# ETHNIC CONFLICT AND REFUGEES:

# A CASE STUDY OF SRI LANKA

Thesis submitted to the Jawaharlal Nehru University
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## Doctor of Philosophy

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# CERTIFICATE

Certified that the thesis entitled, **"ETHNIC CONFLICT AND REFUGEES: A CASE STUDY OF SRI LANKA,"** submitted by **Zarin Ahmad** in fulfilment for the award of the Degree of Doctor of Philosophy, has not been previously submitted for any other degree of this or any other university. This is her own work.

We recommend that this thesis be placed before examiners for evaluation.

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## ACKNOWLEDGEMENTS

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# ABBREVIATIONS

| | |
|---|---|
| AIADMK | All India Anna Dravida Munnetra Kazhagam |
| CWC | Ceylon Workers Congress |
| DMK | Dravida Munnetra Kazhagam |
| EPRLF | Eelam People's Revolutionary Liberation Front |
| GA | Government Agent |
| HRC | Human Rights Commission |
| HRTF | Human Rights Task Force |
| ICCPR | International Convent on Civil and Political Rights |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| ICRC | International Committee of the Red Cross |
| IDPs | Internally Displaced Persons |
| IEE | Initial Environmental Examination |
| ILM | International Legal Materials |
| IPKF | Indian Peace Keeping Force |
| JRS | Jesuit Refugee Service |
| JVP | Janatha Vimukthi Peramuna (People's Liberation Front) |
| LTTE | Liberation Tigers of Tamil Eelam |
| MSF | Medecins Sans Frontieres (Doctors Without Borders) |
| NGO | Non-Governmental Organisation |
| NHRC | National Human Rights Commission |
| OAU | Organisation of African Unity |
| OfERR | Organisation for Eelam Refugee Rehabilitation |
| PA | People's Alliance |

| | |
|---|---|
| PLOTE | People's Liberation Organization of Tamil Eelam |
| PTA | Prevention of Terrorism Act |
| RRAN | Reconstruction and Rehabilitation Authority of the North |
| SLFP | Sri Lanka Freedom Party |
| SLMC | Sri Lanka Muslim Congress |
| STF | Special Task Force |
| TELO | Tamil Eelam Liberation Organisation |
| TRO | Tamil Rehabilitation Organisation |
| TRRO | Tamil Refugee Rehabilitation Organisation |
| TULF | Tamil United Liberation Front |
| UDHR | Universal Declaration of Human Rights |
| UN | United Nations |
| UNHCR | United Nations High Commissioner for Refugees |
| UNP | United National Party |
| USCR | United States Committee for Refugees |
| UTHR(J) | University Teachers for Human Rights (Jaffna) |

# PREFACE

Refugee studies posit a unique problem. Studies in the area are rarely attempted from a broad social science perspective in explaining the causes of displacement. Scholars have identified war, ethnic conflict, economic backwardness, environmental degradation, ideological compulsions and so on as general factors leading to refugee generation. This raises two points. One, these factors are not exclusive categories; two, each factor itself is a combination of many other factors to result in displacement of people. Refugee generation has to be understood from this perspective. The focus of the present study is to understand how ethnic conflict leads to refugee generation within a theoretical framework. The task at hand is therefore twofold: (1) to understand ethnic conflict and (2) to explain how this leads to refugee generation. Refugees are a social and political reality. They are to be seen as part of an intricate web, which has to be understood in order to study not only their past but also their future. This brings us to another set of crucial problems, which have a bearing on the refugee experience vis-à-vis the management of refugees. The proposed study would therefore have two very broad objectives: first, to conceptualise how ethnic conflict leads to the process of refugee generation and, second, to analyse how refugee problems are managed.

It should be mentioned at the very outset that each refugee movement is unique in terms of causes and consequences. Yet, there is a thread of generality that is common to all cases of forced massed migration. The fundamental question is how this gap between the general and the specific can be bridged. Our attempt in this context will be three layered. First, to briefly review some of basic social science approaches for explaining ethnic conflict and the generation of refugees. Second, with the help of these variables, a preliminary framework would be constructed. The third task would be to test the hypotheses in a specific situation. The case of Sri Lankan Tamils who were uprooted from their homes in the wake of the ethnic conflict, would be studied as an empirical case study.

Sri Lanka presents a typical example of how a country rocked by intense ethnic conflict has experienced refugee generation. Sri Lanka has been in the grip of ethnic conflict of an unprecedented nature. The conflict has culminated in violent outbursts on several occasions -1958, 1956,1977 and 1981. However, since 1983 the ethnic fratricide has become more deeply entrenched resulting in the militarisation of society. This has led to the uprooting of a substantial number of people from their home. The war between the Sri Lankan army and the Liberation Tigers of Tamil Eelam (LTTE) has swelled the ranks of the refugees, both within and outside the island. In

the post-1983 period, a large number of Sri Lankan Tamils have left the country and sought refuge in countries like Canada, Britain, Australia, Germany and the Scandinavian nations. However, the bulk of the refugees have remained within the subcontinent itself. They have either taken refuge in Tamil Nadu or have remained displaced within their own country.

**Review of literature**

Studies on the ethnic conflict and its causes are immense, but its role in refugee generation is far from adequate. Some of the prominent works on ethnic conflict are of Anderson (1991); Barth (1969); Hobsbawm (1990); Erikson (1993); Gellner (1983); Gurr (1977, 1993). Paul Brass (1981); Rupesinghe (1996); Bjorn Hetne (1993); Antony D. Smith (1991); Donald Horowitz (1985), and Gurr and Harff (1994). Newland (1993) has studied how ethnic conflict generates refugee

Tambiah (1996), Phadnis (1977 and 1990); de Silva (1985; 1988, 2000); Kearney (1967) Sarvanamuttu (1990) Paul Sieghart (1984 and 1989) and O' Ballance (1989), Rupesinghe and Mumtaz (1996), and Rupesinghe and Naraghi (1998), and Kloos (1995), are some of the works on the ethnic conflict in Sri Lanka. Senaratne (1997) has covered the aspect of political violence in the Sri Lankan situation. Particular mention needs to be made of Daya

Somasundaram's (1998) comprehensive work on the psychological impact of the conflict in Sri Lanka. Uyangoda (1996a; 1996b) deals with militarisation of Sri Lankan society.

Gill Loscher (1993); Zolberg, Suharke and Aguyayo (1989); Bramwell (1988) Gordenker (1987) have studied current refugee movements in the world. Sumaiya Khair (1991) has specifically studied refugees as a product of armed conflicts and the protection that they receive. The role of the State in generation and response to refugees has been dealt with by Keely (1994). Leopold (1992) looks at the social and cultural impact of forced migration. Chimni (1994; 1998; 2000) and Hathaway (1991) cover the legal aspects of refugees. Vitit Muntabhorn (1992) analyses the Asian situation, while the South Asian situation has been studied by Muni and Baral (1996). Suryanarayan and Sudarsen (2000) have authored a book, which exclusively deals with Sri Lankan refugees in India. The situation of internal refugees in Sri Lanka has been studied by Joke Schrivers (1997; 1999a; 1999b). Nira Wickramasinghe (1996) analyses the politics of humanitarian relief organisations in Sri Lanka.

There is no full-length study on how ethnic conflict in Sri Lanka has generated refugees both inside and outside the island and how the refugee

situation has been managed by governments as well as non-governmental agencies. This has provided the impetus for the present work.

**Objectives**

The general objectives of the present study are:

1. To conceptualise the interplay between ethnic conflict and refugee generation

2. To understand refugee generation in the Sri Lankan situation.

The specific objectives of the work are to:

1. Study the genesis of ethnic conflict in Sri Lanka.

2. Analyse the patterns, processes and effects of violence in the wake of the conflict.

3. Examine the socio-economic, political, psychological and external determinants involved in the process of refugee generation.

4. Identify the directions of displacement and the causes behind this.s

5. Examine the conditions of internal refugees in Sri Lanka and their management

6. Examine the conditions of Sri Lankan refugees in India and the response of the state as well as civil society to their plight.

**Hypotheses**

1. Militarisation is central to refugee generation.

2. A complex web of social, economic, psychological and external factors impact upon the process.

3. The role of the state is crucial in the development of the conflict, and its effect on refugee generation.

4. Intense violence is the single most potent factor inducing refugee generation.

**Research Methodology**

A historical-analytical case study design has been adopted for the study. Both primary as well as secondary data was collected. Primary data was collected through interviews by the researcher. Participant observation as method of data collection was also used. The researcher lived with the respondents from various camps all over Tamil Nadu during a state level meeting of the refugees held in Tiruchirapally. She also lived with a displaced family in Puttalam.

*Plan of field study*

The field study was planned to visit refugee camps keeping in view of the variance in research. It was conducted in two phases: first in Tamil Nadu in April-May 1999 and then in Sri Lanka in March-April 2000. Three districts each in India and Sri Lanka were selected.

In Tamil Nadu, the following criteria were adopted:

Geographical location of camps

Structure of camp i.e. permanent or temporary, Urban/suburban/rural

Mandapam camp, Ramanathapuram district: entry point for refugees

Nimmeli camp , Kancheepuram district(north)

Kottapatti camp, Trichy district (central)

Naranammalapuram camp, Tirunelveli dictrict (south).

The criteria adopted for selecting the field area in Sri Lanka were slightly more complicated, because the situation was far more complex. Vavuniya, Trincomalee and Puttalam were identified as three districts, which would provide insights into the various facets of displacement. Vavuniya is within the conflict zone. The district is under the Army control, but some parts of it are still with the LTTE and are referred to as "uncleared areas". Internal refugees from all the surrounding districts in Jaffna and the Vanni are living in Vavuniya. Trincomalee was selected due to three reasons. One, it is located in the Eastern Province and would, therefore, provide a wider perspective in understanding the situation. Two, to understand the issue of repatriation of refugees from India to Sri Lanka, which was adopted between 1987 and 1994, and abandoned since then. The Alles Garden camp in Trincomalee still accommodates some of the returnees from India. Three, Trincomalee has a mixed population with 33.8 per cent of Sri Lankan Tamils, 33.6 per cent of

Sinhalese, and 29.3 per cent of Muslims. Puttalam was the third district selected for the field study. Puttalam is not within the conflict zone. It provided an understanding of the refugee situation in non-combat areas in Sri Lanka. It also helped in getting an idea of the third dimension of the Sri Lankan conflict, i.e. the Muslim situation. The following camps were visited in Vavuniya: (a) Sithamparapuram was initially a refugee camp built by the UNHCR to receive returnees from India. In 1997, it was handed over to the Government to be used as welfare centres. (b) Manipuram is a relocated village. (c) Poonthoddum is a Government run camp. (d) Puthukulam is a rehabilitated village. (e) Arafathnagar is a Muslim camp. (f) Aluthgama is a relocated village for Sinhalese refugees. Four camps were covered in Trincomalee: (a) Alles Garden transit camp for returnees from India; (b) Nilaveli camp (c) Love Lane Camp I; and (d) Love Lane Camp II, which accommodate Tamil, Muslim and Sinhalese refugees respectively. Puttalam did not offer such a wide variance. The following camps were visited in the districts: Madeenah camp, Maleehapuram camp and Zamzama camp.

The following leaders/ NGO activists and individuals were also interviewed:

- Volunteers and activists from among refugees working in the camps

- S.C.Chandrahasan, head of Organisation for Eelam Refugee Rehabilitation (OfERR), a non governmental organisation from among the Sri Lankan refugees based in Chennai

- Father Elias of the Jesuit Refugee Service (JRS), St. Joseph's College Trichy

- Mr. Kumaraswamy, regional head OfERR, Trichy

- Mr. Maheswaran, regional head OfERR, Tirunelveli

- Special Deputy Collector, Refugees, Collectorate Office, Mandapam camp

- The Government Agent, Vavuniya, Trincomalee

- UNHCR, Chennai, Colombo, Vavuniya, Trincomalee.

- OfERR, Chennai, Tirunelveli, Trichy

- ICRC, Vavuniya, Colombo.

- Refugees living in camps/ welfare centres

- Non- camp refugees

- Refugees who have lived in special camps.

*Interviews:*

One of the most daunting tasks of this research was conducting interviews with respondents. Since the issue was sensitive, extreme care had to be taken first to build confidence with respondents. Though there was an

interpreter with the researcher, most of the interviews were carried out with people who managed to speak English, in order to facilitate direct communication with respondents. Interviews were therefore conducted in mixed English and Tamil. It was observed that once the ice was broken, respondents were forthcoming and language was not a major constraint. Names of respondents have been changed on request.

A set of research questions were used as reference, but not administered in a unilinear mode. Questions were open ended and focussed on the causes of displacement and their experiences. Once the discussion was initiated respondents began to speak about themselves and the situation. Queries were made informally and unobtrusively.

*Constraints in research*

Working was an enriching experience, but there were a number of limitations that I had to contend with. Data on refugees is often shrouded in secrecy. Refugee camps located in the LTTE controlled areas in Sri Lanka were inaccessible. Jaffna was also unreachable by air without Government permission and by land without LTTE permission. In India there was no access to special camps that accommodate refugees who were either members or sympathisers of militant groups. The other problem was the lack of consistent data on violence. Data was conflicting, and varied according to the

source. The data available does not adequately convey the real intensity of the problem because violence is not always covert. In fact psychological violence is more far- reaching and potent in a refugee situation. Despite these lacunae in understanding and quantifying violence, it is a key variable in the study because of its potency and urgency in a refugee situation.

**Chapterisation**

The study is divided into six chapters. The first chapter conceptualises key issues like refugee generation and ethnic conflict, militarisation and related concepts. Based on these, an analytical framework has been formulated to understand the interplay between ethnic conflict and refugee generation.

Chapter two provides a background of the ethnic conflict in Sri Lanka. Apart from the development of the conflict, this chapter also takes a historical overview of displacement of people in Sri Lanka since 1956.

The third chapter links the analytical framework with the specific situation in Sri Lanka. It focuses on understanding refugee generation in Sri Lanka. based The entire gamut of forces which were at work in the militarised society, and their impact on displacement are also analysed.

Chapter four analyses the condition and management of internal refugees in Sri Lanka. The legal and institutional mechanisms in the management of refugees are also covered in this chapter.

The Sri Lankan refugees in India are the focus of the fifth chapter. Legal mechanisms, response of the state and the civil society and repatriation are some of the issues addressed in this chapter.

While summing up the discussions, the last chapter seeks to test the theoretical propositions in the light of the specific situation that Sri Lanka presents. An attempt is also made to arrive at some broader theoretical insights on the basis of the specific case study.

# CHAPTER I

# ETHNIC CONFLICT AND REFUGEE GENERATION: AN ANALYTICAL FRAMEWORK

## INTRODUCTION

Ethnic conflict is one of the most common terms used in social science parlance to explain group antagonism in plural societies. Despite the wide usage of the term, a serious discussion on ethnic conflict shows that it is beset with theoretical and empirical difficulties. The problem gets further accentuated if refugee generation has to be studied in this framework. The main task of this theoretical exercise is to understand refugee generation in a conflict situation. A plausible starting point, could therefore, be a conceptual clarification of terms that are used in the analysis. For the sake of continuity in this framework, the chapter deviates from the usual way of conceptualising issues one by one. Thus the first section defines refugees. The section discusses ethnic conflict and the third section presents a framework for the present study.

## DEFINING REFUGEES

Forced migration on a permanent or temporary basis has always been an important survival strategy adopted by people in the wake of natural or man-made disasters. Though the term 'refugee' was first used in the late

seventeenth century, the problem dates back to time immemorial. Even the Bible speaks of the exodus of the Israelites to the 'promised land'.[1]

However, it was only in the twentieth century that the refugee phenomenon came to the fore. It was also referred to as the "century of the homeless man."[2] The reason behind this upsurge could be identified in the emergence of the nation-state, which made national borders impermeable. The issue reached enormous magnitude in the aftermath of the World Wars. The problem gained also legal, political and academic attention. Despite the fact that the issue has been studied from the legal, humanitarian, sociological and psychological perspectives, an exact definition of the term remains confounded. It is due to this reason that a suitable definition applicable for all fields is difficult to come by. From the legal standpoint, an international border is the discerning factor. For sociologists, being uprooted from one's 'home' renders the person a refugee. In psychological terms, a person could be a refugee even without crossing the threshold, if s/he feels uprooted.

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[1] The expulsion of Jews from the Iberian Peninsula in the 15th century to the Muslim countries, then to Italian city states and later Netherlands is one of the earliest cases of refugees recorded in history. Later the revocation of the Edict of Nantes in 1685 by Louis XIV forced the persecuted Calvinists to flee from France to England. Voltaire, Marx, Bolivar, Trotsky were some political refugees. For historical details, See Michael R. Marrus, "Introduction," in Anna C. Bramwell (ed.), *Refugees in the Age of Total War* (London: Unwin/Hyman, 1986), pp.2-3 and Aristide Zolberg et.al., *Escape From Violence: Conflict and the Refugee Crisis in the Third World* (New York/Oxford: OUP, 1989), pp.4-5.

[2] Gunther Beyer, "The Political Refugees: 35 Years Later", *International Migration Review*, Vol. xv, nos.1 and 2, Spring-Summer, 1981, p.26.

Even though the definition of the term 'refugee' is a contentious one, scholars and legal experts have by and large adhered to the 1951 Convention of the United Nations relating refugee as any to the status of refugees.[3] Adopted on July 28 1951 at Geneva, Article 1 clause 2 of the Convention defines a person who:

> as a result of events occurring before 1 January 1951 and owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or owing to such fear is unwilling to return to it.[4]

The Convention defines refugees primarily in a response to and within the parameters of the post war realities in Europe.[5] It mandates protection only on grounds of violation of civil and political rights without taking into consideration the socio-economic rights. Since it was formulated to address the problem of dissidents fleeing communist states, it was also a political instrument to discredit those countries. In fact, James C. Hathaway has described it as "the lop-sided and politically biased human rights rationale for refugees".[6]

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[3] The Convention was adopted by the UN Conference of Plenipotentiaries on the status of Refugees and Stateless Persons, held at Geneva from 2-5 July 1951 to come into force on 22 April 1954, in accordance with Art. 48 of UN General Assembly.

[4] Article 1 (A) (2), 1951 Convention.

[5] See Goran Melander, "The Concept of the Term Refugee," in Anna C. Bramwell (ed.), *Refugees in the Age of Total War* (London: Unwin / Hyman, 1988), pp.7-14.

[6] B.S. Chimni, (ed.), *International Refugee Law: A Reader*, (New Delhi: Sage Publications, 2000), p.4

There are five essential elements in the definition of the Convention. [7]

(i)      The person must have left her country of nationality,

(ii)     The person must be genuinely at risk based on objective conditions,

(iii)    Persecution or fear of perception i.e. serious harm against which the

         state is 'unwilling or unable to offer protection.'

(iv)     This must be in relation to the person's 'race, religion, nationality,

         membership of a particular social or   political opinion,' and

(v)      A genuine need for a legitimate claim to protection.

The 1967 Protocol on the status of refugees removed the spatial and

temporal limitations of the Convention and extended the definition of

'refugee' on a universal and more enduring basis. [8] The Protocol states:

> *Considering* that the Convention relating to the Status of Refugees done at
> Geneva on 28 July, 1951 ...covers only those persons who have become refugees
> as a result of events occurring before 1 January 1951, *Considering* that new
> refugee situations have arisen since the Convention was adopted and that the
> refugees concerned may therefore not fall within the scope of the Convention,
> *Considering* that it is desirable that equal status should be enjoyed by all refugees
> covered by the definition in the Convention irrespective of the dateline 1 January
> 1951, have *agreed*... the term refugee shall, except as regards the application of
> paragraph 3 of this Article mean any person within the definition of Article 1 of
> the Convention as if the words "As a result of such events occurring before 1
> January 1951 and..." and the words "...as a result of such events", in Article
> 1A(2) were omitted. The present Protocol shall be applied by the States Parties
> hereto without any geographic limitations, save that existing declaration made by

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[7] James C. Hathaway, *The Law of Refugee Status* (Toronto: Butterworths, 1991)

[8] The Protocol was signed by the the President of General Assembly and by the Secretay
General on 31 January 1967.and came into force on 4 October 1967, in accordance with
Article VIII United Nations Treaty Series no. 8791, vol.606 p. 267

States already Parties to the Convention in accordance with Article1(B) therof, apply also under the present Protocol.

It nevertheless adhered to the definition of the Convention in identifying 'fear of persecution' in relation to civil and political rights only. This in effect excluded most Third World refugees, since they are forced to flee due to general civil and political unrest rather than 'persecution' alone.[9]

Though the 1951 Convention and subsequent Protocol have outlived their relevance in the present day reality of the Third World, they have created academic and legal discussions.

The 1969 Organization of African Unity (OAU) Convention, for the first time directly addressed refugee issues at a wider level keeping in mind Third World realities. Article 1 of the OAU Convention incorporated the earlier definition and added:

> The term refugee shall also apply to every person who owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part of the whole of his country of origin or nationality is compelled to leave his place of habitual residence in order to seek refugee in another place outside his country of origin or nationality."

Violence in the Latin American countries in the 1980s created serious concerns, leading to the formulation of a more comprehensive definition of the term in the 1984 Cartagena Declaration. The two-fold criteria adopted in

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[9]  James C. Hathaway, "A Reconsideration of the Underlying Premise of Refugee Law", Harvard Journal of International Law, Vol.31, 1990, reproduced in B.S. Chimni, n, 6, p.61.

defining refugee status are[10] (i) existence of threat to life and liberty, and resulting from:(a) generalised violence; (b) foreign aggression; (c) international conflicts; (d) massive violations of human rights; (e) circumstances seriously disturbing public order.

While the definition of refugees is still being debated and discussed by legal experts, human rights activists and academics, the issue of internal displacement cannot be overlooked. Internally Displaced Persons (IDPs) are those who are forced to leave their home under duress but do not cross an international border. According to Hathaway, though these people may not have crossed an international border, "their plight may be every bit as serious as services as individuals who cross borders."[11]

The first decisive step in addressing the issue was taken in 1992 when the UN Secretary General proposed a working definition which was later revised in 1998 as: "persons or groups of persons who have been forced to flee or obliged to flee or to leave their homes or places of habitual residence in particular as a result of, or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or

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[10] Eduardo Arboleda, "Refugee Definition in Africa and Latin America: The Lessons of Pragmatism," *International Journal of Refugee Law*, vol.3, no.2, 1991, pp.186-205

[11] Hathaway, n.7, p.29.

human-made disasters, and who have not crossed an internationally recognized state border."[12]

In the present study the term refugee would include all displaced people who may or may not have crossed an international border. The term is not conceptualised in the strict legal sense as stated in the above definitions. In view of the objectives of the study, it is imperative to understand the dynamics of displacement rather than whether or not an international border is crossed. Refugees and IDPs are products of the same situation and would be studied in the same framework. 'Refugee generation' is the process of displacement. It is not a sporadic or isolated incident but the routinasation of displacement.

## ETHNIC CONFLICT

### Key Concepts

Studies on ethnic group start with the understanding that human beings are like all others, like some others or like none. It is the second premise that sets the ground for discussion on ethnic groups. People have been categorised in terms of race, religion, language, tribe etc. since time immemorial. Race is derived from an inherited common descent. The term has however, lost its relevance because it is impossible to maintain the *purity* of

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[12] *Internally Displaced Persons*, UN doc/E/CN.4/1998/53, 11 February 1998.

race due to continuing interbreeding among races.[13]  Moreover, race is an

ascribed condition and not a decisive variable.  Physical lineaments do not fall

into clear boundaries, and there could be more variation within a race than

outside.  The term 'race' gradually lost coinage and became a sub-category

within the definition of the larger ethnic group.  According to Barton, there is

a distinction between the two - while race deals with categorisation, an ethnic

group is the identification.[14]  According to Max Weber, race is derived from

common descent and "creates a group only when it is subjectively perceived

as a common trait."[15] This happens in a situation where there is antagonism

linked in the experience of one group with another.  Weber cites the example

of several millions mulattos in the US to state that there is no 'natural'

antipathy among races.  Racial kinships do not influence the formation of

group. However, it can serve as a starting point.  Once again, citing the case of

the United States, Weber shows that racial boundaries were drawn because of

status differences between two races and that slavery disqualified the Blacks

from status hierarchy.

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[13]  Thomas H. Erikson, *Ethnicity and Nationalism: Anthropological Perspectives* (London: Pluto Press,  1993), pp.4-5.

[14]  For details see Michael Barton, *Race Relations* (London, 1967).

[15]  Max Weber, "What is an Ethnic Group" in Monserrat Guibernau and John Rex, eds., *The Ethnicity Reader : Nationalism, Multiculturalism and Migration* (Cambridge: Polity Press, 1997), p.15.

It is not just common descent or biological heredity but any kind of similarity or contrast of physical type may lead to a 'belief' of affinity. This belief in group affinity has a direct bearing on the formation of ethnic group. Thus, 'ethnic groups' could be defined as "those human groups that entertain a subjective belief in their common descent because of memories of colonization and migration; this belief must be important for the propagation of group formation; conversely, it does not matter, whether or not an objective blood relationship exists."[16]

One of the key points that emerge from Weber's thought is the idea of consciousness. Unlike race, which is hereditary, or tribe, which is a political artefact, ethnic membership (*gemeinsmkeit*) is a presumed identity. Anderson refers to it as 'imagined community'. Common descent therefore, does not create but facilitates the formation of groups in a specific political environment.

As opposed to Weber, Marx saw 'groups' as social classes based on the relations of production. The economic aspect is the base which divides capitalist society broadly into two: the bourgeoisie or the owners of the means of production, and the proletariat or the working class which sells its labour. The inherent contradictions in social relations create transformations in society

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[16] Ibid., pp. 18-19.

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where conflict becomes inevitable. It is at this stage that the 'class in itself' becomes a 'class for itself' and leads to revolutionary conflict resulting in redistribution of resources. Violence is instrumental in such a conflict through which society evolves. Three elements can be identified in the Marxian understanding. One, consciousness transforms the group into action. Two, economic determinism, which is the deciding factor between groups and three, that ethnic and economic factors encourage the group into action.

Paul Brass takes a similar line when it comes to ethnic consciousness or the genesis and escalation of ethnic conflict. He, therefore, distinguishes between an 'ethnic category' and an 'ethnic group' which is analogous to the Marxian 'class in itself' and 'class for itself'. The ethnic category is not an expression of its distinct identity. The ethnic group, expresses crystallization of identity. It involves articulation and efforts for the acquisition of economic and political rights for members of the group.[17]

Anthony Smith distinguishes between ethnic categories and ethnic communities. There are innumerable ethnic categories based on cultural factors like language, custom, religion, etc. But only rarely do these categories form ethnic communities and ethnic communities form ethnic nations. This formation takes place when these categories become collectively self-aware.

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[17] Paul Brass, ed., *Ethnic Groups and the State* (London: Croom Helm, 1985).

In this process, only a small number of ethnic categories survive the pressures of absorption and assimilation in the larger society.[18] The essence of an ethnic group, according to Smith, is the concept of 'ethnie', or ethnic community. It is a collective level of identity and community. It is in such communities that the power of social conflicts can be located.[19] Myth of common ancestry, shared memories, cultural elements and link with a historical territory or homeland define an 'ethnie'.[20]

Ethnic groups are also sometimes viewed in terms of alienation and migration. T.K. Oomen refers to it as a group of people who share a common history, tradition, language and life-style, but are uprooted and therefore unattached to a homeland.[21] No wonder, immigrant groups are referred to as ethnic groups in the United States.

Others like Brombley associate ethnic groups with homeland or territory. Ethnic groups are, therefore, defined as "stable inter-generation totality of people historically formed in a certain territory who possess

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[18] Anthony Smith, "The Ethnic Sources of Nationalism", *Survival*, Vol. 35, no. 1 Spring 1993, p. 52.

[19] Ibid., p. 49.

[20] Anthony D. Smith, *The Ethnic Revival in the Modern World* (Cambridge: Cambridge University Press, 1989).

[21] T.K.Oomen, *State and Society in India: Studies in Nation-Building* (New Delhi: Sage Publications 1990), p. 12.

common traits and peculiarities of mentality and awareness of unity and difference from other formulations and have a self name or *ethnoim.*"[22]

Though objective factors have been highlighted, many scholars have defined an ethnic group in terms of identity and awareness as a group. To add to this literature, Talcott Parsons, defines an ethnic group as a group, the members of which have (both with respect to their own sentiments and those of non-members) a distinctive sense of history.[23]

Bangera also defines an ethnic group in terms of 'ethnic consciousness'. According to him,"concrete social experiences are often important in the construction of such consciousness".[24] Theodorson and Theodorson define an ethnic group as one which enjoys a common cultural tradition and a sense of identity of being a sub-group within a larger society.[25] While emphasising primordial factors combined with a sense of identity, they understand ethnic groups as a sub-group or minority.

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[22] Y.V.Brombley, "The Term Ethos and its Definition", in I.R. Gigulevic, and S.Y.Kozlov, eds. *Races and People : Contemporary Racial Problems* (Moscow: Progress Publishers, 1974), p.22.

[23] Talcott Parsons, "Some Theoretical Considerations on the Nature and Trends of Change of Ethnicity", in N.Glazer and D.P.Moynihan, eds., *Ethnicity : Theory and Experience* (Harvard: Harvard University Press, 1975), p. 56.

[24] Yusuf Bangera, *The Search for Identity, Ethnicity, Religion and Political Violence,* UNRISD Occasional Paper no. 6 (Geneva, November 1994), p.6

[25] George A. Theodorson, and Schiller G. Theodorson, *A Modern Dictionary of Sociology,* (New York: Thomas Cromell, 1969).

Glazer and Moynihan, however, define an ethnic group as any group of distinct cultural tradition or origin, even if it is the majority ethnic group within a nation (the *statvolk*). [26]

Fredrik Barth dispelled the role of cultural factors in the formation of ethnic groups. Barth explains the limitations of subjective factors by showing how they change over a period of time, due to interaction with other groups. Yet the sense of separateness in terms of identity may continue to persist - as in the case of Polish Americans. At the same time, these traits may be replaced by a distinct ethnic identity, like the Bengali Muslims who fought as Muslims for Pakistan in 1947 and then fought against Pakistan as Bengalis in 1970-71. Barth, therefore, suggests that the focus be shifted from cultural traits to the process of creation and maintenance of ethnic boundaries, and the 'continuing dichotomization between members and outsiders. Barth holds the view that ethnic groups may become behaviourally assimilated in terms of ethnic markers like language, life-style, dress code etc., yet maintain their sense of ethnic identity. An ethnic group is, therefore, a form of social

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[26] For details see N. Glazer and Daniel P. Moynihan, *Beyond the Melting Pot*, (Cambridge: Cambridge University Press, 1970).

organization in which the members make use of certain cultural traits from their past which may not be historically verifiable.[27]

According to Thomas Erikson, since ethnicity itself is a wide ranging phenomenon, the definition of ethnic groups also reflects this variation. Erikson identifies four different kinds of ethnic groups to explain this variation.[28]

(i)     Urban ethnic minorities: Non - European immigrants in European cities or non-Americans in the United States.  Although aware of their distinctive origin, these groups are assimilated in the nation-state system and, therefore, make no demands for independence or statehood or a separate territory.

(ii)    Indigenous Peoples: aboriginal inhabitants of a territory, who are partially integrated in the capitalist system of production and consumption. They are relatively politically powerless.

(iii)   Proto-nations: They have a definite leadership and claim to a separate nation-state.  They are territorially based, differentiated according to class and education and are large groups.  Such groups are most

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[27] Fredrik Barth, "Ethnic Groups and Boundaries", in Fredrik Barth, ed., *Ethnic Groups and Boundaries: The Social Organization of Culture Difference* (Oslo: Scandinavian University Press, 1969), pp. 14-15.

[28] Erikson, n.13, pp. 12-14

covered by media and have all the characteristics of a nation except a state and could, therefore, be called 'nations without a state'. Erikson includes the Kurds of Iraq, the Palestinians, Sikhs and Sri Lankan Tamils in this category.

(iv)  Ethnic groups in plural societies are normally groups residing in colonially created states that are culturally diverse. Although they participate in the political and economic system of the state, they consider themselves distinct and are also considered so by the society. The different castes or religious groups in independent India could be examples of this category. Secessionism is not their goal, and their distinctiveness is asserted in the form of group competition.

The above discussion emphasises the fact that the term ethnic group is a complex phenomenon, and there is no clear-cut definition of the concept. It has a political, sociological and anthropological explanation. All these definitions offer subjective, objective as well as behavioural characteristics as markers of ethnic groups. For the purpose of the present study, an ethnic group could be defined as a group of people who are aware of their distinctiveness from other groups, and are recognized as such. This distinctiveness is based on shared experiences and a historical past, real or

'imagined', and is expressed by cultural markers like language, religion, race, tribe etc., to express their oneness.

The characteristics of an ethnic group are:

- Identity or self-perception as distinct social entity,

- Recognition by other groups,

- Cultural traits to build upon this identity,

- Shared memories of disadvantage within a plural society, and

- Focussed towards the achievement of certain material goals in the future.

Group identity or consciousness is a key element of an ethnic group. Identity and ethnic group are, therefore, closely related. The point to be noted here is that an ethnic group emerges as part of antagonism or deprivation felt as part of the larger society.

In contemporary usage, the term 'ethnic group' and 'minority' are often used interchangeably. According to Francesco Capotorti, special Rapporteur of the UN sub-Commission on Prevention of Discrimination and Protection of Minorities, the definition of 'minority' is a group numerically inferior to the rest of the population of a state in a non-dominant position, whose members - being nationals of the state - posses ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if

only implicitly, a sense of solidarity, directed towards preserving their culture, tradition, religion language.

A minority is, therefore, a non-dominant group in society, which may possess and wish to preserve a separate linguistic, cultural, religions or tribal tradition - which is markedly different from the rest of the population.

It would be interesting to note that like ethnic groups, even minorities need not be a traditional group with a history of self-identification. Minority identity changes as economic and political lines are drawn and redrawn.

Since ethnic conflict occurs within a territorially defined nation-state and reflect the schism between the nation and the nation state, it would be pertinent to define these terms.

Nationalism, according to Gellner, is "the political principle which holds that the political and national unit should be congruent."[29] Although it may present itself as the awakening of a latent force, it is a modern phenomenon, a new form of social organization, which uses some of the pre-existent cultures and sometimes invents them.[30]

Marxist thinker Tom Nairn combines Gellner's modernization perspective with Gramsci, to provide a materialist explanation of nationalism,

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[29] Ernest Gellner, *Nations and Nationalism* (Oxford: Blackwell, 1983), p.1.

[30] Ibid., pp. 48-49.

which appeals to an educated middle class and is able to mobilize support

cutting across class. Nationalism, according to Nairn, arises in threatened and

underdeveloped peripheral societies whose intelligentsia mobilizes the people

along cultural lines around the development goals of the local bourgeoisie.[31]

Following the instrumentalist perspective, Hobsbawm sees nationalism

as an 'invented tradition' of political elites to legitimise their power in an age

of democratisation and revolution.[32]

Anderson also agrees that nation is an artefact and defined it as "an

imagined political community," imagined as both inherently limited and

sovereign.[33]

Two rival conceptions of modern nationalism have emerged. The first

identifies the nation with all the citizens who are part of the territorial

sovereign state. The other viewpoint conceives the nation along ethnic lines

and membership is inherited and not based on formal citizenship. Ethnic

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[31] Tom Nairn, *The Break-up of Britain: Crisis and Neo-nationalism* (London: New Left Books, 1977), pp. 332-41.

[32] E.J. Hobsbawm, , "Introduction: Inventing Traditions and Mass-Producing Traditions : Europe 1870-1914", in E.J. Hobsbawm and Terence Ranger, eds., *The Invention of Tradition* (Cambridge, 1983). See also, E.J. Hobsbawm, *Nations and Nationalism since 1780. Programme, Myth, Reality* (Cambridge, 1990). Paul Brass also cites elite manipulation as a key to understanding nationalism.

[33] Benedict Anderson, *Imagined Communities: Reflections on the Origin and spread of Nationalism* (London: Verso, 2nd edition, 1991), p.6.

conflicts express the 'underlying tensions between these two notions of the nation.[34]

Even though these two conceptions contest each other, the irony is that both in cases the term nation or nationalism has a trend towards homogenising. However, it is "a construction whose unity remains problematic."[35]

The idea of nation and nationalism is so wide and varied, that it is impossible to cover in this brief section. For the purpose of the present study, it would be relevant to note three points:

- A nation-state is a territorial and political unit.

- A nation is a community of people who share a common culture, real or 'imagined'.

- Nationalism is the sentiment, the idea that creates or aspires to create nation-states out of nations.

It could, therefore, be summarised that a nation shares most of the attributes of a group, but is more territorially and politically integrated. Nation has an articulate political leadership and articulates its aspirations in the shape of a territorially carved out nation-state.

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[34] Rodolfo Stavenhagen, *Ethnic Conflicts and the Nation-State*, (New York, 1996), p.3.

[35] Etienne Balibar, "The Nation Form", *Review*, Vol. XII, no. 3 (summer 1990), p. 334.

An ethnic group or nation emerges as conflict in society unfolds. As most thinkers have pointed out, the nation and ethnic groups are an 'invention' or 'imagination', based on identity or consciousness of people. The group emerges as a distinct social entity when strains are felt in the plural society. It emerges imperceptibly over a period of time, but comes to the fore only when there is open conflict in society.

Two points need to be mentioned at the end of this section. One, ethnic groups or nations are dynamic actors in society. Two, their formation and existence revolve around identity or awareness. Identity or collective identity to be precise is therefore crucial and central to ethnic groups and eventually ethnic conflict.

**Problem of Definition**

Tensions and disputes between groups occur in various situations, with varying degrees of intensity. In fact, world politics is replete with instances of discord which are loosely termed as 'ethnic conflict.' Stavenhagen refers to it as a 'catch-all' term,[36] and Michael Hechter sees it as the "social scientists' shorthand" to describe diverse situations.[37] The term in its wide-ranging applicability often overlooks questions of class and gender. Diverse factors

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[36] Stavenhagen, n.34, pp. 14-32.

[37] Michael Hechter, and others, "A Theory of Ethnic Conflict Action", *International Migration Review,* Vol. xvi, no.2, Summer 1981 pp. 412-34.

are hidden behind this seemingly uniform term. The first question that arises is: how can a single term explain this wide variety of phenomena, or alternatively, can all these conflicts be termed 'ethnic' ?

The answer lies in the consciousness or the concept of identity, which is the core concept or binding factor in all these instances. Glazer and Moynihan base their explanation on the premise that ethnicity is a new social category which seeks to explain newer social realities. Despite the fact that each of these cases arises in a distinct social setting, from disparate sources and with a unique set of demands, there is a common ground - i.e., awareness of their distinctiveness in these instances of group assertiveness. There is no doubt that issues of this nature did exist in the past, but in recent times it has arisen with more intensity. The importance lies in the fact that ethnicity has been able to combine interest with an effective tie.

It is not that factors like language, religion, race etc. have suddenly emerged as important issues. It is just that these issues have become a source of mobilization for the promotion of group interests. These arguments help in dispelling partially some of the scepticism that surrounds the use of the term ethnicity and ethnic conflict. Despite this lacuna, the term is still in use due to the absence of an alternative explanatory term - an issue which needs to be addressed in future theoretical discussions.

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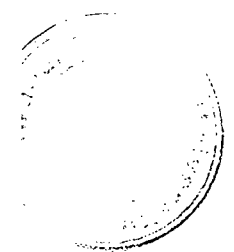
Conflict between ethnic groups could range from social grievances and rivalry, to open hostility and armed conflict. The next question that arises is: where does one locate 'ethnic conflict' in this continuum, or alternatively, what are the characteristic features of ethnic conflict ? (Characteristics of ethnic conflict are discussed below).

A plethora of definitions and different parameters have been used by scholars to address this question. According to Northrup, there are multiple levels to every conflict, which could range from a minor dispute, a clash of interest, to an intractable conflict.[38] Agnew sees ethnic conflict as being inextricable linked to the existence of diverse groups, but it is the level or intensity which defines the magnitude of the problem.[39]

Stavenhagen defines ethnic conflict as a confrontation between contenders who define themselves and each other in 'ethnic' terms - that is, "when national origin, religion, race, language or other cultural markers are used to distinguish opposing parties."[40]

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[38] Terrel A. Northrup, "The Dynamic of Identity in Personal and Social Conflict", in Louis Kriesberg et al (eds.) *Intractable Conflicts and Their Transformation* (Syracuse: Syracuse University Press, 1989) pp.41-52

[39] John Agnew, "Beyond Reason: Spatial and Temporal Sources of Ethnic Conflicts," in Louis Kriesberg et al (eds.), *Intractable Conflicts Conflicts and Their Transformation*, (Syracuse: Syracuse University Press, 1989), pp. 41-52.

[40] Stavenhagen, n. 34, p. 284

Gurr and Harff distinguish between civil strife and political violence, and explain the extent of ethno political violence on the basis of seven interconnected variables: degree of group discrimination, strength of group identity, degree of ethnic group cohesion, type of political environment, severity of governmental violence, extent of external support and the international status of the regime.[41]

Uyangoda in his study of Militarisation and violence in Sri Lanka, characterizes ethnic conflict as a tendency to use violence alongside parliamentary politics and electoral bargaining. It is a situation where "social groups and political forces do not appear to see electoral and parliamentary competition as an effective viable means of political mobilization."[42]

The above discussion shows that in most definitions of ethnic conflicts, violence is seen as crucial indicators. The Swedish International Peace Research Institute (SIPRI) and the Department of Peace and Conflict Research at Uppasala University, Sweden, have made four-fold classification of conflict, based on the intensity.[43] :

[41] Ted Gurr and Barbara Harff, *Ethnic Conflicts in World Politics,* (Boulder: Westview Press, 1994), pp. 77-98.

[42] Jayadeva Uyangoda, "Militarization: Violent State, Violent Society. Sri Lanka," in Kumar Rupesinghe and Khawar Mumtaz, eds., *Internal Conflicts in South Asia,* (New Delhi, 1996), p.118.

[43] Kumar Rupesinghe with Sanam Naraghi Anderlini, *Civil Wars Civil Peace: An Introduction to Conflict Resolution,* (London: Pluto Press, 1998), p.26.

(i)    War or major armed conflict - when there are over 1000 battle-related deaths.

(ii)    Intermediate conflict - when battle-related deaths may range between 25 and 1,000 in a particular year, but exceed 1,000 throughout the duration of the conflict.

(iii)    Low intensity conflict - where violence is 'more sporadic and less intense'.

(iv)    Serious dispute - when one of the parties 'has deployed military, troops or made a show of force.

Though violence is an important indicator in assessing the gravity of the situation, violence alone cannot explain the fully complexity of the conflict. Data on death and disappearances are always suspected. Moreover, death and casualties are not enough to explain the intensity of violence. As the discussion below shows, violence is both a cause and effect in a conflict situation. It is often reproduced when violence by one party is always followed by revenge from the opposing party.[44]

Sahadevan identifies five characteristics of 'internal wars', which are relevant for the present study: (1) the battle lines are drawn between the

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[44] For a discussion on violence, see Paul Wilkinson, *Terrorism and the Liberal State*, (Hampshire: McMillan Educational ltd., 1987).

minority group and the state which represents the majority community. Thus, militant groups who belong to the minority groups challenge the state. (2) The geographical location of the conflict represents 'ethnic enclaves' of minority groups. The strategy is to control land or territory. (3) Goals of an ethnic conflict are particularly exclusionist aimed at furthering the interest of the group. (4) Violence or a spiral of violence is so overwhelming that civilian casualties are very high. (5) It is generally the threatened group or minority that initiates the conflict.[45]

For the present study, ethnic conflict is defined as a situation marked by strains in society resulting from incompatible goals of groups leading to breakdown of social order. Alternatively, it is also a situation when ethnic groups challenge the state. Luc Van de Goor and others, define ethnic conflict as "a situation where two or more culturally diverse groups become engaged in overt mutually opposing violent interactions aimed at destroying, injuring or controlling their opponents." [46]

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[45] For details see P. Sahadevan, *Coping With Disorder: Strategies To End Internal Wars in South Asia*, RCSS Policy Studies, #17, (Colombo: Regional Center For Strategic Studies, 2000) pp. 10-12

[46] Luc Van de Goor, et.al., "Introduction to the Themes," in Luc van De Goor et. Al. eds. *Between Development and Destruction: An Introduction Into the Causes of Conflict in Post Colonial States*, (The

Hague: The Netherlands Ministry of Foreign Affairs The Netherlands Institute of International Relations, 1996) p.2

Based on the above definitions, the characteristics features of ethnic conflict could be identified as:

- Presence of two or more diverse groups, which consider themselves as distinct and are considered so by other groups as well,

- The opposing groups live within the same territorial unit,

- A marked difference between them with regard to aims, interests, values etc.,

- Boundaries of the nation and the State do not coincide. The State is unable to hold legitimacy of 'nation',

- The State is a key actor in the sense that it represents the majority community,

- The role of the State is crucial to the persistence of the conflict,

- Violence is both a cause and consequence, it includes violence against civilians, and

- There is fear, mistrust and suspicion between members of different groups.

However, ethnic conflict in society need not necessarily lead to refugee generation. An episode of violence may result in displacement of people, but it may be sporadic and temporary. The question that arises is: How does ethnic conflict lead to refugee generation? Or, alternatively, at what stage in

the conflict does displacement become routinised? The answer lies in the 'militarisation' of ethnic conflict.

## MILITARISATION AND REFUGEE GENERATION: AN ANALYTICAL FRAMEWORK

This framework envisages that militarisation as a critical factor is related to wider gamut of forces - political, economic, psychological and external, which plays a key role in refugee generation. The nature and intensity of the conflict is inextricably linked to refugee generation.

'Militarisation' of ethnic conflict is an area rarely studied by social scientists, though they have addressed related terms like intractability, political violence, etc. At the outset, it should be mentioned that militarisation is often confused with terms like military, militarism, and violence. Military refers to the "whole organization of defensive and offensive of armed force in society." A Military regime is an autocratic government where the military controls the political system usually after gaining power through a *coup d' etat.* Militarism as state policy means that the nation in question seeks to achieve its ends by overt or threatened use of military force. If an ideology or political culture extols military values or patriotism, it is often described as militaristic.[47] It needs to be assented that militarisation is distinct from the

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[47] David Robertson, *Penguin Dictionary of Politics,* (London: Penguin, 1993), pp.311-12.

above terms, as also from violence. It is a wider concept and includes not just violence, but also it impact.

Jayadeva Uyangoda provides a lucid explanation of militarization. He encapsulates militarisation as a "rupture" between the State and society - when the state finds it "difficult to command passive loyalty and obedience" from all its subjects. A militarised society is, therefore, characterized by: (1) the acceptance of violence as a legitimate mode of political behaviour as a mechanism to resolve political antagonism. Ethnic groups, therefore, reject parliamentary democracy and other formal policies like elections in favour of an armed resistance against the State. (2) Violence is a dimension of state power. Apart from the formal institutions of state power, there are a number of 'unformalised' agencies of violence in a militarised society.[48] In a situation where State as well as counter-state violence becomes 'normalized', it prolongs armed conflict.

Militarisation in this sense is close to the concept of intractability of conflict as defined by Northrup i.e. "a prolonged conflictual psychosocial process between (or among) parties..."[49] Identity is the central feature in an intractable conflict and operates in four sequential steps in the escalation of

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[48] Uyangoda, n.42, pp.118-30.
[49] Northrup, n.38, p.62.

conflict. These four steps are (1) threat, (2) distortion, (3) rigidification and (4) illusion. They are important in understanding the intensity of the conflict, but intractability is not as simplistic phenomenon. It emerges from a set of factors that interplay, interact and render the conflict intractable.

A militarised conflict is 'prolonged'. It is 'psychosocial' in the sense that there is a psychological dimension in the genesis and sustenance of the conflict. But militarisation is distinct from intractability. Agnew puts forth an illuminating definition of intractable conflict, when he defines it as "dynamically reproduced through the mutual exclusivity of territorial claims and constant production of new causes as conflict continues."[50] Thus, clearly demarcated territorial claims are important in strengthening the conflict. The other point crucial for the present discussion is that the conflict itself produces causes for its sustenance.

Since intense violence is a basic feature of a militarised society, it would be imperative at this stage to understand the parameters of violence in the present framework. Violence in this context means political violence.[51] Political violence is the use of force with a specific agenda or purpose.

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[50] Agnew, n.39, pp.41-52.

[51] Legally violence is the illegitimate use of force, but in sociology it is defined as overt or covert use of force in order to wrest from individuals or groups something they do not want to give of their own free will. See Alain Joe, 'General Introduction in Domenach et al. (eds.), *Violence and Its Causes* (Paris: UNESCO Publications, 1991), pp.9-21.

According to Ted Gurr, it is "the use or threat of violence by any party or institution to attain ends within or outside the political order."[52] As opposed to other forms of violence, political violence is a collective phenomenon in response to social, political or economic grievances. It is not an end in itself, but a means to an end.

Violence in a militarised society is multi-dimensional. It would be latent or manifest, direct or indirect. Johan Galtung speaks of structural violence, which is implicit in the structure of domination and inequality.[53]

An essential feature of violence in a militarised situation is that it generates from multiple sources. It is generated by the State as also those opposing the State. In a militarised society, the State increases its military budget to, accommodate expenditure on additional forces and purchase of arms, Apart from the regular army, navy and air force, the State also creates special armed forces specifically to counter militancy. There may be other armed groups or forces created unofficially with the help of the state. consent and patronage. Ethno-political violence, outside the framework of the State policy and behaviour, is rooted in two sources. The majority seeks to assert its supremacy, and the minority, wants to preserve its identity. Violence by

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[52] Ted Gurr, *Why Men Rebel*, (N. Jersey: Princeton University Press, 1974), p.4.

[53] For details see, Johan Galtung, *Peace By Peaceful Means: Peace and Conflict, Development and Civilization* (London: Sage Publications, 1996).

discontented groups involves different militant groups or different factions

within groups. Forces with the support of the state may perpetrate violence.

**Chart 1.1    Sources of violence in a militarised society**

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                          ┌───────────────┐
                  ┌───────┤   Violence    ├───────┐
                  │       └───────────────┘       │
                  │                               │
          ┌───────┴───────┐               ┌───────┴───────┐
          │     State     │               │    Ethno-     │
          │               │               │   Political   │
       ┌──┴──────────┬────┘            ┌──┴──────────┬────┘
       │             │                 │             │
  ┌────┴────┐   ┌────┴──────┐    ┌─────┴────┐   ┌────┴─────┐
  │ Regular │   │ Specially │    │ Majority │   │ Minority │
  │ Forces  │   │ created   │    │          │   │          │
  └─────────┘   └───────────┘    └──────────┘   └──────────┘
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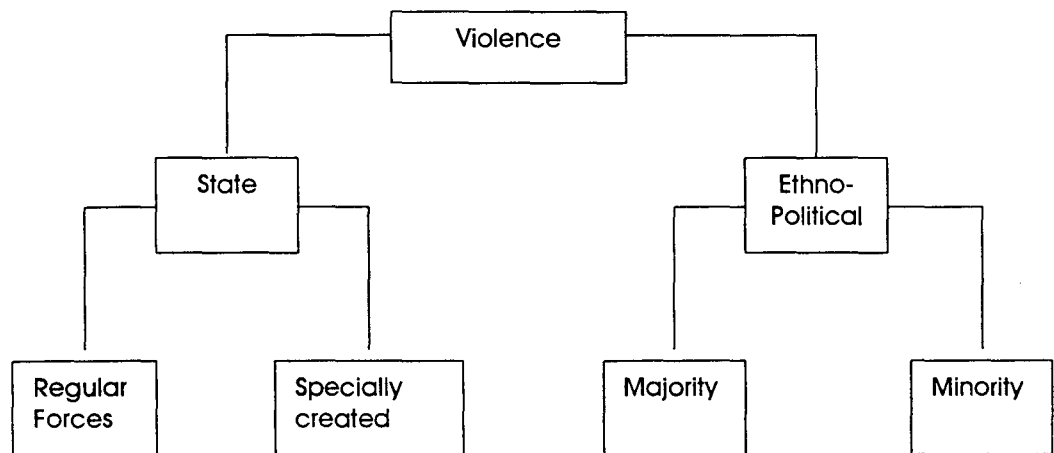
Manifestations of violence are also as diverse as the sources. Apart from

armed conflict, when both sides contest for territory, other forms of violence

erupt. State violence expresses itself as political persecution of dissident

groups, by way of detention, arbitrary arrests, disappearances, death, rape

and torture.[54] Ethno-political violence is demonstrated in riots (which are

spontaneous) or pogroms (which are organized), guerrilla warfare,

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[54] "Torture is usually part of state-controlled machinery to suppress dissent" *Ibid. p.45.*

kidnapping, political murders, and assassinations.[55] Violence may also lead to destruction, damage of property, lack of freedom of movement, forceful evacuation, conscription etc. Violence in a militarised society is all pervasive, widespread and sets in a 'culture of violence' and dehumanisation of society.

Militarisation in the present context includes this diversity of political violence. But it is a wider term than violence alone. It could be defined as:

- Acceptance of violence as the legitimate form of political practice,

- Escalation in the scale of violence, and

- Inter-related dynamics

**Chart 1.2 Militarisation and Refugee Generation: An Analytical Framework**



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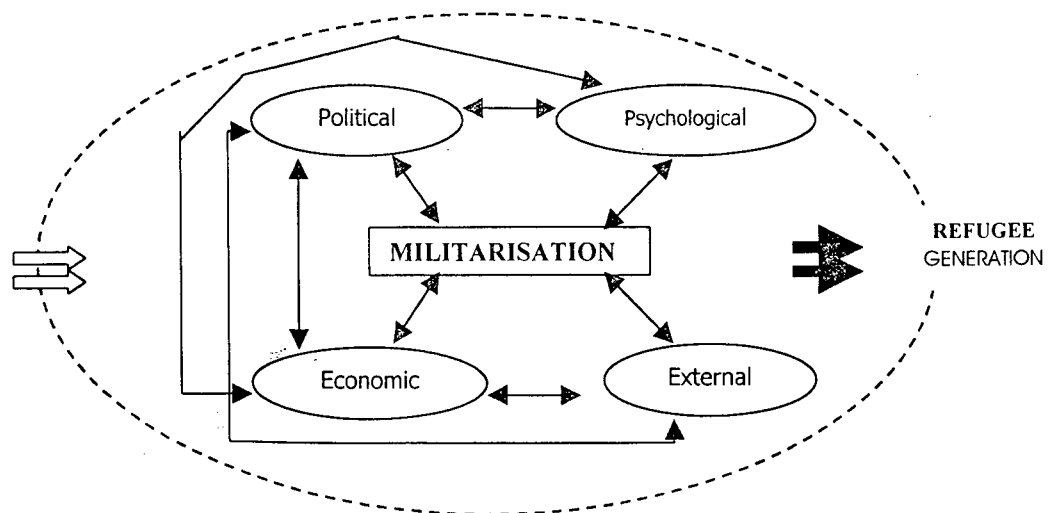
[55] For details see, Helen Bamber, "Torture and the Infliction of Other Forms of Political Violence," in Diana Miserz (ed.), *The Trauma of Exile* (Dordrecht: Martin Nijhoff Publishers, 1988), pp.45-78.

Refugee generation takes place due to a web of inter-related factors, which affect each other and affect militarisation (and are affected by it) and the f( inter-related factors are political, economic, psychological and external.

**Political Determinants**

Political factors include a wide range of components that determine militarisation and, , refugee generation. To start with, since ethnic conflict is located in the dichotomy between the State and the 'nation' the role of the State acquires crucial significance in this analysis. The role of the state in a multi-ethnic society is broadly manifested at three levels. At the policy level, the question is whose interest does the State represent while formulating polices that impinge on the socio-economic structure of society. Political environment represents the level of participation and democratic space in the political system for different groups. It also includes the nature of ideology and strategies of the leadership – 'who represents the interests of the minorities' and the parameters within which they work. In a militarised society, for instance, the moderate leadership is often weakened, and the vacuum is filled by the militant leadership. The third and most specific role of the state is expressed in its administrative, police and military organizations in handling crisis situations. These factors have a direct bearing on economic,

psychological and external dimensions of the conflict. Political determinants have a profound psychological impact leading to political mobilization. When groups feel marginalized and alienated in a plural society, they often look towards more violent ways of addressing grievances. Emergence of militant groups is often the outcome in such situations. Geopolitics and the existence of a clearly demarcated territory are crucial for the sustenance of the conflict.

**Economic Determinants**

There is a deep-seated economic inequality and grievance at the root of most conflicts. These get exacerbated or settled depending upon the policy decisions adopted by the State. However, once the conflict gets militarised, economic factors acquire a heightened significance because a new set of economic factors emerge, to sustain and escalate the conflict. The economic costs of sustaining the war and also the immediate impact on education, employment and livelihood opportunities push people towards militancy. Psychologically, the loss of economic opportunities alienates people. Those in direct contact with violence face problems like food, shelter and essential commodities. The economies of war add yet another dimension of this scenario. Certain sections of people like arms dealers or those supplying equipment to the military find it economically expedient to sustain the conflict.

## Psychological Determinants

'Wars begin in the minds of men', this encapsulates the psychological dimension of ethnic conflict. Though militarised conflicts move beyond their cause, the psychological factors of militarisation can be 'seen' in the, fear, insecurity, mistrust, and dehumanisation of people. The acceptance of violence as the 'legitimate' form of political practice mobilizes people for militancy.[56]

## External Determinants

External determinants are territorially or geographically outside the ambit of the conflict, yet they determine the course of it. It is not a cause, but can be a catalyst in the conflict. According to David Carment, human rights issues and refugee situations are facets of ethnic conflict which bring the international dimension to the force.[57]

According to Sahadevan, patterns of external involvement could be broadly categorized as conflict waging, humanitarian intervention and conflict resolution.[58]

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[56] There is often a romanticisation of violence in militarized society. According to Frantz Fanon the use of violence as a cleansing agent, is aimed at eliminating the 'real evils' of society. See Frantz Fanon, *The Wretched of the Earth*, (Trans.by C. Farrington, Harmondsworth: Penguin, 1980).

[57] David Carment, "The International Dimensions of Ethnic Conflict, Concepts Indicators and Theory." *Journal of Peace Research*, Vol.30, No.2, May 1993, pp.137-50.

[58] See, P. Sahadevan, "Internationalization of Ethnic Conflicts in South Asia: A Conceptual Enquiry," *International Studies*, Vol.35, No.3, 1998, pp.317-42.

The international actors in ethnic conflict are states, civil society international media, international non-governmental organizations and diaspora. They influence the conflict and also form 'pull factors' in refugee generation. The States provide moral and material support (training, supply of arms and fund) to the militants. Refugee policy and response of the state as well as civil society to asylum seekers are of particular significance in the present framework. While the above factors impinge on refugee generation, the process itself creates conditions for sustaining the cycle - as shown in dotted lines in the diagram. The point is well brought out by John Dalberg-Acton when he says that 'exile is the nursery of nationality."[59] 'Long-distance nationalism', according to Anderson, is responsible for some of the most violent and long drawn conflicts in the world today.

Refugee generation is a dynamic process. Though it is difficult to identify specific factors involved in the process, once unleashed, it creates conditions for its own survival. At the outset, it must be mentioned that there is an intense cycle of violence and open hostility in a militarised society. Refugee generation occurs as an exodus during the period of intense violence, or as a trickle due to the overall impact of generalised violence. A specific episode of

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[59] For details see, John Dalberg-Acton in Williams Mc.Neils (ed.), *Essays in the Liberal Interpretation of History* (Chicago, 1967), p.146 as quoted by Benedict Anderson, "Exodus, *Critical Inquiry*, Vol.20, No.2, Winter 1994, pp.314-27.

intense fighting may start after a period of lull when there is failure of talks or attempts at reaching a political solution between the government and militants. At this point there is threat or anticipation of violence and rumours of outbreak of hostilities (Some people move out at this stage itself, in fear and anxiety). The next stage is when there is actual warning through announcements, imposition of curfew, sound of bombing or sirens before shelling by the army. Fear and panic is generated at this stage. People have to decide whether they have to stay or flee. Sometimes civilians are deprived of this choice, when there are announcements that people have to vacate the area at any cost. The next stage is the actual impact of bombing, shelling, ground warfare between the State forces and militant groups. The area is referred to the 'war- zone' or the 'combat-zone'. Death, injury, disability, destruction of houses and property occur. If there is death of a family member or neighbour, the fear, mistrust, alienation becomes so high that people flee either to the nearest place of safety, or leave the village itself.

In this situation, there is an adverse economic impact. The livelihood opportunities of the people are affected. Naval warfare and increased vigilance render fishing difficult and dangerous. Even if they manage a catch in rare and lucky situations there is no market for the product, because of the absence of people and imposition of curfew. There is destruction of property

i.e. shops, farms, equipments. There is an economic embargo imposed in the area for security reasons. Due to this essential items and medicines are not available. Lack of electricity, raw materials and restrictions on travelling worsen the economic situation and force people to flee to refugee camps to get food. There is acute poverty and unemployment. The alienation and frustration especially among the youth is so high that they are drawn into militant groups. The underlying rationale is that this deprivation can only be set right by violent political struggle.

Once there is a decisive outcome in terms of controlling territory, the war moves on. The forces that have been able to wrest territory move on to the next decisive phase in the fighting and the same cycle of threat, warning, actual violence and the impact of violence takes place in the next combat-zone.

However, even in times when there is no overt, intense violence, people still flee. This is because violence continues in many forms, including arbitrary arrests, disappearances, detention, forceful conscription and forceful evacuation. There is a complete loss of faith in the Rule of Law. Displacement of people happens from other parts of the country as well and not just the combat-zones.

External factors add yet another dimension to conflicts. External determinants affect the refugee situation in two ways. Firstly, the role of

refugee policy of foreign countries determines the destination of refugees in terms of internal or external displacement. The role and response of the neighbouring state is of crucial significance in this context, because it is often the place where they seek immediate refuge. If the country has closed borders and impermeable entry points, people are forced to remain confined within their own country. If, on the other hand, there is shared culture or ethnic affinity with the neighbouring population, it acts as 'pull factor'. Thus, the response of the host community is also important in this regard. Secondly, the role of the diaspora is a key factor in a refugee situation. The diaspora gives moral and material support to the conflict. At the same time, refugees who flee the country become part of the diaspora and add to the fervour of the movement from outside the country. (This is shown in dotted lines in the flow chart).

## CONCLUSION

Refugee generation is a dynamic process inextricably linked to the conflict. The intensity of the conflict has a direct impact on the process of displacement. Refugee generation is not an isolated phenomenon having a simple cause - effect relationship with the ethnic conflict. It is a feature of the

conflict itself and develops within this wide array of inter-related variables –

economic, political, psychological and external.

In the absence of an analytical framework to explain refugee generation

in a situation of ethnic conflict, this theoretical exercise is an attempt to fill the

gap. However, the viability of the framework can be best understood in an

empirical situation.

# CHAPTER II

# GENESIS OF THE CONFLICT

## INTRODUCTION

For the past two decades, Sri Lanka has been in the throes of intense conflict and violence. Throughout this phase people living in the conflict zones of the North and East, and the country at large have been affected by violence in several ways. There has been widespread displacement of people, both within and outside the country. This is of primary concern to the present study. However, since conflict and refugee generation do not have a simple cause-effect relationship, and cannot be explained so simplistically, it becomes imperative to understand the background of the problem itself. This chapter, therefore, attempts to explain the genesis of the conflict.

Most scholarship on Sri Lanka considers the conflict in Sri Lanka as 'ethnic'. So the first question that needs to be addressed is whether the situation in Sri Lanka can be termed as 'ethnic conflict.' As mentioned in the previous chapter, the term is steeped in controversy about what exactly is 'ethnic'; since ethnic boundaries keep changing, how a wide array of incidents of conflict is loosely termed as ethnic. The problem becomes further confounded when one has to explain the Sri Lankan situation, because the country is not divided into 'pure' categories of religion or language. Sri Lanka

presents a mosaic of overlapping categories. Moreover, these categories also often overlook questions of class and gender.

It must be admitted that the present study will have to contend with the term 'ethnic conflict', to explain the Sri Lankan situation. It is a 'new term which explains newer social realities,' as Glazer and Moynihan had stated in the 1950s, Also, that there is no alternative term to explain the complex scenario that Sri Lanka presents.

The main argument in this chapter is that the Sri Lankan Tamils and the Sinhalese are not two antagonistic groups alienated since time immemorial. The antagonism between them has developed over a prolonged period when people have been mobilized as two distinct ethnic groups with mutually opposing interests. The conflict is a combination of various social, political and economic forces in society. The present chapter analyses how the conflict has emerged in Sri Lanka. A plausible starting point would be to understand the demography of the country.

## DEMOGRAPHIC FACTORS OF ETHNIC CONFLICT

Regardless of who first settled in Sri Lanka,[1] it is an established fact that the island has for centuries been a home for the Sinhalese, Tamils, Muslims

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[1] Neolithic cultures seem to have existed in Sri Lanka, around 10,000 B.C. The oldest known culture in Sri Lanka, is supposed to be the Balangoda around 5,000 B.C. H.L.Seneviratne, "Identity and the Conflation of Past and Present," in Seneviratne (ed) *Identity Consciousness*

(Moors), Burghers and Malays. In fact the country has one of the most complex plural societies in the world with as many as four of the world's major religions and more than two different languages.[2] According to the census of 1981, Sri Lanka has a population of 15 million people - 74 per cent of them are Sinhalese, 18.2 per cent Tamils, 7.4 per cent Muslims (Moors), 0.3 per cent each Malays and Burghers and 0.2 per cent others, which include Borahs and Memons.[3] Based on religion, the population could be divided into four distinct categories - Buddhists (69.3 per cent), Hindus (15.5 per cent), Muslims (7.6 per cent) and Christians (7.5 per cent).

These two categories are overlapping in the sense that of 74 per cent Sinhalese, 69.3 per cent are Buddhist, the rest 4.7 per cent are Christians[4]. Again, of 18.2 per cent Sri Lankan Tamils, 15.5 per cent are Hindus and 2.7 per cent Christians. The Muslims include 7.1 per cent Moors and 0.3 per cent of Malays.

These categories are further divided along caste and regional lines. The Sinhalese are of two categories, the Low Country Sinhalese and the Kandyan

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and the Past: Forging of Caste and Communities in India and Sri Lanka, (New Delhi: Oxford University Press), p.6.
[2] K.M. de Silva, Sri Lanka: Ethnic Conflict Management and Resolution, ICES, Pamphlet Series I (Kandy: 1996), p1.
[3] Borahs and Memons are Muslim communities from Western India particularly Gujarat and Maharashtra settled mainly for business purposes.
[4] Christians also include the 0.3 per cent Burghers of Dutch origin.

Sinhalese. The former is concentrated in coastal areas. They were accessible to Portuguese, Dutch, and British influence and, therefore, to Roman Catholicism, Protestantism and English education. On the contrary, the Kandyan Kingdom maintained its independence for a long time and therefore was late in coming under the European influence.[5] The Kandyans have preserved their own culture. The difference between the Kandyan Sinhalese and the Low country Sinhalese is also based on English education, religious orthodoxy, and conservatism. There are also caste divisions among the Sinhalese population - the dominant 'goyigama' (cultivator) caste, 'Karava' (fisher folk), 'Salagama' (cinnamon peeler) and 'Durava' (toddy tapper) castes.

Likewise, even the Tamil community is not homogenous, as it may seem to be. According to Valentine Daniel, "a deep dividing line runs through the Tamil community."[6] They are broadly divided into the Sri Lankan Tamils, who live in the North and East (also called 'Ceylon' Tamils and 'indigenous' Tamils) and the Estate Tamils (also called 'Plantation Tamils', 'Indian Tamils, and 'Hill country Tamils'). The Estate Tamils live in the South-Central region.

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[5] The Kandyan King had staged two rebellions against British administration in 1817-18 and again 1848. They have been able to maintain their own indigenous culture and social organisation. In 1927, a number of Kandyan Sinhalise politicians had insisted before the Donoughmore Commission for a federated criterion in which they could look after their own affairs with a fair degree of autonomy. However by 1931, they had forged other political links. A.J. Wilson, *Politics in Sri Lanka: 1947-1973*, (London: Macmillan, 1974), pp.38-41.

[6] Valentine E. Daniel, *Charred Lullabies: Chapters in An Anthropography of Violence* (Princeton, New Jersey,: Princeton University Press, 1996) p.17

They were brought as indentured labour by the British to work on tea and coffee plantations, in the nineteenth century. Most of them belong to Thiruchirapalli, Madurai, Tanjore, Ramanathapuram and Tirunelveli in Tamil Nadu. Some of them are from Salem and Arcot districts in Tamil Nadu. According to 1981 census, they constitute 5.6 per cent of the population; in 1953 they formed 12 per cent of the country's population.[7] The Jaffna Tamils have a deep and abiding sense of cultural superiority over the Indian Tamils. The two groups also deride each other's dialect (though both speak Tamil) and have even given derogatory epithets to each other.[8]

Sri Lanka also consists of smaller but by no means insignificant groups. Prominent among them is the Muslim community which traces its origin to Arab traders (even before the advent of Islam); Indians from the Southern and Western region and some Muslims from South East Asia. Though the Muslims by and large speak Tamil at home, they have been asserting their identity as being distinct from the Tamils. Socio-political and demographic compulsions have urged this erstwhile acquiescent minority to be assertive of its identity[9]. This adds yet another dimension to the ethnic conflict in Sri Lanka.

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[7] ibid. pp.18-34.

[8] The Jaffna Tamils call the Estate Tamils *Vaddtakkathayan* meaning Northern due to their recent origin and the latter call the Jaffna Tamils *'panangkoddai cuppis*, i.e., 'suckers of Palmyra seeds', ibid. p.18.

[9] For details on the Muslim community in Sri Lanka see Vasundhara Mohan, *Identity Crisis of Sri Lankan Muslims*, (New Delhi: Mittal Publications, 1987). Also see Qadri Ismail, "

These differences show that groups in Sri Lanka are by no means homogenous cultural units. There is a lot of overlapping between categories, as well as internal schisms. According to Kearney, caste, region, religion and class have all been sources of identity in Sri Lanka. Though it was anticipated before independence, that caste would play a crucial role in creating identities, the caste factor remained confined to localities and constituencies, and did not come to the fore in the way it was anticipated.[10] The most important source of division has been what Kearney calls' broader primordial groups,' generally referred to as 'communities'. Till the census of 1911, the term 'race' was used, but it was later replaced by 'nationality'.[11] The ambiguity of the terms as well as the categories point to the fact that the present differences and antagonism are based on selective ethnic histories.[12]

However, a key element in the development of the ethnic conflict has been the regional concentration of various groups. This has proved to be an important factor for the growth of the conflict to the level of being a

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Unmooring Identity: The Antinomies of Elite Muslims Self- Representation in Modern Sri Lanka," In Pradeep Jeganathan and Qadri Ismail (eds.) *Unmaking the Nation: The Politics of Identity and History in Modern Sri Lanka*, (Colombo: SSA, 1995), pp.55-105 and Urmila Phadnis, "Political Profile of the Muslim Minority in Sri Lanka," *International Studies*, vol.18, no., 1, January-March 1979, pp.27-48

[10] Robert N. Kearney; *Communalism and Language in the Politics of Ceylon*, (Durham: North Carolina, Duke University Press, 1967), pp.4-6.

[11] E.B. Denham mentioned in 1911that "despite political connection, the two races are distinct today in Ceylon "E.B. Denham, *Ceylon at the Census*, 1911 (Colombo, Government University Press, 1911), p.126 as quoted in ibid. p.6).

[12] See Jonathan Spencer (ed.), *Sri Lanka History and Roots of Conflict* (London: Routledge, 1990).

movement for self-Determination. Though the Sri Lankan Tamils are spread out throughout the island most of them are concentrated in the North and East. According to the 1981 Census they have an absolute majority in five districts, namely Jaffna, Mullaitivu, Mannar, Batticaloa and Vavuniya, and are numerically the highest in Trincomalee.

Geographical location of a majority of the Tamil population in the North and East has been crucial in the crystallisation of their ethnic identity and the idea of a Tamil homeland, 'Eelam'.

## Table 2.1 DISTRICTWISE DITRIBUTION OF ETHNIC COMMUNITIES IN SRI LANKA
## (IN PERCENTAGE)

| Sl. No | District | Sinhalese | Sri Lankan Tamils | Indian Tamils | Moors | Burghers | Malays | Others | Total '000 |
|---|---|---|---|---|---|---|---|---|---|
| | **Eastern Province** | | | | | | | | |
| 1 | Trincomalee | 33.6 | 33.8 | 2.6 | 29 | 0.5 | 0.3 | 0.2 | 256 |
| 2 | Batticaloa | 3.2 | 70.9 | 1.2 | 23.9 | 0.7 | 0 | 0.1 | 330 |
| 3 | Amparai | 37.7 | 20.1 | 0.4 | 41.4 | 0.2 | 0.1 | 0.1 | 389 |
| | **Northern Province** | | | | | | | | |
| 4 | Jaffna | 0.6 | 95.3 | 2.4 | 1.7 | 0 | 0 | 0 | 831 |
| 5 | Mullaitivu | 5.1 | 76 | 13.9 | 4.9 | 0.1 | 0 | 0 | 77 |
| 6 | Mannar | 8.1 | 50.6 | 13.3 | 26.6 | 0 | 0 | 1.4 | 106 |
| 7 | Vavuniya | 16.6 | 56.9 | 19.4 | 6.9 | 0 | 0 | 0.2 | 95 |
| | **Western Province** | | | | | | | | |
| 8 | Colombo | 77.9 | 9.8 | 1.3 | 8.3 | 1.1 | 1.1 | 0.5 | 1,699 |
| 9 | Gampaha | 92.2 | 3.3 | 0.4 | 2.8 | 0.6 | 0.6 | 0.1 | 1,391 |
| 10 | Kalutara | 87.3 | 1 | 4.1 | 7.5 | 0 | 0.1 | 0 | 830 |
| | **Southern Province** | | | | | | | | |
| 11 | Galle | 94.4 | 0.7 | 1.4 | 3.2 | 0 | 0.1 | 0.2 | 815 |
| 12 | Matara | 94.6 | 0.6 | 2.2 | 2.6 | 0 | 0 | 0 | 644 |
| 13 | Hambantota | 97.6 | 0.4 | 0.1 | 1.1 | 0 | 1 | 0 | 424 |
| | **Uva Province** | | | | | | | | |
| 14 | Moneragala | 92.9 | 1.8 | 3.3 | 1.9 | 0 | 0.1 | 0 | 274 |
| 15 | Badulla | 68.5 | 5.7 | 21.1 | 4.2 | 0.1 | 0.2 | 0.2 | 641 |
| | **Central Province** | | | | | | | | |
| 16 | Kandy | 75 | 4.9 | 9.3 | 10 | 0.2 | 0.2 | 0.4 | 1,048 |
| 17 | Matale | 79.9 | 5.7 | 6.8 | 7.3 | 0.1 | 0.1 | 0.1 | 357 |
| 18 | Nuwara Eliya | 35.9 | 13.5 | 47.3 | 2.8 | 0.1 | 0.2 | 0.2 | 604 |
| | **Sabaragamuwa Province** | | | | | | | | |
| 19 | Kegalle | 86.3 | 2.1 | 6.4 | 5.1 | 0 | 0 | 0.1 | 685 |
| 20 | Ratnapura | 84.6 | 2.3 | 11.1 | 1.7 | 0.1 | 0.1 | 0.1 | 797 |
| | **North-Western Province** | | | | | | | | |
| 21 | Kurunegala | 93.1 | 1.1 | 0.5 | 5.1 | 0 | 0.1 | 0.1 | 1,212 |
| 22 | Puttalam | 82.6 | 6.7 | 0.6 | 9.7 | 0.1 | 0.2 | 0.1 | 493 |
| | **North-Central Province** | | | | | | | | |
| 23 | Anuradhapura | 91.3 | 1.4 | 0.1 | 7.1 | 0 | 0 | 0.1 | 588 |
| 24 | Pollonaruwa | 90.9 | 2.2 | 0.1 | 6.5 | 0 | 0.1 | 0.2 | 262 |
| | | | | | | | | | |
| | Total | 74 | 12.7 | 5.5 | 7 | 0.3 | 0.3 | 0.2 | 1,484,8 |

Source: Economic & Social Statistics of Sri Lanka, Central Bank, 1993.

Another key element in the growth and emergence of the ethnic divide has been the majority- minority sentiment. The majority Sinhalese community has viewed the Tamils with suspicion because of their concentration in the North and East and also its geographical proximity to Tamil Nadu.

This has prompted the Sinhalese Buddhist majority to assert its identity and sought constitutional safeguards to protect and preserve their distinct language and religion. Emergence of a strong Sinhalese identity was predicated on two points: (i) the distinctiveness of the religion and language, and (ii) the belief that since all religions and languages have their own land and country, the island should be the pristine land for the Sinhalese Buddhists.

One of the most potent ways of forging identity awareness is by recreating history. It is by recreating the past that the claims of the community in the present are guaranteed.[13] Ethnic groups awaken when there is a threat or perception of threat from the 'other'. The past is then integrated with myth and fantasy and a new "perception is created of a past that is glorious and pure and exclusive." [14] Sinhalese and Tamil identities in Sri Lanka are both reflections of the past, which replicate and reinforce contemporary

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[13] David Scott, "Dehistoricising History," in Pradeep Jeganathan and Qadri Ismail (eds.) *Unmaking the Nation: The Politics of Identity and History in Modern Sri Lanka*, (Colombo: Social Scientists' Association, 1995) pp. 12-24

[14] Seneviratne, n.1, p.5

antagonism between the two communities. Despite the fact that the history of the island is unclear, both the Sri Lankan Tamils and Sinhalese claim to be original inhabitants[15]. According to Hoole, "Modern political ideologies based on selective ethno-histories have compelled ordinary people to construct themselves as 'pure Aryan' and 'Dravidian' ancestries and take their place behind ideological barricades."[16] It needs to be mentioned in this context that Sihnala-Buddhist revivalism was pioneered by Anagarika Dharmapala (1864-1933) and Tamil revivalism was championed by Arumugam Navalar (1822-79). Their views were specifically beset against the proselytizing efforts of the Christian missionaries at the time. These views later became crucial in shaping distinct Tamil and Sinhala identities based on history, which was both real and 'imagined'. Since the Tamils have traditionally lived in the North and East, this has reinforced their exclusiveness and imagination of a homeland.

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[15] According to the Sinhalese view they are descendants of Aryans from North India specifically Bengal and Orissa and came to the island led by Prince Vijaya. The *Mahavamsa* (a political document which was written by Buddhist monks probably in the Sixth century B. C.) postulates an unbroken history of Sinhalese Buddhism since the arrival of Prince Vijaya. On the contrary, the *Damilas* or Tamis are not original inhabitants of Sri Lanka but belong to South India. The legend of Dhutagemunu against the Tamil King Elara has been used to establish their historical linkage and traditional rivalry between inhabitants of the island and outsiders from South India. Diametrically opposed to this is the Tamil view of history. According to them Tamils are legitimate and traditional inhabitants of the island living in the North and East of the island since 1st century B. C. The Tamil Kingdom of Jaffna has existed since 1250 till the arrival of the Portuguese in 1621.

[16] M.R.R. Hoole in the history section rewritten in Daya Somasunadaram, *Scarred Minds: The Psychological Impact of War on Sri Lankan Tamils*, (New Delhi: Sage Publications, 1998), p. 33

## COMPETITIVE ELECTORAL POLITICS IN THE PRE-INDEPENDENCE PERIOD

In the period prior to independence Sri Lankan politics worked within the parameters of British values and institutions. However, with the onset of independence and the introduction of universal adult suffrage, leaders began to assess the possible outcomes from the perspective of their own distinct communities. There was fear among ethnic and caste minorities that majority groups would dominate representative institutions[17]. The key issue was therefore the sharing of power between different communities. Michael Roberts locates the political divergence between the Tamils and Sinhalese. in the 1920-21 split of the Ceylon National Congress (CNC), when Sir Ponnambalam Arunachalam broke away from the party with a majority of Sri Lankan Tamil members.[18] Even though there were attempts at forging a unity with a moderate leaders like C.E. Correa the effort seemed futile. He led a delegation to Jaffna in order to discuss seat adjustments with the Tamil leadership on the basis of the Mahendra Agreement, but it failed. Ironically FA.Obeysekara went on record saying in his speech at the Annual Session of

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[17] It would be interesting to note that caste groups like the 'Karawa', 'Durawa' and 'Vahumpara' advocated for special and separate representation of their interests. In fact Gate Mudaliyar W.F. Gunawardena even demanded that each minority caste should be allowed to have its own elected member. See Jayadeva Uyangoda, *Questions of Sri Lanka's Minority Rights*, (Colombo: ICES, 2001) pp.16-17

[18] Michael Roberts, *Studies in Society and Culture: Sri Lanka Past and Present*, Pamphlet, The National Library of Sri Lanka (Colombo, 1993).

the CNC, 1924, that, "there is too much communalism with us yet... A mere pretence of unity will not do."[19] Correa reiterated his anti-western pro-accommodation stance in the CNC handbook, 1928 and said that their "social fabric was built on the wholesome and holy principle of nationality.[20] The period is also marked by the formation of political parties along on ethnic lines, like the Tamil Mahajana Sabha, the Sinhala Mahasabha and the Tamil Congress.

With the granting of universal adult suffrage under the Donoughmore Constitution[21] 1931, the Tamil fear of becoming numerically outnumbered began to take shape. This fear was vindicated when the first State Council under the Donoughmore Constitution was formed on July 7, 1931. It consisted of fifty elected members, nine nominated members and three officials of the Colonial administration. Of the fifty elected members, forty were Sinhalese, nine Tamils and one Muslim. The second State Council

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[19] The speech was quoted in the editorial of the *Ceylon Morning Star*, (10 December 1924), see, ibid. p.6.

[20] Handbook CNC, 1928, pp. 692-701.

[21] Before this, politics was based on communal representation. From 1833-1899, the Governor nominated 6 members - 3 Europeans and one each from the Sinhala, Tamil and Burgher communities. In 1889 a Muslim, and a Kandyan Sinhalese was also nominated. The electoral principle was first introduced in 1912. The 1920 and 1924 Constitutions combined territorial and communal representations. Hence there were nominations as well as elections to the Council. The final abandonment of communal representation came with the inauguration of the Donoughmore Constitution, 1931. In its report issued in 1932, the Donoughmore Commission denounced communal representation on the ground that it was a barrier to communal harmony. See Robert N. Kearney, n. 10, pp.30-37. Also see Jane Russel, *Commercial Politics Under the Donoughmore Constitution: 1931-1947* (Dehiwala: Tissara Press, 1982), pp.2-14.

elections further reinforced this fear. From 1936-47 the Cabinet was composed of Sinhalese members only, except one Tamil member in 1942.[22] In 1937, G.G. Ponnambalam, put forth a demand for 'balanced representation' based on a 'fifty-fifty' division of Parliamentary seats. As per this scheme the majority Sinhalese community would get fifty per cent of the seats and the remaining 50 per cent would be shared between the Tamils and other minorities.

With the appointment of the Soulbury Commission in 1943 to discuss the future political setup, there was renewed demand for 'balanced representation' and Constitutional and statutory guarantees to protect minorities against the Sinhalese domination.[23] However, it was felt that a democratic polity itself would ensure the protection of minorities. Hence, the Westminister model of parliamentary democracy with a unitary system was introduced in Sri Lanka. Its negative political consequences become clear when the democratic system began to function in the period after independence.

## DISCRIMINATORY POLICIES AND CREATION OF THE CONFLICT

The schisms that were developing in the period during the Donoughmore and Soulbury constitutions got sharpened in the post-

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[22] International Alert, Report, *Emergency, Sri Lanka*, 1986, p.11.
[23] Kearney, n.10, p.36

independence period. In fact, this phase marked the crystallization of 'ethnic' identity along lines of religion and language.

In the years after independence, the economic scenario began to decline. Like a typical underdeveloped economy dependent only on three main products Sri Lanka began to show signs of decline. The price of rubber crashed in the international market after the end of the Korean War. The improved health facilities brought the death rates lower, but Sri Lanka could not maintain a steady balanced growth to keep pace with the growing population. The balance of payments position (per cent of GDP) fell sharply from 3.2 in 1950 to (-) 9.6 per cent in 1952.[24] The government responded by cutting down on welfare programmes and the gradual dismantling of the public sector. As a result of changes in economy, there was a realignment of traditional classes. The new urban middle class came into prominence and the rural and urban petty bourgeoisie as well as the working population was adversely affected. It is with these concerns that the educated youth, peasants, workers, fisher folk felt marginalized and expressed their grievances. In the

[24] *Central Bank of Ceylon*, Annual Reports (Various Years) and D.R. Snodgrass, *Ceylon: An Export Economy in Transition* (Homewood: Richard D. Irwin Inc., 1966), p.111 as quoted in Saman Kelegama, "Development In Independent Sri Lanka: What Went Wrong?" *Economic and Political Weekly*, vol.xxxv, no.17, April 22, 2000, p.1478.

years to come these grievances were heightened and eventually took them towards militant political activity.[25]

There was a gradual change in the composition of the area of administrative jobs, and the Sinhalese community was increasing its number where the Tamils and Burghers were earlier predominant." It was from this rising, competitive class that the Sinhala-Buddhist revivalism received impetus. "Alien traders" against "sons of the soil" became the popular slogan in the Sinhalese press during that period.[26]

**Official Language Policy**

The economic concerns and Sinhala aspirations, culminating in the 'Sinhala only' language policy of 1956, and were decisive factors in shaping the politics of independent Sri Lanka. Though it had been stated in 1944-45 that Tamil and Sinhala would gradually replace English as the Official Language, the tenor of the Sinhalese leadership changed with the demand for 'Sinhala only' language policy.[27] This had a three-fold impact: (i) Reassertion of Sinhala Buddhist nationalism. (ii) Affront to Tamil language and identity,

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[25] Siri. Hettige, "Liberalization, Social Class and Ethnicity: Emerging Trends and Conflicts", in Siri Gamage and I.B. Watson (ed.), *Conflict and Community in Contemporary Sri Lanka: Pearl of the East or Island of Tears*, (New Delhi: Sage, 1999), p.300.

[26] Ishwari Rajanayagam and Siridasa Banda, *Hope Beyond the Terror: Ethnic Supermacism and Class Conflict in Sri Lanka*, (Bangalore: Wordmakers, 1994), p.99

[27] K.M. de Silva, Nationalism and the State in Sri Lanka, in de Silva et al (eds.), *Ethnic Conflict in Buddhist Societies: Sri Lanka, Thailand, Burma* (London: Pinter Publishers, 1988), pp.69-70.

and (iii) Effect on opportunities for education and employment. It had a diametrically opposite impact on the Tamils and the Sinhalese. For the majority Sinhala community, it meant an access to government employment. But for the Tamils it reduced their access to employment.. More importantly, it indicated that "they had not been given a place in the Sri Lankan state.[28]

The 1956 elections were fought on these issues and the Kotelwala Government, which was initially opposing the SLFP's policy eventually backtracked, and accepted it. The election results proved beyond doubt the potency of Sinhala language in Sri Lankan politics as also the majoritarian nature of both parties.

The Official Language policy was passed amidst protests from the Federal party led by S.J.V. Chelvanayakam. The Bill was referred to as the 'breaking point' in ethnic conflict in Sri Lanka. The impact of the Official Language policy was felt more acutely in the area of education and employment and was crucial in shaping future relations between the two communities. According to A. J. Wilson, the three aspects of Sinhala Buddhist interest were religion, language and education and employment. They have a long nurtured grievance against the Colonial administration and Tamils in

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[28] Godfrey Gunatileke, 'Ideologies and Realities of the Ethnic Conflict - A Post face" in Michael Roberts (ed.) *Sri Lanka: Collective Identities Revisited*, vol.II (Colombo, 1998), pp.388-89.

particular for not having access to English education and therefore white-collar jobs. To redress this grievance they had a three- pronged strategy in the post independence period. First, make the mother tongue the medium of instruction, declare Sinhala as the sole official language, and third, nationalise all schools. This would ensure the end of the predominance of English educated section mainly Sri Lankan Tamils from government jobs and professional courses.[29]

The steps that were adopted to arrive at a compromise solution also proved ineffective. The Bandaranaike-Chelvanayakam Pact, 1957 and the Senanayake- Chelvanayakam Pact, 1965 were two major instances of this failure to reach a compromise. The Bandaranaike-Chelvanayayakam Pact recognized Tamil as the language of a national minority and undertook the establishment of Regional Councils in the North and East[30]. The Pact abrogated because of protest Sinhala hardliners led by J.R. Jayewardene who led the *Kandy Yatra* and pressures from the Buddhist Clergy. Later another

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[29] A.J. Wilson, n.5, pp.19-21

[30] The Pact which was signed on July 26, 1957 between the Prime Minister, S. W. R. D. Bandaranaike and representatives of the Federal Party led by S.J.V. Chelvanayakam, specifically mentioned, " After discussions it was agreed that the proposed legislation should contain recognition of Tamil as the language of a national minority of Ceylon...." The Pact further stated that the "Northern Province is to form one Regional area whilst the Eastern Province is to be divided into two or more Regional areas. Provision is to be made in the Bill to enable two or more regions to amalgamate even beyond provincial limits and for one Region to divide itself subject to ratification by Parliament." For details see Satchi Ponnambalam, *Sri Lanka: The National Question and the Tamil Liberation Struggle*, (London: Zed Books, 1983)

Pact was signed between Prime Minister Dudley Senanayke and the Federal

Party leader S.J.V. Chelvanayakam on March 24,1965. The Pact sought to make

'special provisions' for Tamil as the language of administration and introduce

a provincial council system in the North and East. This Pact also failed

because of strong Sinhalese opposition, this led by Srimavo Bandaranaike this

time.

**Colonisation of Tamil Areas**

One of the first development schemes adopted by the Government in

the period after independence was the Gal Oya Multipurpose Scheme. It had a

three-point programme, which included flood control, irrigation for

cultivation, and electricity generation for domestic and industrial use. About

fifty per cent allotment of the scheme was made to the local Tamils, Muslims,

Sinhalese and Veddas. The other fifty per cent of the allotments was made to

Kandyan Sinhalese of the Central Province and other Sinhalese belonging to

the Southern Western and Sabaragamuva provinces.[31]

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[31] Stanley Tambiah, n. pp.82-83

**TABLE 2.2 POPULATION OF NORTHERN AND EASTERN PROVINCE**

| Year | Total | Percentage share of Population | | |
|------|-------|-----------|--------|---------|
| | | Sinhalese | Tamils | Muslims |
| 1921 | 567650 | 2.2 | 81.0 | 15.7 |
| 1946 | 758684 | 4.4 | 78.6 | 16.8 |
| 1953 | 925060 | 6.6 | 75.6 | 17.1 |
| 1963 | 1288040 | 10.1 | 72.6 | 16.8 |
| 1971 | 1592200 | 11.0 | 70.6 | 18.0 |
| 1981 | 2087943 | 13.2 | 68.6 | 17.6 |

Source: Department of Census and Statistics, as quoted in Mayan Vije, *Colonisation and Tamil Homelands* (London: Tamil Information Center, 1985), p.24

The minorities in general and the Tamils in particular were irked by the fact that a substantial portion of the first development initiative in the East was allocated to the Sinhalese. The other cause for concern was the rationale of the Government in settling Sinhalese in the Tamil areas. The geographical location of the Multipurpose Scheme was to break the contiguity of Tamil majority areas by bifurcating the North and East. Table 2.2 explicates the change in the demography in the Northern and Eastern Provinces after implementation of the colonisation scheme.

The impact of the Colonisation Scheme was most evident in the Eastern Province. Table 2.3 indicates, that between 1946 and 1981, the Sinhalese population in the Eastern Province had increased from 9.9 per cent to 47.1 per cent. The Sri Lankan population for the same year had decreased from 47.1 per cent to 44.5 per cent. In Trincomalee district, while the Sri Lankan Tamil

population decreased from 40.1 per cent to 34.3 percent, the Sinhalese population rose substantially from 20.7 per cent to 33.4 per cent. Due to the colonisation scheme, Amparai, a new distinct was carved out of Batticaloa district in 1963.

**TABLE 2.3 ETHNIC COMPOSITION OF POPULATION IN THE EASTERN PROVINCE, 1946-81 (IN PERCENTAGE)**

| Ethnic Community | Year | Sinhalese | Sri Lankan Tamil | Indian Tamil | Sri Lankan Moors | Other | Total |
|---|---|---|---|---|---|---|---|
| Batticaloa | 1946 | 5.8 | 49.7 | 0.6 | 42 | 1.8 | 100 |
| | 1981 | 3.5 | 70.7 | 1.2 | 23.9 | 0.7 | 100 |
| Trincomalee | 1946 | 20.7 | 40.1 | 4.4 | 29.1 | 5.5 | 100 |
| | 1981 | 33.4 | 34.3 | 2.1 | 29.3 | 0.8 | 100 |
| Amparai | 1946 | - | - | - | - | - | - |
| | 1981 | 37.8 | 20 | 0.4 | 41.5 | 0.3 | 100 |
| Total        Eastern | 1946 | 9.9 | 47.1 | 1.6 | 38.5 | 2.8 | 100 |
| Province | 1981 | 27.2 | 44.5 | 1.2 | 26.4 | 0.6 | 100 |

Source: Census of Sri Lanka, 1946 and 1981[32]

The Delimitation Commission, 1959, later carved out the Amparai electorate as well. In 1985 Amparai had 37.3 percent of Sinhalese population, 41.5 per cent of Muslims and 20 per cent of Tamil population. The Seruvavila electorate was also formed in Trincomalee district. These two electorates returned Sinhalese M.Ps, which increased the Sinhalese representation in Parliament to 80 per cent. This was, much more than their population of 71.9 per cent under the 1971 census.[33]

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[32] Godfrey Gunnatileke, The Ethnic Dimension of Socio-Economic Development (Colombo: Marga 2001), p.39.
[33] ibid. p.3.

This has increased insecurity and alienation of the Sri Lankan Tamils. However, the government maintained that since Sri Lanka is a single country, citizens have the right to stay in any part of the territory.[34] Though the government tried to pacify this grievance, by a formula devised in 1984 and endorsed in 1986, after negotiations between the Tamil United Liberation Front (TULF) and the Sri Lankan government. As per this formula, state owned land on major irrigation schemes would be distributed in proportion to the population of communities. The Sri Lankan Tamils would be allowed to use their quota in other areas, where they are less in number.[35] The issue was put to rest for sometime, but this was not considered a permanent solution and thus remains a key issue in the Devolution Proposals.

**Disenfranchisement of Estate Tamils**

The Ceylon Citizenship Act no.18 of November 15, 1948, which disenfranchised nearly one million Estate Tamils, did not directly affect the interest of the Sri Lankan Tamils. However, the significance of the Act lies in the fact that it exposed the nature of the State in addressing key issues in the newly independent state. It created two categories of citizenship, either by birth or descent or by registration. [36] Since it was difficult to prove citizenship

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[34] Virginia, A. Leary, *Ethnic conflict and Violence in Sri Lanka*, Report on behalf of the International Commission of Jurists, Geneva, 1983, pp.38-39.

[35] K.M. de Silva, n. 2, pp.26-27.

[36] For details see A. J. Wilson, n.5, pp.28-38

based on these criteria, nearly one million Tamils of Indian origin who had been living in Plantation areas became stateless. They were disenfranchised the following year, as per the Parliamentary Elections no. 48 of 1949. Their names were not excluded in the Electoral Register 1950 in the Central Administrative districts of the country. This was instrumental in substantially reducing the non-Sinhala electorate in the country.

Though they were included in the Scheme of Independence in 1948, presented by D.S.Senanayake, they were excluded in the process of nation building immediately after Independence. Between 1947 and 1950 after the Act was passed, Estate Tamils were reduced in all the constituencies in the Hill Country The steepest decline was registered in Nuwara Eliya where the number of Indian Tamil voters were reduced from, nearly 25,000 to about 9,000 approximately. The following chart elucidates the point.

**Chart 2.1 Number of Voters in General Elections, 1947-50 ('000)**



Legend: 1947, 1950

Categories: Nuwara Eliya, Talawakele, Kotagale, Nawalapitiya, Maskeliya, Haputale, Badulla
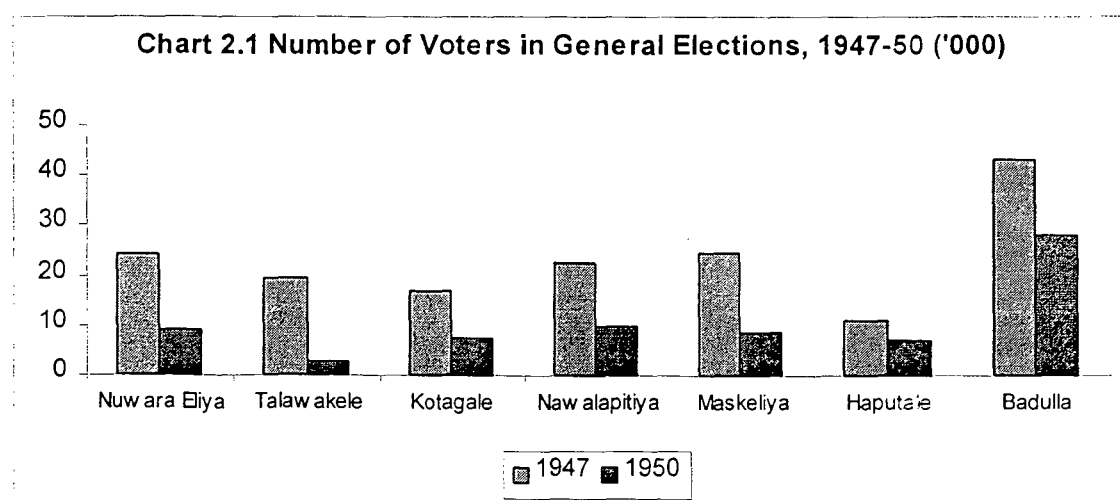
The political scenario during this period indicates a widening divide in ethnic relations. But the Tamils demanded a federal set up.

## INTENSIFICATION OF THE CONFLICT IN THE SEVENTIES

The seventies was marked by two important changes:

(1) A change from the Westminster model of parliamentary democracy to the de Gaullist Presidential system.

(2) The New Economy Policy.

These decisions proved ineffective in countering the growing dissent among minorities. On the contrary it resulted in radicalization of youth politics-both Sinhala and Tamil.

For the first two decades after independence, the country had roughly adopted a mixed economy with a combination of capitalism and socialist reforms, though the emphasis shifted with a change in government. It was felt that state protection was more relevant when the private sector was at a nascent stage. However, in due course, the picture began to change and in 1977 the UNP government launched an extensive liberalization program in 1977. [37]

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[37] The economic liberalization package meant two changes. (1) Relaxation of controls and regulations for goods services and finance, to encourage foreign investment, (2) privatization of state owned enterprises and reduction of state bureaucracy. The relaxation of state controls on domestic prices, internal trade, licensing, imports and exports and foreign exchange transactions was undertaken to increase private entrepreneurs. For

This led to substantial expansion of the urban informal sector, in retail trade, goods and services, transport and communication services particularly in Colombo. It helped urban people especially women who were employed in the Free Trade Zones producing readymade garments for the Western Market. But it wiped out the rural handloom industry. Therefore, the problem of unemployment remained. The jobs offered in the Free Trade Zones were low paid and unskilled, so the educated youth were not accommodated and rural areas were not affected either.[38] Even though the entry of foreign capital increased from 1 per cent of the GDP to 11 per cent in 1982, the terms of trade did not register much change. This was because (1) technology in areas like garments was of a shallow nature (unlike sectors like automobiles), and (2) the export earnings were mostly (70 P.C.) ploughed back to secure raw materials. While export earnings increased in 1976 from 500 million SLR approximately to 1000 million SLR in 1988, import payments also rose steeply from 500 SLR to 1700 SLR during the period. Foreign debt obviously shot up from a modest 6 billion to 124 billion during the decade.[39]

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details on economic policy see W.D. Washman, State policy and the Economic Impact, 1970-1985 *Upanthi*, vol.1, no.1, 1986, pp.5-38 also Amita Shastri, 17 years of Economic Liberalization in Sri Lanka' paper presented at the Annual Conference on South Asia, University of Wisconsin, Madison, November. 1995.

[38] Hettige, n. 25, p.304.

[39] Central Bank of Sri Lanka (Report), 1989 (pp.24, 25, 52) as quoted in Rajanayagam and Banda, n.26 , p.112.

If the effect of the economic liberalization programme did not cut much ground for the economy, its impact on the society was far-reaching. School education, which was free till 1977, was henceforth opened to the private sector. This made it inaccessible for the lower and middle classes. White-collar jobs became scanty. Food subsidies were severely reduced; it hampered opportunities for social mobility. The impact of the New Economic Policy has been studied by Hettige to explain the new class formations and further polarization of society. It led to the emergence of a new social urban elite, which he termed as the 'New Urban Middle Class' (NUMC) with a privileged status. These classes of people belonging to both majority as well as minority communities have moved up, while the alienated groups belonging to both communities have taken to particularism. To some extent, this grievance was reflected in the second JVP insurrection by the Sinhala youth in 1987-90 and the separatist struggle by the Tamil youth in the North-East. However, they used cultural capital to largely class character of their struggle. "The same process has pushed them in opposite directions, while the Tamil struggle led by the LTTE is separatist, the Sinhala youth uprising, termed their movement as 'national liberation struggle'.[40] Ranaweera has made the point succinctly, by stating:

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[40] Hettige, n.25, p.315.

"The present revolt of the Tamil Tigers, is a continuation of the struggle of the deprived youth which started in 1971 - though there is an ethnic label. This rebellion is not against the 75% Sinhala community but against the elites and the bureaucracy. Rural masses are deprived and discriminated whether Sinhala, Tamil or Muslim, by an elitist bureaucracy who act in collaboration with the political parties or party in power. The latter is based in Colombo. Thus this is a class struggle of the deprived, with the youth at the helm, revolting against the power groups, the rulers and the bureaucracy."[41]

It should also be noted that the 1977 economic policy of liberalization was grossly counter productive for the future political decision making of the country, which was already in the throes of a communal antagonism. Political stability was one of the crucial prerequisites to bring in foreign investment. But, this led to greater authoritarianism with the concentration of power in the presidency as per the 1977 constitution. It led to repressive measures against student movements and trader unions, postponing of elections and intimidation of opposition parties. The military strategy and the enactment of the PTA (Prevention of Terrorism Act), were some drastic steps adopted 'to eradicate terrorism in six months'. Instead of adopting a more accommodative policy towards minorities and alienated sections of society, the government followed authoritarian measures which increased the ethnic divide.[42]

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[41] H. Ranaweera, 'Conflict in Sri Lanka: An Educational Perspective' (unpublished paper), 1995, p.2.

[42] Sunil Bastian, 'Liberalized Policies and Regional Autonomy", in Bastian (ed.), *Devolution and Development in Sri Lanka*,(New Delhi: Konark Publishers, 1994), pp.178-79.

The structural alterations that occurred in society as a result of the New Economic policy actually paved the way for spiraling of the rift between the Tamils and the Sinhalese. The escalation of riots by the disgruntled Sinhalese youth who did not benefit from the economic policy increased the frequency and scale of riots.[43] Most of the programmes adopted were concentrated in the South, these alienated the Tamil minorities who were already alienated. At the same time, the state adopted strict measures to curb 'terrorism' in order to attract foreign investment. This estranged the Tamils further from the state system and drew them towards militancy. The relative deprivation was most acutely felt.

Until the 1960s the Tamils had opted for a democratic struggle, but their numerical strength was not enough to exert considerable pressure on the Government. The 1972 Republican Constitution established beyond doubt the supremacy of Sinhala language and Buddhism[44]. This resulted in anti-government demonstrations in Jaffna. These groups expressed their resentment with the government as well as the Colombo-based Tamil

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[43] For details see, Sasanka Perera (ed.) *Newton Gunasinghe: Selected Essays*, (Colombo:SSA, 1996) pp.183-203

[44] " The Republic of Sri Lanka shall give to Buddhism the foremost place and, accordingly, it shall be the duty of the State to protect and foster the *Buddha Sasana...* " Quoted from Art. 7 para 1, Chapter II, M. Somasundaram (ed.) Constitution 2000: Parliamentary Debates, Ethnic Affairs and National Integration Division of the Ministry of Justice, Constitutional Affairs, Ethnic Affairs and National Integration, Colombo), p.3

politicians.[45] Along with the 1972 Republican Constitution, the Tamils had lost their trust in the Sinhala majoritarian rulers, because instead of securing their interest, they revoked even the basic rights that were guaranteed in the earlier Constitution. The Tamil leadership realized that a unified force was the need of the hour. This gradually led to the formation of the Tamil United Liberation Front (TULF), which proposed the idea of a separate state. Thus, Tamil Parliamentary politics also began to take a more militant stance with the formation of the Tamil United Liberation Front (TULF) under the leadership of S.J.V. Chelvanayakam at the Vaddukoddai Resolution passed on 14 May 1976 stated:[46]

> The Resolution categorically stated: "This Convention directs the Action Committee of the Tamil United Liberation Front (TULF) to formulate a plan of action and launch without undue delay the struggle for winning the sovereignty and freedom of the Tamil Nation. And this convention calls upon the Tamil Nation in general and the Tamil Youth in particular to come forward to throw themselves fully into the sacred fight for freedom and to flinch not till, the goal of a Sovereign Socialist State of Tamil Eelam is reached."[47]

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[45] Peter Kloos, in Cora Govers (ed.) *Politics of Ethnic Consciousness.* (London: Macmillan, 1997), pp. 237-39.

[46] "This Convention resolves that restoration and reconstitution of the Free. Sovereign, Secular Socialist State of TAMIL EELAM based on the Right of Self Determination inherent to every nation has become inevitable in order to safeguard the very existence of the Tamil Nation in this Country." See text of the *Resolution Unanimously Adopted at the First National Convention of the Tamil United Liberation Front, held at Vaddukoddai, 14-5-1976* p.6

[47] Ibid. p.8 Also see K.M. de Silva, *Managing Ethnic Tensions in Multi-Ethnic Societies* (Lanham: London/ New York, University Press of America, 1986, pp.403-06).

Despite its attempt to forge a unified struggle for the creation of a separate state, the TULF did not prove to be successful. This was due to two reasons. One, the political programme of the TULF was not able to accommodate Tamil interests within the framework of the Constitution. It could not take the struggle beyond the parameters of the existing Constitution. Two, the Constitution could not accommodate the demand for a separate state. In such a situation, a militant struggle for the creation of a separate state remained the only option

This in effect meant two things. One, there was a split between the established elite Tamil politicians and the youth.. Two, it led to radicalization of the youth reflecting in the establishment of the Tamil New Tigers (TNT),[48] ostensibly the first of the secessionist Tamil groups in the country. The name itself was symbolic, because as opposed to the Sinhala lion race, they proclaimed themselves tigers, and also because the tiger was the emblem of the Chola Kings who had defeated the Sinhala King in 1017 A.D., making him retreat from Anuradhapura to Polonnaruwa. These were early signs of political violence in Sri Lanka. The assassination of the Mayor of Jaffna, Duraiyappah (an SLFP supporter) in 1975 was first decisive step in this direction. Since then the activities of the insurgent-has groups escalated. A

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[48] The TNT was split into the Liberation Tigers of Tamil Eelam Liberation Organization (TELO) in 1976.

spate of political killings of Tamil politicians who belonged to Sinhala majority parties like the UNP and SLFP and police officers continued during the period. The TULF, though it had won the 1977 elections, was fast losing the people's support. (The period is also marked by the radicalization of the Sinhala youth in the South with first the JVP insurrection led by Rohana Wijeweera in 1971[49]) The UNP government after coming to power was also resorting to more repressive measures to curb violence, in order to attract foreign investment after the 1977 Liberalization (economic) policies. The 1979 Prevention of Terrorism Act (PTA) and the proscription of the LTTE in 1977 were some of these measures. Political violence, in August 1977 is reaction to the elections set off another spate of communal riots in the country.[50] It was also an indication of the heightened tension in the North.[51] As the tension and alienation escalated, there was renewed violence in 1981 due to attacks on the police in the North and detention of Tamil youths. Political killings, arson and looting by the police forces became an organized pattern.[52]

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[49] For details of the JVP insurrection, see Swaroop Rani Dubey, *One-Day Revolution in Sri Lanka: Anatomy of the 1971 Insurrection* (Jaipur: Aalekh Publishers, 1988. See also Rohan Gunaratne, *Sri Lanka: A Lost Revolution? : The Inside Story of the JVP* (Kandy: Institute of Fundamental Studies, 1990).

[50] It was first directed against the losing political party, but soon took a communal dimension.

[51] It began with the shooting of two policemen by Tamil Youth in the North who were spurred by the speeches of Tamil Leaders and the desire for separation. For details of the 1977 violence. See *Sansoni Commission Report*, 1977.

[52] For details see the Virginia Leary, *Ethnic Conflict and Violence in Sri Lanka*, Report of a Mission to Sri Lanka in July-Aug. 1981, on behalf of the International Commission of Jurists, Geneva, 1983

The Admission policy was another factor in the intensification of the conflict. Admission to courses in higher education has been decisive in shaping events in the post 1970 period. The admission policy introduced by Srimavo Bandaranaike was detrimental to Tamil interests. According to this policy, admissions would be based on a standardization system of selection in which Tamil students had to secure more marks to get admission. Admissions were to be based on statistical weightage of communities. The policy led to a steep decline of Tamil students in universities. Though it was slightly modified in 1974   by adding the district quota system to accommodate the rural-urban differences, and the imbalance in the educational standards of different districts, the impact on the Tamils was severe. The number of Tamil students declined from39.8 percent in 1969-70 to only 19 per cent in 1975. Correspondingly the number of Sinhalese increased from 57.7 percent to 78 percent during the same period. This was really crucial in shaping inter-ethnic relations and shaken the confidence of the Tamil youth in the majoritarian system.[53]

The referendum of 1982 in order to postpone elections emphasized the undemocratic character of the government. This showed that the response of

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[53] V. Nithyanandan "an Analysis of Economic Factors Behind the Origin and Development of Tamil Nationalism in Sri Lanka, " in Charles Abeysekara and Newton Gunasunghe (eds.), *Facets of Ethnicity in Sri Lanka*, (Colombo: SSA, 1987) p.127

the state to people's grievances has essentially been to delegitimize challenges.

The above discussion indicates the growing divide between the Sri Lankan

Tamils and Sinhalese while the State was unable to redress the grievances and

deprivation of the minority Tamils. Intervals between violent clashes

decreased, the intensity of violence increased.

## HISTORY OF DISPLACEMENT

### 1956:
Each spell of violence in Sri Lanka has produced its own set of refugees.

The year 1956 is often considered the beginning of this trend. The violence

that began in the aftermath of the 'Sinhala Only' language policy set off a

disorder resulting in the first ever riots of independent Sri Lanka. Though

they were not adequately documented, the 1956 riots provide an insight into

the forthcoming issue. The disturbances were essentially rooted in two main

issues (1) the resettlement of 5,859 landless Sinhalese peasants in the Gal Oya

valley of Amparai district in the Eastern Province. The Gal Oya Multipurpose

scheme was in effect the first development project of independent Sri Lanka.

(2) Sinhala was declared as the only official language of the country. Members

of the Federal Party led by S.J.V. Chelvanayakam opposed and mobilized the

people against the Bill even before it was tabled in Parliament on June 5, 1956.

With these two major concerns, the riots of 1956 occurred in the capital

Colombo and the newly developed Gal Oya Valley. In Colombo, riots started

when a Sinhalese crowd attacked the 200 odd Tamil protestors on June 5. The following day there was more violence and looting of Tamil shops in the market area of Pettah. Official estimates put the damage at 87 injured and 43 shops looted with 113 people arrested.[54]

The more serious impact of violence and displacement was felt in the Gal Oya Valley. Tarzie Viltachi considers these riots in Gal Oya as the 'first outburst of racialism on such a large-scale' - with over 150 casualties.[55] In a report submitted to the Vice Chancellor of Peradeniya University, Stanley Tambiah recalled the events during the Gal Oya riots between June 11 and June 14, 1956. The disturbances were actually a continuation of the Colombo riots and reflected the general mood of political unrest in the country in general and the newly colonized area in particular. There was a climate of unrest in the valley as well as Batticaloa and Amparai, because Batticaloa-Amparai was the main supply route to Gal Oya. There were attacks on the Tamils on 11th June. There were rumours that a Sinhalese woman had been raped, which further heightened tensions. The police force was small and therefore unable (or unwilling) to protect the Tamil from attacks by Sinhalese mobs, which consisted mainly of construction workers and truck drivers.

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[54] Ibid., p.85.

[55] Tarzie Vittachi, 'Emergency' 58, The Story of Ceylon Race Riots (London: Andre Deutsch 1958, p.4).

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Though figures of displacement are not available, the pattern is discernable. There were arrangements to shift the fifty or so Sinhalese families from Batticaloa to Amparai. At the same time, the Amparai Tamils had fled in large numbers and took refugee in the Circuit Bungalow and police station. When the Sinhalese families were not transported on time, they had 'gheraoed' the Circuit House and threatened to blow it up. The arrival of the army on the 12th night finally controlled the situation. The Tamils were then shifted to Batticoloa under security the next day. On the same day, many Sinhalese refugee from Bakiela arrived in Amparai. There were rumour that a six thousand strong Tamil group was approaching Amparai. This led to mass exodus from the Gal Oya valley through the Inginiyagala - Moneragala road. By the third day, violence had spread to the valley. This led to large-scale displacement of the Sinhalese settlers towards Amparai. There was also an exodus of Tamil and Sinhalese Board officials from the valley, which reduced the strength of the civil administration substantially. Emergency was declared by the Governor Oliver Goonetileke, which continued till March 1959.

Though the 1956 riots were not as severe as the violence that engulfed Sri Lanka in the years to come, its significance lies in the following:

(i)    It was the first instance of group violence in the hitherto peaceful country.

(ii)    The role of the police especially in Amparai was 'questionable' or inadequate in handling the situation.

(iii)   It indicated how rumour could lead to violence and displacement.

**1958:**

The 1958 riots were also a repercussion of the Official Language policy and more specifically the Bandaranaike - Chelvanayakam Pact 1957, which gave some concessions to the Tamils. In this case violence was more intense, the riots were more organized and displacement occurred at a much larger scale. The rioting began in Polonnaruwa on the night of May 23; later it spread to Batticaloa, Colombo and its suburbs - Dehiwala, Ratmalana, Pettah, Slave Island, Wellawatte, Maradana and Mount Lavinia. Tamils traveling by train, were killed by Sinhalese mobs, a priest was dragged out of a temple and burnt alive by the mobs. Armed *goondas* were in action and went on killing and looting in a planned manner. The rioting continued for four days (indiscriminately) from May 23 to 26. The rumours that were being spread added fuel to the fire. Government officials, even from the Sinhalese community, who were also helping the victims, were attacked, including the Government Agent of Pollonaruwa, Mr. Aluwihare.[56]

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[56] ibid., p.8-11.

There was widespread displacement due to the riots. The number was between 12,000[57] 20,000[58] and 25,000.[59] According to Fontgalland, 12,000 Tamils fled from the Southern and Central provinces. The government set up refugee camps in the capital Colombo. When police stations could not accommodate the growing number of refugees, the Colombo Royal College was converted into a refugee camp. There were also a large number of refugees who took shelter outside camps with friends and relatives. Most of the people displaced were from the Sinhala majority areas where they felt insecure and isolated.[60]

When the administration could not cope with the increasing exodus, Tamil refugees were later sent (under security) by ship from Colombo to the North East - Jaffna and Trincomalee. Nine foreign ships were used to transfer about 20,000 refugees to reach Trincomalee and Kankesanthurai. The ships were sent at night and had to circumnavigate the route to ensure safety of the refugees.[61] There was another aspect of displacement: The Sinhalese people living in the North were moved, and put up in camps in the South. Though the Tamils did not attack them,, they were relocated, as a precautionary

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[57] S. Guy De Fontgalland, *Sri Lankan in Exile*, (Madras: CERRO Publications, 1986) p.42.

[58] M.R. Narayan Swamy, *Tigers of Lanka: From Boys to Guerillas* (New Delhi, Konark, 1996), p.13.

[59] Virginia Leary, n.52, p.19.

[60] Fontgalland, n.57, pp.42-43.

[61] V. Navaratnam, *The Fall and Rise of the Tamil Nation*, (Ontario: n.p., 1991), p.69

measure. Thurston College Colombo was one such camp where the Sinhalese were accommodated.

The 1958 riots brought the following facts to light:.

(i)     The role of the state: During the Prime Minister's address to the nation on May 26, there was a reference to the fact that violence was a result of the killing of the Mayor of Nuwara Eliya, D.A. Seneviratve, on May 25. However, the killing of the Mayor was due to a private dispute, and therefore not a political issue as it was made out to be.[62]

(ii)    It took four days to impose Emergency.

(iii)   It is stated that the Prime Minister visited only those refugee camps where Sinhalese 'evacuees' had been housed.[63]

(iv)    Another issue was that the government officials were not spared by the mobs.

## 1977:

The reasons behind the 1977 riots were far more complex than the previous cases. In the two decades since the last riots, the political and economic situation had changed substantially. These riots happened in the aftermath of the elections in which. The TULF had won many seats with an agenda for an "Independent, Sovereign, Secular, Socialist State of Tamil

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[62] Vittachi, n. 55, p.10.
[63] Fontgalland, n.57, p.43.

Eelam...." Though violence was brought under control within a week, the schism was further sharpened and Tamil militancy began to grow.[64]

The riots which began in Jaffna on August 15, spread to the south where Sinhalese mobs began killing Tamils.[65] Over three hundred Tamils were killed, Ten thousand were injured, 200 Tamil women were raped and about 50,000 Tamils were displaced.[66] In 1977, the number of displaced persons had risen sharply. This reflected both the magnitude as well as the emerging complexity in Sri Lankan politics in the years to come. For the first time, many non-governmental organization like Tamil Refugee Rehabilitation Organization (TRRO), and several other organizations worked to rehabilitate refugees. The displaced people went to Vavuniya by road or were sent to Jaffna by ships from Colombo.

**1981:**

The riots of 1981 indicated that violence in Sri Lanka was escalating in terms of frequency and magnitude. The 1981 riots did not happen suddenly, but over a period of time since the tension was increasing in March 1981. The

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[64]  Jagath P. Senaratne, Political Violence in Sri Lanka, 1977-1990: Riots, Insurrections, Counterinsurgencies, foreign Intervention, (Amsterdam: VU University Press,1997), p.63.

[65]  Narayan Swamy, n,58

[66]  M. Amirthalingam and R. Sampanthan, *Genocide in Sri Lanka, Open Letter to the President of Sri Lanka*, Moolai, Chulipuram, 10.8.83.

epicenter of violence was in the north i.e. Jaffna[67]and also Ratnapura, Negombo and the plantation areas.[68]

In Jaffna the riots were a reflection of the built-up tension due to arbitrary arrests of Tamils in the last two months culminated in a 'scuffle' on May 31, at a TULF election meeting. Two policemen, one Sinhalese and a Tamil were killed and a Muslim policeman injured. This was followed by burning of over 100 Tamil shops, also the house of Jaffna M.P., V. Yogeswaran and the offices of the headquarter of the TULF.[69] The Public Library in Jaffna was burnt and over 90,000 rare books and manuscripts destroyed. This was a symbolic attack and that to when the police station was within close reach.[70]

In the South, the violence broke out in August and was brought under control only after the declaration of emergency on August 17. By then, at least 10 Indian Tamils had been killed and more than 5,000 rendered refugees.[71] Some of them even sought refugee with the Indian High Commissioner in Sri Lanka, since they were Indian passport holders under the 1964 agreement.

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[67] For details on violence in Jaffna see, *What Happened in Jaffna: Days of Terror* Report of the Movement for Inter Racial Justice and Empowerment (MIRGE), Colombo, July 1981.

[68] Virginia Leary, n. 52, p.21.

[69] MIRGE Report, n. 68, pp.11-14.

[70] 'Joint Opposition Party Statement Condemning Recent Events in the North,' as quoted in ibid. pp.20-21.

[71] Leary, n.52. pp.21-22.

Though the 1981 riots are better documented, the nature and extent of displacement of people is rarely and inconsistently mentioned. Leary mentions that large number of people became refugees;[72] over 5,000 people were displaced in the plantation areas. Other studies do not mention figures except one which put the figures at 40,000 Tamils.[73]

The above discussion shows that the scale and intensity of displacement had increased with each successive violent outburst since the 1956 riots. However, despite the rise in the level of displacement, riots were a sporadic affair. The process had not been routinised till 1983. One of the key features was the fact that the Army was not yet involved, as it would happen in the years to come. People who were displaced in the riots were in most cases able to return to their home. The other discernable feature was the fact that international dimension of displacement was negligible during the entire period.

## CONCLUSION

The conflict in Sri has grown from discrimination and a feeling of discontent to a full-blown war between the Tamil militants, mainly the LTTE and the security forces. This has led to crystallization and assertion of identity

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[72] ibid , p.25.
[73] *Victims of War in Sri Lanka: A Quest for Health Consensus*, Conference Proceedings International Conference on Health, (London: London University of London, Sept. 17-18, 1994, p.xviii).

that is based on real and 'imagined' history. The programmes and policies adopted by the State have been decisive in the growing sense of alienation among the Tamil community. This has expressed itself in the escalation of violence. Though each phase of violence has resulted in the displacement of people, the process has become routinized since 1983. This can be located in the intensification of the conflict and militarisation of Sri Lankan society. The subsequent chapter analyses studies the interplay between militarisation and refugee generation in Sri Lanka since 1983.

# CHAPTER III

# UNDERSTANDING REFUGEE GENERATION IN SRI LANKA

## INTRODUCTION

In the past two decades, there has been a qualitative and quantitative change in the nature of conflict in Sri Lanka. The conflict has moved beyond its initial causes and there is a belief that a decisive battlefield outcome will determine the nature of political settlement. This has markedly increased the scale and frequency of violence. The nature and course of the conflict has resulted in large-scale refugee generation. Unlike previous years, displacement in Sri Lanka can no longer be treated as sporadic or isolated. Since 1983 displacement has become routinised.

As envisaged in the analytical framework, militarisation has been central to refugee generation in Sri Lanka. The Sri Lankan society presents the different aspects of a militarized society in terms of (a) acceptance and institutionalisation of violence, (b) escalation in the scale, intensity and sources of violence, and (c) functioning of the inter-related dynamics of violence i.e. political, economic, psychological and international determinants. Broadly speaking, the policies and programmes of the government and their economic outcome, leading to alienation and identity assertion, have contributed in militarising the conflict. Existing rivalries became sharper and violence played a key role in widening the chasm. It has

been used as a means towards achieving political ends, both by the state as well as different militant groups. Violence has worked both as a cause and effect in the Sri Lankan situation. Refugee generation has emerged within this complex web of factors.

At a specific level, people are driven due to the particular ground realities of violence and its repercussions. The general and specific factors are not sharply differentiated into unassailable compartments, but shade into each other and result in refugee generation. The specific factors in refugee generation are:

(i)     Exact location of the conflict determines the combat zone, (this will be explained in the chapter). It determines the location from where people flee, and the escape routes available to the fleeing population. If, for instance, the conflict is located in a coastal area, people flee by boat. If, on the other hand the epicenter is land locked, people run through the jungles.

(ii)    Direction in which the forces are moving - the LTTE and the Sri Lankan Army. The fleeing population usually moves in the opposite direction, anticipating approaching forces unless there are other constraints, natural or man-made.

(iii)   Tactics of warfare - army operations, guerilla attacks, shelling, naval warfare, urban attacks, landmine explosions.

(iv)   Sources of violence - the Sri Lankan Army, the LTTE, other militant groups, the Special Task Force, (STF), and Homeguards. The source of violence determines the groups that are being attacked or persecuted.

(v)   Economic concerns during escalation of violence include food scarcity, non- availability of essential commodities and medicines, adverse impact on the sources of livelihood like business, fishing and other sources of employment.

(vi)   Freedom of movement is restricted in a militarized society. Parties to the conflict may engage in forceful evacuation by making announcements over radio, airdropping messages, or even sending messages to the Government Agent's office.

(vii)   Repercussions of violence - destruction of houses, farms and property, forceful conscription into the Tiger army, extortion and coercion compel people to move.

(viii)   Availability of resources and infrastructure affects refugee generation in two ways. People who were fleeing to India needed money to pay for the boat trip. The minimum cost was

2000 Sri Lankan Rupees; at times it was as high as SLRs 10,000 to 15,000. In the last two decades of continued violence fishing has been affected so that there are no boats available anymore. In a situation where people wanted to flee by boat, they could not escape due to the non-availability of boats. Creation of security zones had put constraints on fishing. As such, there were no boats. Most of the boats had either been usurped by the LTTE or confiscated by the Army. The remaining boats were lying unused and needed repair.

(ix)   Politics of displacement: the LTTE and the government have encouraged or discouraged displacement based on specific raison d'être - to internationalize, or protect the image, to use refugees as human shields, to show strength and support for the movement or to change the demography of the region for political interests.

## ASPECTS OF MILITARISATION IN SRI LANKA

The ethnic divide has widened, the situation has gradually become militarized. Refugee generation has emerged as a part of the militarized society since 1983. There has been a gradual decline in the use of democratic norms to address political problems and violence has been institutionalized.

The youth in particular have increasingly resorted to militant politics to assuage grievances. The Janatha Vimukthi Peramuna (JVP) insurrection in 1989-90, though not directly related to the issue under investigation, has also contributed to the 'culture of violence'. The way the insurrection was suppressed vindicated the apprehension that any form of political protest would be ruthlessly and, if need be, undemocratically suppressed. Some indicators of the militarized society are identified below.

**Failure of Negotiations:**

The last two decades of the conflict in Sri Lanka has witnessed efforts at reconciliation. But none of these have broken much ground. This in a way has rendered the conflict intractable. An explanation for the failure of negotiations to solve the conflict is beyond the scope of the present study. However, it needs to be mentioned at this stage that since the formation of the Presidential Commission on Development Councils in 1980, until the recent efforts of Norway to hold negotiations between the LTTE and the Peoples Alliance government headed by President Chandrika Kumaratunga all the attempts for peace have either failed or proved inconclusive.[1] It needs

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[1] In a recent study on the 'search for a solution', K.M. de Silva has identified attempts at reconciliation through devolution of power to the regions since the pre independence period. Since 1980, seven such attempts have been cited. (1) Establishment of the District Development Councils in 1981, (2) Thimpu Talks, 1985, between the Government of Sri Lanka and the different Tamil parties, (3) Delhi Accord in August 1985, (4) Political Parties Conference, 1986, (5)Indo-Lanka Accord, 1987, (6) Negotiations between

to be mentioned here that a genuine solution to the problem requires genuine involvement of both parties. But that is sadly lacking. While the Sinhala hardliners are insisting that the Government should fight to the finish. The LTTE on the other hand remains 'committed' to a sustained military campaign.[2] This has resulted in accepting and institutionalising violence as the deciding factor in the conflict.

**Escalation of violence:**

The most potent indicator of the escalation of violence in any society is the casualty rate. It must be mentioned that calculating the death rate is never accurate. It is also a partial indicator of the real picture, but it works as a decisive 'push factor' in a refugee situation.

According to a study by the National Peace Council, the total number of deaths during the course of the conflict upto 1998 was estimated to be between 45,000 and 50,000. The number of combatants killed was roughly estimated to be between 20,000 to 25,000 and civilian deaths accounted for

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President Premadasa and the LTTE between April 1989 to June 1990, (7) Negotiations between the newly elected PA government and the LTTE between November 1994 and April 1995.For details see K. M. de Silva, "Sri Lanka's Ethnic Conflict and the Long Search for its Resolution: 1979-1999," in K.M. de Silva and G. H. Peiris (eds.) *Pursuit of Peace in Sri Lanka: Past Failures and Future Prospects*, (Kandy: ICES, 2000), pp.13-86.

[2] For details see P. Sahadevan, "Resistance to Resolution: Explaining the Intractability of Ethnic Conflict in Sri Lanka," *International Journal of Group Tensions*, vol. 27, no., 1, Spring 1997, pp.19- 41

25,000 -30,000.[3]  Though disability or injury and disappearances are also consequences of direct violence, these are even more difficult to estimate. There have also been high rates of disappearances, arbitrary arrests and abduction in the North and East, especially in the 1990-91 period.  The LTTE as well as the Sri Lankan Army have adopted such war tactics.[4]

**Patterns of Violence:**

During the course of the ongoing conflict, a complex pattern of violence has emerged since 1983. They could be broadly identified as:

(1) Riots/pogroms: While riots are spontaneous, pogroms are organised. However, most riots in Sri Lanka are planned and organized. The state prefers to call them riots and Tamil leaders and militant groups refer to them as pogroms. Scholars differ on the usage of the term.

(2) Military operations: Different armed groups and the State attempt to take control of an area land or sea. Operations involve all three dimensions of war – ground, air and sea.

(3) Urban attacks: It includes terror tactics and symbolic violence like political assassinations and bombing places like airports, bus stands, religious places, university or Government buildings.

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[3] *Cost of War*, Report of the National Peace Council, Colombo, 2000.

[4] See *Final Report of the Commission of Enquiry in the Involuntary Removal of Disappearance of Persons in the Northern and Eastern Provinces*, Colombo: Government of Sri Lanka, 1997.

## Tactics and Strategies of Warfare

The Government and the LTTE have adopted various tactics of warfare to materially, morally, psychologically and strategically weaken each other. The main war tactics of the Army are: (1) The military operations to gain control of land in the North East. Once the army has occupied a certain area, they try to restore 'normalcy' by providing basic amenities like food, medicines, schools, hospitals, etc so that people remain or return to these areas[5]. (2) Economic embargo in the combat zones and areas controlled by the LTTE is another war tactic employed by the Government. A number of essential items like batteries, fertilizers, polythene bags, candles etc are banned in the area because the militants could use them for war purposes. This makes 'normal' life difficult for people in these areas. They are, therefore encouraged to move into the Government controlled areas[6]. (3) Air attacks on 'selected' targets are conducted in order to keep the militants on the run. But, by and large, the non-combatant civilian population is hit in these attacks. It causes death, disability and injury to the civilians who are

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[5] This strategy was employed in the post 1990 period by General Denzil Kobbekaduwa. It needs to be mentioned that this strategy was applied in the wake of increasing international pressure on Sri Lanka for violation of Human Rights.

[6] This tactic has for years been used effectively by Israelis in the West Bank and Gaza Strip and is known as the West Bank Model. Constructing bunds and barbed wire fences physically cordon of areas captured by them. Anti personnel mines are then put along the fence to prevent movement of militants. There may be one or two points for civilian movement, but these are ineffective and a harrowing experience for them.

forced to flee. (4) Artillery shelling on specific militant targets to eliminate

them and also to secure the army camp. There are heavy shellings during

army operations especially when the army moves to capture land. During

such offensives, bulldozers and artillery are used indiscriminately to clear

the way. In the process, houses, buildings, schools are destroyed or heavily

damaged. This is done in order to ensure that militants do not resist or

retaliate under cover. There is also regular shelling as a defensive measure,

in the vicinity of army camps. For this reason civilians invariably evacuate

areas where military camps are located, because of threats to their life and

freedom. (5) Checkpoints and barricades on the roads to restrict mobility of

militants and transport of arms and ammunition. This in effect, hampers

civilian mobility as well and affects life and freedom of movement.[7] (6)

Arrests and house-to-house searches are regularly conducted to nab

suspected militants. As per Emergency provisions, the Army and STF can

search and check any house at any hour. People are arrested at random. The

Government has given an island-wide direction that all Tamil families need

to register their details at the nearest police station or army camp. Using this

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[7] The rape and murder of Krishanthy Kumaraswamy and members of her family near Chemmani Checkpoint controlled by the Pungamkulam army camp in the East of Jaffna on September 7, 1996, may be cited here. For details refer, *Gaps in the Krishanthy Kumaraswamy Case: Disappearances and Accountability*, Special Report, UTHR, Jaffna, April 1999

list, Tamils were regularly harassed by the security forces. There have been cases of disappearances particularly in the North East. Women are particularly vulnerable during such search operations.[8] (7) Torture has for years been an effective war tactic. It includes psychological harassment people. Families of suspected militants and even civilians have been constantly kept under surveillance. Other torture methods are beating, using polythene bags with petrol to suffocate them, hanging them upside down and give them dry chilly smoke, burning with cigarette butts, hitting hard with a baton and pulling out nails.

As a militant organisation committed to achieving the goal of a separate state of Tamil Eelam, of the LTTE's main strategy is to keep the anti-state sentiment of the people alive. This would help sustain the movement. The LTTE has often used romanticisation of violence to draw the youth to the movement.[9] The main war tactic has been guerilla attacks on army personnel, camps, convoys and police stations. When the military launches the offensive, the LTTE gives a mild resistance for a safe retreat. They do not retaliate because during an offensive, the armed forces are well prepared and

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[8] This fact specifically came to light during interviews with women respondents during fieldwork in Vavuniya.

[9] An oft quoted statement of the LTTE is, "one successful guerilla attack will mobilize more people than a hundred seminars can". This was mentioned by respondents in Trincomalee and Vavuniya.

any resistance will cause heavy losses to the LTTE. The other and more long-term strategy is to let the army cause civilian death and damage, so that people are disillusioned by the state forces. The LTTE often has camps in densely populated areas. This helps them in two ways. First, they use civilians as shields. Second, civilian casualties morally affect the Government and draw international attention. The LTTE has also set up camps in dense forests so that the army is unable to the tigers. The use of landmines has been another war strategy of preventing the army from approaching their camps. Assassination of Tamil leaders, bureaucrats, academics and leaders and cadres of other militant groups has been regularly carried out by the LTTE. Sometimes it has killed its own cadres and civilians. Attacks of buildings and airports, oil refineries, temples etc have been a three-pronged strategy. One, to psychologically 'terrorise' people. Two, to destroy state infrastructure and cause immense economic losses to the Government. Three, to lower the morale of the army by targeting high security areas especially outside the North-East. The LTTE involves in extortion and forceful conscription to strengthen its force. International support has for long been an effective war tactic of the LTTE. It gets its finances to buy arms and communication equipment. Since the LTTE claims to have drawn support from people, it wants to keep them within its controlled areas. For these purposes it

physically closes borders and follows a *de facto* visa system. Thus, the people are kept in the LTTE-controlled areas. It also gets money at exit points. Despite the fact the LTTE thrives on popular support, it has had no compunctions in targeting civilians. Its strategy is two-pronged. One it claims that the ends justify the means and two, it blames the Government for the attacks.[10]

**Agents of Violence**

The sources of violence are as follows:

(i)    The Sri Lankan armed forces (the Army, Navy, Air force, and the Special Task Force (STF)), which are involved in counter-insurgency operations.

(ii)   The Liberation Tigers of Tamil Eelam (LTTE), till now the fiercest and resilient militant group with a wide international network.

(iii)  Indian Peace Keeping Force (IPKF), which was deployed in Sri Lanka between 1987-1990 under the Indo- Lanka Accord of 1987.

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[10] In this case reference may be made to the artillery attacks on the Madhu camp in Mannar on 20 November 1999. 38 refugees were killed and over 70 injured. Though reliable sources in the Church claimed that it was the work of the LTTE to target the army which was then in the premises, the LTTE has squarely blamed the Government for lapse in civilian security. For details see INFORM Situation Report, 1999, p.7

(iv)    Other Tamil militant groups, which have been active in different

areas at different times mostly in the North-East[11]. Most of these

groups have now opted for Parliamentary politics but some of

them still possess arms for self-defence. The People's Liberation

Organization of Tamil Eelam (PLOTE), Tamil Eelam Liberation

Organization, (TELO), and Eelam People's Democratic Party

(EPDP) are formally registered as political parties. But they are

also functioning as auxiliary forces of the Sri Lankan Army.

Tamil Eelam Revolutionary Organization (EROS) was formally

dissolved in 1992. After that, a section of its s including its leader

Balakumar joined the LTTE while the rest of them gave up

militancy.

(v)    Homeguards are armed militiamen belonging to the Sinhalese

and Muslim communities living around border villages i.e. those

villages, which are located between the Government and the

LTTE controlled areas. They were armed by the State ostensibly

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[11] Some of the active militant groups were Tamil Eelam Liberation Army (TELA) led by 'Oberoi' Dewan, Tamil Eelam Army (TEA) led by 'Panaguda' Maheswaran, Tamil Eelam National Army (TENA) led by A. Pahirathan who was the son of TULF leader A. Amirthalingam, National Liberation Front of Tamil Eelam, (NLFTE) led by Visvanathan, and Eelam National Democratic Liberation Front (ENDLF) which, was the breakaway group of PLOTE and was led was 'Paranthan' Rajan.

to counter militancy. Since they were not professional military men they killed more civilians than militants.

Once violence becomes endemic, it does not remain an isolated incident. A complex pattern of inter-related dynamics emerge, which impel displacement. The process of refugee generation in Sri Lanka is an interplay of all these determinants on each other and Militarisation on each other and Militarisation as such. Each of these variables individually and collectively lead to refugee generation and vice versa.

**Military Expenditure**

The expenditure of the State on the Defense Budget specifically combat-oriented is another indicator of a miliatrised society. It explains the priority that the State accords to the area. In Sri Lanka, the defence budget has substantially increased from 1050.9 million Sri Lankan Rupees in1981 to 57,146.0 million Sri Lankan Rupees in 1998. In terms of the percentage share of total government expenditure it has risen from 3.78 percent to 16.96 per cent during the same period. (See chart for details).[12] It needs to be mentioned that the periods 1995-96, there was a steep rise in military expenditure. The total Defense expenditure has increased from 34,971

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[12] Central Bank of Sri Lanka Reports 1982-1998 as quoted in K.M. de Silva.n.1, pp. 145-46

million SLR in 1995 to 46,258 million SLR in 1996. The period corresponds

with the Operation Riverasa (which will be discussed later in this chapter)

that marks very high displacement rates as well.

**TABLE 3.1 EXPENDITURE ON DEFENCE IN SRI LANKA, 1981-1998**

| Year | Expenditure on Defence (Rs.million) | % of total government expenditure |
|------|-------------------------------------|-----------------------------------|
| 1981 | 1050.6 | 3.78 |
| 1982 | 1117 | 3.09 |
| 1983 | 1753.8 | 3.8 |
| 1984 | 2481.5 | 4.84 |
| 1985 | 5611.5 | 9.77 |
| 1986 | 9704.3 | 15.56 |
| 1987 | 11386 | 16.79 |
| 1988 | 10721.8 | 12.52 |
| 1989 | 8792.4 | 10.66 |
| 1990 | 14601.2 | 12.51 |
| 1991 | 15663.7 | 11.24 |
| 1992 | 17995.8 | 11.99 |
| 1993 | 20782 | 10.86 |
| 1994 | 25527 | 12.91 |
| 1995 | 34971 | 14.33 |
| 1996 | 46285 | 17.69 |
| 1997 | 45968 | 16.84 |
| 1998 | 57146 | 16.69 |

Source: Central Bank Annual Reports, 1982-1998 cited in de Silva (n.1) p.146.

**MILITARISATION AND REFUGEE GENERATION IN SRI LANKA**

The period under study is 1983-2000. This span of about two decades,

eighteen years to be precise, is divided into four phases for an easy

understanding of the complex situation. During each phase there have been different forms and patterns of violence resulting in distinct patterns of refugee generation. Each phase discusses the major outburst of violence and its impact on refugee generation. The attempt here is to understand the dynamics of displacement rather than the dynamics of the war itself. In each of these distinct phases, there were cycles of violence, not continuous unabated violence. There was an interplay of political, economic, external and psychological determinants in all these phases. But their role and impact of the different factors kept changing. The war process can be divided into four phases:

      (1)    The First Eelam War, (1983 - 1987)

      (2)    The IPKF War, (1987-1990)

      (3)    The Second Eelam War, (1990-1994)

      (4)    War for Peace, (1995-2000)

**The First EelamWar, 1983-87**

This period covers the July riots 1983 and the large-scale displacement that followed the military operations till the arrival of the IPKF in 1987. The riots and ensuing displacement, the rise of militancy and proliferation of militant groups in the North-East mark this phase. Though the riots mainly took place in Colombo, the subsequent years saw violence escalating in the

North-East. There were efforts at brokering peace, but without success. The failure of the Thimpu talks in 1985 eventually resulted in the Operation Liberation in March 1987.

*July 1983*

The ambush of thirteen soldiers by the LTTE in Thirunelveli, Jaffna had an impact far beyond the locus of the incident. It resulted in large-scale riots in Colombo and its suburbs, the plantation areas, and parts of the North and the East. The riots began on 25th July, when a strong crowd of mourners at the cemetery near Borella, became unruly. But later riots became intense, organized and widespread, in the capital Colombo.[13] The Sinhalese mob specifically targeted at Tamil houses, shops and establishments in Colombo and its suburbs. The victims were mainly middle class white-collar employees and shopkeepers as well as owners of large business houses.[14] By the next two days, it spread to the plantation areas - Badulla, Gampaha, Kalutara, Kandy, Matale and Nuwara Eliya.

In the plantation areas, Badulla was one of the worst affected. Buddhist monks and some UNP leaders led the riots, which began on The

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[13]Jagath P. Senaratne, *Political Violence in Sri Lanka, 1977-1990: Riots Insurrections, Foreign, Intervention,* (Amsterdam: VU University Press, 1997) pp. 44-45

[14] T.D.S.A. Dissanayaka, *The Agony of Sri: Lanka An Indepth Account of the Racial Riots of 1983* (Colombo: Swastika Press, 1984), p. 80.

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26th of July. About fifty seven Tamils were killed and more than two hundred houses, schools, temples and even two cinema theatres were burnt down by the rioters. People had to take refuge in churches and the mosques because the temples were damaged. According to the government sources, about 6,952 people became refugees, but twice the number of people took refugee with friends and relatives.[15] A similar pattern of violence broke out in Nuwara Eliya, Bandarawella, Gampaha, Kandy, Matale, Nawalapitiya and Kegalle. The government had to set-up refugee camps to accommodate the displaced.[16] According to a report of the United States Committee for Refugees, (USCR), 35,000 plantation Tamils fled to the North.[17] The Estate Tamils were forced to flee in such a chaotic situation. Their major concern was their vulnerable status of statelessness. The loss of their houses added to their problems. The schism in the society that was unleashed by the riots was so sharp that there was an overarching fear that they might even lose their jobs in the future.

Immediately after the ambush of the convoy in Jaffna, the army had reacted by indiscriminately Killing Tamils in Thirunelveli and Kantharamadu. Approximately seventy civilians were killed, but the

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[15] Guy de Fontgalland, *Sri Lankans in Exile*, (Madras: CERRO Publications, 1986) p.49.

[16] Ibid, pp .50-51.

[17] *Sri Lanka: Island of Refugees*, Issue Paper, USCR, 1991, p .9.

incident went unnoticed.[18] Reports of violence came from Trincomalee as well. There were rumours that a Buddhist shrine in Colombo had been destroyed by the Tamils. This spurred some members of the naval forces stationed in Trincomalee. Over eighty sailors broke the barracks and began destroying Tamil establishments including a temple. Tamils retaliated by killing two policemen.[19]

In this charged situation, Sri Lanka experienced large scale displacement. The exodus was coterminous with the areas affected by the violence – Colombo, the plantation areas and some parts of the North East. The exodus also happened from these areas. Initially people from all areas fled to refugee camps or to homes of friends and relatives in the same district. From there they took different directions. From Colombo, the direction of their flow was as indicated below:

AREA OF VIOLENCE

CAMPS / FRIENDS

NORTH-EAST ──►INDIA ──► ABROAD

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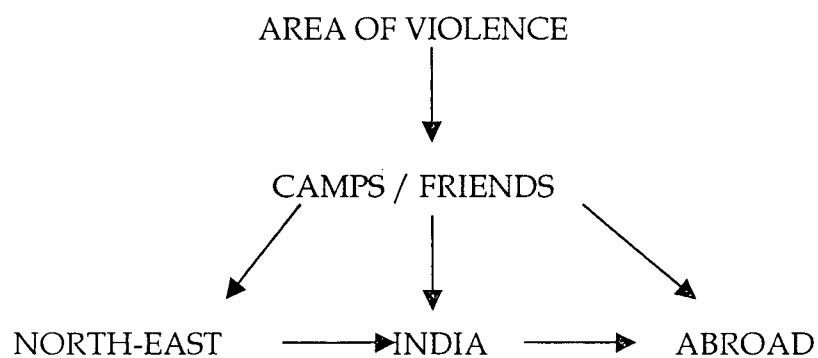
[18] Stanley J. Tambiah, *Levelling Crowds: Ethnonationalist Conflicts and Collective Violence in South Asia*, (Berkley: University of California Press, 1994), pp. 97-98

[19] Dissanayaka, n. 14, pp. 84-85.

Depending on the economic status, Colombo Tamils either directly went to India by air or by ship or to the North-East or crossed over to Rameswaram and then went to Europe, Canada or Australia. People living in the plantation areas fled to the North-East or to India by ship from Colombo[20]. The people of the North-East fled to Jaffna or to India. On analyzing various flows of refugees it is clear that the direction was determined by the location, economic concerns and pull factors i.e. response of the asylum giving country.

According to the USCR, about 100,000 about people were displaced and fled to fifteen welfare centers. Out of this 70,000 went to South India and a large number to western countries. An estimated 40-50 thousand Tamil refugees sought asylum in Europe.[21]

The Federal Republic of Germany received the largest number of refugees. Until July 1985, they went to Interflug in East Berlin and crossed over to West Germany. But after an Agreement between Bonn and Berlin to prevent non-visa holding Tamils, this route was no longer viable. By the end of 1985, there were more than 21,000 refugees in Germany. The following

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[21] USCR Report, n. 17 p.26.

chart shows the estimated number of Sri Lankan refugees who sought

asylum in Europe:[22]

**Table 3.2 ESTIMATED TAMIL REFUGEES IN EUROPE, 1985**

| Country | Number of Refugees |
|---------|--------------------|
| FRG | 21,000 |
| Switzerland | 2,600 |
| Britain | 2,000 |
| France | 1,500 |

Source: International Alert Report

Despite the fact that the riots ended within a week, the impact was

much wider. Two issues of concern were:

(1) The period after the riots brought into focus the role of the state,

which was both crucial and questionable in handling the situation. It was

crucial because in crisis times, it is the duty of the state to provide security

and protection to citizens, especially those persecuted. However, despite the

fact that riots began on the 24th night, in Borella, Colombo, and more

aggressively from the 25th morning, the administration wasted precious time

in imposing curfew. According to Bastian, there was a lapse of four hours.[23]

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[22] *Emergency: Sri Lanka,* Report of International Alert, London 1986, pp.38-39. See also Alan Jones, *Time For Decision: Sri Lankan Tamils in the West,* USCR, 1985.

[23] Sunil Bastian, "Political Economy of Ethnic Violence in Sri Lanka: The July 1983 Riots," in Veena Das (ed.) *Mirrors of Violence: Communities, Riots Survivors in South Asia,* (New Delhi: Oxford University Press, 1990), pp.300-01.

Senaratne on the other hand, calculates the time lapse as eighteen hours from

8P.M. on 24th July till 2 AM. on the 25th afternoon, when curfew was

imposed.[24]

(2) The organised manner of rioting with the help of an electoral list and

using government vehicles highlighted the connivance of the state in the

riots.[25] The role of ministers like Cyril Mathew and his inflammatory

speeches caused anguish. The Welikade Prison massacre, where many

prisoners broke out of their cells and killed 70 Tamil detainees, showed total

dereliction of duty of the policemen.[26]

The Presidential speech on television did not address to Tamil

grievances. On the contrary, it took an ambiguous stand by stating two

different views. One, that it was a spontaneous reaction of Sinhalese people

to the ambush, which killed thirteen soldiers, and two, that it was a leftist

exercise masterminded by Moscow.[27]

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[24] Senaratne, n. 13. pp .44-45.

[25] See Gananath Obeysekere, "The Origins and Institutionalization of Political Violence," in James Manor (ed.) *Sri Lanka in Change and Crisis* (London/Sydney: Croom Helm, 1984), pp.153-74.

[26] For details of the Welikade Prison massacre see Sinha Ratnatunga, *Politics of Terrorism: The Sri Lanka Experience*, (Melbourne: Globe Press/ International Fellowship for Social and Economic Development, 1988), pp. 49-54

[27] Bastian, n.23, p.302-05.

Due to these reasons, there was a strong emotional reaction against the state by the Tamils who lost faith in the State. There was a belief that an irresponsive state needs to be countered by violence in order to meet the aspirations of the people. This in effect meant institutionalization of violence as the legitimate and correct form of solving political conflict. The political mobilization of the youth led them to militancy. They either joined the five existing groups namely the LTTE, TELO, PLOTE, EPRLF and EROS, or formed newer groups. The number of trained cadre rose from two hundred before the riots to five thousand within a year and 10,000 by 1986.[28] There was an external angle as well. India remained a powerful external factor, which gave military support to the Tamil militants.[29]

The Sixth Amendment prohibiting advocacy of a separate state had marginalized the TULF because its members refused to take oath in Parliament to uphold the sovereignty and territorial integrity of the country. This led to, the erosion of the power base of the TULF and therefore, its political effectiveness as the representative organisation of the Sri Lankan Tamils in Parliament. The vacuum was filled by militant organisations,

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[28] These figures are taken from Tom Marks, 'Peoples War in Sri Lanka: Insurgency and Counter Insurgency', *Issues and Studies*, Vol.22, No.8, 1986, pp.63-100 as quoted in Senaratne, n.13, pp.69-70.

[29] Narayan Swamy, *Tigers of Lanka: From Boys to Guerillas* (New Delhi: Konark Publishers, 1994), p.97.

which were growing from strength to strength and became new leaders of Sri Lankan Tamils in Sri Lanka.[30]

The response of the state to the rising militancy added yet another dimension to the problem. The state responded by establishing the Ministry of National Security. In order to check the movement of arms and people towards Jaffna, the Ministry created security zones i.e. 'Naval Surveillance' zones. In November 1984 a 'Prohibited Zone' and a 'Security Zone' were also established to cut off the supply route between Mannar and Mulaitivu.[31] This had a two-fold effect. One, it increased the alienation of the Tamils. Two, more tangibly, it affected the livelihood of the fishing community in coastal areas. Civilians were often suspected of being involved in 'terrorist activities' and arrested or killed. This seriously curbed their movement and earning opportunities and, at the same time, reinforced their faith in militancy.

Another crucial result of the 1983 riots was the location. Since the epicenter of riots was Colombo, it sent across the message that Tamils were

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[30] See Robert C. Oberst, Youth Militancy and the Rise of Sri Lanka : Tamil Nationalism" in Subrata K. Mitra and R. Alison Lewis (eds.), *Subnational Movements in South Asia,* (Colorado: Westview Press, 1996), pp.147-48.

[31] S.S. Misra, *Ethnic Conflict and Security Crisis in Sri Lanka,* (New Delhi: Kalinga Publications, 1995) pp 69-73.

not secure in Sinhala majority areas.[32] This reinforced the belief the Tamils would be safe only in their homeland.

The external dimension of the riots of July 1983 was that it brought Sri Lanka on the international map of violence due to (1) the wide media coverage of death and destruction, and (2) the refugees who had crossed the international borders. It strengthened the Tamil diaspora, which provided support to the secessionist movement through fund-raising, information networks, propaganda and lobbying in different countries.[33]

Both the state forces as well as the militants began to get arms and training from other countries. The Sri Lankan government took military help from British and Israeli experts.[34] On the other hand, the Tamil militants began to get training in India. The training camp began in September 1984, in a place called Chakrata near Dehra Dun.[35] At the level of civil society, the Tamil Nadu people expressed concern over violence and accorded welcome to the Sri Lankan Tamils. They even demonstrated and asked the state government to take action.

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[32] Daya Somasundaram, *Scarred Minds: The Psychological Impact of War on Sri Lankan Tamils,* (New Delhi: Sage Publications,1998), p.51.

[33] Senaratne, n.13, p.71.

[34] Misra, n. 31 p p.70-71.

[35] Narayan Swamy, n.29, pp.97-111.

The period between July 1983 and 1987 was thus an interplay of the above factors which increased violence and created conditions for refugee generation. There were guerilla attacks on security forces and the theatre of conflict had, by and large, shifted to the North East. The security forces retaliated by killing Tamil civilians. There were indiscriminate disappearances. There were attacks on the Sinhalese civilians like the attack on the Sri Maha Bodhi temple in Anuradhapura in May 1985, killing 125 civilians. The cycle of violence continued.

Once again violence picked up its momentum in 1984-85 when emergency was imposed. There was open confrontation between the SLAF and LTTE and the EPRLF in Kankesanthurai. There were indiscriminate attacks on the Tamil civilians in Mannar, Vavuniya, Mullailim, and Trincomalee. Eighty thousand people fled by boats to India by mid-1985 there were 1,20,000 refugees in the country.[36]

Another major landmark incident in this period was the Operation Liberation to secure Vadamaratchi. The army moved in from all the camps and zeroed in on Vadamaratchi. The LTTE moved out of the area, and the entire Vadamaratchi population became refugees.[37] As the army was

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[36] T. Valluvan, *The Ethnic Conflict in Sri Lanka*, (London: Tamil Information Center, 1987).

[37] Somasundaram, n, 32, p.73.

advancing towards Tellipalai, people took refuge either in the camps or moved on to the islands and then to India.

Refugee generation in this period had two important facets. One, a large number of people especially the Colombo Tamils, fled because of the psychological fear, and alienation from the system. The riots came as a big shock because of the fact that it happened in the Capital and the State was unable to protect them. The fear was that there would be such violent outbursts in future, which would throw their lives out of gear. They feared that their life, business interest and education of their children would be seriously affected. Colombo Tamils felt threatened and persecuted in their own country. The only recourse they had in such a situation was to leave the country and seek refuge elsewhere. "They left because they had lost faith in the Rule of Law."[38] However, they did not suffer the exact gory impact of the war that was to happen in the years to come. Second, the other facet was what happened in the period after the July riots. There was spiraling violence in the North and East. People were living on the edge of war and suffered the impact of an ongoing military warfare. Creation of security zones affected livelihood chances. There was acute shortage of food and basic commodities. Survival instinct was the basic concern in their case.

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[38] S.C. Chandrahasan in an interview with the researcher

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## The IPKF War, 1987-1990

This was a mixed phase in the sense that it began on a quiet note with hopes for peace and cessation of hostilities. The Indian Prime Minister, Rajiv Gandhi and the Sri Lankan President, J.R. Jayewardene signed the Indo-Lanka Accord on July 29, 1987. The Accord was signed in order to restore peace in the country. India's main concerns were its protection of its security interests and maintaining political order in Tamil Nadu. The main features of the Accord were:[39]

    a.  It guaranteed the territorial integrity of Sri Lanka

    b.  It recognised that Sri Lanka is a 'multi- ethnic, multi-lingual, plural society consisting of Sinhalese, Tamils, Muslims and Burghers having a distinct cultural and linguistic identity which has to be carefully nurtured'.

    c.  It recognised that the Northern and Eastern Provinces have been areas of historical habitation of Tamil speaking peoples, who have been traditionally living in those areas with other ethnic groups.

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[39] For full Text and analysis of the Indo-Lanka Accord see Shelton U. Kodikara (ed.) *Indo- Sri Lanka Agreement of July 1987*, (Colombo: University of Colombo, International Relations Programme, 1989) See also S.C. Sardespande, *Assignment Jaffna*, (New Delhi: Lancer Publications, 1992) also see S.D.Muni, *Pangs of Proximity: India and Sri Lanka's Ethnic Crisis*, (New Delhi: Sage Publications, 1993)

d. It ensure power sharing through the establishment of Provincial Councils.

Amidst this hope, repatriation was initiated. But soon the picture changed and a complex pattern of violence emerged. There was open fighting between the IPKF and the LTTE, and the LTTE and other militant groups and later the Sri Lankan forces were supporting the LTTE to oust the IPKF. The location of violence was first Jaffna, with Operation Pawan in 1987, and later the Mullaitivu jungles.

Due to the internecine warfare among different militant groups, a significant number of militants of the pro-IPKF faction were taking refuge in India. When the Indo-Lanka Accord was signed on July 29, 1987, it seemed a major breakthrough in improving Indo-Sri Lankan relations. The hope for ethnic reconciliation arose from the introduction of provincial autonomy for Tamil areas instead of a separate state. India agreed to guarantee the Accord and an 8,000 strong peace keeping force was sent to Sri Lanka, which grew to 50,000 by the time the IPKF left in 1990.[40] This itself is an indication of the growing violence in the three years that followed.

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[40] P. Saravanamuttu, 'Instability in Sri Lanka', *Survival*, Vol.XXII, No.5, Sep.-Oct., 1990, pp.455-68.

Nevertheless, the period started off well. Violence was clearly on the decline, so much so that repatriation of the Sri Lankan Tamils in India was initiated.[41] But peace was short-lived, and the simmering hostilities between the LTTE and IPKF came to the fore on October 10, 1987, when the latter launched the Operation Pawan. The Operation had three main objectives: One, to capture Jaffna city, two military domination of the North and East, and three, making the LTTE adhere to the Accord.[42] The IPKF had a substantial presence in the Jaffna Fort as well as the coastline. Their strategy was to spread out in such a way that they could link with the Fort, envisaging a naval blockade to seal their escape route and supply of arms.

Though the LTTE suffered initial setbacks, its strength lay in the mass support it had in the area and also knowledge of the terrain. The main strategy of the LTTE was (i) to wear down the IPKF, psychologically, militarily and morally, and .(ii) to maintain a secure base both at home as well as abroad.[43] They opted for guerilla and non-conventional tactics of war. Their cadre did not wear uniforms, and easily mixed with the local, non-combatant population, which was 'fleeing' in search of refuge. Using

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[41] A MoU was signed between the GOSL and UNHCR on 31 Aug. 1987 to help repatriate, 1,50,000 refugees.

[42] Senaratne, 13, p. 92.

[43] Sardeshpande, n.39, pp.30-31

civilian cover, the LTTE was able to attack and, to a large extent, frustrate the Indian Peace Keeping Force. In retaliation, the IPKF resorted to heavy shelling. Jaffna was wrested from the LTTE, but the trail of civilian death and large-scale destruction of houses, buildings as also a temple, made the IPKF morally uncomfortable even in victory.[44] Using civilian cover was a strategy that helped the LTTE sustain its struggle against the IPKF, but it had a serious impact on non- combatant population. For the IPKF it was difficult to distinguish between civilians and combatants.[45] There was large-scale displacement of people mostly within the peninsula from one place to another. People were caught between the two forces. The psychological impact of the IPKF operations went far deeper. " More than anything else it was sudden change in the role of the Indian Army from the friendly saviour to belligerent destroyer that most found difficult to accept or adapt to," [46]The LTTE retreated to Vanni jungles and continued guerilla warfare from there. After securing Jaffna from the LTTE control, the IPKF began smaller operations covering the areas from Mannar in the west to Mullaitivu in the East and again from Elephant Pass to Vavuniya. Two operations – the

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[44] Narayan Swamy, n. 29, pp. 270-73.

[45] "This was very difficult, since in this area it is not easy to know as to who is a civilian and who is an LTTE" (sic.) Depinder Singh, *IPKF in Sri Lanka*, (NewDelhi: Trishul Publications, n.d.) p.2

[46] Somasundaram, n.32 p.221

Operation Trishul and Viraat - were launched between April and June, 1988.[47] This time the IPKF was careful not to operate from heavily populated areas such as in Jaffna. However, the war dragged on resulting in grave atrocities and casualties on the civilian population.

Two other events of political significance were the provincial councils elections in 1988, which brought V. Perumal of the EPRLF to power and the 1989 Presidential elections, in which Ranasingha Premadasa became President. The provincial councils elections made the LTTE the single largest militant organization fighting for a Tamil Eelam, and henceforth, the battle lines were clearly drawn. Premadasa came to power with a promise of the IPKF ouster, which brought his government and the LTTE closer. The IPKF was seen as a common enemy.

Political violence was escalating on two other fronts - one, among different Tamil militant groups and two, the JVP insurrection in the South. Though the latter had no direct impact on the North-East, it nevertheless added another dimension to the war and sent across the message that any resistance against the state would be ruthlessly suppressed without much scope for dialogue.

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[47] S.S. Misra, n.31, pp.117-8.

In the North and East, the rivalry and open fighting between different

Tamil militant groups was escalating with the help of the IPKF.[48] This had a

dual impact on the pattern of displacement. One, it was affecting civilians

caught between different territories controlled by the LTTE or non-LTTE

groups. Two, combatants particularly from the non-LTTE factions were

being persecuted and killed by the LTTE. These people had to flee for safety

and a large number went to India. In 1991, there were five refugee camps in

Tamil Nadu, where 1757 militants belonging to the LTTE, PLOT, EPRLF,

TELO, ENDLF and EROS were housed.[49] There was a complex pattern and

varied sources of violence at different times during the course of the conflict.

They were the Sri Lankan Armed Forces, the Special Task Force (STF), the

LTTE, the IPKF and other militant groups.

The IPKF operations and the patterns of violence had a direct impact

on the pattern of refugee generation. In the first two months till September,

there was so much hope for peace. There was no displacement at the time.

The next phase started when Operation Pawan was launched resulting in

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[48] Valentine Daniel, and Yuvaraj Thangaraj, "Forms, Formations and Transformations of the Tamil Refugee," in Valentine Daniel and John Chr Knudsen (ed.), *Mistrusting Refugees*, (California: University of California Press, 1995), pp.238-39.

[49] For details of militant refugees see Table 5.2 in Chapter Five. Also see C. Amalraj, *Sri Lankan Tamil Refugees on a Road to Nowhere: A Situation Report in India.* Report of IIRS, Dindigul, 1992,

serious fighting and ensuing displacement. The beginning of 1998 witnessed a cessation of hostilities but, displacement continued because of the disappearances, sporadic attacks, and political attacks on militants. The withdrawal of the Indian Army in 1990, forced other militant groups to take asylum in Tamil Nadu and other Western countries.

**The Second Eelam War, 1990 - 1994**

When the IPKF left Sri Lanka in March 1990, there was lull before the 'storm' that erupted on June 10th. The violence began when the 300 LTTE cadres surrounded the Batticaloa police station. The real issue was, however, rooted in the failure of negotiations between the Tigers and the Premadasa government after the departure of the IPKF. The main issue was surrendering of arms by the Tigers. Broadly the LTTE demand was that conditions be created for them to surrender arms. Specifically, they wanted that four to five thousand of their cardres be regularised in the army, police or both. For two months the talks continued, but proved inclusive till the Tigers decided to challenge the movement of the SLAF.[50]

Initially the LTTE was able to gain much ground and captured most of the populated areas of the East and parts of Vanni. But later the army,

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[50] UTHR, Report No. 4, August 1990, *The War of June 1990*, pp.6-8, and pp.1-2.

through a number of combined operations was able to regain most of these areas except Jaffna. The period was marked by a phase of intense fighting between the LTTE and the Sri Lankan Forces, probably the fiercest in Sri Lankan history.[51] Both suffered heavy causalities and the scale of displacement was colossal.

The violence had many dimensions during this period. Apart from military confrontation between the Army and the LTTE, there was internecine warfare among the Tamil groups. After the departure of the IPKF, the LTTE decided to get rid off all other militant groups before it challenged the government forces. Yet another dimension was the violence against the Muslims living in the North and East.

The fighting began in the Eastern Province - Batticaloa and Amparai. The Sri Lankan forces were taken by surprise because according to the circular issued by the LTTE on May 29, 1990, the talks were still in progress between the Government and the LTTE. The sudden attack was not anticipated. as a result, six hundred policeman were taken captive and 200 were feared killed by the LTTE.[52]

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[51] USCR, Report, n.17, p.18.

[52] Thomas Abraham, 'Back to the Bunkers' *Frontline*, Vol..7, No.13, June 23 - July 6, 1990, p.14.

The army retaliated on June 16 in Trincomalee by Killing 100 LTTE cadres. At the same time there were two failed attempts at reaching a ceasefire on June 13th and 16th. The Sri Lankan Armed Forces on its part intensified the offensive when it sent three thousand soldiers to Amparai under Major General Denzil Kobbikaduwa who had successfully led Operation Liberation in Vadamaratchi in 1987. This was supposed to be an important military strategy. General Kobbikaduwa was sent not just because of his proven efficiency in handling such major military offensives, but also because it had a psychological impact on the LTTE. The civilian population realized that the offensive was likely to be fierce and long-drawn. Anticipating this they moved out of the area in large numbers.

The fighting soon spread to Trincomalee, Amparai, Kilinochchi, Mannar, Mankulam and Vavuniya. The Army had begun to regain lost territory in Batticaloa and Amparai. Violence spread beyond the epicenter and there was heavy civilian casualty on both sides. In the first two months after the Batticaloa round up, 279 civilians were killed by the security forces, including twenty refugees in a boat in Amparai and another thirty refugees in a camp in Kalmunai. The LTTE also killed over 175 Sinhalese and

Muslims, during the same period.[53] There was a counter offensive from the Sinhalese in Amparai where about 275 Tamil civilians were killed by Homeguards in connivance with the Army. According to the LTTE, five hundred civilians were killed when the SLAF used helicopter gunships and gunboats to shell LTTE positions and civilian localities.[54] The extent of displacement was so large that by the end of July there were 880,000 people displaced in 640 welfare centers in the North and the East. In Jaffna alone there were 355,000 refugees in 352 welfare centers. In Batticola, Mannar, Mullaitivu and Kilinochchi districts there were approximately 100,000 displaced persons.

The Sri Lankan Army started their June 15 operations in Batticaloa, from two directions. The forces were approaching from Amparai in the South-East and Pollonaruwa in the North- West of Batticaloa. Due to this, the people were caught between the two. This resulted in substantial internal displacement within the district itself. They took refuge in nearby schools, temples and other buildings. The Eastern University Campus,

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[53] For details see, Godfrey Gunatilleke, *The Human Cost of the War*, Report of the National Peace Council, Colombo: 2000

[54] T.S. Subramaniam, "Sri Lanka: Resumption of Hostilities: The Brief Honeymoon", *Frontline*, vol.7, no.13, June 23, July 6, 1990, p.16.

Vandaramulla, in the Batticaloa district was housing an estimated forty to fifty thousand people.[55]

However, according to the UTHR Report, Batticaloa was not as severely affected as Tricomalee.[56] There were 756 registered cases of disappearances in Batticaloa in the year 1990. Out of these 677 were Tamils and 59 Muslims. Since 1996, there have been a series of joint military operations in the Vanni area, which has led to multiple displacements of people. The displaced people had to keep moving with the change in the combat zones. After the Operation Riverasa I, the military launched another offensive to claim the rest of the peninsula. People were displaced once again, this time towards Vanni. Those who had taken refuge in Thenmaratchi during the earlier offensive sought refuge in India. When the Operation to wrest Kilinochchi, from the LTTE was launched in July, the same people along with the Kilinochchi population moved further into the jungles some fled to Mullaitivu.

During the same time, seven thousand refugees fled to India. They were originally from Jaffna who had been displaced in Thenmaratchi during Riveresa I and from Thenmaratchi, they went to India by boats despite a

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[55] These views were expressed in a personal interview with a refugee. The USCR report, n.17, puts this figure at 42,000 in September. 1990.

[56] Ibid. p.4

strong naval presence.[57] The fear and insecurity among the local non-combatant population was such that they would trek miles to the Roman Catholic Church in Thethatheevu in the night.

By and large the direction of displacement was from Trincomalee and other districts towards Jaffna. People were leaving not just because of the ground realities, but also due to indiscriminate shelling and air strafing by the Air Force and naval warfare in Kankesanthurai and Velvattiturai. The exodus to India was high, despite the fact that the Sri Lankan Navy was constantly on vigil. By the middle of July, 720,000 people had crossed over to India. According to the UTHR Report, Jaffna civilians faced indiscriminate aerial attacks and shelling especially around the Fort area and Jaffna Hospital. Since these were heavily populated areas civilian casualties were high and insecurity and fear became greater. Houses were also destroyed and damaged. According to a statement by a Catholic Priest, "The Government's policy of hitting terrorists from the air is like swatting mosquitoes with a hammer. Many of the aerial attacks on civilians are not necessarily planned, but come from a casual indifference to civilian life." For

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[57] USCR/Sri Lanka Country Report, 1997.

instance, when the LTTE attacked passing aircrafts, airman often retaliated by bombing villages below, like it happened in Ariyalai.[58]

In this situation, Jaffna residents fled to India or to Kilinochchi, or remained displaced within the peninsula. There were a large number of people who anticipated that peace was elusive in the near future were trying to go to Colombo to settle there or seek asylum in western countries.[59] At the end of 1990, more than 111,000 refugees were registered at the Mandapam camp in Tamil Nadu.

October 1990 marked a significant move in the pattern of refugee generation, when approximately 40,000 to 75,000 Muslims from Jaffna, Mannar Mullaitivu and Killinochchi were forcefully evacuated. According to some Muslim refugees they were served a notice to 'leave or be killed'. This obviously forced them to leave enmasse. Most of them took refuge in the predominantly Muslim district of Putlalam, while others fled to welfare centers in Anuradhapura, Kurunegala or Colombo. They were given 2-8 hours notice to leave and were not allowed to carry with them much cash or jewellery. They did not offer any resistance to this blatant move, fearing a backlash from the LTTE. The LTTE had unleashed a spate of violence

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[58] Ibid., pp.5-6.

[59] Thomas Abraham, "The Fallen Fort", *Frontline*, vol.7, no.20, September 28 to October 12, 1990, pp.46-47.

against the Muslims earlier in 1987 and 1990. On August 3, 1990, the LTTE

attacked two mosques in Kattanakudy, killing hundred people and injuring

eighty and again in Eravur on August 12, it killed 75-89 people, all

Muslims.[60] The ire of the LTTE against the Muslims dates back to December

1987 when they killed 89 people in Kattanakudy. Since the beginning of the

fresh offensive in 1990, the Muslims in Kurukamadam, Kattanakudy and

Eravur have been indiscriminately killed by the LTTE.[61]

This politically motivated move of evicting the Muslims was adopted

by the LTTE for three reasons. Firstly, the Muslims were gradually asserting

their identity as distinct from the Tamil identity.[62] Secondly, there was a

suspicion that they had sided with the Government and were even helping

out as state informants. The state had apparently armed Muslim home

guards to kill the Tamil civilians living in the North and East. Thirdly, this

was a political move in order to change the demography of the region and

'cleanse' the 'Tamil homeland' of all outsiders.

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[60] UTHR Report No.5, August 1990. See, The Debasement of the Law and of Humanity and the Drift Towards Total War, UTHR, Jaffna, Report, No.8, 28 August 1991. Chapter IV, The Muslim Saga, pp.50-65.

[61] For details see UTHR Report No.11, April, 15, 1993 Jaffna, Land Human Rights and the Eastern Predicament, Chap VI, The Dehumanized Environment and Consequences for Muslim-Tamil Relations, pp.55-78.

[62] For details see Refugees are people, *Northern Muslim Refugee Organization*, Report (Puttalam, 1996).

The year 1991 began with the unilateral cease-fire by the LTTE, but was violated by the LTTE itself with the attack on Kondachchi camp in February killing 45 army personnel. Military operations continued on both sides. The Joint Operations of the Army, Navy and Air force with the help of the PLOTE and the EPDP, gained ground in the Vanni area and Batticaloa town. Civilian life was severely affected in terms of lack of transport, infrastructure and essential items including fuel. By the end of August 1991, 1.7 million people were displaced in the island.[63] On August 9, 1991 Emergency Restriction of Transport of Articles, No.1 of 1991 was imposed banning at least forty different items to the North. The Military also imposed severe restrictions on the LTTE areas in the East.[64]The Operation Balawegaya was carried out in August 1991 in the Elephant Pass army camp. Since then Jaffna has been cut off from the rest of the country. Approximately eighty thousand people have been forced to take refuge either in camps or with friends and relatives due to the ongoing fighting.[65]

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[63] INFORM Sri Lanka Information Monitor, Colombo Year, Report 1991, pp.1-4.

[64] British Refugee Council, Sri Lanka Monitor, http:// www.gn .apc.org/brcslproject/index.html

[65] Francis Deng, *Profiles in Displacement : Sri Lanka, Human Rights Mass Exoduses and Displaced Person : Internally Displaced Persons*, Report of the Representative of the Secretary General, Extracts reproduced in Law and Society Trust, Fortnightly Review, Vol.14, No.77, May 1994.

The next two years, up to September 1993, there was a lull in the fighting. There was a qualitative improvement in the situation. But the assassination of. President Premadasa led to indiscriminate arrests of Tamils especially in Colombo where eight thousand Tamils were arrested. Nearly 250,000 Tamils were living in the capital of which over one lakh people were from the North and East. Amidst this situation, there was still hope for peace, so it was felt that conditions were conducive for repatriation. But fresh fighting began by the end of September 1993, dispelling the spirit of optimism.[66] The following figures on displacement provided by the Ministry of Rehabilitation and Reconstruction would throw some light on the magnitude of displacement in the first phase of Operation Riverasa (October 1994 and December 1995):[67]

### Table 3.3 NUMBER OF INTERNALLY DISPLACED IN THE OPERATION RIVERASA, PHASE I

| Period | Approx. No. of IDPs |
| --- | --- |
| Dec. 1994 | 525,000 |
| Aug. 1995 | 625,111 |
| Oct. 1995 | 649,049 |
| Dec. 1995 | 1,017,181 |

Note: These figures include only those receiving dry rations.

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[66] Hiram Ruiz, *People Want Peace: Repatriation and Reintegration in War Torn Sri Lanka*, USCR Report, 1994, pp.2-6.

[67] Mario Gomez, "The Internally Displaced," State of Human Rights Report, 1995 (Law and Society Trust Colombo) p.225.

Even if these conservative estimates are taken into account, the sharp rise of almost 500,000 displaced people in just two months indicates the magnitude of displacement unleashed as a result of the Operation Riverasa.

**The Third Eelam War, (1995-2000)**

The main facet of refugee generation discernable in this period was internal displacement. The reasons can be located in political, economic and external factors. Politically, the Government of Sri Lanka wanted to downplay the effects of the conflict due to economic reasons as international concern over human rights violation were growing. The Human Rights Commission of Sri Lanka was established in1996, and the Committee to Inquire into Unlawful Arrests and Harassment was set up in 1998. The effort was basically to contain the movement of refugees within the country itself. But ground realities in the two-pronged policy (adopted by the Government) were entirely different. There were a series of army operations and people were forced to escape from combat zones. Due to this internal displacement was high.

This phase is marked by failed efforts at bringing peace and finally the launch of operation Riverasa that the newly elected President termed as "war for peace". After heavy fighting in both phases of Riverasa, there has been an ongoing conflict in the Vanni, area. After Jaffna had been wrested,

the main objective of the Sri Lankan Armed Forces was to secure land route to Jaffna. There have been many smaller operations since then. The LTTE on its part has been attacking army camps and police stations. It captured in the Elephant pass in 2000. While there is an effort to resettle people in Jaffna, displacement continues within the peninsula. Unlike other phases, in this phase the same set of people keep getting displaced as the combat liner keep changing.

Chandrika Kumaratunga came to power with the promise of bringing peace to the island. Negotiations began probably in right earnest and culminated in a ceasefire in January 1995 to stop hostilities. The LTTE had three main demands. One was to completely lift the economic embargo on the North. The second demand was the removal of the Poonagari army camp in order to ensure free movement between the peninsula and the mainland. The third demand was to allow the LTTE cadre to have free movement with weapons in the army controlled area in the Eastern Province. Though the Government agreed to the first demand and partially to the second demand by agreeing to move the camp by two kilometers, the LTTE did not respond to the moves initiated by the government. There were also some practical difficulties in implementing them. Due to these reasons, once again fighting resumed after a suicide attack by the LTTE in Trincomalee on April 19, 1995;

it drowned two vessels of the Sri Lanka Navy. The renewed fighting forced the people to flee. In October the Operation Riverasa was formally launched by the security forces to capture Jaffna town. There was a loudspeaker announcement by the LTTE on the evening of October 30, asking people to leave or face the consequences. The LTTE cadres went to each house asking people to vacate the area[68]. According to the USCR, 300,000 - 400,000 people fled mostly to Chavakachcheri, which is 15 kilometers South East of Jaffna.[69] It is said that 'almost the entire population had left except the old and the infirm.'[70]

The direction taken by most refugees were from Jaffna to Thenmaratchi and Chavakachcheri and then further down to Kilinochchi, Mullaitivu, Mannar and North Vavuniya. People moved from Jaffna for security of life, they moved further towards Vavuniya due to arduous living conditions.

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[68] The LTTE announced: "No one must take this announcement lightly. We are doing battle intensely and bravely with a demonic force. It will attack us from several directions. We too will respond likewise. Since we are going to resist every inch against a state drunk with racism, you people must evacuate for Thenmaratchi and Vadamaratchi, this same night. Jaffna town will soon become a battle zone. We are blowing up Chemmani bridge at 4.00 A.M. If you are not out by then, you will have to remain and face the consequences." Lakshan Dias, *Situation Report on Internally Displaced People in Sri Lanka*, unpublished paper, (Moratuwa, Sri Lanka) p.9

[69] *ICRC Annual Report* - 1995, pp.131-32.

[70] Remarks of a respondent who was displaced from Jaffna and was still a refugee in mid-2000.

Apart from fierce fighting and difficult living conditions, people also left their homes because the LTTE forced them to leave - 280,000 people were forcefully evacuated to Vanni across the Jaffna lagoon.[71] These people spread out in the Vanni region and were later forced to go further south following operation the Sath Jaya III in September 1996. There were two different trends in 1999. Approximately 64,000 Jaffna residents displaced in Vanni were going back to Jaffna. At the same time, there were ongoing operations in Western Vanni and later Madhu. In the first phase of the operation, people were displaced from Iluppaikulam, Moondrumurippu and nearby areas, and in the second phase of the Operation, people vacated even before the forces arrived. Once Madhu had been secured, the Government began to fortify it, which led to a protest and appeal by the Bishop of Mannar. He sent a letter to the President expressing the adverse impact on civilian life. This led to yet another phase of displacement. About 20,000 refugees who were living in the Madhu Camp were displaced from the camp.[72]

The impasse at the Elephant Pass in April 2000 produced a situation in which people were trapped in the combat zone due to the location of the

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[71] British Refugee Council n.50, 1997.

[72] USCR, Country Report, Sri Lanka, 2000.

violence. People were caught between the army and the LTTE because of the approaching troops from the north, the LTTE in the South, and naval presence and lack of infrastructure (boats) in the sea due to destruction of boats, ban on night fishing and other military restrictions since 1990.

It can be discerned from the above discussion that the location, intensity and actors of violence and its international impact has been different in the four phases. But at the ground level, the refugee-generating pattern has been the same. First, there is fear, then warning of impending violence. The situation leads to practical difficulties like food scarcity, economic scarcity, and restriction in movement of people.

## INTENSITY OF REFUGEE GENERATION

In a refugee situation, the combat zone or the war-zone is usually the most affected and the intensity refugee generation is the highest in the area. The scale of displacement decreases as one moves out of the ambit of violence. The most obvious choice or lack of choice in a war situation is to flee towards safety. The following diagram shows how the theatre of violence affects displacement.

**Chart 3.1 INTENSITY OF REGUGEE GENERATION**

COUNTRY

NORTH EAST

DISTRICT

BORDER VILLAGES
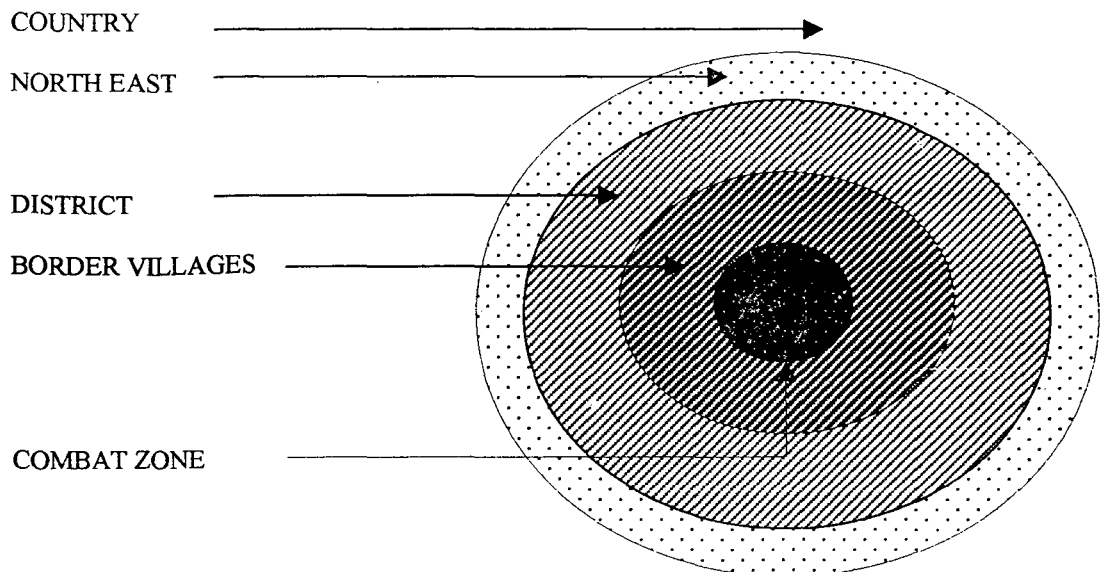
COMBAT ZONE

The country or society as a whole is affected by the ongoing conflict. Though the intensity of displacement is highest in the war-zone or combat-zone. People in this range flee due to overt violence and survival instinct.

Border villages are the next affected. People move from here due to threat of overt violence. But sometimes the LTTE or army crackdown on border villages, forcing people to move. Riots and violence by homeguards also compel people to flee. By and large the entire district is affected. There is acute shortage of food and other essential items; there are restrictions on fishing in coastal areas. There is also pressure on infrastructure due to incoming refugees. People in this range are marginally displaced and mostly due to the interrelated dynamics of violence.

In the ongoing war, the entire North-East has been affected and displaced at some time or other. During an ongoing operation, restrictions are clamped on the North-East in general. Restrictions on the freedom of movement, adverse effect on employment and education and stress and alienation compels people to flee.

In a war situation, the society as a whole is affected. For instance, there may be symbolic urban attacks or political assassinations. Such acts of violence put the entire Tamil community in peril. There are indiscriminate arbitrary arrests, detention disappearance, torture and even death of civilians in the immediate aftermath of any such act. This leads to displacement in the long run.

Thus, during each phase of violence, the war-zone or combat-zone changes and the intensity of displacement varies accordingly. In 1983, it was Colombo, in 1987 Jaffna, the Eastern Province in 1990, Jaffna again in 1995, and Vanni since 1995. Nevertheless refugee generation has remained a continuous process.

## CONCLUSION

The preceding discussion explicates the arguments set forth in the first chapter. Militarisation has been central in the process of refugee generation in Sri Lanka. The scale, intensity and location of violence determine

displacement. The immediate causes of displacement in a war-zone are related to army operations and the LTTE attacks. Shelling, bombing and the use of landmines are some manifestations of violence in the combat-zones. Survival instinct induces displacement. The other variables that play a vital role are: collapse of economic activity and employment and education opportunities. Fear insecurity, alienation, despair and cynicism have disillusioned the Tamils of the North-East. Each phase of intense violence has been preceded by a significant political event ceasefires and cessation of hostilities. Even if there is a ceasefire or cessation of hostilities, it is used as a period for recruitment, and to resume the war with renewed vigour. Due to this, there has been refugee generation even during periods of uneasy calm. Politically, refugees are both an asset as well as a liability. The LTTE or Government often induces displacement. The expulsion of Muslims from the North and East is a case in point. In recent years, Sri Lankan government is trying to downplay the conflict. So the effort is to keep refugees within the country by keeping a strong naval surveillance at all exit points. The LTTE has a dual stand, sometimes they want to keep refugees within their own territory i.e. 'uncleared areas' so that they can be used as human shields, to prove that they have public support and also to get essential food and supplies into their territories. At times they would like to use the refugees to

internationalise the conflict by compelling them to flee. The two most important international determinates have been the role of diaspora and the response of host or asylum giving countries. The role of the diaspora in helping the Tamil cause has been active in funding, disseminating and lobbying with the foreign governments and international human rights groups. The role of asylum giving countries is also important. Internationally, the countries of Europe and Australia have been less sympathetic to Tamil refugees in recent years. The Government of Switzerland signed an Agreement with Sri Lankan government to repatriate refugees whose papers have been rejected. The largest refugee receiving country i.e. India, has had a mixed response which has changed from sympathy, apathy to indifference. It is due to these reasons that displacement in Sri Lanka is more internal in the last five years. The forthcoming chapter deals with refugees within their own country i.e. the internally displaced people.

# CHAPTER IV

# INTERNAL REFUGEES IN SRI LANKA

## INTRODUCTION

Internal refugees in Sri Lanka are the most vulnerable in the sense that they live closer to or sometimes within the combat zones. They are directly affected by any change or escalation in the dynamics of the conflict. Their predicament is more adverse because unlike refugees who have crossed an international border, they have no legal safeguards to protect their interests. So they remain disillusioned and marginalised within their own country. This chapter analyses the phenomenon of internal displacement in Sri Lanka.

## INTERNAL REFUGEES: AN OVERVIEW

All those people who are uprooted from their original place of residence but do not cross an international border and remain displaced within their own country are termed internally displaced persons (IDPs). In recent years, there is a perceptible increase in the number of internally displaced persons. The reasons behind this are two fold: first, the nature of conflict is changing from interstate to internal conflicts. Between 1989 and 1994, there were 94 conflicts worldwide (in 64 locations) but only 4 of them were interstate conflicts. Second, States, especially developed states are increasingly taking measures to obstruct the inflow of asylum seekers by

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encouraging voluntary repatriation and providing assistance in the country

of origin.[1]

**Definition**

There is no international agreement so far the exact definition of the

term. There are different views on the question as well as the utility of

defining them as a distinct category. According to Luke T. Lee, the

exclusion of IDPs from the definition of refugees actually denies a larger

chunk of the uprooted people, the protection that they are entitled to.[2]

Unlike the definition of the term refugees, which has been

formalised as per the 1951 Convention, the 1967 Protocol, the 1969 OAU

Convention and the 1984 Cartagena Declaration, the definition of IDPs has

been informal. This implies that the issue has not been addressed so far.

This also poses a problem to the international community not only in

addressing the issue, but also in formulating a definition and

acknowledging the problem. The Analytical Report of the Secretary

General of the Internally Displaced persons (1992) defines IDPs as:[3]

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1 Louise Ludlam Taylor, "Recent Literature on IDPs," in Janie Hampton ed. Internally
   Displaced Peoples: A Global Survey (London: Global IDP Survey, Norwegian Refugee
   Council, Earthscan, 1998) pp.246-38.
2 Luke T. Lee, "Internally Displaced Persons and Refugees: Towards a Legal Synthesis,"
   *Journal of Refugee Studies*, Vol. 9 no.1, 1998, pp.27-42.
3 United Nations Document E/CN.4/1992/23, p.5

Persons displaced by ethnic strife, civil disorder, religious riots, and persecution persons who have been forced to flee their homes suddenly unexpectedly in larger numbers, as a result of armed conflict, internal natural on non made disasters, and who are within the territory of their own country.

Though the definition covers two main issues forced movement and remaining within over own country. However, the clause regarding fleeing "suddenly and unexpectedly" limits the definition, in conflict when people are asked to leave or evacuated [4]

In 1993, the Friends World Committee for consultation defined them as "persons who have been forced to flee their homes and who have not crossed an international frontier.[5]

The working definition of the United Nations, which is based on the Guiding Principles on Internal Displacement, is as follows:[6]

Internally displaced persons are persons or groups of persons who have been forced or obliged to flee or is leave their homes and places of habitual residence as a result of or in order to avoid in particular, the effects of armed conflict, situations of generalized violence violations of

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[4] David A. Korn, *Exodus Within Borders: An Introduction to the Crisis of Internal Displacement,* (Washington D.C., Brookings Institute Press, 1989) p.12
[5] Lee, n.2, p.28.
[6] Francis Deng, *Gudiing Principles, on Internal Displacement* (OCHA)

human right or natural or human-made disaster, and who have not crossed an internationally recognized State border

This is a comprehensive definition that even covers issues like the environmentally induced displacement. wide array of definitions serves two basic purposes: One, it indicates that the plight of those uprooted within their own country; two, it sets in motion the process of debates, discussion and legal mechanism towards IDPs.

As a conceptual legal category, IDPs are differentiated from refugees by virtue of their crossing an international border. They are fundamentally different in legal terms. This limits the access of the international community to protect IDPs. The reasons for this are threefold. First, resources were limited. Second, this could prevent from shifting the responsibility of the wellbeing of refugees to other countries. Third, this would prevent the international community from violating national sovereignty.[7] It needs to be mentioned here even at the risk of repetition, that the present study does not follow the strict legal definition of distinguishing between refugees and IDPS as two distinct categories. People who have been displaced and uprooted from their original residence in the wake of the conflict are referred to as refugees. The term 'internal refugees' is used instead.

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[7] James Hathaway *The Law of Refugee Status,* (Toronto: Butterworths 1991), pp.29-33

This problem of definition has an impact in estimating displacement figures as well. It is easier to estimate refugees because in crossing an international border they come in contact with the host government and international agencies. IDP figures are more difficult to assess due to: (i) the government's incapacity (ii) its failure to recognise minorities and persecuted people (iii) the denial of the problem by the government (iv) they often stay in the area of the conflict and are inaccessible to relief agencies (v) their movement to other areas (vi) their non-traditional routes of flight which keep them undetected (vii) Also, it cannot be determined if they are permanently settled or waiting to return to their original place of residence, and lastly, lack of clear institutional responsibility for their predicament also makes it difficult to count the internal refugees.[8]

## INTERNAL REFUGEES IN SRI LANKA

Displacement of people has occurred time and again in the checkered history of Sri Lanka. Occasional outbursts of violence in 1956, 1958, 1971 and 1981 have resulted in refugee generation. However, displacement was temporary in nature and most people were able to return

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[8] Susanne Schmeidl, "Comparative Trends in Forced Displacement, 1964-1996" in Janie Hampton (ed.) *Internally Displaced People: A Global Survey*, (London: IDP Survey/ Norwegian Refugee Council and Earthscan Publications, 1998) p.24

home after the violence had subsided. But the last two decades has rendered a large number of people homeless, and they remain displaced even now.[9]

Internal displacement in Sri Lanka is widespread and far-reaching. As mentioned earlier in a conflict situation, the country as a whole is affected. But the impact is more intense in the combat- zone. The following table elucidates this point. At present, centers[10] Mullaitivu accounts for the highest number of internal refugees living in welfare centers where, more than 91,000 people are living in seventy three refugee camps. In Kilinochchi, almost 60,000 refugees are living in forty welfare centers, and Mannar has nearly 44,000 displaced people accommodated in seven refugee camps. The Vanni region, which includes Kilinochchi, Mullaitivu, Vavuniya and Mannar, has been the epicenter of the conflict since 1996. Jaffna has the highest number of internal refugees in the country. Though the Peninsula is not at present an active, combat zone, it has been the theatre of the conflict since the escalation of violence in the country in the early eighties. Figures of internal displacement in Sri Lanka indicate that every district in the country except Moneragala has internal refugees from

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[9] Bertram Bastiampillai, *Displaced persons and Their Plight in Sri Lanka,* paper presented at Conference of Scholars and other Professionals working on Refugees and Displaced persons in South Asia, Dhaka, February 9-4, 1998.

[10] Refugee camps are referred to as welfare center in Sri Lanka.

within or outside the area. Even districts in the South like Galle and Hambantota, which are not within the troubled areas, have internal refugees. There are no welfare centers in Gampaha, Kalutara, Badulla, Moneragala, Ratnapura, Kegalle, Kandy Matara, Hambantota and Galle. But the refugees are living with friends and relatives and receiving Government assistance. Puttalam is the only district that has not produced. refugees but it is host to a large number of displaced people numbering about 66,000 but are living in 81 camps and also outside camps.

## Table 4.1 INTERNAL REFUGEES IN SRI LANKA 01/01/2000

| District | No. of Welfare Centres | Refugees in Welfare Centres | | Outside Welfare Centres (Staying with Friends & Relatives) | | Total Number Internal Refugees | |
|---|---|---|---|---|---|---|---|
| | | Families | Persons | Families | Persons | Families | Persons |
| Jaffna | 56 | 1,695 | 6,191 | 85,221 | 258,232 | 86,916 | 264,423 |
| Kilinochchi | 40 | 5,972 | 24,868 | 8,594 | 34,861 | 14,566 | 59,729 |
| Mullaitivu | 73 | 7,939 | 32,642 | 14,440 | 59,152 | 22,379 | 91,794 |
| Mannar* | 7 | 5,645 | 22,752 | 6,429 | 21,049 | 12,074 | 43,801 |
| Vavuniya* | 14 | 4,649 | 18,337 | 7,634 | 29,622 | 12,283 | 47,959 |
| Trincomalee* | 13 | 1,056 | 3,953 | 6,402 | 25,350 | 7,458 | 29,303 |
| Batticaloa | 2 | 408 | 1,540 | 5,417 | 22,596 | 5,825 | 24,136 |
| Amparai* | 4 | 989 | 4,020 | 49 | 129 | 1,038 | 4,149 |
| Puttalam* | 81 | 9,320 | 44,612 | 5,021 | 21,283 | 14,341 | 65,895 |
| Anuradhapura* | 39 | 2,388 | 9,273 | 1,284 | 5,818 | 3,672 | 15,091 |
| Kurunegala | 12 | 245 | 1,160 | 506 | 2,020 | 751 | 3,180 |
| Polonnaruwa* | 6 | 682 | 2,879 | 472 | 2,657 | 1,154 | 5,536 |
| Colombo | 1 | 96 | 450 | 803 | 4,231 | 899 | 4,681 |
| Matale | 1 | 9 | 46 | 158 | 729 | 167 | 775 |
| Gampaha | 0 | 0 | 0 | 1,140 | 4,673 | 1,140 | 4,673 |
| Kalutara | 0 | 0 | 0 | 356 | 1,452 | 356 | 1,452 |
| Badulla | 0 | 0 | 0 | 26 | 110 | 26 | 110 |
| Moneragala | 0 | 0 | 0 | | | 0 | 0 |
| Ratnapura | 0 | 0 | 0 | 17 | 93 | 17 | 93 |
| Kegalle | 0 | 0 | 0 | 51 | 232 | 51 | 232 |
| Kandy | 0 | 0 | 0 | 167 | 879 | 167 | 879 |
| Nuwara Eliya | 0 | 0 | 0 | 64 | 325 | 64 | 325 |
| Matara | 0 | 0 | 0 | 67 | 317 | 67 | 317 |
| Hambantota | 0 | 0 | 0 | 24 | 119 | 24 | 119 |
| Galle | 0 | 0 | 0 | 10 | 49 | 10 | 49 |
| Total | 349 | 41,093 | 172,723 | 144,352 | 495,978 | 185,445 | 668,701 |

Note: (*) Families assisted by World Food Program
Source: Commissioner General of Essential Services, Sri Lanka. These figures are based on the issue of dry ration/ cash and World Food Programme Assistance.

Sri Lanka reflects the global reality that was discussed in the previous section. The level of internal displacement outnumbers the scale of external displacement by a wide margin. At the end of 1999, there were

approximately (668,706)[11] internal refugees, as against 280,000 refugees outside the country.[12]

The figures showed a starker disparity during the height of the military offensive in 1995-1996. While internal refugees numbered 900,000, the number of external refugees, stood at 272,000. The discernable features are that the level and intensity of the conflict have an immediate impact upon the level of internal displacement.

The question arises is why internal displacement has been much higher than external displacement? The above reasons are relevant here. Firstly, the response of host governments towards asylum seekers is changing. They are adopting tough measures to stop refugees-even without applying the policy of *non-refoulment.* The signing of the Agreement between the Government of Sri Lanka, and Government of Switzerland to repatriate all refugees who have been refused asylum is a case in hand.[13] Increased naval patrolling by India is another instance. The other point to be noted in this connection is the establishment of Open Relief Centres (ORCs) in 1991.. Though ORCs are hailed as a novel step in

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[11] CGES, data, 2000.

[12] USCR, World Wide Refugee Information/Country Report/Sri Lanka,2000

[13] The Agreement was signed in January 1994 for details see, '*The Time is Not Yet Ripe!*_ " Short Report on clarification concerning the Repatriation of Tamil Asylum Seekers, (Lucerne / Zurich, Bonn, April 1994)

providing a 'safe haven' to threatened civilians, in effect, it meant stopping refugees within the country.

The government of Sri Lanka also finds it expedient not to internationalise the conflict. There is increased naval patrolling at exit-points, especially during escalation of violence. This was exemplified during the recent Elephant press impasse in April - May 2000.

Internal displacement in Sri Lanka has affected all the communities, namely Tamils, Sinhalese, and Muslims. Though external displacement was confined mainly to the Tamils, internal displacement reflects the multi-dimensions of Sri Lanka's ethnic conflict. In the absence of exact figures, it is estimated that among those displaced 78 per cent are Tamils, 13 per cent Muslims, and 8 per cent Sinhalese.[14] This emphasizes the fact that in a militarised society like Sri Lanka, the impact of displacement is overwhelming and widespread.

**Displacement figures:**

Statistics on displacement are rarely consistent or accurate. Three main sources are the Commissioner General of Essential Service (CGES), which provides dry ration to the refugees, the United Nations High Commissioner for refugees (UNHCR), and the United States Committee for Refugees (USCR). All their statistics are inaccurate because the situation is

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[14] Bastiampillai, n. 9, p.13.

so tense that it is difficult to keep track of refugees leaving or coming back. People often escape to safer places secretly and at night through irregular routes because of the problem of securing passes. Entry passes need to be secured from the LTTE as well as the Government as the case may be. People often hide in the Vanni jungles for days before they register themselves at the nearest welfare centres or camps.[15]

As Joke Schrivers has mentioned, refugee figures are often maneuvered for desired political interests. Figures are underestimated to illustrate the normalcy of the situation. Also, statistics are amplified to highlight the urgent need for assistance.[16]Sometimes the *'Grama Sewakas'* (volunteers) in charge of distribution of rations overstate their number in order to get extra ration. With this overview, the next section analyses the facets of internal displacement in Sri Lanka.

**Facets of Internal Refugees**

The situation of internal refugees in Sri Lanka is directly related to the dynamics of the war itself. In most cases, internal refugees move with the war. As the battle lines are drawn and redrawn, refugees are compelled to move. Occasionally, there are phases of ceasefires. Repatriation and resettlement efforts are adopted during these periods. But when there is an

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[15] These views were expressed by respondents interviewed in Vavuniya.

[16] Joke Schrijvers, "Internal Refugees in Sri Lanka: The Interplay of Ethnicity and Gender," *The European Journal of Development Research,* vol.9, no.2, December 1997, pp.62-82.

escalation of violence, repatriation is halted and people return to transit camps. Based on this premise, facets of displacement can be categorized into four main sections, which are complex and inter-related.

(1)  Resettling refugees.

(2)  Refugees in the paroxysms of violence

(3)  Abiding refugees

(4)  Repatriated but still displaced

*Resettling Refugees - Jaffna*

Jaffna has been the epicenter of the conflict since 1980s. Most army operations including Operation Liberation, 1987, Operation Pawan 1988 and finally Operation Riveresa I and II, 1995-1996, have been focussed in the Jaffna peninsula and the islands around. During 1995-96, almost the entire population moved out. But after the army had wrested control of Jaffna (or most of Jaffna) from the LTTE, there has been a concerted effort on the part of the Government to resettle people since May 1996. According to the figures provided by the Government Agent, (GA), Vavuniya, between May 1996 and January 2000, 60,070 people were able to return to Jaffna by ship via Trincomalee and Mannar.[17]

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[17] Vavuniya Situation Report, January 2000, Office of the Government Agent, Vavuniya, p.16.

However, resettlement is not an easy task due to the effects of war. "There are too many restrictions to resume normal life." "Life can never be normal in Jaffna."[18] Jaffna is mostly under the government control but some areas like Nagercoil, Poonagari and Thanangkilappu and Jakkachchi are still under the LTTE's control. Resettlement of people belonging to these areas is therefore ruled out. Even in the 'cleared' areas, there are "security zones" and "restricted zones". For instance the entire Kankesanthurai electorate is out of bounds for civilians. Apart from this, there is strict control on movement of people, and essential items. Reconstruction and rehabilitation efforts are severely hampered due to this. Transport and communication facilities to and from the peninsula are so poor that mobility is excessively difficult.

In January 2000, there were still 6,191 people living in camps in Jaffna and 258,232 living outside camps.[19] This indicates that despite the fact that Jaffna is under the government's control, the situation is not stable enough for people to be resettled or relocated. A large number of people who had fled to Mullaitivu, Kilinochchi and parts of Mannar and Vavuniya have not been able to return.

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[18] These are reactions of some respondents in Vavuniya and Trincomalee.

[19] *Commission General of Essential Services*, Issue of Dry Ration/Cash and WFP Assistance as at 01/01/2000.

The continuing warfare and presence of the army has the made civilian life difficult. Armed Forces are still occupying homes of people in the 'security zones' and 'restricted zones'. There is control on the movement of essential services and, if available, prices are exorbitant. There is still electricity crisis in certain areas of Jaffna. Resumption of normal life is rendered difficult also due to continued violence in the adjacent Vanni region.

The overall the situation in Jaffna highlights the fact that resettlement needs to be addressed more comprehensively. It should cover all aspects of civilian life, infrastructure, education and employment. However, such an approach is difficult, if not impossible, to adopt if there is an ongoing war in the neighbouring district. The link with the mainland is cut off due to the ongoing war in Vanni. Communication through the sea route is also irregular due to occasional disruptions. Air services are expensive. Moreover, there is only one airport in Palaly, which is now an Air force base.[20]

### Refugees in the Paroxysms of violence: Vanni

The four districts of Vavuniya, Kilinochchi, Mannar and Mullaitivu which constitute the Vanni region presents a complex picture of

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[20] The LTTE asked the civilians not to use the air route. It also warned the airlines from operating in the peninsula. The LTTE also shot down a Lion Air aircraft in 1998, over the sea between Mannar and Jaffna.

intermittent violence in the last six years. This has led to fluid situation of internal displacement and almost everyone in Vanni has been uprooted at least once. Three different trends are discernable. One, there is a semblance of normalcy in some areas like Vavuniya and Mannar town. The Central Office of the Government Agent locally known as the *Kachcheri* is functional in these areas. There are some areas where an army operatioin or fierce fighting may be going on. There, are some grey-areas[21] like border villages which are constantly on the verge of violence. In the last six years since the Operation Riveresa, some parts of Vanni have been constantly under military operation and open fighting. Other parts have been relatively peaceful. In this continuum between peace and war, the area has witnessed acute displacement.

Vavuniya is a microcosm of the fluid situation of the Vanni region. There are four categories of displaced people:

(1)     Resettled refugees are those who have been displaced from within or outside the district, now resettled or relocated, but in some cases, they are still receiving Government assistance. However, they are technically not included in the category of displaced people.

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[21] It was noted during the field research that on two sides of the road one side is LTTE area', the other side is government controlled.

(2) Locally displaced: They are displaced from within Vavuniya district and are living in welfare centers or with friends and relatives.

(3) Displaced from other districts: They are people displaced from outside Vavuniya, mainly Kilinochchi, Mullaitivu, Mannar and Jaffna, and are receiving relief and assistance from the office of the Government Agent, Vavuniya.

(4) Non-displaced are not displaced but economically affected due to the war.

**Table 4.2 POPULATION OF VANNI DISTRICT AS AT 31.12.1999**

| District | Non-displaced | Locally displaced | Displaced from other district | Total |
|----------|---------------|-------------------|-------------------------------|-------|
| Uncleared Area | | | | |
| Kilinochchi | 27483 | 40810 | 78935 | 147228 |
| Mullaitivu | 42966 | 33708 | 107981 | 184655 |
| Mannar | 3560 | 17720 | 18418 | 39698 |
| *Subtotal* | 74009 | 92238 | 205334 | 371581 |
| Cleared Area | | | | |
| Mannar | 41092 | 8755 | 9058 | 58905 |
| Vavuniya | 68601 | 21054 | 48501 | 138156 |
| *Subtotal* | 109693 | 29809 | 57559 | 197061 |
| Grand Total | 183702 | 122047 | 262893 | 568642 |

Source: Situation Report, Office of the Government Agent, Vavuniya, January 2000

There are refugees in the 'cleared' areas as well as 'uncleared' areas. The office of the GA, Vavuniya, works as a coordinating office for CGES supplies, relief supplies and food convoys to areas under the LTTE's control. As of January 2000, there were 371581 people living in the

'uncleared' areas of Vanni. In 1999, though the requirement was for 205 trucks of food, only 137 were sent.[22] In fact, there has been a steady decline in the number of supply trucks sent to the 'uncleared' areas from 6,232 in 1997 to 2,265 in 1999.[23]

This is a deliberate policy of the government to maintain a shortfall in the LTTE areas so that people are forced to move out. The politics of internal displacement is such that while the government wants people to leave 'uncleared' areas, the LTTE wants to hold them back to show popular support for the movement and also if need be use them as 'human shields' in crisis situations. The fluidity of the situation in the Vanni region can be exemplified by observing the number of security of checkpoints at short intervals and the complex procedure of securing permission for 'release' from the Welfare Centres. Excerpts of the directions are mentioned below:[24]

- Persons over sixty years of age will be released to a permanent resident of Vavuniya whether he is a relative or otherwise on production of documentary proof by way of National Identity Card (NIC), Birth Certificate (BC) or any other document. They will be issued within a month pass for their stay. It will be renewable. They will not be allowed to take any other persons along with them from the welfare centres.

- . For persons below sixty, the procedure is far more complex. They will be released only to a family member who is a permanent resident in Vavuniya or South of Vavuniya. However the definition of family members will be expanded to include unmarried sisters

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[22] Figures from the Situation Report Vavuniya, n.17, p.4.
[23] Ibid. p.15.
[24] Ibid. p.10.

and brothers in addition to parents/grand parents and children/grand children.

- Patients (Vavuniya): Expectant mothers in an advanced stage of pregnancy will be released to Vavuniya on the recommendation of District Medical Officer (DMO), They will be released to a permanent resident whether he is related or otherwise with a restricted pass to stay in Vavuniya. Other patients will be released on the recommendation of the DMO Vavuniya and allowed to take a helper if recommended by the DMO. As for their stay in Colombo a responsible surety, whether a relative or otherwise, should be obtained. (Suitable arrangements will have to be made in Colombo to ensure that such persons do not overstay).

- Students proceeding for Higher Studies: The present arrangement deprives students who do not have relatives to proceed for further their studies in the South. They will be allowed to travel to South on production of documentary proof from the relevant institution of learning and released with responsible surety whether related or otherwise. This will be confined to Government Educational Institutions. The Official Committee on a 'case by case' basis will examine applications of the students of the Open University.

- Persons seeking Employment: This category of persons will be allowed to proceed to Colombo as at present on production of relevant documents such as letter of appointment, passport, visa and air ticket etc. The Official Committee considers those who do not have relatives on a 'case by case ' basis.

- Public Servants: Public servants permanently working in the South will be allowed to take their family members on the recommendation of his/her Local Head of Department certified by GA Vavuniya.

- Persons appearing for Visa interviews: Necessary relevant documents should be produced. Those who do not have relatives will be considered by the Official Committee on a 'case by case' basis on the recommendation of a responsible surety. Any party producing documentary proof of their impending marriage ceremony will be considered on a 'case by case' basis by the Official Committee and will be released with a responsible surety.

These complex guidelines issued to refugees from within and outside Vavuniya once again highlights the gravity of the situation in the

Vanni. It needs to be reiterated, that the difficulties of refugees and the activists working in the area are serious. In a personal interview with a refugee living in the Sithambarapuram, camp this problem was emphasised once again. The respondent had secured a job in the Gulf. But because of his age, (he was 33 years old), he was considered a suspected LTTE activist. He was not granted permission to go to Colombo to seek visa. It may be mentioned here that at that time (April 2000), there was a rumour that the LTTE activists were infiltrating Colombo and had plans of attacking 'important' places in the capital. Since the assassination of TULF MP, Neelan Tiruchelvam in Colombo in November 1999, there were strict limitations imposed on the 'release' of refugees towards Colombo by the Ministry of Defence.

### *Abiding Refugees: Puttalam*

In contrast with the situation in Jaffna and the Vanni, Puttalam district has not been in the actual theatre of the conflict and violence between the Army and the militants. Yet the situation is perplexing. Puttalam, which is located in the north of Colombo, has been home for the Muslim refugees who had been "expelled" from their home in Jaffna and the Vanni region. According to CGES figures there were 65,895 refugees living in Puttalam at the beginning of the year 2000. According to a survey by the Department of Census and Statistics in September 1998, 49 per cent of the families had been living in welfare centres for the past seven to eight

years, and 41 per cent for more than eight years in 1998. According to the survey out of 9,320 families living in welfare centres, the majority 6670 came from Mannar district 1,030 from Jaffna, 696 from Mullaitivu, 233 from Kilinochchi, 97 from Vavuniya and the rest 594 from other districts.

The position of the Puttalam refugees is vulnerable because though many of them belong to the LTTE controlled areas, those from government-controlled areas also find it difficult is go back. Their apprehension stems from the fact that there is no political solution to their problem yet. Refugees are keen on negotiations between the LTTE and the government. Without a political solution to the issue, refugees face the risk of becoming displaced again. Another issue that is pertinent in this connection is the issue of the land and property. Property owned by Muslims that are now under the LTTE controlled areas, cannot be recovered unless a political solution is reached. Refugees have for some time now been urging the government and the UNHCR to initiate negotiations.

The Puttalam situation also points to two other facts, which are critical in understanding the politics of displacement.

(1) Host-refugees relations: The fact that refugees have been living in Puttalam for a decade without any end in sight seems to have irked the local population. Like other refugee situations they were initially welcomed with warmth and hospitality. But soon host-fatigue had set in

and the local people felt pressures on their society. There was competition in economic activities especially fishing because Puttalam is a coastal district. Even in other business and occupations like running grocery shops or three-wheelers, there was competition from local residents. Students also expressed this general feeling and in most schools there were separate attendance registers for refugee children even after six years.[25]

(2) The other problem pertains to the lack of concern for Puttalam refugees because they are not living in the traditional 'conflict areas'. The interest shown by NGOs, media and the government has so far been minimal. There was a need to disseminate their "eviction" that is in contravention with the principles set out in the International Humanitarian Law, the Human Rights Laws and also the Fundamental Rights enshrined in the Constitution of Sri Lanka. By and large, the refugees in Puttalam seek a political solution. For their return, they seek international assurance and support the of national and international NGOs and the government in the reconstruction process.

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[25] S.H. Hasbullah, *Refugees Are People*, Proceedings of the workshop on the Resettlement Program for the Forcibly Evicted Muslim of the Northern Province, Puttalam, 13-14 January 1996, (Colombo: Northern Muslims' Rights Organizations, 1996) pp.13-14.

*Repatriated, but Still Displaced*

The situation in Trincomalee district reveals two distinct aspects of internal displacement in Sri Lanka. On the one hand, the resettlement and relocation policies and programmes are being adopted and implemented. According to the Government Agent, Trincomalee, between 1983 and 1999, more than 84 per cent of the displaced people had been resettled.

On the other hand, there were refugees from India who were still living in the Alles Garden transit camp. It is the second aspect that needs attention.[26] The second phase of repatriation from India was carried out between August 13 and September 7,1993. According to the UNHCR, out of 6,927 returnees, most of them were able to return to their original homes if they belonged to the 'cleared' areas in Vavuniya. Those who hailed from LTTE-controlled areas, were accommodated in the Alles Garden Transit Camp that was constructed specifically for the purpose in 1992.[27] Discussions with the refugees in the camp revealed that they felt very constrained after returning to the island[28]. The exact figures were not available regarding the number of returnees still in the camp. This

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[26] The issue of repatriation will be discussed in a separate section in the next chapter. But as a facet of displacement it needs to be addressed in this section as well.

[27] For details see *Repatriation of Refugees From India to Sri Lanka, 13th August to 7th September 1993 Report, UNHCR, Colombo.*

[28] "When I was in India I was having a vehicle and traveling to Madras, Bangalore often, but I came back.It was a big mistake. Things are very difficult now. No money. I was doing stationery business in India. But I cannot go back. Very difficult, life is risk to go. (Sic) These are the words of Param, in the Alles Garden camp, Trincomalee.

probably makes the issue more confounding. Based on interviews and observation, it was discerned that several people hailing from Thiriyai in Trincomalee, and Kilinochchi and Mullaitivu were staying in transit camps.

**Issues of Internal Refugees**

The phenomenon of internal displacement in Sri Lanka brings to light a number of specific issues, which a displaced minority faces in the throes of an ongoing conflict. It must be emphasised here that internal refugees (unlike refugees who are outside the country) live in the war-zone. Most of their problems stem from this. The key issues of internal refugees are enumerated below.

Security concerns: Security concerns of internal refugees can be located in three major issues. One, refugees are often made scapegoats by the Army as well as the LTTE. Two, they may get caught in a crossfire during their flight to safety. Three, refugee camps are often attacked by the LTTE as well as the Army.[29]Freedom of movement is severely restricted in all refugee camps.

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[29] In 1986, 32 refugees were killed by the Navy in Mannar; In 1990 30 refugees were killed in a refugee camp in Kalmunai and Kallaru; St. Peter's Church Navaly, was bombed in July 1995 and all those who had sought refuge there were killed; navy attacked a boat in Jaffna in October the same year killing 13 refugees, in December again the Valachchenai camp in Batticaloa was shelled and an unknown number of refugees were killed.

Resettlement: The government as well as international agencies are adopting resettlement and relocation policies. The ideal solution for internal refugees is resettlement in their own homes. But in situation where it is not possible, the attempt is to relocate them in new areas. But once some areas are earmarked for relocation and people begin to settle down, they have to move out again if the battlelines change and the area comes under the combat-zone.[30]

Poor camp conditions: Conditions in welfare centers is oppressive. Some of the problems that they face in camps are over crowding, poor water and sanitation, lack of infrastructure, irregular rations, harassment by security forces and poor access to health care.[31]

Education and Employment of internal refugees is one area that has been particularly neglected. Due to constant displacement people have lost their jobs. Due to restrictions of movement from refugee camps, they are unable to seek employment opportunities elsewhere.

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[30] During the course of fieldwork this researcher had observed several newly built or incomplete houses that had to be abandoned due to resumption of hostilities.

[31] Tamil and Muslim refugee camps are less equipped than Sinhalese camps. There have been differences between camp conditions in Love Lane camp number I and II, Trincomalee. The first one accommodates Muslim refugees and the second camp hosts Sinhalese refugees. Muslim refugees in the camp complained that the main crowbar was damaged and could fall any time and the entire structure could collapse. But repeated requests to authorities had not yielded any results so far.

Legal Mechanisms: In the absence of specific legal mechanisms to safeguard the rights of internal refugees, their position becomes particularly vulnerable.

## MANAGEMENT OF INTERNAL REFUGEES

In dealing with the management of internal refugees, two areas need to be studied: (1) Legal Mechanism (2) Institutional Mechanism

### Legal Mechanism

Since there are currently no international mechanisms directly applicable to the internally displaced, they come under the International Humanitarian Law and Human Rights Law.

### *Human Rights Law*

The principles of international human rights law contained in the International Bill of Human Rights (comprising the UDHR, ICCPR and the ICESCR) are applicable to displaced persons. Provisions of the International Bill apply to all people, unlike principles of Humanitarian Law, which apply only in situations of armed conflict; or those of refugee laws, which apply only if a person has crossed an international border and sought asylum. International Human Rights Law guarantees a wide spectrum of rights, both civil and political, and social, economic and cultural rights. In the present context, the following rights are relevant:

Right to the freedom of movement and the freedom to choose one's residence (Article 13, UDHR; Article 12, ICCPR). This includes the right to leave one's place of origin; to change a temporary living area; to return home; the right not to be forcibly expelled from one's own country. Such rights can be restricted only on grounds of national security, public order, public health or morals or to protect the rights and freedoms of others. However, as the Special Representative of the UN had noted, the limitations have to reflect a reasonable balance between public needs and the seriousness of the situation of the individual.

Some of the rights under the Human Rights laws that are relevant for inernally displaced persons are: the non-derogable right to life (Article 3, UDHR; Article 6, ICCPR) and the corresponding right to live with human dignity, the right to an adequate standard of living, including adequate food, clothing and housing and to the continuous improvement of living conditions (Article 11, ICESR), the non-derogable right to recognition everywhere as a person before the law (Article 6, UDHR; Article 16, ICCPR). Thus the loss of identification documents during flight should not result in the submergence of a displaced person's legal personality and a denial of access to government services or the courts, the right against discrimination (Articles 2 and 7, UDHR; Articles 2 and 3, ICESCR; Articles 2,3 and 26, ICCPR).

Principles of International Humanitarian Law are also applicable in situations of internal displacement. Some of the relevant laws are: Common Article 3 of the Geneva Conventions and Additional Protocol II are directly applicable in cases of conflict of an internal nature. They attempt to lay down basic standards of humanitarian protection, which both parties to the conflict are bound to observe in relation to non-combatants. Sri Lanka has not ratified the Additional Protocol II; should it do so, the provisions would be binding on both parties to the conflict.

Article 17 of the Additional Protocol II prohibits the displacement of civilian populations unless their security is involved or if military reasons so demand. If civilian populations are displaced under these exceptions, measures should be taken to see that they are "received under satisfactory conditions of shelter, hygiene, safety and nutrition." Francis Deng argues that Article 17 does not appear to cover situations where people flee because of a generalised threat of violence and fear, as distinct from being ordered or compelled to move.[32] However, Article 17 (2) states that "civilians shall not be compelled to leave their own territory for reasons connected with conflict." It is possible to interpret this provision

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[32] See Francis Deng, *Protecting the Dispossessed: A Challenge for the International Community* (Brookings Institution, Washington D.C., 1993) p.7

expansively so as to include situations where civilians are forced to flee because of a threat of violence.[33]

Common Article 3 and the Additional Protocol II expressly prohibit 23, different acts ranging from murder and torture to indecent assault. The Additional Protocol II further provides that where essential supplies are lacking the state concerned must agree to undertake relief operations which are humanitarian, impartial and conducted without distinction.

The educational rights of children are guaranteed under Article 4(3) of the Additional Protocol II. Steps should also be taken to facilitate the reunion of children with their parents. The recruitment of children under 15 for use in the conflict is forbidden.

### Other International Instruments

There are other international instruments, which contain principles applicable to the protection of the internally displaced people. Among these are the UN General Assembly Resolution (45/153) on Human Rights and Mass Exoduses (1991) and the UN Sub Commission Resolution on Forced Evictions (1991). The Vienna Declaration notes that greater importance must be given to the promotion and protection of human rights of "groups which have been rendered vulnerable."[34] It notes that states

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[33] Article 17 of Additional Protocol II is one of the few international provisions, which directly addresses the forced dislocation of people.

[34] Vienna Declaration and Programme of Action, United Nations (1993) Para 24

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have an obligation to create and maintain adequate measures at the national level, in particular in the fields of education, health and social support, for the promotion and protection of the rights of persons in vulnerable sectors of their populations and to ensure the participation of those who are interested in finding a solution to their own problems. Given that internally displaced persons constitute a vulnerable group, it is thus possible to argue that they deserve enhanced protection compared to other sections of the population.

Where persons have been continuously displaced and rendered more vulnerable for a period of time, their entitlement to special privileges in the nature of affirmative action programmes should be considered. Programmes of affirmative action, as temporary programmes, which are designed to assist historically discriminated groups, have been justified in some cases.

It is possible to deduce from these international instruments more specific standards, including a right not to be displaced, or as the United Nations High Commissioner for Refugees (UNHCR) has chosen to express it, as the 'right to remain'. Other standards that recognise the right of people to flee scenes of conflict and their right not to be relocated or resettled against their wishes also flow, by implication, from the broader s principles contained in these international instruments.

Other human rights instruments are also generally applicable to displaced persons. These include CERD, the Torture Convention, Convention on Elimination of all Forms of Discrimination Against Women (CEDAW), and Convention on the Rights of the Child (CRC).

**Domestic Norms and the Rights of Displaced Persons in Sri Lanka**

Internal refugees are citizens of Sri Lanka and therefore come within its domestic jurisdiction. The Government of Sri Lanka has therefore taken steps to protect their human rights. Promotion and protection of internal refugee comes under this broad framework. The establishment of the Human Rights Commission needs to be mentioned in this context. The Human Rights Commission the government seeks to ratify the Optional Protocol to the ICCPR. This would enable persons to seek redressal outside the national jurisdiction as a final resort in case of human rights violations.[35] Up to the end of 1999 Sri Lanka had ratified twenty-seven International Human Rights Instruments which include the International Covenant on Economic Social and Cultural Rights of 1966, International Covenant on Civil and Political Rights (ICCPR) of 1966, Convention on the Prevention and Punishment of the Crime of Genocide of 1948, Convention

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[35] Statement by Bradman A.B. Goonetileke at the 53rd Session of the Commission on Human Rights, April 9, 1997, published in *Law and Society Trust, Fortnightly Review*, vol. VII, no. 117, 1997, pp.16-17

on the Rights of the Child (CRC) of 1989, International Convention on the Elimination of All Forms of Racial Discrimination of 1966, International Convention on the protection of the Rights of all Migrant Workers and members of their family, and the First Optional Protocol to the International Covenant on Civil and Political Rights. Apart from those, Sri Lanka has also signed three Geneva Conventions of 1949 on the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea, Relating to the Protection of Civilian Persons in the Time of War, and Treatment of Prisoners of War.

However, the Government of Sri Lanka has not ratified twenty-four International Instruments. The prominent ones in this include the Optional Protocol II to the ICCPR, Convention Relating to the Status of Stateless Persons of 1954, and International Convention against Taking of Hostages of 1979[36].

Internal refugees in Sri Lanka are also entitled to the Fundamental Rights guaranteed under Chapter III of the Constitution and other basic services available to other citizens. As Francis Deng noted, the responsibility of ensuring the minimum standards of human existence and dignity - physical protection, shelter, food, clothing, basic health and the

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[36] For a complete list of International Instruments ratified and not ratified by Sri Lanka see *State of Human Rights Report, 2000*, (Colombo: Law and Society Trust)

integrity of the persona and the family as the most fundamental social unit

rests with national governments.[37]

Under Article 14(1) (h) of the Constitution, all citizens are entitled to

the freedom of movement and the right to choose their residence. The

right is subject to restrictions on grounds of national security, apart from

the other general restrictions laid down in Article 15(7). These are: national

security, public order and the protection of public health or morality,

securing recognition and respect for the rights and freedoms of others, and

meeting the just requirements of the general welfare of a democratic

society.

Under the present conditions of conflict the displaced certainly

cannot exercise their right to freedom of movement. Moreover, the

government's efforts at resettling the displaced, if done forcibly, could also

amount to a violation of this right.

Since 1972 High Commissioners of the UNHCR have accepted to

offer assistance to IDPs without including them under the 1951

Convention. Since 1990 the UNHCR has being regularly asked to extend

its service to IDPs. In fact, in 1997, almost half the persons of concern to

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[37] Francis Deng, "Comprehensive Study on Internally Displaced Persons," Report of the Representative of the Secretary General submitted to Commission on Human Rights Resolution 1992/73, E/CN.4/1993/35.

UNHCR were not Convention refugees - 21per cent were IDPs and 15 per cent returnees.[38]

However, since IDPs remain within the country of origin it is the responsibility of government to provide them with protection and assistance. If the UN Security Council so feels the international community may step in as per Chapter VII of the Charter of the United Nations. The country of origin has the final word and, therefore, decides the extent to which the international community be allowed to operate.[39]

**Institutional Mechanism**

It includes the different agencies that are involved in providing protection and assistance to refugees. Protection is aimed at securing their physical safety and legal rights. This could include (a) monitoring the situation, (b) providing technical assistance and advisory service to relevant authorities, (c) training for the law enforcement official and civil society, and (d) advocacy and lobbying. Assistance includes (a) provision of emergency relief materials at the time of flight and (b) rehabilitation and reconstruction. The two main agencies providing protection and assistance to internal refugees in Sri Lanka are the (1) state and (2) non-state actors.

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[38] Ibid, p.31

[39] Danielle Helle, " Enhancing the Protection of Internally Displaced Persons," in Wendy Davies(ed.) *Rights Have Borders* (Geneva: Norwegian Refugee Council/ Global Refugee Survey, 1998) p.38

*Government*

Since internal refugees are primarily the responsibility of the state, it becomes imperative for the state to provide a mechanism to this effect. With this basic framework the Sri Lankan government set up the Ministry of Reconstruction and Rehabilitation in 1987. The Commissioner General of Essential Services (CGES) works under the Ministry to provide dry ration and other provisions to the refugees, through the Government Agent in different districts. The Rehabilitation and Reconstruction Agency for the North (RRAN) was created specifically for the northern districts of Jaffna, Vavuniya and Mannar.

A specific plan was launched in two phases for the purpose of resettlement and reconstruction—namely the Emergency Relief and Reconstruction Programme (ERRP). ERRP I for the period 1987-94 was launched with a budget of 22,650 million Sri Lankan Rupees (SLR). However this failed due to the resumption of hostilities and lack of funds.

This was followed by a similar programme, ERPP II, which was launched in 1995, with an estimate of 67,000 SLR. Though ERPP II also is not a successful plan, it nevertheless indicates an important shift in the

displacement policy of the government. Apart from the reconstruction of infrastructure ERPP II was "human centred."[40]

This change reflected the (PA) Government's policy, which aimed at treating relief, rehabilitation and reconstruction as integral part of the development process. The new policy emphasised:[41]

- Recognizing the basic human dignity of displaced people.

- No forcible displacement of people.

- Improvement in camp conditions.

- A realistic package of assistance for resettlement or relocation.

- Loan for economic activities, through the Reconstruction and Rehabilitation Bank.

This qualitative shift in the displacement policy points to the fact that the government realized that the internal refugee situation was initially a temporary phenomenon but was threatening to become a permanent phenomenon:

Despite insecure conditions resettlement guidelines were issued by the Ministry. It stated that resettlement should be voluntary and required

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[40] N.Balakrishnan, "Resettlement, Rehabilitation and Reconstruction—The Vavuniya District," in K.M de Silva and G.H. Peiris (eds.) *Pursuit of Peace in Sri Lanka: Past Failures and Future Prospects* (Kandy, ICES, 2000) p.294.

[41] Mario Gomez, "The Internally Displaced", *Sri Lanka State of Human Rights Report, 1994*, Colombo, p.230-31.

social and economic infrastructure. Under the Resettlement package a settling in Allowance (SIA) of 2000 Sri Lankan Rupees, a productive Enterprise Grant (PEG) of 45,000 Sri Lankan Rupees for resuming economic activities to those with a family income of less then Rupees 2,500 per month, a housing grant of Rupees 25,000, and loans for resuming economic activist through the Reconstruction and Rehabilitation Bank were to be distributed to the refugees.

The total expenditure that was being incurred by the Government on internal refugees was estimated at Rupees 250 million per month (at the end of 1996). The expenditure on food and rations has ranged around three billion Rupees[42].

However, the schemes have not been as successful as envisaged, primarily because of unstable political conditions and lack of infrastructure and continued restrictions on freedom of movement and economic activities like fishing.

**Humanitarian Agencies**

This is a broad term that includes all agencies other than the state. The specific issue of internal displacement is addressed by international agencies like the UNHCR and ICRC, International NGOs (INGOs) and local NGOs. All of them work within a specific mandate. There is a range

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[42] For details see *Cost of War*, National Peace Council Report, 2000

of international and local, Non-Governmental Organistions (NGO) active in providing relief, rehabilitation, coordination, dissemination and lobbying for internal refugees in Sri Lanka. Though Sri Lanka has several successful NGOs, both at the local and national level, the conflict in the North- East has prompted NGOs to enlarge their activities in the island. Any understanding on the role of non-state actors in the management of internal refugees in Sri Lanka would be incomplete without mentioning the debate on the role of the international organisations and the sovereignty of the state. There is a growing apprehension especially among the Sinhalese majority that by allowing these organisations to function, the state is compromising on it sovereignty.[43] The other concern stems from the 'limited social base' from which most NGO activists are drawn. By and large they belong to the upper middle class English educated sections[44]. Their urban background often limits them from understanding the real problems that internal refugees face in their day-to-day life. Sometimes, the approach adopted by these agencies is in line with the government policy, and are often criticized to be 'government allies'. Despite these constraints international and local NGOs in Sri Lanka have been playing an important

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[43] For detail see Nira Wickramasinghe, *Humanitarian Relief Organization and Challenge to Sovereignty: The Case of Sri Lanka,* RCSS Policy Paper IV, Colombo 1997.

[44] Bradman Weerakoon," Sustaining Democracy in Sri Lanka: Opportunities and Challenges," in *Reflections on Governance,* (Colombo: Marga Publications, 1994), p. 36

role in publishing a number of incisive reports on the issue. The two most important international humanitarian agencies in Sri Lanka are the UNHCR and the ICRC, but there are a number of other organisations also active in the field. Prominent among them are OXFAM, CARE International, FORUT, Medicins sans Frontiers, (MSF), Redd Barna, Save the Children Fund (SCF), and SEDEC. The UN agencies working in the area are World Food Program (WFP), and United Nations Children's Fund (UNICEF) At the national or local level, some of the most active NGOs are Sarvodaya, Sewa Lanka, Rural Development Fund (RDF) and Sri Lanka Red Cross. Local NGOs have a three-point agenda, which includes relief, rehabilitation and development. In a refugee situation, the first task is to provide relief and assistance to the displaced. The second task is rehabilitation, i.e. after the initial unrest is over, internal refugees may be either resettled in their original villages or relocated to another area. In this context, the local NGOs implement micro projects funded by the UNHCR, or individual projects. These are specifically undertaken for resettlement programmes, like repairing roads, schools, wells and other infrastructure. Development programmes are undertaken mostly non-combat zones or in resettled villages. A brief overview of the functioning and workings of the UNHCR and the ICRC, would give a better understanding of the management of internal refugees in Sri Lanka.

*The UNHCR*

The presence of the UNHCR in Sri Lanka dates back to 1987, when the Government of Sri Lanka requested it to facilitate repatriation of refugees from India. The UNHCR has now moved beyond its initial role along with the course of the war. When the conflict escalated in 1990, it became difficult to distinguish between returnees and (internal) refugees. It was at this time that the UNHCR was asked by the Government of Sri Lanka to expand it activities to assistance and resettlement.[45] Since then the UNHCR provides necessary assistance through provision of emergency relief and later facilitate resettlement / relocation as the case may be through implementation of micro-projects usually carried out by local NGOs. There have been three main programmes initiated by the UNHCR in Sri Lanka: (i) Special Programme of Limited Assistance to Returnees from South India, (ii) Programme of Relief Assistance to Returnees and Displaced Persons in Sri Lanka, which began in September 1990, and (iii) providing 'safe haven' through creation of Open Relief Centres (ORC). ORCs, which were initiated in 1990-91, have been providing relief for short-term displacement during army operations. The min task of the UNHCR has been to ensure 'voluntary' repatriation, security of returnees

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[45] Lyndall Sachs, "The Teardrop of Buddha, *Refugees*, vol. 4, no.117, 1999, p.19.

and displaced persons, and rehabilitation of returnees and internal refugees.

## The ICRC

The International Committee of Red Cross (ICRC) is another key international organisation working in Sri Lanka since 1971 and actively since June 1990. The ICRC was invited to Sri Lanka by President Premadasa at the height of the JVP insurrection in October 1989 in the South. Since then it has been actively performing its humanitarian work in the conflict in the North and East. "The ICRC is an independent humanitarian organisation which has been mandated by the community of States to protect and assist victims of armed conflict and internal violence."[46] The specific mandate of the ICRC is based on International Humanitarian Law. The IHL is applicable in times of war to 'limit the effects of armed conflict' and protect those who are not part of the hostilities.

The ICRC has been involved in the following activities in Sri Lanka: (i) activities for detainees, (ii) tracing; (iii) activities for civilian populations, (iv) relief (v) medical activities, (vi) cooperation with national society, (vii) dissemination of rules of behavior in combat, and (viii) acts as neutral intermediary whenever required. The ICRC is the only body, which works

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[46] *ICRC, Sri Lanka, Newsletter*, no.19, June 2001

on cases of disappearance by 'tracing' missing persons. As a neutral intermediary, the ICRC receives tracing requests from family members of missing persons. Due to this, the ICRC's role is crucial and delicate because it has to communicate with the LTTE as well as the Army or the government. Apart from this, the ICRC is also involved in providing relief and assistance to refugees.[47] In the initial years of its activities in Sri Lanka, the ICRC was mainly involved in protection and tracing, but in recent years, relief measures also figure in the agenda. In fact the ICRC now spends almost a fourth of its annual budget on relief activities. The budget of the ICRC has also increased from 9,082,432 Swiss Francs in 1994 to 15,846,283 Swiss Francs in 1999.[48]. Providing medical supplies and transporting the sick to hospitals from inaccessible areas is another dimension of its work in Sri Lanka.

## CONCLUSION

The ongoing conflict has unleashed a complex pattern of internal displacement in Sri Lanka. Though they are products of the same phenomenon internal refugees are more vulnerable than those who have crossed an international border. Their social and economic vulnerabilities limit them within the country. As the war continues, they remain caught in

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[47] This happened in November 1999, when ICRC was the only office functioning in Vavuniya town
[48] *Annual Reports of the ICRC*

the crossfire. Despite the existence of International legal mechanisms and domestic norms to safeguard their rights, these have been more on paper than applicable at the ground level. Internal refugees face severe violation of human rights, economic hardships, lack of opportunities, and restriction of movement. They need passes to go out of the camps and are sometimes not allowed to move out of the district. This makes their position even more vulnerable and politically sensitive. Efforts at resettlement or relocation have proved to be only marginally successful. This is due to two reasons: one, the ongoing operations in the Vanni region and continuation of strict security arrangements, and two, there is a suspicion that humanitarian and relief work cannot remain outside the ambit of the politics of the war. Though the urgent need for protection of internal refugees is felt, the question is how it can be achieved without affecting the sovereignty of the State. 7

# CHAPTER V

# SRI LANKAN REFUGEES IN INDIA

## INTRODUCTION

The Sri Lankan Tamils, who fled their country, have sought asylum in Europe, North America, Australia and India. According to the United States Committee for Refugees, there are about 200,000 to 300,000 Sri Lankan refugees in the world. Out of this, 110,000 are in India. (This includes resettled refugees, asylum seekers, rejected asylum seekers). The State of the World's Refugees Report for the year 2000, states that at the end of 1999, there are almost 120,000 asylum seekers of Sri Lankan origin. Out of this, 15,900 are in France, 9,200 in Germany, 8,300 in United Kingdom, 4,300, 2,300 in Norway, 2,100 in Netherlands and 66,400 refugees are living in camps in India.

The following table indicate that majority of the displaced people from Sri Lanka have sought asylum in India. In fact India has been the easily accessible country. The Sri Lankan Tamil refugees were pouring into India throughout the eighties and the early nineties. But the picture has changed substantially since then.

### Table 5.1 SRILANKA REFUGEE POPULATION AS AT 31/12/1999

| Country / territory of asylum | Number | Percentage |
|---|---|---|
| India* | 66,400 | 56.18 |
| France | 15,900 | 13.45 |
| Canada | 9,700 | 8.21 |
| Germany | 9,200 | 7.78 |
| United Kingdom | 8,300 | 7.02 |
| Switzerland | 4,300 | 3.64 |
| Norway | 2,300 | 1.95 |
| Netherlands | 2,100 | 1.78 |
| Other | 2,500 | 2.12 |
| Total | 118,200 | 100.00 |

Notes:  Number of refugees estimated by the UNHCR, based on the arrival of refugees. These exclude resettled refugees. (*) include camp refugees only.

Source: *The State of the World's Refugees*, (Oxford: OUP/UNHCR, 2000), p.318.

This chapter analyses the process of refugee influx and refugee management in India. The chapter is divided into four sections. The first section makes an overview of the Sri Lankan refugees in India, the next section deals with the Indian response to the refugee influx and management of the refugees, and the issue of repatriation is discussed in the last section.

## THE PROCESS OF REFUGEE INFLUX

According to the Ministry of Home Affairs, there are about 64,500 Sri Lankan refugees residing in 116 camps in Tamil Nadu and one camp in Orissa at the beginning of 2001. It is estimated that more than 50,000 refugees are living outside camps. At the peak of the conflict in 1990-91, there were over two lakh refugees living in India. The choice of their destination to India can be located in three factors. The geographical proximity and contiguity of Sri Lanka makes India the only easily accessible country of asylum in a crisis situation. At the closest point, India and Sri Lanka are separated by the Palk Straits. The cultural and linguistic affinity with Tamil Nadu worked as a 'pull factor'. The third reason was the positive response of the Indian state as well as civil society towards the incoming refugees.

As mentioned earlier, there are over one lakh Sri Lankan Tamil refugees in India.[1]  The number of refugees in India varied according to the

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[1] Most of the refugees are Tamil, either Hindus or Christians. However, according to the UNHCR Reports on Repatriation, 1993 and 1994, there were some Muslim refugees as

situation in Sri Lanka. During major army operations, the number increased. On other occasions, the refugee influx registered a decline. It was during these phases that repatriation measures were undertaken, which further brought down the number of refugees. (Repatriation has been discussed separately in the last section of this chapter). At the peak of the conflict, in 1991, there were 230,000 refugees in India. [2] Since 1998 the number of registered refugees has been around 62,000 to 65,000 refugees. The reasons behind this are two fold. One, there has not been a major exodus to India due to strict vigilance by the navy and coastguards in India and Sri Lanka. The other reason is that no organized repatriation has taken place since 1994. There has been a slow trickle of refugees for personal reasons and the natural increase in the population. Some refugees have left for Sri Lanka due to personal reasons. A few others have been able to join their relatives in the Western Countries.

At the end of January 1999, there were 17,165 families numbering 62,924 people living in 131 refugee camps in twenty-four districts of Tamil Nadu. They are spread out throughout the state. The largest number of refugees (5530) is concentrated in the Mandapam transit camp in Ramanathapuram district, followed by 4,885 refugees accommodated in four

well. Though the actual break up of figures are not available, the Repatriation Report, 1993 mentions that 125 Muslim refugees returned to Sri Lanka in 1993 and 136 returned in 1994.

[2] This figure is based on a Cabinet Memorandum of the Ministry of Reconstruction, Rehabilitation and Social Welfare Sri Lanka, issued by Mr. P. Dayaratne, Minister of Reconstruction, dated, December 5, 1991.

camps in Madurai district and 4,080 refugees in four camps in Erode. There were more than five thousand children below the age of eight, who in all probability were born in India. Apart from camp refugees, there are about 40-50,000 Sri Lankan refugees living outside camps. The following Table gives details of the camp refuges in Tamil Nadu.

**Table 5.2 CAMP POPULATION OF SRI LANKAN REFUGEES AS ON 31.01.1999**

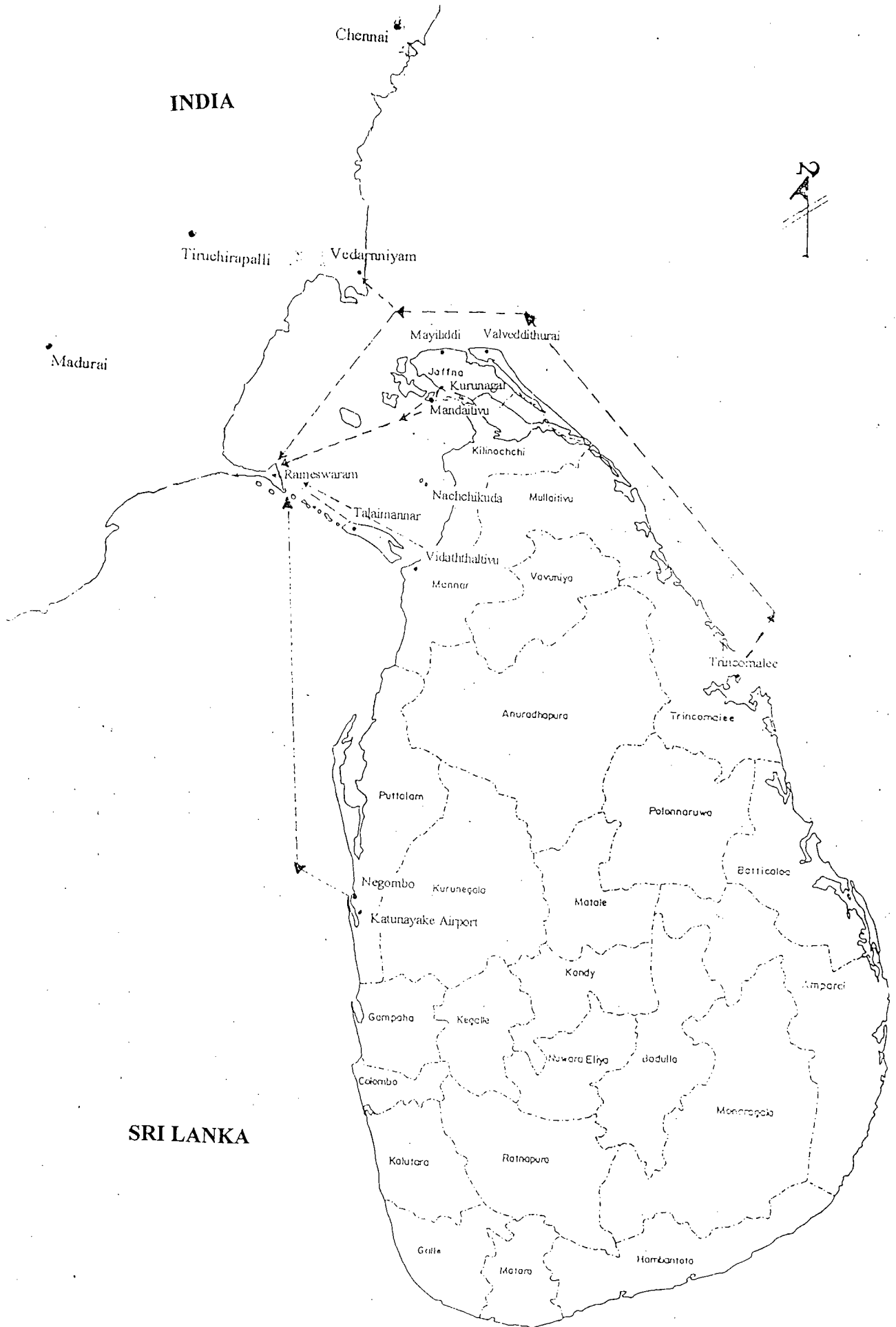| Sl. No | District | No. Of Camps | No. Of Families | Children | | | | | Adults | | | | | Total no. of persons |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 8 year and below | | Between 9-11 years | | Total | Between 12-17 years | | 18 years & above | | Total | |
| | | | | Male | Female | Male | Female | | Male | Female | Male | Female | | |
| 1 | Kancheepuram | 9 | 383 | 128 | 108 | 43 | 39 | 318 | 107 | 104 | 430 | 386 | 1027 | 1345 |
| 2 | Thiruvallur | 2 | 908 | 207 | 210 | 282 | 286 | 985 | 201 | 198 | 1080 | 995 | 2474 | 3459 |
| 3 | Cuddalore | 7 | 347 | 116 | 107 | 63 | 52 | 338 | 135 | 120 | 374 | 343 | 972 | 1310 |
| 4 | Vilupuram | 3 | 262 | 109 | 99 | 31 | 36 | 275 | 111 | 100 | 311 | 275 | 797 | 1072 |
| 5 | Vellore | 9 | 1099 | 464 | 422 | 122 | 119 | 1127 | 371 | 345 | 1182 | 951 | 2849 | 3976 |
| 6 | Thiruvannamalai | 16 | 875 | 253 | 247 | 142 | 165 | 807 | 273 | 288 | 1075 | 979 | 2615 | 3422 |
| 7 | Salem | 8 | 646 | 268 | 272 | 73 | 56 | 669 | 177 | 165 | 708 | 625 | 1675 | 2344 |
| 8 | Dharmapuri | 13 | 936 | 343 | 320 | 133 | 121 | 917 | 340 | 328 | 1030 | 968 | 2666 | 3583 |
| 9 | Namakal | 2 | 357 | 121 | 96 | 112 | 129 | 458 | 267 | 149 | 138 | 180 | 734 | 1192 |
| 10 | Erode | 4 | 1052 | 344 | 374 | 170 | 151 | 1039 | 440 | 378 | 1184 | 1039 | 3041 | 4080 |
| 11 | Coimbatore | 8 | 779 | 252 | 238 | 145 | 121 | 756 | 258 | 296 | 906 | 828 | 2288 | 3044 |
| 12 | Thiruchi | 2 | 766 | 251 | 258 | 98 | 122 | 729 | 264 | 236 | 846 | 800 | 2146 | 2875 |
| 13 | Karur | 2 | 593 | 194 | 183 | 69 | 76 | 522 | 236 | 247 | 675 | 640 | 1798 | 2320 |
| 14 | Perambalur | 1 | 73 | 28 | 26 | 8 | 11 | 73 | 24 | 21 | 76 | 80 | 201 | 274 |
| 15 | Pudukkottai | 3 | 909 | 230 | 203 | 161 | 181 | 775 | 329 | 310 | 723 | 687 | 2049 | 2824 |
| 16 | Madurai | 4 | 1319 | 424 | 399 | 185 | 175 | 1183 | 581 | 514 | 1333 | 1274 | 3702 | 4885 |
| 17 | Dindukkal | 8 | 846 | 275 | 262 | 122 | 135 | 794 | 324 | 309 | 992 | 870 | 2495 | 3289 |
| 18 | Ramanathapuram | 1 | 1824 | 516 | 467 | 248 | 238 | 1469 | 393 | 340 | 1756 | 1572 | 4061 | 5530 |
| 19 | Sivaganga | 7 | 913 | 303 | 313 | 96 | 124 | 836 | 370 | 365 | 912 | 919 | 2566 | 3402 |
| 20 | Virudhunagar | 6 | 879 | 272 | 250 | 160 | 138 | 820 | 194 | 196 | 1179 | 1067 | 2636 | 3456 |
| 21 | Thoothukudi | 3 | 347 | 109 | 125 | 55 | 59 | 348 | 112 | 85 | 458 | 430 | 1085 | 1433 |
| 22 | Thirunelveli | 8 | 779 | 195 | 191 | 118 | 165 | 669 | 290 | 277 | 782 | 793 | 2142 | 2811 |
| 23 | Kanyakumari | 4 | 271 | 101 | 109 | 27 | 33 | 270 | 96 | 79 | 287 | 264 | 726 | 996 |
| 24 | Chennai | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 2 |
| | Total | 131 | 17165 | 5503 | 5279 | 2663 | 2732 | 16177 | 5893 | 5450 | 18439 | 16965 | 46747 | 62924 |

Source: OfERR, Chennai

## Trajectory of Flight

Sri Lankan refugees fleeing to India have adopted two main routes - one from Colombo to Madras by air and the other by boat. The first route was mostly taken by the first batch of economically well off people in the first phase in 1983.

However, most of the refugees have taken the more arduous second route. Refugees who have taken the sea route have not adopted only one route. The entry and exit points changed due to the change in the location of war, condition of the sea, safety and security concerns in Sri Lanka, deployment of naval forces at the exit points in Sri Lanka and India. With these overarching concerns and limitations the fleeing refugees have always sought to adopt the shortest possible route. The two main exit points from Sri Lanka are in Mannar and Jaffna:

1. Vidathaltheevu to Rameswaram: Vidathaltheevu is a small fishing jetty situated in Mannar mainland. This point has been frequently used since Mannar Island was wrested by the Army in 1991-92.

2. Nachikuda to Dhanuskody: Nachikuda is located in Mannar mainland. Since there is a naval detachment in Tallaimannar, it was not safe to depart from this point. Refugees, therefore, escaped to India from Nachikuda. This route was frequently used in the eighties

INDIA

Chennai

Tiruchirapalli   Vedaranniyam

Madurai

Mayiladi   Valveddithurai

Jaffna
Kurunagar
Mandaitivu

Kilinochchi

Rameswaram

Nachchikuda   Mullaitivu

Talaimannar

Vidaththaltivu

Mannar   Vavuniya

Anuradhapura

Trincomalee

Trincomalee

Puttalam

Polonnaruwa

Batticaloa

Negombo   Kurunegala

Matale

Katunayake Airport

Kandy

Amparai

Gampaha   Kegalle

Nuwara Eliya   Badulla

Colombo

Monaragala

SRI LANKA

Kalutara   Ratnapura

Galle

Matara   Hambantota

**INFLUX OF SRI LANKAN REFUGEES TO INDIA: SEA ROUTES**

3. Mayiliddy to Vedaranyiam: Mayiliddy is close to Palaly and Kankesanthurai. To avoid the military patrolling, people chose to flee from this point to go to India. Vedaraniyam is north of Rameswaram. Refugees disembarked here due to two reasons. One, conditions of the sea, and two, it is the shortest route from Mayiliddy. It needs to be mentioned that this was the most frequent route used by militant refugees.

4. Valvettithurai to Thangachchimadam and around: Valvettiturai is located in the Northern tip of Jaffna. Valvettiturai and Mayiliddi are approximately ten kilometers apart. It is known for smuggling between Jaffna and Tamil Nadu for decades. From the seventies people have frequently used this as an escape route. Except during the IPKF period and in the post 1995 period (after Jaffna was wrested by the Army), this route was frequently used by the Sri Lankan Tamil militants.

5. Negombo to Rameswaram and around: This route was used rarely. Immediately after the 1983 violence and again in the early nineties, mostly by Southern Tamils who could not afford flight charges used this route.

6. Trincomalee to Thangachchimadam and around: This long and unsafe route was used by refugees between 1983 and 1987.

7. Kurunagar to Rameswaram: Kurunagar is adjacent to Jaffna town. This route was particularly used during the Operation Liberation 1987.

They start the journey amidst the fear of death and destruction. Their two major concerns are survival and security. " It is a terrible feeling, something I cannot describe... there is fear of death behind you and the fear of the unknown ahead."[3]. It is a difficult journey where they have to face human as well as natural threats. The jungle terrain is most unfriendly. There is fear of the LTTE, which wants money or gold, or a child of the fleeing family to recruit in its cadre. People have to go without food for days during this trek. Rain and bad weather conditions add to their ordeal. Once they reach the point closest to the sea, they have to escape from the Sri Lankan Navy, either by hiding from them or bribing them. Their next task is to arrange for a boat to cross the waters. Fishermen, who ferry them across, normally take substantial amount of money, ranging between 500 to 5000 Sri Lankan Rupees, for a boat ride. The refugees have constant fear of being shot by the Sri Lankan and Indian Navy and confiscation of the boats. For this reason the journey starts in the cover of darkness, and the refugees are dropped at remote unmanned

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[3] This was expressed in a personal interview with Selamma who lives with two daughters and a disabled son in the Naranammalapuram camp in Tirunelveli district, Tamil Nadu. She sold all her jewellery to pay for the boat trip. She had lost her elder son during shelling and felt that with no money and no source of income and an imminent fear of death all the time she could not afford to live there anymore.

areas along the Indian coastline in Dhanuskody. In some cases they are also

dropped off in the shallow waters from where they wade along to the shore.

Sometimes they are left on little islands near to the Indian coast. These points

are not shallow enough to wade, so the refugees remain stranded for hours

before passing Indian fishermen or coastguards help them. From this point

they walk to Mandapam camp or take a bus if they have Indian currency.

**Phases of Arrival**

The Sri Lankan Tamil refugees have come to India either in an exodus

in the immediate aftermath of violence or as a trickle due to the overall impact

of the conflict. Some of them have even come to India as the country of their

first asylum and then left for Western Countries. According to Mc Dowell,

India has been their 'stepping stone' for migrating to the West[4]. By and large

the four main phases coincide with the four phases of violence discussed in

Chapter Three. The phases could be identified as:

*Phase I, 1983-1987*

The riots of 1983, led to the first large scale displacement of Sri Lankan

refugees outside the country. Though upper and middle class Tamils

especially professionals had been gradually migrating to the West since 1950s

(and even before)[5] the scale and intensity of the refugee movement in 1983

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[4] *Christopher Mc Dowell, A Tamil Asylum Diaspora, Sri Lankan Migration Settlement and Politics in Switzerland,* (Providence: Oxford/ Bergham Books, 1996) p.92

[5] For details of migration before 1983 *see* Valentine Daniel, *Charred Lullabies: Chapters in an Anthropography of Violence,* (Princeton, New Jersey: Princeton University Press, 1996)

had outstripped all previous cases of displacement. According to the USCR, about 27000 to 30,000 Sri Lankan refugees came to India in 1983. During the entire phase, an estimated 1,34, 053 refugees sought asylum in India.[6] Out of this, over 88,000 refugees belonged to the affluent sections of the Sri Lankan Tamil society and chose to stay outside camps. Only 22,000 Sri Lankan Tamils were availing government assistance and camp accommodation. Most of the first batch of refugees came from Colombo to Madras by air. Some of the refugees came by boat. The refugees represented four distinct categories of refugees. (a) Semi-skilled or unskilled laborers, peasants, fisher folk and small -traders from the North and East. (b) Estate Tamils of Indian origin who worked in Plantations in the Central Province, (c) Colombo Tamils who were affluent and took the flight route, (d) Militant refugees who maintained a regular traffic between the Jaffna Peninsula and Rameswaram.[7]

*Phase II, 1987-1990*

With the signing of the Indo-Sri Lanka Agreement in 1987, and the induction of the Indian Peace Keeping Forces, there were hopes for peace. This resulted in the first phase of repatriation between December 1987 and August 1989.[8] Since October 1987, the situation registered a change due to the

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[6] V. Suryanarayan and V. Sudarsen, *Between Fear and Hope: Sri Lankan Refugees in Tamil Nadu,* (Chennai: T. R. Publications, 2000) p.73

[7] Though there had been traffic of militant youths sporadically since the late seventies and regularly since the early eighties, the process intensified in the post 1983 period. Some cadres were also able to come through mingling with the refugee influx.

[8] Repatriation is discussed in detail in a subsequent section of this chapter.

resumption of hostilities. The Indian Peace Keeping Force had increased their strength to 15,000 from the initial 5,000. Jaffna was wrested after a prolonged fight in October 1987. But most of the displacement was within the Peninsula itself.[9] However, a fresh exodus began since August- September 1989 when the IPKF was preparing to withdraw from Sri Lanka. With the impending departure of the IPKF, the LTTE began to crackdown on leaders and cadre of other militant groups, especially the pro-Indian ones. Most of these refugees during the period were therefore belonged to different militant groups. According to figures provided by the Mandapam camp authorities, about 1650 refugees came to India through Rameswaram.[10] The Government of India facilitated their arrival by flights as well as by other means.

*Phase III, 1990-94*

The period after June 10, 1990 was the most intense phase of violence, in the conflict. This also marked the highest point in refugee generation, within and outside the country.   Between 10 June 10July 18,300 refugees came to India and by July25, the number had reached 50,000. The total number of refugees who sought asylum in India for the year 1991 was estimated at 2,10,000.[11] Out of this, 113456 refugees were were accommodated in refugee

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[9] This was due to three reasons: (a) there was curfew, (b) people feared getting caught in the crossfire (c) they fled to refugee camps. It was ensured that most camps had access to food

[10] Though Mandapam camp authorities do not specify the break-up of militant and civilian refugees, it is understood that a substantial number of refugees in 1989 belonged to various militant groups.

[11] *Sri Lanka: Island of refugees*, Issue Paper, USCR, 1991

camps in Tamil Nadu.[12] The profile of the refugees marked a difference from the first phase when most of them belonged to the upper strata of the Sri Lankan Tamil society. This period highlights three important features: One, high intensity of displacement, Two, complete reversal of condition of refugees after the assassination of Rajiv Gandhi in 1991, and three, resumption of repatriation in 1992.

*Phase IV, 1995-2000*

By the fourth phase, the situation had changed substantially both at home and in the country of asylum. There was substantial displacement but most of it was within the island itself. The exodus to India began in the wake of the Operation Riverasa in October 1995. Between October 1995 and December 1999, only 20,196 refugees came to India. Though there was intense violence in Jaffna, and later Vanni, the rate of refugee influx has been low as compared to other periods. Repatriation has also been completely halted due to the volatile situation. A large number of refugees who came during this phase were earlier repatriates. There were two reasons behind this change scenario: (i) There was increased vigilance in the Palk Straits because the Government of Sri Lanka wanted to contain the refugees within the country in order to reduce the 'India factor'. (ii) India was also wary of refugees, particularly militants entering in the guise of refugees.

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[12] Figures provided by Mandapam Camp

Each of these phases indicates a distinct process of refugee influx. In the first phase, most of the refugees belonged to the upper or upper middle class. The second phase brought militant refugees. The third phase marks the highest point of influx when the number crossed the 200,000 mark. In the fourth phase, the arrival of Sri Lankan refugees to India was largely induced by the LTTE. This depended upon the politico-military strategies adopted in Sri Lanka as well as the response of the host community.

## THE MANAGEMENT OF REFUGEES

### Understanding Refugee Management

Managing refugees is just as complex and varied as the dynamics of displacement. The response of the host country to incoming refugees has been diverse. At the same time, the same country responds in different ways to different refugee groups. There is, therefore, no definite pattern in which a host state responds to a refugee influx. It is due to this reason that understanding the phenomenon within a framework is difficult. Scholars in the area rarely attempt at constructing an explanatory framework.[13] The fact that most studies so far have been refugee-centric (concentrating on the

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[13] Lester A Zaeger and Jonathan B. Bascom "Strategic Behavior in Refugee Repatriation : A Game Theoretic Analysis," *Journal of Conflict Resolution*, Vol. 40, no.3, September 1996, p.461.

refugees and their impact) makes the task of evolving a model further problematic.

Broadly speaking the management of refugees includes:[14]

(i)     Legal Mechanism - the response of the host country towards an influx of refugees.

(ii)    Initial provision - care and maintenance.

(iii)   Action in terms of repatriation - local settlement or resettlement outside the country of first asylum.

(iv)    Financing the operations on the part of the host country or international community.

As per the norms of international law, while every state has the right to grant asylum to refugees, there is no corresponding duty to that effect. Furthermore, refugees do not have any right to be granted asylum.[15]

Although the Universal Declaration of Human Rights, 1948 categorically states, "everyone has the right to seek and enjoy in other countries, asylum from persecution,"[16] States do not owe any fundamental duty. According to Corf, States are influenced by three factors in their

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[14] John F. Thomas, "Refugees : A New Approach," *International Migration Review*, Vol. xv, nos.1 and 2, Spring-Summer, 1981, pp. 20-25.

[15] Goran Melander, "Refugees and International Cooperation," *International Migration Review*, Vol.xv, no.1 and 2, Spring-Summer, 1981 pp.35-41.

[16] Universal Declaration of Human Rights, General Assembly United Nations, Document Art. 14, pp.71-74.

response towards refugees.[17] (i) Traditional norms, (ii) international initiatives, and (iii) political and security concerns.

Early scholarship in the 15th and 16th century pioneered by Fransiscus de Victoria, Franciscus Suarez, Hugo Grotius etc. felt the need to return the accused to the place of occurrence of crime. International initiatives for refugees became relevant in the aftermath of World War II. The new legal framework that emerged included the United Nations Charter, 1945, the International Human Rights Declaration 1948 and the 1951 Convention relating to refugees. Apart from traditional norms and international initiatives for the protection of refugees, every State has its own domestic compulsions, which influence its policy towards refugees. These include the electoral interests of parties, pressure exerted by interest groups, and financial and administrative concerns.[18]

Karen Jacobsen identifies three possible options for a host country when refugees arrive at its borders: (i) it can do nothing, (ii) react negatively (iii) act positively. When the government does nothing it is incapable or unwilling to take a policy decision or the arrival of refugees does not become an issue.

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[17] Richard A.C. Corf, "Resettlement of Refugees, National and International Duty," *Texas International Law Journal*, Vol.32, no.3, Spring 1997, pp.307-28
[18] Ibid, pp. 311-14.

The policy decision taken by the State is again influenced by three factors identified by Jacobsen. They are: the international refugee regime, the local community and the refugees themselves.[19]

Myron Weiner and Rainer Munz have pointed out three possible responses to a growing number of refugees and asylum seekers.[20] They are: (1) adoption and implementation of better ways of controlling migration and try repatriating existing refugees. (2) Accepting a certain number, and then addressing the social, political and economic consequences, passed by the refugees. (3) Adopting preventive measures and intervention strategies towards the country of origin.

According to Corf, when faced with a refugee situation, countries adopt any of the following five approaches based on humanitarian on domestic concerns the time. The approaches towards refugee resettlement are:[21]

(i)  The traditionalist approach: This is based on three assumptions - no state has a duty to accept refugees; a nation offering asylum is responsible for their maintenance and therefore, it should be cautious; and a global refugee market effort" will somehow regulate the system

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[19] Karen Jacobsen, "Factors Influencing the Policy Responses of Host Government on Mass Refugee Influxes, " *International Migration Review*, Vol.xxx, no.3, Fall 1996, pp. 655-78.

[20] Myron Weiner and Rainer Munz, "Migration, Refugees and Foreign Policy: Prevention and Intervention. Strategies *Third World Quarterly*, Vol. 18, no.1, 1997, pp. 25-51.

[21] For details see Aristide R. Zolberg. "From Invitation to Interdiction: US Foreign Policy and Immigration (pp. 144-46) and Tom Farmer, "How the International System Copes with Involuntary Migration: Norms, Institutions and State Practice, in Myron Weiner, Michael S. Teitelbaum, *Threatened People, Threatened Borders, World Migration and U.S. Policy*, (New Delhi: Universal Books, 1997).

and make it work. The US response is an example of the traditionalist

approach. This approach gives prime importance to the state and

protects it from accepting unwanted refugees.

(ii)     Universalistic Approach: Diametrically opposed to the former, this

approach is based on the following premises: refugees present global

problem international instruments should form the basis for dealing

with the problem; the problem should be solved through global

cooperation. This approach aims at securing for the refugees protection

and a new homeland. The Universal Declaration of Human Rights

1948, The 1951 Convention and the Protocol of 1967 are some of the

instruments through which the universalistic approach seeks to deal

with refugees.

(iii)    The Regionalist approach upholds that countries of the region have a

duty towards refugees. Organisation of African Unity has set a trend in

the creation of a regional instrument for protection of refugees in the

region.

(iv)    The Causalist Approach puts the onus of the issue on the country of

origin. The UN has adopted this approach for a number of years by

advocating repatriation as the solution.

(v)     The Hybrid approach, as the name suggests, is a combination of the

above approaches. The Post World War II scenario gives a picture of

how each of these approaches has been implemented. First traditionalist, then universalist with the implementation of the Convention and Protocol, then an effort to regionalise the issue - the First World does not welcome Third World refugees, and often adopts the Causalist approach with an emphasis on repatriation.

The response of the refugee receiving State is based on one or a combination of the above approaches. The State grants or refuses asylum to refugees. Asylum is the permission granted by the host State in deciding to admit those in flight, allow them to remain and to protect them against removal and exercise of jurisdiction of the country of origin. The response of the State could vary from granting admission as a permanent right to settle, settle on a temporary basis, or just as an emergency measure. The UNHCR classifies these as:[22] (1) Convention status refugees who have been granted permission on a permanent basis. (2) Humanitarian status includes temporary admission, 'provisional admission' and 'exceptional leave to remain.'

Closely associated with asylum is the principle of *non-refoulment*, which is considered as the edifice of International Refugee Law. It declares that a state may not return a refugee within its border to the home country if they could face persecution there. In the final analysis, it needs to be stated that

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[22] *The State of the Worlds Refugees*, (Oxford : OUP / UNHCR, 2000) p.324.

International Law is not binding, and ultimately it is the discretion of the states whether or not to grant asylum to refugees at its border.

**Legal Framework in India**

By and large, India has responded to refugee inflows within the parameters of the hybrid approach discussed earlier. Though the humanitarian principle was recognized, India has offered 'actual protection' to refugees "based on the principle of the right to life and liberty to all persons....."[23] India's policy towards the Sri Lankan refugees has been broadly based on humanitarian concerns, foreign policy concerns and response of the local population.

India has not signed the 1951 Convention or 1967 Additional Protocol, the two major International Instruments on refugees. The rationale behind this can be located in three reasons. Firstly, India shares contiguous borders with most countries in the region. It also shares ethnic and linguistic affinity among people in the border areas. An 'open door' refugee policy could be adverse politically and demographically. It could adversely affect the labour market as well.[24] Secondly, India is wary of the presence of an international body like the UNHCR, particularly in view of its foreign policy considerations especially in the South Asian region. Thirdly, considering the specific realities

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[23] Arundhati Ghose, "Providing Refuge" *Seminar*, no.463, March 1998, p.57.

[24] Myron Weiner, "Rejected Peoples and Unwanted Migrants in South Asia," *Economic and Political Weekly*, vol.28, no.34, August 21, 1993, pp. 1737-46

in South Asia, the 1951 Convention is not feasible, more so at a time when Convention countries are increasingly adopting *non entrée* regimes. However, India is an EXCOM (Executive Committee) member of the UNHCR since 1995. It needs to be mentioned that adopting a Model National Law on Refugees is being discussed.[25]

In March 1979 India acceded to the two 1966 Covenants on Civil and Political Rights and Economic, Social and Cultural Rights and also the Convention on the Rights of the Child, in 1992. These are relevant in refugee situations as well.[26] Though the Covenants have not yet been incorporated in Indian Law, this does not absolve India of its international obligations under the Covenants. Since there are no specific laws, a refugee influx is managed through administrative decisions rather than specific legislative enactments.[27]

In India, refugees are therefore treated under the law applicable to aliens, unless otherwise specified[28] as in the case of Ugandan refugees of Indian origin. According to the Supreme Court of India, the rights of foreigners are enshrined in Article 21 of the Indian Constitution - Protection of life and Person Liberty, which states that "no person shall be deprived of his

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[25] For text of Model National Law on Refugees, see Appendix.

[26] B.S. Chimni, Symposium on the Human Rights of Refugees The Legal Condition of Refugees in India, *Journal of Refugee Studies*, Vol.7, no.4, 1994, p.379.

[27] Brian Gorlick and Sumbul Rizvi Khan, "Refugee Protection and Human Rights Protection: International Principles and Practice in India," *Refugee*, Vol.16. no.6, December 1997, pp,39-43.

[28] For details see Vijay Kumar Diwan, *Law of Citizenship, Foreigners and Passports* (Allahabad: Orient Law House, 1984), p.291.

life or personal liberty except by procedure established by law." This contains the principle of *non-refoulment*. However, the Supreme Court, in a case has further stated," the fundamental right of the foreigners is confined to Article 21 the right to life and liberty and does not include the right to reside and settle in this country, as mentioned in Article 19, which is applicable only to citizens of the country.[29]

The principal Indian laws relevant to refugees are: The Foreigners Act 1946 (section 3,3A, 7,14). It regulates entry of foreigners into India. It defines foreigner as a 'person who is not a citizen of India'. Registration of Foreigners Act 1939 (section 3,5) deals with the registration for entry, stay, and departure of foreigners from India. The Passport (Entry of India) Act 1920 and the Passport Act, 1967 deal with powers of the government to impose conditions for entry into India and the issue of passport and travel documents to regulate their departure. This is applicable for citizens as well as foreigners. The Extradition Act, 1962 is also applicable to refugees. The above laws signify that refugees do not have specific legal protection. Thus bonafide refugees and asylum seekers could be indicted under (i) illegal entry, (ii) illegal (changeable under Foreign Act) and illegal departure with false passports (under Foreigners Act, passport Act and the India Penal Code).

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[29] *Louis de Raedt Vs. Union of India 1291(3) SCC 554 at p.562 State of Arunachal Pradesh V. Khudiram Chakma JT 1993 (3) S.C. 546 at p. 552. The SC upheld the above in Louis De Roedt case.*

The principles of customary international law cannot be enforced if they are in contravention with states.[30] However, the National Human Rights Commission has been active in protecting the rights of refugees. Intervention made by the NHRC in a case relating to the Chakma refugees in Arunachal Pradesh and Tripura is also noteworthy. It has also intervened effectively in several cases of illegal detention of the Sri Lankan refugees in Tamil Nadu.[31]

In the absence of a legal framework, the status of the Sri Lankan Tamil refugees in India is 'ambiguous'.[32] Though they do not have formal refugee status, they are referred to as refugees and not asylum seekers. They have been recognised as refugees in various documents, like refugee certificates for students applying for admissions to Colleges and Universities. The other point to be noted in this connection is that in the absence of any legal framework to this effect, the Sri Lankan Tamil refugees are accepted as *de facto* refugees and the policy of *non- refoulment* is not applied.[33]

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[30] P. Chandrasekhara Rao, *The Indian Constitution and International Law*, (New Delhi: Taxman, 1993), p. 179.

[31] The NHRC had taken a positive step in the case of Chakma and Hajong refugees on the basis of a complaint by an NGO-people's Union for Civil Liberties (PUCL). The NHRC not only sent an inspection team to Arunachal Pradesh and when the sate government did not cooperate they even filed a writ petition in the Supreme Court. The Court granted interim non-expulsion to the refugees. In its judgment in January 1996, the apex court recognized the threat to the life and personal liberty of the refugees and upheld that the rights to life as enshrined in Article 21 is applicable to citizens as well as non-citizens and upheld that the state shall ensure the protection of life and liberty of Chakma refugees in India, if necessary with the help of Para-military force.

[32] For details see Nirmala Chandrahasan, "A Precarious Refuge: A Study of the Reception of Tamil Asylum Seekers in Europe, North America and India," *Harvard Human Rights Year Book*, vol.2, 1989, pp.92-94.

[33] Ibid.

## Administrative Mechanisms in India

Despite the fact that India does not have an organized legal framework to deal with refugees, there has been an organised administrative mechanism set up for the Sri Lankan refugees.. The Government of India accepted them within the legal framework prevalent in the country. The Government of India and Tamil Nadu made certain administrative decisions to facilitate the procedure. They were accorded humanitarian and sympathetic response.[34] The Directorate of rehabilitation is in charge of managing the refugees.[35] The Home Department in close coordination with the External Affairs Ministry deals with the incoming refugees. The External Affairs Ministry is involved because the refugees are covered under the Foreigners' Act. The Home Department is headed by a Secretary of the Government of India, who holds the rank of the Chief Secretary of a state government. He is assisted by a Joint Secretary, two Department Secretaries, one Desk Officer and a team of assistants to deal with refugees coming to India.

On arrival at Mandapam camp, the 'Q' branch interviews the refugees. Their papers are thoroughly examined to the satisfaction of the police to ascertain that they have no connection with militant groups. They are either sent to 'special' camps or accommodated in Mandapam camp itself. Within

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[34] *Ceylon Tamil Refugees in India, A Situation Report With Suggestions for Future UNHCR-NGO Coordination and Action,* Jesuit Refugee Service, Madurai, November, 1991

[35] The Department was started in1941 by the British Government to deal with the Burmese (now Myanmar) who migrated between 1940-44.

the camp, they are allotted a quarter. They are given money for meals at the rate of Rupees 14 per day. Later identity cards and ration card are provided so that they can purchase essential commodities at fair price shops. Cash relief is provided at the following rates as per Memo no. 1328 Public (Rehabilitation) Department dated 3.11.97:

| Size of family | Amount Paid per month (in Rupees) |
|---|---|
| (i) First adult member | 200 |
| (ii)Second and subsequent adult member | 144 |
| (iii)First child in the family | 90 |
| (iv)Second and other children | 45 |

This amount is paid fortnightly after physical verification of presence of refugees inside camp. In addition to cash doles they are provided the following:

(a)  Each family is given a set of utensils every two years.

(b)  They are provided saris and dhotis once a year during *Pongal* festival

(c)  They can avail dry rations from fair price shops at the rate of Rupees 0.57 per grams. Each adult is supplied 400 grams rice per day and children 200 grams. Sugar and kerosene oil are also provided at subsidized rates.

Apart from these, they are also given medical facilities, primary education, and even money for funeral rites. The Government of Tamil Nadu provides free education and free notebooks. There are tuition centres in camps. Seats

are reserved for the Sri Lankan students in colleges. The break up is as follows: Engineering – 20 seats; Medicine- 10 seats; Agricultural Science- 10 seats; Languages- 10 seats; Polytechnics- 20 seats[36]. The Government of India has so far spent more than 200 crore (Indian) rupees on providing relief facilities to the Sri Lankan refugees.[37]

**Categorisation of Refugees in India**

The Sri Lankan refugees in India are broadly categorised into camp refugees and non-camps. The categorisation is based on the socio-economic differences between these two groups of asylum seekers.

*Non-camp refugees*

Generally, the middle and upper middle class people who can afford to sustain themselves without government assistance have opted to live outside camps. It is difficult to estimate number of non-camp refugees, because most of them have not registered themselves. Estimates vary between 25,000 and 50,000. The Government of Tamil Nadu periodically issues circulars for non-camp refugees to register at the nearest police station.[38] There are two main reasons behind this: (i) bureaucratic red tapism and response of officials, (ii)

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[36] Interview with Selvy Shantha, volunteer in charge of Education, OfERR, Chennai, April 1999

[37] For year wise expenditure on refugees see *Annual Reports*, Ministry of Home Affairs, 1985-2000

[38] There was a circular issued by the Tamil Nadu government, which set the deadline for registration as September 15, 1999. But only 1820 had registered themselves. According to the Government sources there were at least 28,000 unregistered refugees in Tamil Nadu of which 10,000 were staying in Chennai and its suburbs. *The Hindu*, New Delhi, September 21, 1999.

Some people prefer to live anonymously in Tamil Nadu, mingling with the local Tamil population. There is an underlying fear that the Government of India or the state government may change their 'open door' policy towards the Sri Lankan refugees and order them back to Sri Lanka. Their legal status makes them feel particularly vulnerable.

Education of their children has been the main reason for their decision to take refuge in India. The volatile situation in Sri Lanka since 1983 has often affected education. Though there are a number of Tamil medium schools in the state, they insist on sending their children to English medium Schools because most of them aspire to go to the West. In fact, non-camp refugees source their income from family members living abroad. Most of them stay in Chennai, Trichy, Madurai. Some of them have opted to stay in Pudukottai and Coimbatore. They live in middle class localities in these urban areas.

### Camp refugees

By and large, there are three kinds of camps in Tamil Nadu - temporary camps, permanent camps and special camps. There are three permanent camps in Tamil Nadu, namely. Mandapam camp in Ramanathapuram, Kottapattu camp in Tiruchirapally and Vingudi camp in Madurai. Permanent camps were constructed even before the current crisis, mainly at the time when Tamils were being sent as indentured labour during the Colonial period. At present, all three permanent camps have a Collectorate Office within the camp premises. This makes the issue of ration and money easier for

inmates. Camp facilities are adequate. Each family has a room and a little space outside, which is used as kitchen. Water supply is adequate. There are wells and taps with specific hours of water supply, within the camp itself. Electricity is provided (or use of a bulb only) between ten at night and six in the morning.

Temporary camps are old buildings – schools, abandoned factories, or cyclone shelters, which are used to host refugees. Sometimes semi permanent brick structures with tin roofs and temporary hutments are also constructed for the purpose. Conditions in temporary camps are deplorable. In most cases there is a large space or hall; each family is separated with the help of mats, or two to five feet brick walls or sheets hung on bamboo poles. The supply of water and electricity and hygienic conditions are poor. At times as many as two hundred people are forced to use a single bath and lavatory. There is absolutely no privacy in temporary camps.

There are three special camps in Tamil Nadu located at Madras, Vellore and Chengulpattu. These camps accommodate refugees who have been associated with any of the militant groups - the LTTE, EPRLF, ENDLF, EROS, PLOTE and TELO. At the peak of the conflict in 1990-92, there were over 2,000 people in five special camps. The five camps were: (1) Puzhal camp in MGR East District where EPRLF, PLOTE, TELO, ENDLF, EROS and CVF[39] members

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[39] Civilian Volunteer Force (CVF) was set up by the North- Eastern Provincial Council in 1988-89. They were supposed to get police training and absorbed in the regular Provincial

and sympathisers were kept, (2) Vellore, North Arcot, Ambedkar District for the LTTE, (3) Pudukottai, for TELO members, (4) Thammampatti, Athur Police station, in Salem District, and (5) Saligramam camp near Madras for TELO. The following table gives details of the 'special' camps in Tamil Nadu during the period.

### Table 5.3 NUMBER OF REFUGEES IN SPECIAL CAMPS IN 1991

| Location | Special Camp | Militant Group | No. of Families | Adult | | Child | | Total |
|---|---|---|---|---|---|---|---|---|
| | | | | Male | Female | Male | Female | |
| Vellore, North Arcot Ambedkar District | Police Recruits School (Inside Vellore Fort) | LTTE | 147 | 451 | 178 | 101 | 75 | 805 |
| Puzhal, Chengai MGR District | Part of the New Jail Building, Puzhal | EPRLF | 543 | 585 | 217 | 106 | 94 | 1002 |
| | | PLOT | 22 | 21 | 5 | 1 | 6 | 33 |
| | | TELO | 21 | 21 | 8 | 4 | 7 | 40 |
| | | ENDLF | 2 | 2 | 0 | 0 | 0 | 2 |
| | | CVF | 2 | 2 | 0 | 0 | 0 | 2 |
| | | EROS | 3 | 3 | 0 | 0 | 0 | 3 |
| Pudukkottai | Borstal School, Pudukkottai | TELO | 162 | 162 | 8 | 4 | 6 | 180 |
| Thammampatti, Athur, Salem District | Regulated Marketing Society, New Building, Thammampatti | ENDLF | 25 | 74 | 15 | 8 | 11 | 108 |
| Saligramam, Madras | | TELO | 5 | 5 | - | - | - | 5 |

Source: Jesuit Refugee Service, Dindukkal, 1992

Police. Recruitment for the CVF was by and large from the militant organisations like the EPRLF, TELO, PLOT, and ENDLF and civilians. But since the Provincial Council collapsed, they were not absorbed into the regular police force. The LTTE, at that time, considered those who were working for the Provincial Council as traitors to the cause of 'Eelam'. So they went about indiscriminately killing people belonging to the CVF. These people fled to India and were kept in 'special' camps.

Militant refugees who had specific charges against their names were sent to 'special' camps. Sometimes people who did not register themselves were also held under Foreigners' Act and sent to these camps. At present, there are approximately two hundred people living in these camps. Camp conditions are very poor. Four people are kept in eight by eight rooms that also serve as kitchen and bathroom for the inmates. Only one bucket of water per day is provided for all four inmates. "These camps are like jails, with extreme restrictions on entry and movement of people." It is inaccessible to family members of inmates. There are restrictions even on receiving and sending letters. [40]

**Role of the UNHCR and NGOs in the Management of Refugees**

The UNHCR has a limited mandate in India. It does not have access to the camps in Tamil Nadu. The Government of India has not even accepted funds from the UNHCR. The Government of India has also not been NGO-friendly. Foreign funded NGOS have been specially kept out of bounds, because they follow an agenda, which may be in contravention to India's national interest and specific foreign policy concerns. It is feared that NGOs could lead to the formation of pressure groups, which may be working at

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[40] These are the views expressed in an interview with Muthu who was wrongly kept in a 'special' camp in Vellore for three years and also Dr. Selvam whose son is still in a 'special' camp in Vellore. Neither he nor his wife is allowed to visit him.

cross-purposes with the aims of the Government of India. (It would be interesting to note that certain sections of the majority Sinhalese population, which are highly opposed to the role and activities of NGOS and Humanitarian Agencies in Sri Lanka, quote India's policy to assert their point). The Government is making conditions difficult for NGOs to enter into camps, and even relief items collected by them, were routed through local revenue officials. This deprives refugees of much needed help and makes the system less transparent. Organisations that are active in the field and aware of the issues at the ground level could provide a wide range of services for the uprooted, give them psychological counseling to cope with stress, and also help publicise their problems. A comparison with the situation in Sri Lanka shows that despite having much more access, there are still more problems in Sri Lanka. A few NGOs that are working in the area are:

*Organisation for Eelam Refugee Rehabilitation* (OfERR)

This organisation is run by the refugees themselves and is headed by Mr. S. C. Chandrahasan.[41] The organisation started as a group trying to help students to secure admissions to local colleges and educational institutions. It has now diversified into a number of important areas like health, nutrition, psychological counseling, vocational guidance and other issues. It

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[41] Mr. Chandrahasan is a lawyer and son of the founder leader of the Federal Party (later TULF), Mr. SJV Chelvanayakam.

supplements what the government offers to the refugees in terms of food, shelter and other opportunities. It also takes up problems and specific issues of protection with the government and tries to gain concessions wherever possible. So far they have managed to get quotas in colleges. The OfERR has its head office in Madras and three zonal offices in Trichy, Tirunelveli and Erode. Volunteers are from within the refugee community, except for a few professionals who are local Tamils. It must be mentioned that the OfERR does not have access to Mandapam camp and its volunteers are not allowed to function in areas close to 'special' camps.

*Jesuit Refugee Service* **(JRS)**

The JRS has been working for the refugees since the beginning of exodus. In the initial years they helped put sheds, providing essentials like mats, water, pots and so on. In some camps, extra hutments were constructed. Since then the JRS has diversified its activities. They have been active in the field of education, vocational training, sports and cultural activities, and counseling. They have also been conducting training programmes for stress management for volunteers belonging to the refugees. Volunteers can get direct access to refugees whenever required. Several schools have also been started in camps with the help of JRS. Books and study material are also provided in these schools.

An assessment of the management of the Sri Lankan refugees brings to light certain crucial points. One, despite the fact that India has not signed the 1951 Convention or the 1967 Protocol, Sri Lankan asylum seekers have been accorded refugee status. However, since there are no specific legislations on refugees in India, their position remains vulnerable. They live under constant fear of being repatriated at any time. According to S. C. Chandrahasan, "any legal framework can be of help to the refugees. At least they will not be under the constant threat of being put under the Foreigners' Act." [42] Despite these limitations it needs to be mentioned that "asylum commitments are perhaps more generous in India than anywhere else in Asia."[43]

Regarding camp conditions, it needs to be mentioned that it is generous on the part of the Government of India to provide rations and other amenities to the uprooted people. However, the total amount of money given to each family, which is around Rupees five hundred per month, is not enough to sustain the entire family. There are inordinate delays in receiving the money and at times highhanded behaviour of Government Officials. Even if one member of the family is not present at the time of distribution, none of them are given ration. Though there are practical difficulties, at a policy level, India has not withdrawn relief benefits even at any point. As mentioned earlier, the situation in temporary camps is appalling. It is unhygienic and unsafe to live

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[42] S.C. Chandrahasan in an interview with the researcher in Chennai, April, 1999
[43] USCR, 1991, n. 11, p.2

in such deplorable conditions. However, refugees are forced to stay in the absence of any alternative. Conditions in special camps too are worse.

Officially refugees do not have the right to work in India. Most of them are therefore unemployed. Those who work in the unorganized sector are often exploited by their employers and paid lower wages than regular rates.

Though the Government of Tamil Nadu has consciously tried to reunite uprooted families, and camps are allotted accordingly, minor gaps still remain. This is mainly because the refugees are unable to locate where their relatives are[44].

Sri Lankan Tamil refugees in India are resigned to their fate. Since they live in an alien land, they do not have many expectations[45]. Such feelings have gained ground particularly in the period after Rajiv Gandhi's assassination in1991.

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[44] Valli lives alone since her husband passed away in an accident in 1995. Her younger son Suresan and his family had sent her information that they had reached India in May 1998, but for the last one year, when the researcher met her in April 1999, she could not to trace them.

[45] *Nangal anniya naaddil valkirom, eppadi nangal vasathikalai ethir parka mudiyum?* We are living in an alien land, how can we expect anything? Several respondents in a focus group interview in Mandapam camp expressed this view.

**Host-Refugee Relations**

Relations between the Sri Lankan refugees and the local Tamil population have been dynamic. It is true that the ethnic factor has acted as a cementing force between the hosts and the guests in the initial years, but the picture has changed substantially since then. In fact the response of the government and civil society has changed in every phase of exodus. In the first phase in 1983, the local Tamil people had demonstrated with placards demanding security for the persecuted Tamils across the Palk Straits. Upon arrival, they were accorded a warm welcome. The Central Government as well as the state government geared up the administrative machinery to accommodate the incoming refugees. By the end of the eighties, the situation had begun to change, the warmth had been waning and host fatigue had begun to set in. Local people were also wary of the internecine warfare among different Tamil groups in Tamil Nadu. The Central Government gave a general order that incoming refugees be allowed to enter the country and allowed to stay. There were no visa restrictions and deportation was not applied. Schools and colleges admitted students without any hesitation. The state government also reserved seats in professional courses and polytechnics for the Sri Lankan refugees. The assassination of Rajiv Gandhi by an LTTE suicide bomber in May 1991 was the lowest point in host-refugee relations. Every Sri Lankan Tamil was seen as an LTTE cadre or sympathiser. There was

friction and hostility from the local population and regular police checks in every house. Special measures were adopted by the Tamil Nadu police to keep a regular watch on the activities of all the refugees in camps. They also had informers within camps to keep track of any suspicious movements. Apart from the regular Naval Coast Guards, the state government had deployed its own special force for surveillance on the coastline. The focus of Indian diplomacy also shifted towards persuading Colombo to repatriate refugees. Schools and colleges took tough measures to admit Sri Lankan students and insisted that every student produce a 'no-objection certificate' from the police station along with their application forms. This proved to be a harrowing experience for genuine students. Needless to add, reservation of seats for the Sri Lankan students was also withdrawn. After concerted efforts it has been restored. Though the warmth of 1983 is a thing of the past and the suspicion of 1991 is also over, the response of the local Tamils towards the Sri Lankan refugees remains apathetic and indifferent.

The reasons behind the change in host-refugee relations can be broadly summarised as:

*Security reasons:*

(a) One of the major concerns of the local Tamil population was the deteriorating law and order situation due to internecine rivalry and violence between the different militant groups. There were reports of an elaborate

LTTE network operating in and from Tamil Nadu. The LTTE had twelve units in Tamil Nadu. [46]

(b) The fact that six of the accused in Rajiv Gandhi's assassination were registered as refugees made all refugees suspect in the eyes of local Tamils.

(c) The involvement of some students in the assassination added to the deteriorating situation.

*Economic reasons:*

(a) Since the government had been taking care of the camp refugees and providing them with food, accommodation and basic amenities, they were considered a strain on the exchequer. It must be mentioned that India does not take financial assistance from the UNHCR or any other international donor for the maintenance of refugees. Some local people who were poorer than the refugees felt that the Government had been taking care of the refugees and not its own citizens.[47]

(b) In certain specific jobs like road construction and domestic help, there was rivalry and competition among the hosts and refugees. According to refugees,

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[46](i) Procurement of explosives in Dharmapuri, (ii) Arms and ammunition manufacturing in Coimbatore, (iii) Manufacturing explosive in Salem, (iv) Military uniforms in Erode,(v) A unit in the coastal area from where supplies were sent to Jaffna, (vi) A transit unit in Madurai, (vii) A landing area for supplies from Abroad, located in Nagapattinam, (viii) A recruitment area to recruit militants from the arriving refugees, at the arrival point in Rameswaram, (ix) a communication unit in Thanjavur, (x) A unit in Thutikodi for trade in gold, silver and narcotics, (xi) Liaison unit in Chennai, and (xii) A unit for treating wounded cadre in Trichy. Rohan Gunaratne, International and Regional Implications of the Sri Lankan Tamil Insurgency, (Colombo, 1997) as quoted in Suryanarayan and Sudarsen, n. 6, pp.76-77

[47] This fact came to light after discussions with local on Trichy and Mandapam.

they took up only those jobs, which the local population refused to do. But the local Tamil view is that because of the arrival of refugees, wage rates had gone down, as the refugees were willing to work for less money.

(c) The other economic concern of the host population has been that after the arrival of refugees, the house rent has increased in urban areas.

## REPATRIATION OF THE SRI LANKAN REGUGEES

An ideal solution in a refugee situation would be repatriation, i.e. the uprooted people could get back and settle in their own homes. However, it is not easy in a conflict like Sri Lanka. There are two main issues of concern: the rationale and the 'voluntariness'of repatriation. Industrialised countries have been increasingly encouraging repatriation as a solution to the refugee situation. This approach could be 'self-serving' for states, by increasingly applying *non- entree* policies and closing their doors to refugees.[48] The second issue relates to the voluntariness of repatriation, which primarily means the will to return. Conditions in the country of origin should be stable enough to ensure the safety and security of the returning population. Though there are no clear-cut guidelines to ascertain these facts, the UNHCR has an important role to play in ensuring that repatriation is undertaken in safety and dignity. Organised repatriation should take into account: (a) the support of refugees in the country of origin as well as the country of asylum. (b) Amnesty for

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[48] B. S. Chimni (ed.), *International Refugee Law: A Reader* (New Delhi: Sage Publications, 2000) p. 332

political offence and 'safe passage' for refugees. (c) Arrangement and assistance should form the basis for repatriation, and (d) Mechanisms to monitor their safety after return.[49] With this basic overview, let us assess the repatriation of Sri Lankan refugees from India.

Repatriation of refugees has been one of the most delicate issues in recent years. The first phase of repatriation began on December 24, 1987, after the signing of the Indo-Lanka Accord in July that year. Clause 2.16(d) categorically states: "The Government of India will expedite repatriation from Sri Lanka of Indian citizens to India who are resident there, concurrently with the repatriation of Sri Lankan refugees from Tamil Nadu." The Accord further stated, in Clause 2.16(e) "The Governments of Sri Lanka and India will co-operate in ensuring the physical security and safety of all communities inhabiting the Northern and Eastern Provinces." Later, a Memorandum of Understanding was signed on August 31,1987 between the Government of India and Sri Lanka to this effect. In this spirit of hope for peace, the first phase of repatriation was initiated and all Sri Lankan refugees were asked to register for repatriation. Between December 24 1987 and January 1989, an estimated 43,000 refugees were repatriated and sent to Talaimannar[50]. However, with the resumption of hostilities in June1990, the process was halted and the exodus to India started once again.

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[49] *State of the World's Refugees: The Challenge of Protection*, (New York: Penguin, 1993), p. 106
[50] USCR, 1991, n. 11, p.2

The second phase of repatriation was initiated in June 1991, but was called off in January 1992 because of civil society's allegation of forced repatriation. This time the situation was tense and had deteriorated substantially in the aftermath of the assassination of Rajiv Gandhi. Indian policy towards the refugees had also changed for the worse. An enumeration (of refugees willing to return) was undertaken in July 1991, in which 30,000 refugees expressed their willingness to return. Due to complaints by the refugees as well as irregularities in the process, a second enumeration was done in December 1991. The number of refugees agreeing to return was reduced by half. It must be mentioned here that in the second round, the forms were circulated in English as well as in Tamil. The voluntariness of repatriation was questionable in this phase and there were complaints that the refugees were being coerced to go back. Though there were no specific policy decisions adopted to that effect by the Government of India, the political atmosphere was tense and the refugees were made to feel unwelcome and unwanted. Some of the 'push factors' that induced return were as follows:[51]

Returnee forms were issued in English, which most of the camp refugee did not understand. It did not give an optional clause so as to confirm voluntariness of return.

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[51] For details see Asha Hans, " Repatriation of the Sri Lankan Refugees from India" *Bulletin on IHL and Refugee Law*, vol. 2. no.1, Jan-June 1997, pp. 96-108

Refugees were given a short notice to return, sometimes less than three to five days to proceed to transit camps from where they would proceed to their country.

Some misinformation strategies were also adopted and news items were read out to show that the situation in Sri Lanka was improving.

Ration cards were withdrawn from several camps. Special quotas for refugees in educational institutes were also removed.

Repatriation was resumed in January 1992 and up to June that year 23,000 refugees were repatriated. Most of them were from the 132 camps in Tamil Nadu. Repatriation was voluntary in the first two months. However, by March doubts arose that people were being coerced to leave as per directives from New Delhi.[52] Repatriation was halted once again and resumed in August 1992 after a Memorandum of Understanding was signed between the Government of India and UNHCR in July that year. The Madras office of the UNHCR was set up to facilitate repatriation. It was given a limited role and was permitted to interview refugees in order to ensure the voluntariness of return. But refugees could be interviewed only after they had boarded ships for departure or upon reaching Sri Lanka. In the first two days the repatriation was initiated according to plans but was halted a week later following a

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[52] S.C. Chandrahasan quoted in Hiram Ruiz, *People want Peace: Repatriation and Reintegration in War-Torn Sri Lanka*, Report of the USCR, 1994, p. 22

complaint by forty eight families in Mandapam that they had been forced to repatriate.

The third phase of repatriation began on August 13, 1993 after a Court order.[53] Consequently, 6,927 refugees were repatriated to Trincomalee in seven trips by ship up to September 7. The UNHCR conducted interviews with 70 per cent of the returnees in Madras and later in Vavuniya and Trincomalee. Refugees were from Vavuniya, Trincomalee, Mannar Island and Delft. However, only 3308 i.e. 47.8 per cent were able to return home or to friends and relatives.[54] The rest 3519 i.e. 52.2 per cent could not return. [55] Repatriation from India continued in 1994. Between January 28 and February 19, 3575 refugees reached Talaimannar Pier by ships, 2700 returnees were from mainland areas under government control. There were more than eight hundred (858 to be precise) refugees from the areas remained under the LTTE control. They could not go back home and had to be accommodated in refugee camps on Mannar island. [56] Repatriation continued in September when 4572

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[53] The Madras High Court passed a Judgement on August 27, 1992 in *P. Nedumaran and Dr. S. Ramdoss v Union of India and the State of Tamil Nadu*, stating, "In so far s the consent of refugees is concerned, when there is a world agency to ascertain whether the consent is voluntary or not, it is not for this Court to consent whether the consent is voluntary or not. Nothing has been suggested against the competence or impartiality of the representatives of UNHCR in ascertaining the willingness of the refugees to go back."

[54] *Repatriation of Refugees from India to Sri Lanka, 13th August to 17th of September 1993*, Executive Summary, UNHCR, Colombo, pp.1-2

[55] It was observed during field research in April 2000, that some of these refugees were still residing in the Alles Garden camp in Trincomalee even after seven years.

[56] *Repatriation of Refugees From India to Sri Lanka, 28 January to February 1994*, Executive Summary, UNHCR, Colombo, p.1

refugees were able to return in three batches by ship to Trincomalee. According to the UNHCR, 52.5 per cent of them were either resettled or relocated[57]. This was the last batch of organized repatriation from India. Since then, the process has been completely halted.

The process of repatriation of Sri Lankan refugees from India indicates three points. One, repatriation in the second and third phasees was not entirely voluntary. Apart from the government pressure, exerted on them, refugees also felt psychologically intimidated by the hostile response of the local population after the assassination of Rajiv Gandhi. Two, the role of Madras High Court was exemplary in setting a precedent for the protection of refugees. Three, considering the fact that the situation in Sri Lanka was so volatile, repatriation should not have been initiated at all. A large number of refugees belonged to the LTTE controlled areas to combat-zones. It was therefore a foregone conclusion that the resettlement of all these people was not possible or feasible. The UNHCR as an impartial body with a presence in Sri Lanka as well as in India could have anticipated the ineffectiveness of repatriation at that point of time.

## CONCLUSION

The above discussion brings to light certain key points. The Sri Lankan refugees fleeing their country have found it expedient and accessible

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[57] Mario Gomez, "Refugees and Repatriation", *Sri Lanka State of Human Rights*, Report of the Law and Society Trust, Colombo 1994, p.263

to seek asylum in India. Apart from the geographical contiguity and cultural affinity, the strict policies against refugees in the Western countries have increasingly drawn them towards India. However, since the arrival of the first batch of refugees in 1983, the situation has changed substantially. In the recent years, the arrival of refugees has been in smaller batches of forty and fifty people, as against the massive influx in the eighties and early nineties. The reasons for this can be located in the lukewarm response in India and also the politics of keeping the refugees within the island itself. Strict and severe naval patrolling has resulted in the death of many refugees when boats carrying refugees have been shot down. This has further accentuated their problems. Though the Government of India has not applied the policy of *non-refoulment*, in the absence of a legal mechanism, the status of refugees in India remains vulnerable. For the Sri Lankan refugees living in an alien land, "life as a refugee is lamentable. But at least there is life. It is better than being dead at home." This testimony of a refugee in Tirunelveli encapsulates the trauma of Sri Lankan Tamil refugees in India. They are displaced; they have fled their home under terrible conditions to a country where they are treated with apathy.

# CHAPTER VI

# SUMMARY AND CONCLUSIONS

The ongoing conflict in Sri Lanka has created a community of refugees, both within and outside the country. What began as a feeling of deprivation and resentment among the Sri Lankan Tamils in the immediate post-independence period has culminated in a full-blown war between the Tamil militants and the Sri Lankan armed forces. This has resulted in large-scale refugee generation.

Unlike other South Asian States, Sri Lanka had experienced smooth transition form colonialism. It was envisaged at the time of independence that the country would be a strong democracy. However, the present reality presents an entirely different picture. The conflict in Sri Lanka is a combination of various social, political and economic forces in society. The identitarian discourse has emerged over the period in this backdrop. Selective ethno-histories of the two major communities, the Sinhalese and the Sri Lankan Tamils, have formed a crucial factor in forging identity.

Another key element in the emergence of the ethnic conflict has been the regional concentration of the various groups. This has proved to be an important factor in the growth of the conflict to the level of being a separatist movement. Though the Sri Lankan Tamils are spread out throughout the island, most of them are concentrated in the North and East. According to the

1981 Census, they have an absolute majority in five districts, namely Jaffna, Mullaitivu, Mannar, Batticaloa and Vavuniya, and are numerically higher in Trincomalee. This has reinforced the demand for a Tamil homeland, 'Eelam'. The entire region has also been the epicentre of the conflict.

This has led to crystallization and assertion of identity that is based on real and 'imagined' history. The programmes and policies adopted by the State have been decisive in the growing sense of alienation among the Tamil community. The two main issues in the period immediately after independence were the Official Language policy of 1956, which made 'Sinhala Only' as the Official Language of the country and the colonisation schemes adopted in the North and East. As the schism widened, ethnic identities became sharper and the Tamil minorities felt marginalised by the policies of the majoritarian State. This has expressed itself in the escalation of violence since the seventies. Amidst this widening divide, the Muslims who constitute more than seven per cent of the population have also begun to assert their identity as a distinct ethnic group in the plural set up. This has added further complexities to the conflict-ridden inter-ethnic relations.

Though each phase of violence has resulted in the displacement of people, the process has become routinised in the last two decades. The distinguishing features are: (1) displacement is no longer sporadic. (2) refugee generation is both internal and external, (3) unlike the period before 1983, the

scale and frequency of violence has increased significantly, (4) and, the last but not the least, in recent years, the same people have been displaced many times.

In the past two decades, there has been a qualitative and quantitative change in the nature of conflict in Sri Lanka. The conflict has moved beyond its initial causes and there is a belief that a decisive battlefield outcome will determine the nature of political settlement. An intricate pattern of political, economic, psychological and external variables has emerged in the process. This has markedly increased the scale and frequency of violence. The nature and course of the conflict has resulted in large-scale refugee generation. Violence has worked both as a cause and effect in the Sri Lankan situation. Refugee generation has emerged within this complex web of factors.

Refugees fleeing the conflict have been displaced within and outside the country. However, internal displacement has been much higher than external displacement. This is due to two reasons. Firstly, response of host governments towards asylum seekers is changing. They are increasingly adopting ways and means to stop refugees-even without applying the policy of *non-refoulment*. The agreement between Sri Lanka, and Switzerland to repatriate those all refugees who have been refused asylum is a case in point. Increased naval patrolling by India is yet another instance. Secondly, the Sri Lankan government is taking measures to keep refugees within borders.

The situation of internal displacement is so overwhelming that almost everyone in Jaffna and Vanni has been uprooted at least once. The condition of internal refugees in Sri Lanka is directly related to the dynamics of the war. In most cases, internal refugees move with the war. As the battle lines are drawn and redrawn, refugees are compelled to move. In between, there are phases of no-war or ceasefires. Repatriation and resettlement efforts are adopted during these periods. But when there is an escalation of violence, repatriation is halted and people return to refugee camps. Four distinct trends are discernable: (1) refugees or potential refugees in throes of the conflict in the Vanni, (2) Resettled refugees in Jaffna, which is now under the government control, (3) Returnees from India, who have been repatriated, but remain displaced in Vavuniya and Trincomalee due to the ongoing war, and (4) Evicted Muslims living in Puttalam.

In contrast with the situation in Jaffna and the Vanni, Puttalam district has not been in the actual theatre of the conflict and violence between the Army and the militant groups. Yet the situation is perplexing. Puttalam has accommodated the Muslim refugees who had been evicted by the LTTE from their home in Jaffna and the Vanni region in 1990. The Puttalam situation presents another dimension of refugee generation in Sri Lanka. First, it brings to light the Muslim issue and highlights the multi-dimensional nature of the

conflict in Sri Lanka. Second, it highlights the issue of forced evacuation at a mass level with strategic interest.

Despite the existence of international legal mechanisms and domestic norms to safeguard their rights, these have been more on paper than applicable at the ground level. Internal refugees face severe violation of human rights, economic hardships lack of opportunities, and restriction on their movement.

The Sri Lankan refugees fleeing their country have found India to be the most accessible and accommodating asylum country. They were pouring into India throughout the eighties and early nineties. But the picture has changed substantially since then. Geographical, political and ethnic cultural factors have drawn Sri Lankan Tamil refugees to India. In the first phase of arrival most of the refugees belonged to the upper or lower middle classes. By the second phase, the numbers had reduced, but a great number of refugees coming to India were militants. The third phase marks the highest point of influx when the number crossed the 200,000 mark. Most of the refugees who came in this phase belonged to the North and the East and were of the upper or lower middle class people of the Sri Lankan society. Most of them were accommodated in refugee camps in Tamil Nadu. In the fourth phase, the arrival of Sri Lankan refugees to India had dropped, but was largely induced by the LTTE. The influx of refugees depended upon the politico military

strategies adopted in Sri Lanka as well as the response of the host community in India.

India's policy towards the Sri Lankan refugees has been broadly based on humanitarian concerns, foreign policy concerns and response of the local population. An assessment of the management of the Sri Lankan refugees brings to light the following points: despite the fact that India has not signed the 1951 Convention or the 1967 Protocol, the two major international legal instruments on refugees, the Sri Lankan asylum seekers have been accorded refugee status. However, since there are no specific legislations on refugees in India, their position remains vulnerable. They live under constant fear of being repatriated at any time. As mentioned by S. C. Chandrahasan, in an interview with the researcher, "any legal framework can be of help to the refugees. At least they will not be under the constant threat of being put under the Foreigners' Act." In spite of these limitations it needs to be mentioned that "asylum commitments are perhaps more generous in India than anywhere else in Asia" (*Island of Refugees*, USCR Issue Paper, 1991).

## II

Forced migration on a permanent or temporary basis has always been an important survival strategy adopted by people in crisis situations. The

problematic is to understand the process of displacement in a conflict situation. The study stems from the conviction that issues of forced population movement are often studied under a broad theoretical framework. However, the specific factors and complexities of displacement need to be addressed theoretically.

The present study develops a framework to identify and analyse the causes and course of refugee generation in an ethnic conflict situation. This framework envisages that militarisation as the critical factor is related to a wider gamut of forces - political, economic, psychological and external, that together lead to refugee generation.

Refugee generation is a dynamic process inextricably linked to the conflict. It needs to be mentioned that militarisation is not violence alone. (1) It indicates acceptance of violence as the legitimate form of political practice. This highlights the psychological dimension of the conflict. (2) There is escalation in the scale of violence, and (3) the inter-related dynamics of violence. These can be located within a framework of four inter-related factors. They are political, economic, external and psychological variables. Each of these determinants has a crucial role to play in a militarised society. At the same time these factors are affected by the militarised situation. The interplay of the above factors creates conditions for refugee generation. It needs to be stated once again that the term refugees includes those who are

outside the country as well as those who have been displaced within the country.

A militarised conflict is 'prolonged'. It is 'psychosocial' in the sense that there is a psychological dimension in the genesis and sustenance of the conflict. The fear, insecurity and alienation that stems from the conflict indicates that the State is unable to secure the confidence of a section of its population. The process is often located in the dichotomy between the State and the 'nation'. Thus, the role of the State acquires crucial significance in this analysis. The role of the state in a multi-ethnic society is manifested at two levels. (1) At the policy level, the question is whose interest does the State represent while formulating polices that impinge on the socio-economic structure of society. (2) The role of the State is crucial in handling outbreaks of violence. Closely related to this is level of political mobilisation of groups. It also includes the nature of ideology and strategies of the leadership – 'who represents the interests of the minorities' and the parameters within which they work

There is a deep-seated economic inequality and grievance at the root of most conflicts. These get exacerbated or settled depending upon the policy decisions adopted by the State. In a militarised situation, economic insecurities and lack of opportunities get exacerbated. International actors in ethnic conflict are States, civil society, international media, international non-

governmental organizations and the diaspora. They influence the conflict and direction of displacement of potential refugees. Therefore they form crucial 'pull factors' in a refugee situation.

The nature and intensity of violence is inextricably linked to refugee generation. Violence in a militarised society is multi-dimensional. It could be latent or manifest, direct or indirect. It is central to the process and the most potent 'push factor' in a refugee situation. Once unleashed, it is difficult to revert the process, because refugee generation creates conditions for its survival.

The main contention of this framework is that refugee generation occurs when all the above factors are in force. It indicates that a militarised society creates conditions which reinforce the schism in society. It therefore sharpens the socio- economic, political divisions. The psychological factor is crucial in the sense that it leads to culture of violence in society.

The case study explicates the hypotheses that have been put forward. Militarisation of the Sri Lankan society has been the determining factor in sustained refugee generation. The year 1983 has been a turning point in this context. The earlier trend of violence and displacement became sustained and was no longer intermittent as in the earlier instances.

Militarisation in Sri Lanka is discernable in the following aspects:

There has been no solution to the conflict and efforts at negotiations and political dialogue have proved to be ineffective.

The psychological aspects of a militarised society are manifested in the 'culture of violence' and dehumanisation of society, the acceptance of violence as a means to resolve political conflict. The fear, alienation and threat to life and liberty in such a society eventually result in refugee generation.

The political determinants are expressed in the role of the Sri Lankan State. Policies and programmes adopted by the State since independence, and specifically since 1956, were unable to address the relative deprivation of the Sri Lankan Tamil minority. They have felt economically and politically marginalised in the plural society. This found expression in militancy and the institutionalisation of violence.

The politics of displacement are discernable in the following ways:

(a) Forced evacuation of Muslims from Jaffna and Vanni in 1990.

(b) The LTTE tried to induce displacement of refugees to India (by providing boats for escape) in 1994 to keep the India factor.

(c) Efforts of the government to contain refugees within the country since 1990s to reduce the "India factor'

Economic inequality and competition for scarce resources has been a key factor in the growth and emergence of the conflict. As the conflict widened, the initial issues lost centre stage. However, in a militarised society

economic concerns like food, shelter, lack of employment opportunities, restriction on fishing in 'security zones' have forced people to move.

Amidst these crises, external factors have been a catalyst in the process of refugee generation. This is manifested in two ways: One, in sustaining the conflict, and two, in the response of the asylum giving countries in their response to refugees. Both the Sri Lankan government and the militant groups have sought help from other countries. Militant outfits like the LTTE, EPRLF etc were given military training in India. The presence of the IPKF in Sri Lanka is another indicator of external factors in a militarised society. The LTTE maintains an elaborate network outside the country. The role of the Tamil diaspora in the Western countries and Australia has sustained the cause of 'Eelam' by providing moral, material and strategic support. Each phase of refugee influx is determined by the above factors.

Violence has been the clinching factor in refugee generation. A complex pattern of violence has emerged in the Sri Lankan society. The Army, police, Special Task Force (STF), LTTE and other militant groups, Homeguards, IPKF and Sinhalese mobs have all been agents of violence in the ongoing conflict. Army operations, bombing assassinations, urban attacks, torture, disappearances and destruction of houses and property have been effective war strategies. Military strategies adopted by both State as well as those opposing the State have worked towards refugee generation on Sri Lanka.

# III

The study raises certain questions. Issues that have been hitherto pushed under the carpet need to be addressed. The first question that arises is if stance of the parties at war is a 'fight to the finish'. But in such a situation, how long can the silent majority of civilians remain caught in the war?

This research started with an exploration of studying refugees and internally displaced persons under a common framework on the premise that they are products of the same phenomenon. It needs to be emphasised that internal refugees remain in the country, not because they 'choose' to stay but because they are 'unable' to go. The study shows that the situations of these two groups differ vastly. Any slight change in the political situation affects internal refugees directly and immediately. Psychologically, refugees have accepted their fate and resigned to it; internal refugees remain caught in the ongoing conflict. They have to move as the battlelines are drawn and redrawn. There are severe restrictions on them mainly because they are members of a community that is fighting the State forces.

At a meeting in Washington at the Carnegie Endowment for International Peace, in May 1997, the UN High Commissioner for Refugees, Ms. Sadako Ogata was asked why the UN system had not been able to do much for internally displaced persons. To this she replied, "The problem is sovereignty." It is difficult to decide whether the safety, security and well

being of people can be compromised. Conversely, this also raises the question if more access to the UN could give leverage to other States to interfere in the domestic politics of smaller States.

Being away from their country, for so many years, has rendered them out of touch with the their land. Resettling would therefore be a daunting task. As mentioned earlier, refugees are a resigned lot, resigned to their fate in an alien land. The cynicism is so high that they lack the initiative of starting life all over again.

Internal refugees are also products of the same war. But this constant moving and multiple displacement has made them pacifist. Those who support the movement, (as expressed by many refugees) maintain that their support for militancy does not stem from their belief and acceptance of programmes and policies of militant groups, because of the response of the state towards Tamil minorities.

Resettlement is an issue that is much more complicated than it is understood. When people return, they have found that their houses and property have been occupied. In Jaffna, for instance, the security forces have occupied a large number of houses. Relocation remains the only solution. But in Sri Lanka, due to the fluidity of the situation, relocation has proved to be marginally successful in view of the ongoing conflict.

The ideal solution would be cessation of hostilities. But in a situation where negotiations for political solution have not broken much ground, there should be effective refugee management in Sri Lanka. The application of Humanitarian Laws becomes particularly important. There should be efforts on both sides to ensure civilian safety. Civilian areas especially densely populated areas should be made "No-War" zones. Adequate relief measures and facilities should be provided. Free mobility of civilians should be assured. Relocated areas should be accommodated within the " No War zones," so that relocation policies are effective. Further, the UNHCR and international humanitarian agencies should ensure that the refugees are not rejected at international borders.

In the end, it must be emphasised that further research should focus on comparative studies in different countries. This will help in understanding the interplay between ethnic conflict and refugee generation. The effort would help understand the intricacies of forced population movement and address issues at the initial stages. The entire socio-political and psychological dimensions of the situation needs to be discerned, so that the schism does not reach a stage that people are forced to move. Potential refugee situations cannot be handled if the politico-military strategies of warfare continue without any end.

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