims who lived there. Much fear and distrust exist between Tamil and Muslim communities, and overcoming that will be a challenge for both communities and their leadership.

Civilian movement in and out of Jaffna is even more dangerous now than in 1991. The Sri Lankan military attacks Tamils attempting to leave or return to Jaffna. Such attacks have left scores of civilians dead. UNHCR's efforts to negotiate safe passage for relief goods and civilians with the LTTE and the government were thwarted. *USCR urges both parties to the conflict to respect civilians' right to free movement.*

6. Sri Lankan asylum seekers in the West should be accorded at least temporary safe haven until the conflict is resolved. Although the number of Sri Lankan asylum seekers in the United States is quite small, it would appear that they qualify for Temporary Protected Status (TPS).
USCR continues to urge Western governments not to deport Tamil asylum seekers while the conflict remains unresolved. UNHCR has agreed to participate in a program in which the agency would provide some monitoring of rejected asylum seekers who are deported to Sri Lanka. USCR recognizes that this plan could provide deportees some measure of protection, but we are also concerned that its very existence would likely lead to more deportations, which might place some individuals at risk.

7. The new Assistant Secretary of State for South Asia should make it an early priority to visit India and Sri Lanka.

In early 1993, the then-senior State Department official for South Asia, Interim Director of the Bureau for South Asian Affairs John Malott, visited Sri Lanka. The current assistant secretary of state for South Asian Affairs, Robin Raphael, attended the funeral of President Premadasa in May 1993, when she was assistant secretary of state-designate. While in Sri Lanka, Ms. Raphael held consultations with government officials.

8. The Sri Lankan government and the LTTE must be encouraged to agree first to a cease-fire and then to negotiated settlement.

The Sri Lankan government repeated in mid-1993 that it is not possible to negotiate with the LTTE and that Sri Lanka does not have an ethnic problem, but rather a terrorist problem. Regardless of repeated public denials, Colombo is pursuing a military solution to the conflict. The level of human rights abuses attributable to the armed forces has diminished, but abuses continue. Sinhalese public opinion is becoming increasingly chauvinistic, and the political opposition labels as a demonstration of national weakness any conciliatory effort the government may make towards a resolution.

Colombo’s pursuit of a military solution puts the lives of countless civilians at risk. Even if achieved, it is ultimately an unsatisfactory and flawed answer. The problems between Sinhalese and Tamils (and, more recently, between Tamils and Muslims) are about communities failing to live together at close quarters in an equitable manner.

The LTTE has done little to convince the Tamil people of its ability to do more than wage guerrilla warfare. It has alienated many Tamils by assassinating Tamil leaders opposed to the LTTE, and it has taken other actions (most significantly the alleged assassination of former Indian Prime Minister Gandhi) that have had direct, negative impact on Sri Lankan Tamils (in the case of the Gandhi assassination, on those living as refugees in India).

If the various communities are to build a foundation for future co-existence, then they must stop killing and start talking to each other now. The process may be painstakingly slow and difficult, but it is the right, indeed the only, way forward.

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NEW RECOMMENDATIONS

There have been a number of developments since the 1991 publication of Sri Lanka: Island of Refugees that call for action to ensure adequate protection and assistance for uprooted Sri Lankans. To that end, and based on its findings during September 1993 site visits to Sri Lanka and India, the U.S. Committee for Refugees makes the following new recommendations:

To the Government of Sri Lanka:

1. The government should pursue a political, not military, solution to the ethnic-based conflict in Sri Lanka.

The problems that Sri Lanka faces cannot be solved militarily, though that is what the Sri Lankan government is trying to do. Even if the government were to achieve significant military gains and re-establish control over areas presently under LTTE control, the Tigers are likely to continue to wage guerrilla warfare, and the Tamil minority will continue to demand that their grievances be redressed. Therefore, unless the root causes of the conflict are seriously addressed, ethnic strife is likely to continue, neither the Tamil community nor Sri Lanka as a whole will achieve the peace and normalcy both desire, and those whose lives have been devastated by this conflict, including the hundreds of thousands who have been uprooted from their homes, will be unable to rebuild their lives.

For the sake of all Sri Lankans, USCR urges the Sri Lankan government, the LTTE, and all other concerned parties to work towards a peaceful resolution to the conflict. Colombo should welcome, not reject, the efforts of those in the international community who take enough of an interest in Sri Lanka to offer their help. Perhaps the United Nations, Norwegian government, the Conflict Resolution Program of the Carter Center, or other similar outside bodies can help build the bridges that the Sri

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Lankan government and LTTE alone have failed to build.

Colombo should also take care not to undo the welcome progress it has made in human rights. Sri Lankan human rights groups have expressed concern that the government's hawkishness, continued arrest of large numbers of Tamils in the capital, and imposition of restrictions on the media suggest that human rights are at risk.

2. The Sri Lankan government should provide refugees in India current, accurate information on security and other conditions in their areas of origin in Sri Lanka. The refugees need this information in order to make an informed decision regarding repatriation.

The current situation in Sri Lanka, particularly in the areas most affected by communal conflict, is not conducive to repatriation. Nevertheless, a number of refugees are, for a variety of reasons, choosing or considering that option. Conditions in their home areas—including security, who controls the area militarily, economic opportunities, level of infrastructure and social services, and availability of government or other assistance—vary. It is necessary for refugees to have accurate information on conditions in their home areas in order to make an informed decision.

Since much of that information is politically sensitive, some UNHCR officials do not believe that UNHCR is the appropriate body to disseminate it. An alternative source for that information is the government of Sri Lanka. Colombo has not made such information available to refugees in India since January 1992. UNHCR and others should monitor the information to ensure that refugees are not misled. Refugees should continue to seek information from whatever other sources are available to them in order to develop as full an understanding as possible of conditions in their home areas, and be able to make an informed, realistic decision regarding repatriation.

3. The Sri Lankan government must ensure that there is closer linkage between resettlement and availability of funding.

A major flaw in the funding of the Sri Lankan government resettlement program threatens the success of many resettlement projects. Although the Ministry of Reconstruction, Rehabilitation, and Social Welfare (MRRSW) plans new resettlement locations and obtains central government approval for the budget to cover resettlement in those locations, it has little control over whether or not budgeted funds are disbursed to the local government authorities responsible for carrying out the resettlement plan. Consequently, internally displaced persons resettle, but often do not receive the aid—grants, infrastructure, and essential social services—they have been promised.

This must be corrected. A system must be found to ensure that available funds go to priority areas and projects. The MRRSW has proposed a plan by which the treasury would transfer resettlement project funds to the MRRSW, which would then disburse them to district Government Agents, who would be responsible, with MRRSW participation, for project implementation. This idea appears feasible and should be tested.

4. The government, in consultation with UNHCR and others in the international community, should plan for a possible large-scale refugee repatriation and reintegration of internally displaced persons.

At some point, most uprooted Sri Lankans will return home, ideally as a result of a political resolution acceptable to all. The Sri Lankan government is unable to respond adequately to the needs of even the limited number of refugees repatriating and internally displaced persons resettling now.

Colombo, in conjunction with UNHCR, other UN agencies, and international and local NGOs, should be preparing contingency plans for the eventuality of a large-scale return. In that, they may benefit from the experience that the international community has been gaining in the repatriation of Cambodian, Afghan, and Mozambican refugees. The Sri Lankan government might do well to follow closely those repatriation movements, and especially the difficulties that the refugees' home governments have experienced.


The government of Sri Lanka is not a signatory to the Convention or Protocol. Neither does it have any domestic legislation on refugees or asylum. While Sri Lanka does not host any significant refugee population at present, by acceding to these important documents, Colombo could help pave the way for others to do so in a region woefully bereft of signatories.
To the LTTE:

6. The LTTE should resume dialogue with the government and should desist from actions--like its attack in Point Pedro harbor and its ransacking of the ICRC office--that threaten the welfare of civilians in areas under its control.

The LTTE shares responsibility for the sharp escalation in fighting in September and November 1993, bears significant responsibility for the breakdown of talks with the government, and is responsible for the breakdown of UNHCR efforts to open a safe passage to the Jaffna peninsula. It has also taken actions such as the Point Pedro attacks that have directly harmed Tamil civilians. The disturbances at Madhu ORC that led to UNHCR pulling out of the camp probably could not have happened without tacit LTTE approval--if not LTTE incitement. The LTTE should end such actions, and take positive steps to open new dialogue with the government.

To the Government of India:

7. The Indian government should lift the restrictions it imposed on Sri Lankan refugees and local nongovernmental organizations in May 1993.

The anger of the Indian government and people toward those responsible for the assassination of Prime Minister Gandhi in 1991 is understandable. But the Tamil refugees in Sri Lanka did not kill Mr. Gandhi. Allegedly, the LTTE did. But the refugees and the LTTE are not one and the same, and it is wrong for the Indian and Tamil Nadu governments to blame and punish the refugees.

Although India is not a signatory to the 1951 UN Convention or 1967 Protocol Relating to the Status of Refugees, for many years it has generously provided refuge and assistance to various large refugee populations, including Tibetans, Chakmas from Bangladesh, and Sri Lankan Tamils. The financial cost to India has been great, but it should be noted that the decision to reject international assistance has been strictly New Delhi's.

India tarnished its positive record by forcibly repatriating some Sri Lankans in recent years, and, more recently, by imposing burdensome restrictions on the Sri Lankan refugees and the nongovernmental organizations that seek to assist them.

USCR welcomes the fact that forced repatriations no longer occur, and that there are now few reports of Indian officials making refugees sign voluntary repatriation papers under duress. But we strongly criticize the imposition of measures whose aim is to pressure the refugees to repatriate by making their day-to-day life in India increasingly harsh.

Undoubtedly, most Sri Lankan Tamil refugees in India would go home if they believed it was safe to do so. Some are returning for a variety of personal reasons, despite the risks. But as long as the armed conflict in Sri Lanka, which largely takes place in the home regions of most refugees, continues, it is wrong to try to pressure the refugees to return home. India should end the restrictions and continue to provide sanctuary for Sri Lankan refugees until it is safe for them to return home.


New Delhi is seeking a permanent seat on the UN Security Council. This is unlikely, given the slight regard that the Indian government has shown for the role of UN bodies such as UNHCR, and for the need to pledge to adhere to principles such as those embodied in the United Nations 1951 Convention and 1967 Protocol Relating to the Status of Refugees.

Acceding to the Convention and Protocol would be a way for New Delhi not only to demonstrate its commitment to refugee protection and humanitarianism--principles that are at the very heart of the United Nations--but also to show its willingness to take seriously the responsibilities incumbent upon those who would lead the UN.

To the United Nations High Commissioner for Refugees:

9. UNHCR's office in India must be careful not to cross the thin line that divides "facilitation of repatriation" from "promotion of repatriation." USCR believes that it is right for UNHCR to facilitate the return of those who choose to do so voluntarily despite continuing problems in Sri Lanka, but cautions the agency against any actions that the refugees could construe as encouraging their return at this time.

The part UNHCR has been allowed to play in the repatriation has not been sufficient for the agency to ensure that returning refugees are in fact repatriating...
fully voluntarily. To do that would require that UNHCR be involved:

- Before refugees reach a decision about repatriating, for example by ensuring that they have full and adequate information about conditions in their home country so that they can reach an informed decision, and

- At the point at which the refugees sign up to repatriate, to ensure that their decision is free of external pressures.

In recent repatriations, by the time the refugees met a UNHCR representative, it was essentially too late for them to turn back, so even if they were repatriating as a result of pressures placed upon them, they would have been understandably reluctant to say so.

Specifically, USCR urges caution in the use of videotape that UNHCR's public information section is producing about the assistance returnees can expect from UNHCR in Sri Lanka. In the absence of other information about Sri Lanka, and especially about security conditions in refugees' home areas, the video could give them a false impression about conditions in Sri Lanka outside UNHCR-run camps and unintentionally have the effect of encouraging refugees to repatriate.

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**To the International Community**

10. Governments with close ties to Sri Lanka, including the United States government, which provides Sri Lanka significant foreign aid, should do all in their power to promote a peaceful and timely resolution to the conflict.

Donor governments have chosen to take a low-profile approach to conflict resolution in Sri Lanka. That approach has had some success in helping bring about an improvement in human rights in Sri Lanka. It may be the best way to encourage the peace process. But low-profile need not mean low key. We urge concerned governments to be pro-active in nudging the parties to the conflict to the negotiating table.

11. USCR encourages international support for--but also close monitoring of--Colombo's ambitious resettlement program, which promises displaced Sri Lankans a new start in their original homes.

The resettlement program has much positive potential. The guidelines that the government has laid out for its implementation, particularly its voluntary nature and implementation only in areas where there is adequate security, are sound. But the program's cost is well beyond the means of the Sri Lankan government. By moving people from displacement and dependence to resettlement and independence, the program will save money in the long-term. However, the Sri Lankan government requires additional resources in the short-term in order to implement the program. We encourage international financial support for the resettlement program.

However, bearing in mind concern that the program may be manipulated for political or military ends, we strongly encourage donors to actively monitor the program to ensure that the government adheres to its implementation guidelines.

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**To International Nongovernmental Organizations:**

12. Western NGOs should support Sri Lankan NGOs seeking to assist internally displaced persons.

The work that both international and local NGOs do on behalf of internally displaced Sri Lankans is invaluable. Many internally displaced persons would be living in far more desperate conditions without such help. The resettlement program cannot succeed without NGO involvement. While local NGOs are willing and able to assist, they do not have the funds to do so.

International NGOs operating in Sri Lanka are doing a great deal to support, including financially, the work of local NGOs. But the need is much greater than the few international NGOs presently assisting can fill. USCR urges other international NGOs to actively support the efforts of their Sri Lankan counterparts. We further encourage donor governments to channel some of their bilateral aid through their national NGOs to enhance their capacity both to implement their own projects and help finance local NGOs' valuable work.

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