TIME FOR DECISION: SRI LANKAN TAMILS IN THE WEST
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In mid-1983, the world was surprised by reports of violence and rioting on the idyllic island of Sri Lanka. Members of the majority Sinhalese community were attacked and killed, but the violence weighed most heavily on the minority Tamils. Hundreds were killed, and Tamil businesses were looted and destroyed. These civil disorders seemed to the West to occur suddenly and yet can be seen as events in a centuries-long history of ethnic, religious, and political tension between the two groups, each of which sees itself, in some sense, as the vulnerable minority.

Of the two, it is most often the Tamils who have fled their homes and the country. A significant number in Europe and North America have sought political asylum. At present, the policies of nations and international refugee agencies regarding Sri Lankan Tamils, including those of the United Nations High Commissioner for Refugees, are a patchwork of uncertainty and ambivalence. There have been calls for attention to the Tamils' predicament—in some cases, urging extension of their right to stay in countries providing temporary haven. But whether or not it is appropriate to bring into play national and international mechanisms for refugee assistance has not been clearly determined or articulated.

In the meantime, thousands of Tamils are in tentative situations. The sporadic incidents of violence increase in frequency, separatist calls intensify differences between the two key groups, and the nation apparently moves no closer to resolution of its internal problems.

This paper presents some of the issues raised by the complex situation in Sri Lanka today. What historical, social, and economic conditions account for the communal tensions and the separatist movement? What has happened to those who have lost homes, businesses, and property as a result of conditions in the country? Have they been or should they be accepted as refugees? What policies have been or should be adopted by the international community and individual nations, particularly the U.S., towards the Tamils who have sought asylum?
Communities in Sri Lanka

A relatively small island off the southern coast of India, Sri Lanka (formerly Ceylon) is an ancient society, its population comprised of peoples with different ethnic, religious, and linguistic backgrounds. Of the total population of 15.2 million, according to the most recent figures available from the Sri Lankan government, 74 percent are Sinhalese. They speak the Sinhala language and are predominantly Buddhist. According to some authorities and their own historical chronicles, the origins of the Sinhalese are in northern India. Some of their later kings, however, came from south India.

The next largest group, the Tamils, number almost 2.7 million; they comprise about 18 percent of the island's population. The Tamils are mainly Hindus, speak Tamil, and originated from south India. About two-thirds are descended from Tamils who came to the island more than one thousand years ago; these are referred to as Ceylon or Jaffna Tamils. The rest, called Indian Tamils, were brought to Ceylon in the 19th century by the British colonial rulers to work as plantation labor. These two communities of Tamils have little in common: their historical experience is different and there are major caste distinctions between the two. Today, they also assume widely different stances on the separatism issue; most support for separatism comes from Ceylon Tamils, whereas Indian Tamils generally support the Sri Lankan government. While the political situation of many of the Indian Tamils is complex, it is largely the Ceylon Tamils who are the focus of this paper.

Another significant factor, in addition to population strength, is the respective geographical distribution of the two major communities over the island. The Sinhalese are concentrated in the southern and western parts of the island. The Tamils live throughout Sri Lanka, many in the larger towns and cities, including the capital, Colombo, where they are engaged predominantly in commerce and the professions. About half of the Ceylon Tamil population is in the northern and eastern regions; their presence in the north is particularly important in light of current troubles because they are close to the Tamil-majority state of Tamil Nadu in India. The overwhelming majority of Indian Tamils live in the plantation areas of south-central Sri Lanka.

Other groups in Sri Lanka include Muslims (called Ceylon Moors), Malays, and burghers; the latter are descendants of mixed native and European colonial ancestry. The Muslims (who represent about 6 percent of the total population) have influence in the country disproportionate to their numbers; the foreign and transportation ministers, for instance, are both Muslims. To add to the social complexity, most Muslims have Tamil as their mother tongue yet ethnically are not Tamils, and in the current situation they are being actively courted by Sinhalese-dominated political groups.
A Complex Society

Though a minority, the Ceylon Tamils have enjoyed responsible and privileged positions in contemporary Sri Lankan society. This has been largely a result of the community’s readiness, during the British colonial period, to accept Western education, particularly instruction in the English language. Playing an important role in this process were American missionaries who established schools in the northern part of the island in the 19th century, partly as an extension of their work in south India. The Tamils’ embrace of education made them well placed later to assume many influential positions in education, business, and government during the colonial and post-independence periods. Tamils in Sri Lanka continue to be well represented in professional occupations. A recently published study using government census data, for example, showed that they still have a disproportionate share of places in professional schools: they represent 60 percent of the dental students; 40 percent of the medical students; 38 percent of the engineering students; 38 percent of the students in architecture; and 50 percent of the remaining undergraduates in the country.

The educational and related achievements of the Ceylon Tamils are the basis for grievances that the majority Sinhalese have fostered toward the Tamils. Many Sinhalese feel that the Tamils have long enjoyed disproportionate educational advantages and thereby “unfair” prosperity. For their part, the Ceylon Tamils feel aggrieved by what they interpret as deliberately discriminatory policies—educational, language, and other—pursued by the Sinhalese majority to deprive them of their economic position, to destroy their particular identity, and to relegate them to conditions of second-class citizenship.

There are other mutual suspicions. The proximity of the Indian state of Tamil Nadu supports age-old fears among the Sinhalese that a largely Buddhist Sinhalese Sri Lanka could be invaded and defeated by a much larger Hindu state, a specter not without precedent in the island’s history. Similarly, the more radical among the Ceylon Tamils claim that the Sinhalese really aim to rid Sri Lanka of all Tamils, either by forced exile or annihilation.

Relations between the two communities have been deteriorating since independence in 1948 and have recently reached a critical stage. The seriousness of the situation is reflected in the growing demand of a significant number of Ceylon Tamils for a separate state to be called Tamil Eelam. There has long been interest among Ceylon Tamils in greater autonomy, and observers believe that events and developments over the past few years—especially the civil disorders of 1983 and 1984—have seen more and more Ceylon Tamils move into the separatist camp, possibly leading the country into civil war. What proportion of Ceylon Tamils actually want a separate state is difficult to determine, though some observers hold it is not a majority.
The Roots of the Conflict

It is difficult to define the elements which make up the respective Tamil and Sinhalese identities—shaped as they have been by layers of historical experience—which are at the root of today's conflict. In very broad terms, perceived ethnic characteristics—especially language and religion—define and separate the communities. Some Tamils argue, for example, that the Sinhalese are really acting in the cause of traditional Sinhalese (Buddhist) chauvinism, which historically views Tamil (Hindu) culture as an opposing, inimical force, to be confronted and conquered. Until recently, the disputes have not been based on religion per se; that is, the conflict had not involved attacks on religious shrines or institutions. However, in a May 1985 insurgent attack centered at a sacred Buddhist site, over 146 civilians were killed.

Still, it is the issue of language, more than any other, around which communal sympathies have coalesced and which has been a basis of Tamil claims of discrimination and a cause of riots in the last 30 years. Prior to 1956, both Sinhala and Tamil were recognized as official languages, and English was the lingua franca of the well educated, as well as of government and the professions. Legislation in that year ended Tamil's official status and made Sinhala instead of English the language of government. The implied discrimination of this act and the fear it created among the Tamil community prompted demonstrations which led to riots. Hundreds, mostly Tamils, died, some hacked to death or burned alive. In the aftermath, legislation which redressed Tamil grievances by providing for the use of Tamil in education and the civil services in predominantly Tamil areas was passed, but its provisions were never fully implemented. In the meantime, the government pursued a "Sinhala-only" policy by encouraging the substitution of Sinhala for English in legal and administrative proceedings.

Relations between Tamils and Sinhalese next reached a crisis point in the early 1970s when the government promulgated a new constitution, which sanctioned the "Sinhala-only" policy and further heightened Tamil fears. A subsequent constitution introduced in 1978 by the United National Party government of J.R. Jayewardene—still in power today—did, to a degree, address Tamil language concerns. Though it retained for Sinhala the status of sole official language, it recognized both Sinhala and Tamil as "national languages." The meaning of "national language" was not fully defined, but the prestige implicit in recognition as well as some of the constitutional provisions—among them, Tamil usage in university admission and civil service examinations, in courts of law, and as a medium of communication between a citizen and Parliament or government departments—served to assuage Tamil sentiments. This new status was somewhat obviated by another provision requiring all public servants to become proficient in Sinhala "within a reasonable time."
Thus, though the 1978 constitution appeared to go to some length in meeting Tamil grievances, the Tamil United Liberation Front (TULF), the principal Tamil party formed two years earlier, rejected it as inadequate and irrelevant. It stated that the government had “imposed in the country a unitary constitution under which, while a few rights are given to the Tamil language, Sinhalese is enshrined as the official language and pride of place is given to Buddhism, without the slightest recognition of the need to find a fundamental solution to the problem.” (Schwarz, W., The Tamils of Sri Lanka.)

The Jayewardene government has established other policies involving linguistic and other ethnic considerations which, some Tamils feel, seek to promote Sinhalese interests at the expense of Tamils. For example, the government has inaugurated national land-settlement schemes in Sri Lanka, based on the premise that in a united country no area can be the preserve of any ethnic group. These policies, often referred to as colonization, are strongly resented by the Tamils, who point out that it is largely Sinhalese who are being resettled in Tamil areas with very few instances of Tamils being resettled officially in Sinhalese areas. Tamil anger at this policy was shown in the attack on Sinhalese families living on two colonization farms in late November 1984, which resulted in more than 60 deaths.

An educational policy established in the early 1970s weighted grades obtained by university admission candidates in order to give an advantage to certain linguistic groups and/or certain districts. Tamils felt threatened by this “standardization” policy, and the Jayewardene government replaced it with a quota system which, in a considerably more complicated fashion, is designed to achieve the same objective as the earlier policy. Tamil opposition to this system has not been as strong as it was to standardization, but they remain sensitive to shifts in educational policy.

The 1983 Disturbances

Since the mid-1970s, a group called the Liberation Tigers of Tamil Eelam (LTTE), one of the best known of a number of insurgent factions, has pursued its demand for the creation of a separate Tamil state by violent means. Since 1983, the militants have often employed terrorist tactics in furthering their goal. Insurgent targets have included not only government institutions and personnel (the latter usually Sinhalese) but also, with increasing frequency, Tamils who have cooperated with or are sympathetic to the government.

The LTTE attack on a convoy of Sinhalese soldiers in a Sri Lankan army unit in the north during July 1983 sparked reprisal attacks in the south. Very quickly
the island was engulfed in the worst communal rioting the country had ever experienced. Most of the violence took place in Colombo, where Tamil homes and businesses were looted, set afire, and destroyed. Tamils were set upon, beaten, and, in many instances, killed. In all, 400-800 Tamils died.

The rioting, destruction, and killing went on for a week. Tens of thousands of Tamil homes and businesses in the south and west of the island were destroyed or damaged. It was estimated that few of the 140,000 Tamil residents of the capital were still in their homes and that one-quarter of a million people were made homeless, at least temporarily. Forty-thousand Tamils, by some estimates, fled to the northern or eastern provinces, while approximately 100,000 others were housed in makeshift camps hastily set up by the government in and near Colombo. Some Tamils fled to India or to other countries outside the region.

Government and private agencies contributed resources for the displaced persons. Foreign sources also helped, including the Canadian Red Cross and the U.S. Save the Children Federation, the latter providing help to rebuild homes and businesses and to find schooling for children and jobs for adults. The U.S. government provided $1 million in tents, tarpaulins, and other emergency supplies.

A U.S. State Department source claims that most of the displaced had returned to their homes by early August 1983. As of early 1985, a lingering population of 8,000 still occupied the two remaining camps. These were reported to be formerly homeless Tamils whose situation was made more visible by the rioting.

There have been serious longer-term effects of the riots and subsequent disruptions. Hundreds of Tamil businesses have fallen into bankruptcy, and up to 15,000 manufacturing jobs have been lost. Health care is said to be endangered because so many Tamils, who comprise a large proportion of the medical profession, have left the country. Tourism, a main industry, has declined by 20-30 percent. National resources which might have gone into development are being channelled by the government into military expenditures. Sri Lanka, heavily dependent on foreign aid to finance significant development projects undertaken in recent years, is now considered a high risk by international banks and donors.

**Opposing Views**

Many observers believe that gangs of Sinhalese "thugs," some with links to highly placed persons, including government ministers and members of the leading government labor union, were responsible for perpetrating the violence in 1983. The government, however, apportioned blame to Tamil and leftist political parties, some of which were subsequently proscribed.
In 1983, communal rioting in Colombo destroyed hundreds of homes and businesses. Thousands fled the city to temporary refugee camps.

AP/Wide World Photos

According to press statements by President Jayewardene and his senior ministers, the government has adopted a two-fold strategy in the wake of the 1983 troubles: to get tough with the insurgents and eventually defeat them militarily, in order to insure the territorial integrity of the state; and to negotiate with the more moderate Tamil elements to reach a solution which will confer a measure of autonomy on the Tamil regions, while at the same time assuring national unity.

So far, the government has had only limited success in either containing the violence or negotiating with the Tamils. The insurgents have proved to be determined, resourceful, and difficult to engage and defeat—despite the anti-insurgency training government forces receive from British and Israeli experts. There are strong indications that the Tamil insurgents are receiving assistance from the PLO, Libyans, and the IRA. They are certainly aided by being on the coast and
close to the large and sympathetic, albeit foreign, Indian state of Tamil Nadu, where supporters have given them assistance and sanctuary.

Negotiations between the government and moderate Tamils have been seriously undermined by certain government actions and its failure to establish and maintain communal peace. In late 1983, for example, the government required all members of Parliament to take an oath that they would not support the separatist movement; TULF members refused and felt compelled to resign—the first time since independence that the main Tamil party has withdrawn from the parliamentary process.

Another school of thought, formulated largely by Tamil observers, is that the dual strategy attributed to the government is merely a guise behind which the government hides its true intentions—to rid the island of Tamil people and culture.
There continue to be reports and charges of abuses of Tamils' human rights and urgings that the government actively seek to control excessive behavior by the military. Amnesty International has, on several occasions since the 1983 riots, communicated to the Sri Lankan government its concern about serious violations of the human rights of members of the Tamil community—reprisal killings of Tamil civilians by armed forces; emergency legislation implemented by the government which Amnesty International fears could facilitate killings of unarmed civilians; arbitrary arrests and detentions under the Prevention of Terrorism Act, which allows incommunicado detention without access to lawyers or relatives for up to 18 months; and allegations of ill-treatment and torture after arrest.

The government denies that its policy is to decimate Tamils and root out their culture from the island. Claiming that this view is held only by the insurgents, a Sri Lankan diplomat points to the presence of Tamils living and working peaceably in various parts of the island, even in non-Tamil regions. He places the blame for current violence and disorder on a terrorist element within the Tamil community and states that reports of government policies and actions have been exaggerated or erroneous. Reports, for example, that the government is settling armed Sinhalese in Tamil areas confuse two policies, government officials contend—land settlement, which has been going on for 40-50 years, and recent efforts to protect vital installations in northwestern Sri Lanka from terrorist attacks by designating armed civilians as "home guards" under the authority of local police.

The government vehemently denied an allegation by the Indian delegate to the UN Human Rights Assembly in March 1985 that human rights violations in Sri Lanka were causing an influx of "refugees" to India. It charged instead that alarmist reports by terrorist groups were creating an artificial refugee situation and that it was the terrorists who were forcibly evacuating and intimidating Tamils into leaving Sri Lanka by boat for India.

A third interpretation of the government's charges of terrorist activity is that they serve only to hide the government's shock, demoralization, and aimlessness resulting from communal disorders which threaten its dream of making Sri Lanka a dynamic, capitalist island economy.

According to one expert, the ascendancy of such phenomena as rioting and mob violence seriously threatens the country's established political institutions. These features, which include the vote, a constitution, and a parliament, have made Sri Lanka a rarity in the Third World: a functioning and viable democracy. With the displacement of such institutions, however, power could come to rest in the hands of political bosses and their "thugs," and any state protection for such minorities as the Tamils could vanish.
The Outlook for Resolution

Communal incidents occurred repeatedly in 1984 and have continued into 1985. A pattern to the violence has emerged, aspects of which have very serious implications for the government. The insurgents undertake an attack, which invariably results in property damage and death. These attacks, which for the most part are limited to the Tamil-dominated regions, are then responded to by the army, whose presence in these regions has grown since the 1983 troubles. Military personnel have been accused of indiscriminately venting their anger and frustration by killing and torturing innocent civilians.

The government notes that the size of its security forces is small (it claims the army has only 7,000 field troops for a nation of 15-16 million), and it concedes that the members are poorly trained and untested in guerrilla warfare or insurgency conditions. Further, ministers and the president have issued statements decrying examples of lax army discipline and excessive behavior. In at least one instance, security force members involved in violence have been suspended from service. But human rights organizations claim that the government could be more resolute and active in taking punitive action against those responsible. While its poor record may reflect only the bureaucratic functioning common to developing countries, it also serves to give credence to the view that the government is indifferent to a settlement between the two communities and may be driving more and more moderate Tamils into the separatist camp.

Violent communal episodes, once sporadic, have become steady occurrences. Between late December 1984 and April 1985, there were more than 700 deaths—of Tamil insurgents, government troops, and Tamil and Sinhalese civilians. In May 1985, over 146 civilians, including 5 Buddhist nuns, were killed and at least 100 people were wounded in a Tamil separatist attack in Anuradhapura. The insurgents sprayed bullets into a crowd of pilgrims at the Sri Mahabodhi Tree, sacred to Buddhists as a symbol of the Buddha's enlightenment. It was the first major attack in an area with a Sinhalese majority.

Reports of the government diverting funds from development to military resources and the increasing shrillness of Buddhists monks and others representing extreme Sinhalese opinion in an intensifying political atmosphere suggest a drift toward open civil war or, at best, a prolonged and violent stalemate. The present outlook for reconciliation does not appear bright. The militant separatists announced plans to declare a separate state in December 1984 and again on January 14, 1985, but because they have not succeeded in forcing the military out of the north, they have not made the declaration. Meanwhile, the all-party talks which had been held on and off for over a year yielded no progress and were suspended in December 1984. The government claims it hopes for renewed talks and points out that it was the Tamils who left the negotiating table first.
Sri Lankan Tamils Outside Sri Lanka

Over the years, Tamils have left Sri Lanka to pursue educational, economic, and other opportunities, most often in Europe and North America. In such instances, the expectation was that they would return to their country once their education or other endeavors were completed. But many, not unlike others from various Third World countries, have elected to stay on. They cite circumstances in Sri Lanka that they view as dangerous, including ethnic discrimination and communal tension. But often another important motivation has been the desire to stay in the West where they would have more opportunities to improve their lives.

There is evidence that when communal violence has broken out, the number of Sri Lankan Tamils emigrating has risen noticeably, demonstrating their concern for present security and future prospects. The first wave of Tamils to leave Sri Lanka departed in the late 1950s, after the government’s new language policy led to riots resulting in heavy losses of Tamil lives and property. Again in the 1970s when there was great communal strife and violence, large numbers of Tamils emigrated from Sri Lanka. With the events of the past two years, during which communal violence, destruction, and death have reached a level unknown before, the number of Tamils leaving or seeking to leave Sri Lanka has grown dramatically.

Sri Lankan Tamils in India

In the wake of the 1983 riots, 30,000 Tamils took flight to Tamil Nadu in south India; in March 1985, the Indian government put the number at 50,000, noting that for a time in February 1985, 400-500 were arriving daily and that relief camps were stretched to the breaking point. Most observers concur that India has been generous during the past eighteen months toward Sri Lankan Tamils who have fled there. While not given official refugee status, all are accepted and provided with food and shelter in open camps. Many of the tens of thousands of Sri Lankan Tamil fishermen and farmers arriving in Tamil Nadu will probably find permanent resettlement there, despite tensions between Indian Tamil fishermen and the new arrivals over fishing rights. The Indian government denies that it condones or supports Tamil guerrilla training bases in South India. Unquestionably, however, Tamil Nadu is seen as a place of safety by some Tamils of Sri Lanka, and India’s involvement, however passive, represents a regionalization of the problem.

Sri Lankan Tamils in Europe

Some Sri Lankan Tamils have fled to Europe and North America in the wake of the 1983 troubles. This is viewed, in part, as a desire to flee a regional
embroilment some see ahead. Flight to more distant, often Western, nations is
seen also as an attempt to pursue better economic opportunities than would be
available in India—a poor, though nearby, nation.

It is relatively easy for Sri Lankan Tamils to get bookings on Soviet and Polish
airlines, enabling them to get to East Germany. From there, they often make
their way to East Berlin—where, for foreigners, entry into West Germany is
easy—and then on to the West, emerging in places such as Bonn, Zurich, Paris,
or London. Their movements may be facilitated by middlemen to whom they
often surrender their passports. Within Europe, they often travel by train, hiding
under the seats during border crossings.

Reports vary on the number of Sri Lankan Tamils who have entered Europe
since the 1983 troubles: conservative estimates give a figure of 10,000; others
report as many as 40,000.

According to the European Consultation on Refugees, 400 Sri Lankan Tamils
applied for asylum in the U.K. in 1984 (only some of what the U.K. Immigrants
Advisory Board calls a “large number of Tamils in the U.K.”); 300 in the Nether-
lands (bringing the total of Sri Lankan asylum seekers there since 1983 to
900); and 249 in Denmark. Sweden and several other European countries also
have had small numbers of asylum seekers from Sri Lanka.

On January 10, 1984, the UNHCR appealed to West European governments
not to repatriate involuntarily Tamil asylum seekers whose claims were denied,
as long as the situation in Sri Lanka remained unclear. UNHCR repeated its
appeal in May of that year, citing an upsurge in violence in Sri Lanka. But UNHCR
has reiterated that, from the outset, it has not considered Tamils to fall under its
mandate.

Amnesty International, too, has stated its opposition to sending Tamils back
to Sri Lanka involuntarily. It has communicated its concern to the Sri Lankan
government that, if returned to Sri Lanka, all members of the Tamil minority
have reasonable grounds to fear that they may be killed arbitrarily by members
of the security forces; that they may be subjected to arbitrary arrest and deten-
tion—especially if they are men between 15 and 30 years old; and that they
may be subjected to ill-treatment and torture if security forces believe they have
knowledge of Tamil extremist groups.

Despite these appeals, the Dutch government reportedly intercepted 45 Tamils
who deplaned en route to East Berlin and returned them to Sri Lanka without
public announcement in January 1985. This action raised concerns that a pre-
cedent would thus be set for other European governments.

Following the 1983 troubles in Sri Lanka, many young Tamils traveled to
Switzerland, perhaps because of the relative ease of entry. As their numbers grew
to about 2,000, local animosities also increased, some with racial overtones. In order to address the situation, the Swiss government sent a fact-finding mission to Sri Lanka in late August 1984. Although the mission confirmed that Sri Lankan forces were not always under control and that arrests and questioning of Tamils were routine, the members concluded that, in general, Tamils could be returned to Sri Lanka without risk.

Switzerland announced its policy in the fall of 1984: all Tamil asylum applicants (who numbered 1,700 at that time) would be repatriated if their claims were denied. The policy was articulated in the context of preserving the integrity of Switzerland's asylum laws—recently made more restrictive—with the statement that conditions in Sri Lanka were not fundamentally worse than those in other Third World countries.

As of September 1984, all but one of the 171 Tamil political-asylum requests processed had been rejected. Swiss authorities claim that their policy to repatriate Tamils is a "decision in principle" which has yet to be implemented. A news report in early 1985, however, claims that 23 Tamils who arrived at a Swiss airport were turned away by Swiss authorities and put on a return flight to Colombo. They had arrived without visas, but with apparent intentions to apply for asylum. A Swiss official concedes that a few potential asylum seekers may have been sent back, but stated that, due to continuing incidents of violence against Tamils in Sri Lanka, the "return" policy was suspended in December 1984.

Sri Lankan Tamils in Canada

The Sri Lankans who went to Canada prior to 1983 were largely well-to-do Ceylon Tamils. Approximately 2,000 have arrived in Canada since the 1983 troubles. Some of the more recent arrivals need basic assistance: they have come with very little, some having left behind destroyed homes and businesses. The government is giving them preferential treatment in the granting of work permits. The Canadian government has also called into play for Sri Lankans a policy which delays repatriation of individuals whose applications for asylum have been denied. Under this policy, persons are allowed to hold jobs in the country pending a change in conditions which would permit their return home.

In the wake of the 1983 riots, the Canadian government adopted what it terms "special humanitarian measures" to benefit those adversely affected by the
situation in Sri Lanka who also had family members in Canada. Such individuals have been allowed to come to Canada as family reunification cases. While most beneficiaries of this policy have been Tamils, technically these measures are available to any Sri Lankan.

**Sri Lankan Tamils in the U.S.**

There are at least several thousand Sri Lankans in the U.S., the majority of them Ceylon Tamils—one informed source puts the number over 10,000—but there is no precise count. Most came several years ago; only an estimated 400 have come to the U.S. since the summer of 1983.
The community is well organized, particularly in some key urban areas, and articulate in expressing concern about conditions in Sri Lanka. In 1981, Tamils in Massachusetts, for example, succeeded in having the state's legislature pass a resolution urging President Reagan to press for the creation of a separate Tamil state in Sri Lanka. In addition, some of this community provides moral, if not material, support to the insurgent groups.

Between the summer of 1983 and early 1985, the U.S. government received about 130 applications for political asylum from Sri Lankan Tamils; according to government sources, most of the applications have been from Ceylon Tamils who claim that they would be liable to persecution should they return to Sri Lanka, but who were not in the country during the 1983 unrest.

The U.S. acknowledges that there are serious communal problems in Sri Lanka and that the Sri Lankan government has not protected Tamils from ethnic/cultural discrimination and injury in parts of the island. Further, it recognizes that many Sri Lankan Tamils have legitimate complaints about discrimination and human rights violations. However, to date, all asylum applications have been denied. The majority of the applications are reported to be from young Tamil men who have been outside of Sri Lanka for some time. Many have lived and worked in the Persian Gulf until fairly recently; others have been attending school in the U.S. Their motivations for seeking to remain outside of Sri Lanka are generally regarded by U.S. officials as economic.

The U.S. government does not accept the premise that the Sri Lankan government, as a policy, persecutes Tamils. Officials have suggested it is difficult to argue that state-sponsored persecution is a fact of life when the country's attorney general, chief justice of the supreme court, inspector general of the police, and about half of his deputy inspectors general are Tamil and when Western diplomats and journalists hold that especially the chief justice and high police officers, who are Tamils, exercise their authority with considerable independence. (Some Tamils respond, however, that these individuals have little or no power.)

The official U.S. position has been that the Sri Lankan government can deal with its communal problems and that the situation does not warrant use of refugee mechanisms at this time. The urgency of asylum claims may be undermined, too, by the fact that the Sri Lankan Tamils in the U.S. have not exercised other options more readily available, most notably safe haven in India or even, perhaps, in certain areas in Sri Lanka. Further, there is reluctance to open the door to what might be a flood of new Sri Lankan Tamil arrivals in the U.S., should asylum be granted to those already here and be viewed as easily obtainable.

Those whose requests have been denied are currently appealing the decisions—a process that can take several years. It is not clear, therefore, how the
U.S. will dispose of these cases once the appeal process has been exhausted and, as expected, denials of asylum upheld. Typically, such cases face deportation. UNHCR has appealed to the U.S., as it has to European nations, not to deport to Sri Lanka those whose applications for asylum have been rejected, at least for the present. The U.S. reportedly has not agreed to stay deportation or delay the processing of Sri Lankan Tamil asylum claims, as some have suggested it might do, until the situation in Sri Lanka is clearer.

The U.S. also has not chosen to institute a policy of extended voluntary departure for Sri Lankans. This policy, currently in effect for Poles, Afghans, Ethiopians, and Ugandans, allows nationals not otherwise entitled to stay in the U.S. who are unwilling to return to their homelands to stay and often to work temporarily in the U.S. until a determination is made that conditions in their home country permit a safe return. This temporary permission may be granted even if an individual's claim for asylum has been rejected. The U.S. has expressed the view that the situation of the Tamils vis-a-vis their home government is not so dangerous or desperate now as to warrant such a policy, and, in any event, no Tamil faces imminent deportation at this time.

**Summary and Recommendations**

The complexity of Sri Lanka's social turmoil, with its basis in historic, ethnic, religious, and cultural values unfamiliar to many Westerners, presents a challenge to the community of refugee interest groups and policymakers. This complexity may in part explain why there has not yet been a clear and forthright public expression of policy on the part of many Western governments or the leading international refugee agency, UNHCR, regarding Tamils who have left Sri Lanka.

Policy regarding Sri Lankan Tamils is also directly affected by the overall concerns which governments and international bodies have about the migration of people, including refugees. For example, policymakers ask to what extent a government should feel bound by refugee protection principles when an asylum seeker could have applied elsewhere—perhaps closer to home or in a nation with a more suitable ethnic or cultural context—but did not. If Tamils fleeing Sri Lanka could have gone to Tamil Nadu state in India and been safe there, but did not, is the validity of their appeal for asylum undermined? Further, should that claim be impeached as largely economically motivated if the applicant traveled to developed nations to seek haven, bypassing other asylum opportunities? Finally, if a government judges that an individual seeking asylum does not have a well-founded fear of persecution as defined in international refugee law, yet does have a well-founded fear of death or injury because of civil disorder at home, what obligations do UNHCR and that government have toward an appli-
cant denied asylum as a refugee? While resolution of such concerns remains elusive—and beyond the scope of this paper—they form an important context for considering the plight of Sri Lankan Tamils.

There is some consensus on matters regarding the flight of Tamils from Sri Lanka. Tamils are a minority in Sri Lanka, and government programs promoting the Sinhalese majority have increased the Tamils' sense of alienation. Violence between Tamil insurgents and government forces has so polarized the nation that people have often become targets of communal hatred simply because of their ethnic identity. The prospects for communal reconciliation in Sri Lanka are not good, and Tamils continue to leave in large numbers, seeking asylum in South Asia and in the more distant developed countries.

While acknowledging the extreme nature of Sri Lanka's communal violence, developed countries and UNHCR have avoided conferring refugee status on Tamil asylum seekers. The basis for this reluctance seems to be a common set of beliefs they hold about the situation. They appear to share the opinion that the Sri Lankan government, while divisive in its years-old promotion of the Sinhala language and not now maintaining military or civil order, is not actively engaged in persecuting the Tamil minority. Further, most Western developed nations have shown a preference to support the Jayewardene government's handling of communal violence and preservation of its democratic traditions and institutions. This preference has undoubtedly influenced decisionmaking regarding Tamil asylum seekers.

Most Western governments also believe that Sri Lankan Tamil asylum seekers are too often "using" the asylum system as a way to regularize their continued residence in a developed country, with its attendant economic opportunity. Most, therefore, hoping to forestall attracting large numbers of Sri Lankan Tamil asylum seekers, have tried to avoid appearing generous toward them. This attitude is displayed in the minimal granting of asylum they have permitted, but even more in their energetic efforts to avoid group-protection schemes.

In this confusing situation, with its capacity for rapid deterioration, USCR makes the following recommendations pertaining to Tamil asylum seekers from Sri Lanka:

1) UNHCR, with its capacities for evaluating refugee-generating conditions and with its responsibility for unifying international response to those conditions, must fulfill its obligation to clearly advise governments and others of its views on the validity of Sri Lankan Tamil asylum claims.

While under certain conditions it may be justifiable to adopt a "low profile" on such matters, that is certainly no longer the case here, as communal violence
continues in Sri Lanka and the governments which together form the core of the Western asylum-granting, developed world are in disarray in their approach to Tamil claims. Some offer haven; some deport or seek to deport; some seek to avoid the issue, hoping it will somehow go away. Such disarray is unacceptable and merits UNHCR's attention. No other agencies hold its singular position for rendering such critical judgments.

2) Governments which deport or intend to deport denied Sri Lankan Tamil asylum claims should not deport such individuals to Sri Lanka against their will so long as conditions there do not improve. Fortunately, there are destinations other than Sri Lanka available for such cases now and probably for the foreseeable future.

3) Governments can only be expected to honor time-honored protection principles if UNHCR provides reliable, timely advice to the concerned government. An inextricable element of UNHCR's efforts must be a procedure for verifying, or of working to arrange, the safety of any Tamils returned involuntarily to Sri Lanka so long as the current unsettled situation obtains.

4) Governments should consider Sri Lankan Tamil asylum claims with equity and humanitarian perspective.

   If Western asylum processes are to have validity, they must be as prepared to "screen in" the acceptable claim as to "screen out" the unacceptable. In no event should fear of attracting other Tamil asylum seekers be viewed as an acceptable justification for not approving otherwise valid claims. The general absence of Tamil asylum claim approvals raises concerns in this regard. Failure to approach such matters with fairness to individuals has in other cases precipitated calls for blanket or group protection, an often undesirable approach, but sometimes necessary.

   Further, in this situation it is important to recall that those denied asylum are not criminals deserving of punishment. Often, they have the otherwise highly regarded motivations of seeking to improve the safety and welfare of their families. Although such motivations do not necessarily justify refugee status or the granting of asylum, governments advised by UNHCR not to return Tamils to Sri Lanka because of safety considerations should utilize or create other legal means to avoid deportation to Sri Lanka.

*   *   *

The erosion of security, the weakening of democratic institutions, and the bleakness of the future in Sri Lanka warrant specific initiatives by Western democracies to assist in building an equitable society there. In the meantime, while
seeking to preserve the integrity of national immigration laws, UNHCR and governments that support internationally accepted refugee protection principles need to take care that those fleeing Sri Lanka's communal violence for reasons of persecution or valid fears for personal safety, receive the humanitarian response they deserve.

Bibliography


The U.S. Committee for Refugees is a public information and advocacy program of the American Council for Nationalities Service. Publisher of the annual World Refugee Survey, USCR has, since 1958 encouraged the American public to participate actively in efforts to assist the world's refugees.

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