

SRI LANKA: ISLAND OF REFUGEES

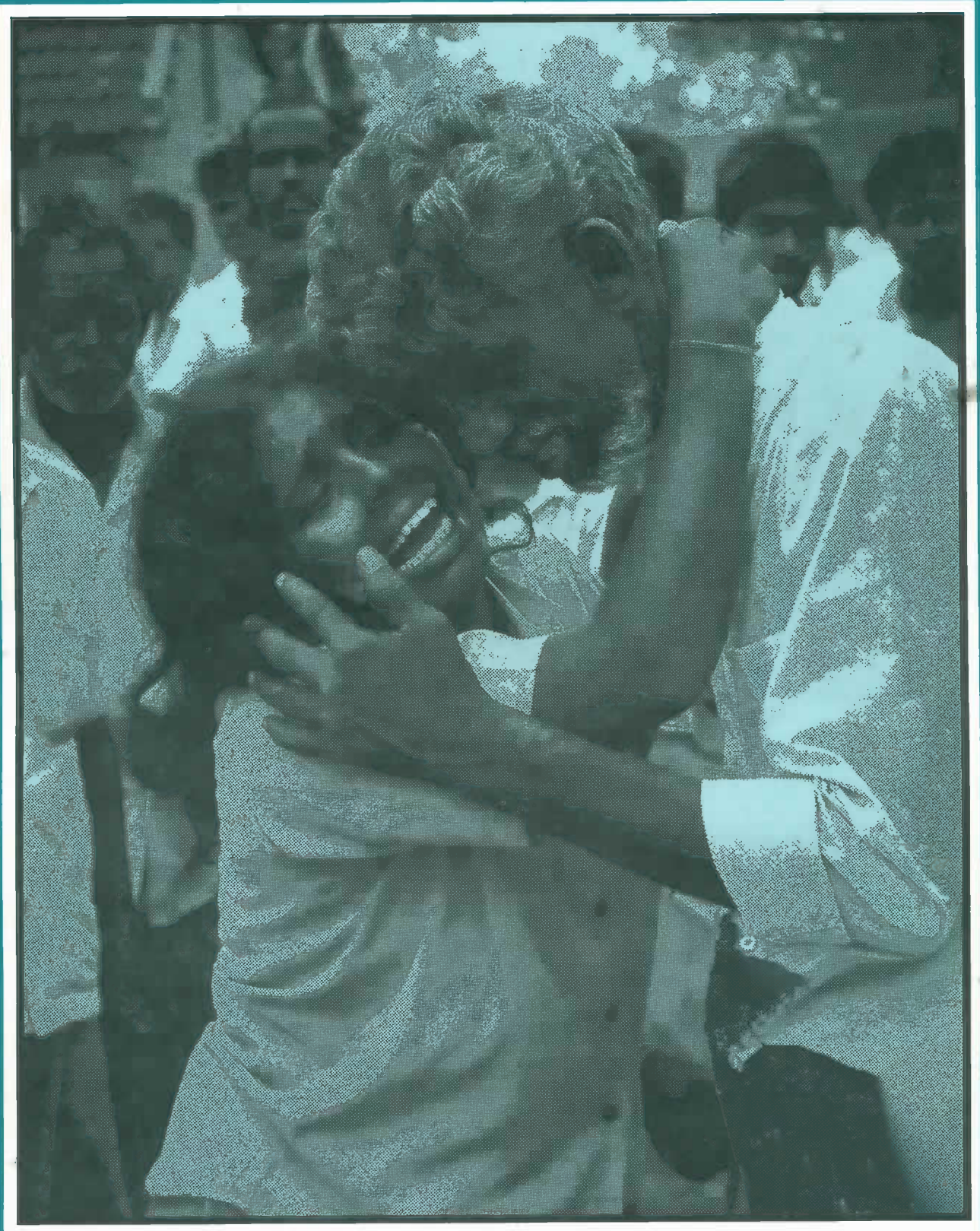


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This paper was written by Court Robinson, a senior policy analyst with the U.S. Committee for Refugees (USCR). It is based in part on a USCR site visit to India and Sri Lanka in May and June of 1991. It was edited by Virginia Hamilton and produced by Koula Papanicolas.

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I. INTRODUCTION

Arab seafarers called it Serendip, from the Sanskrit meaning "island of refuge." In a fable written more than 200 years ago, Horace Walpole coined the term "serendipity" to describe three princes of the land who were blessed with the faculty of making fortuitous discoveries quite by accident.

But the recent history of Sri Lanka, the former British colony of Ceylon, reads more like tragedy than fairy tale. Years of communal violence and separatist struggle have turned an island of refuge into an island of refugees.

Ever since Sri Lanka gained independence in 1948, the relationship between the Sinhalese majority and Tamil minority has been marked by rivalry, wavering between uneasy peace and open conflict. One of the central paradoxes that has made this fight so unrelenting is that each side sees itself as an embattled minority.

Comprising 17 percent of the population in Sri Lanka, the predominantly Hindu Tamils see the evolution of a Sinhalese Buddhist state as a threat to their survival as a distinct culture and people. The Sinhalese, they argue, have wielded majority rule like a sword, disenfranchising or gradually marginalizing the Tamils.

But where Tamils see chauvinism, the Sinhalese see a stable, representative democracy--Sri Lanka was the first country in Asia to enjoy universal suffrage--and a generous welfare state. Despite a per capita GNP of only \$400 per year, literacy rates are near 90 percent, and life expectancy is 70 years. Medical care is free, and food rations are available for the needy. Tamil demands for autonomy or complete separation, in the Sinhalese view, not only threaten these accomplishments but invoke the ancient specter of invasion from the Indian mainland, home to 55

million more ethnic Tamils.

Although the Sinhalese and the Tamils comprise the two largest ethnic groups in Sri Lanka, the island is a melange of races, religions, and communal clusters. There are Muslims (a Tamil-speaking group), Burghers, Malays, and others. The Tamils themselves usually distinguish between Ceylon Tamils, who have inhabited the island for millenia and live primarily in the northeast and Colombo, and Plantation, or Indian, Tamils who came more recently from India to work the British tea plantations.

After years of mounting tension centered on the capital, Colombo, events reached a bloody watershed in July 1983. In three days of rioting, which Tamils call a state-sponsored pogrom and Sinhalese a tragic aberration, an estimated 2,000 Tamils were killed, more than 18,000 Tamil homes were destroyed, along with 5,000 shops and businesses, and perhaps 200,000 people were driven from their homes. Out of this violence emerged two defining features of the recent conflict: Tamil refugees, for the first time, began to flee the country in large numbers. And a militant Tamil separatist movement came into its own.

In March 1990, India withdrew its Peace Keeping Forces from Sri Lanka, more than two years after its effort to impose a "Pax Indica" in the north-east had collapsed into conflict with the Liberation Tigers of Tamil Eelam (LTTE), who seek to establish one-party rule in an independent state of Tamil Eelam. There followed several months of relative calm, as the Tigers and the Sri Lankan government sought to negotiate their own terms for peace.

The conflict flared anew in June 1990; since then, more than 10,000 people have died and many thousands more are missing or in detention. An estimated one million Sri Lankans--Tamils, Muslims, and Sinhalese alike--have been uprooted from their

homes, and 125,000 have fled across the Palk Strait into India. There are now more than 210,000 Sri Lankan refugees, virtually all Tamils, living in the south Indian state of Tamil Nadu. Half are in government-aided camps, consisting of tents, tarpaper sheds, thatched huts, cyclone shelters, schools, temples, and community halls.

India has rebuffed offers of help from the UN High Commissioner for Refugees (UNHCR) and other international organizations. Life in the camps is spartan, and water is in short supply, but the government provides monthly payments and food rations. And although the Sri Lankan Tamils are not accorded refugee status, or indeed legal status of any kind, asylum commitments are perhaps more generous in India than anywhere else in Asia.

Although UNHCR cannot be found serving refugees in India, it maintains a presence in Sri Lanka, aiding and protecting some of the internally displaced. From 1987 to early 1990, UNHCR operated a repatriation program for an estimated 43,000 Sri Lankan refugees returning from India under the terms of the 1987 Indo-Sri Lankan Accord. But the outbreak of new hostilities in mid-1990 swiftly uprooted most of those who had so recently returned home and sent them, along with thousands of others, moving toward India again.

Civilians are not simply caught in the crossfire in Sri Lanka. They are also targets.

UNHCR found itself strategically located in Mannar district, a locus of substantial internal displacement and the primary launching point for the flight to India. In November 1990, the agency established two Open Relief Centers: a small facility at Pesalai on Mannar Island and a larger center at Madhu on the Sri Lankan mainland.

In the shadow of a Catholic church and sacred shrine, Madhu offers temporary shelter to about 27,000 people. When the fighting is intense in surrounding villages, the population swells. When the conflict recedes, villagers go home again. The church has never been attacked, and the Sri Lankan army and the Tigers have been persuaded to keep their distance.

The patrons of Madhu include not only UNHCR and the Catholic hierarchy but the Indian

government as well. There is little question that without the alternative to flight that is offered by the Open Relief Centers, tens of thousands more Sri Lankan refugees would have crossed to India.

The Sri Lankan government has tried to maintain a civil administration and essential services in the war-affected areas, and, as of September 1991, was distributing dry rations of rice, flour, and sugar to an estimated 700,000 displaced people living inside and outside government welfare centers in the north-east.

The International Committee of the Red Cross (ICRC) assists in transporting relief supplies to civilians in the conflict areas, and operates a general hospital in a small neutral zone cleared out of the rubble in Jaffna city, the traditional center of Tamil life and culture, and now the LTTE stronghold in the north.

Thanks to the cooperation between the Sri Lankan government, the international humanitarian agencies, private relief agencies, and even the Tigers, the relief effort overall is something of a model program for conflict areas. Meanwhile, the conflict itself--in which scores of civilians are routinely evicted from their homes or rounded up, abused, tortured, and killed--is anything but exemplary.

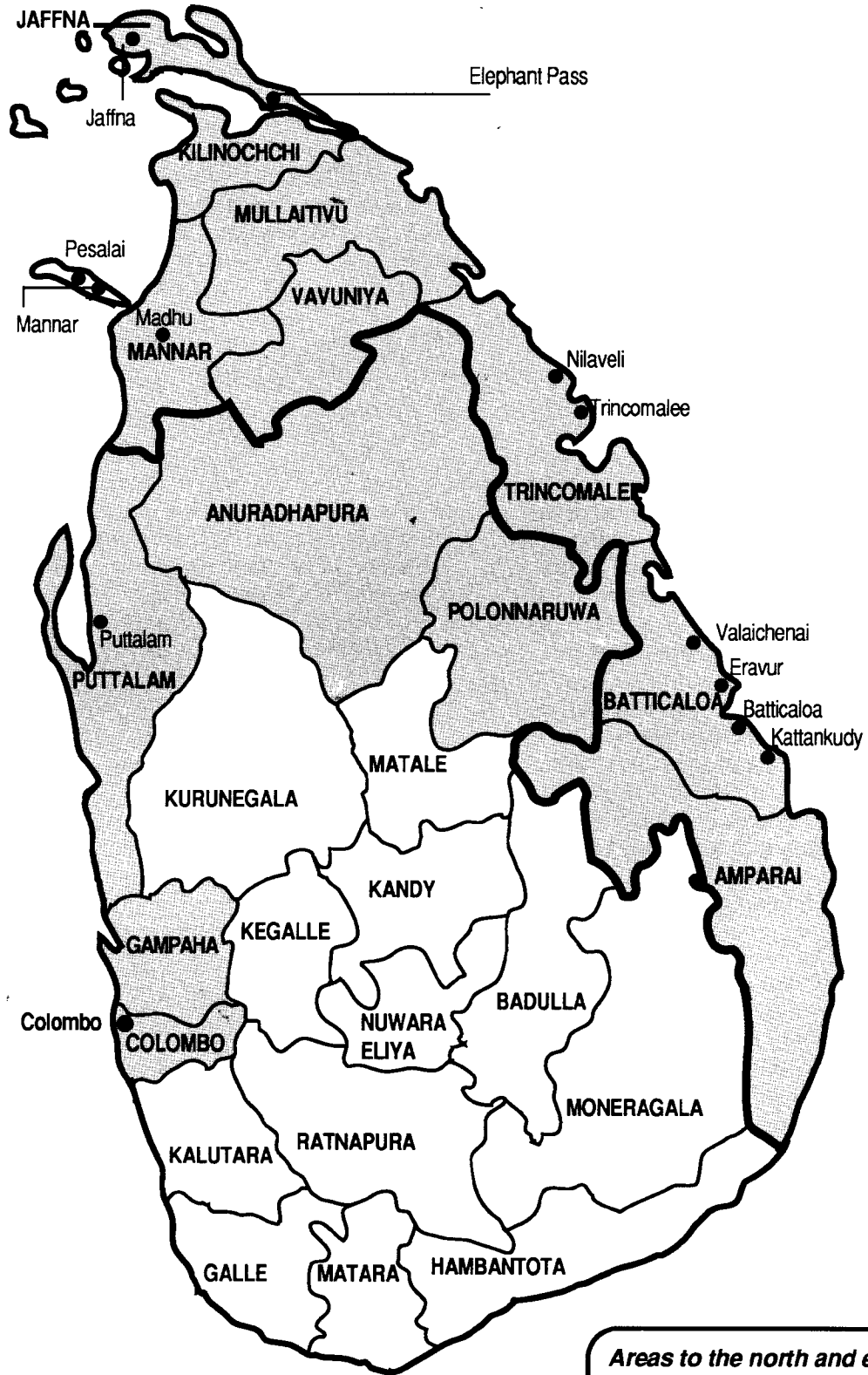
Civilians are not simply caught in the crossfire in Sri Lanka. They are also targets. According to a report by the University Teachers for Human Rights in Jaffna, "The manner in which the game developed, both sides wanted civilians killed. One because of callous anger and the other...mainly as propaganda material in the form of corpses."¹

The story repeats itself with endless variations and the same inevitable conclusion. In one common version, the Tigers plant a landmine, killing a few soldiers, then retreat. The Sri Lankan security forces move in, rounding up and killing Tamil villagers in retaliation. When Sinhalese and Muslim civilians have been targets of Tiger atrocities, the counterblow usually strikes Tamil civilians, whom the government then labels posthumously as "terrorists". And the game plays on.

II. ROOTS OF THE CRISIS

Some protagonists in the Sinhalese-Tamil conflict trace its origins to the island's classical age. One date they point to is 101 BC, when a Sinhalese king, Duttugemunu, defeated the Tamil king, Elara, at Anuradhapura to unite the entire island. For one

SRI LANKA: PRINCIPAL DISTRICTS OF INTERNAL DISPLACEMENT



Areas to the north and east of the thick line are claimed by the LTTE as Tamil Eelam

side, this victory crowns the birth of Sinhalese-Buddhist nationalism; for the other side, it is a bitter memory, nursed for 2,000 years, that can only be avenged with the restitution of a sovereign Tamil state.

Others say the fault lies with foreign colonialists--first the Portuguese in 1505, followed by the Dutch in 1658, then the British in 1796--who forcibly annexed and eventually merged three independent kingdoms. Out of what once were the two Sinhalese kingdoms of Kandy and Kotte and the Tamil kingdom of Jaffna, in 1802, the British created their first crown colony, Ceylon.

Whenever and however the tensions first arose, by 1948, when Ceylon gained independence from Britain, the island's various ethnic communities--chief among them the Sinhalese, Tamils, and Muslims--faced some large and unresolved questions about sharing power in a modern nation-state.

It was not long before the Sinhalese asserted their new parliamentary majority to tackle the so-called "Indian question." In the 1830s, the British had imported thousands of lower-caste Indian Tamils to work the coffee, and later the tea, plantations in Ceylon's lush central highlands. By 1911, Indian Tamils numbered 500,000 and by independence, nearly 800,000.

In swift succession, three pieces of legislation--most notably the Ceylon Citizenship Act of 1948--rendered stateless, then voiceless, the vast majority of the Plantation Tamils. Citizenship, in the case of Indian and Pakistani residents, became contingent on proof of three generations of paternal ancestry in Ceylon as well as proof of income or possession of property. A 1949 law subsequently restricted voting rights to citizens.

One observer gives two reasons why Sinhalese politicians moved against the Plantation Tamils. First, they constituted "the most organized and cohesive section of the island's working class.... If they got citizenship rights, they would also get the right to vote and might return Indians to Parliament.... Also conjured up was the bogey of Indian 'expansionism' with the Indian Tamils as its 'fifth column.'"²

With the disenfranchisement of the plantation workers, Tamil voting power in the legislature dropped from 33 percent to 20 percent, giving the Sinhalese an insuperable majority in Parliament.

S.J.V. Chelvanayakam, a key figure in the Ceylon Tamil Congress (at the time the dominant Tamil political party) protested the new laws by leading a breakaway faction to form the more dissi-

dent Federal Party. "Today, justice is being denied to Indian Tamils," he said. "Some day in the future, when language becomes the issue, the same [will] befall the Ceylon Tamils."³

It took seven years for Chelvanayakam's words to come true. In the national elections of 1956, the Sri Lanka Freedom Party (SLFP) roundly defeated the ruling United National Party (UNP) on a ticket of radical Sinhalese-Buddhist nationalism. The SLFP was led by the charismatic, patrician-turned-populist S.W.R.D. Bandaranaike, an Anglican Christian who had cast off his Western religion and clothing to take up Buddhism and native dress.

The "central and most explosive issue of the 1956 election," said a Library of Congress study of Sri Lanka, "was a linguistic one":

After independence, it was commonly accepted that Sinhala and Tamil would replace English as the language of administration, but Bandaranaike announced that only Sinhala would be given official status if his coalition won the election. Bandaranaike introduced a dangerous emotionalism...with his "Sinhala Only" platform, which labelled both Tamil and English as cultural imports.⁴

Shortly after the new government took office, Parliament passed the Official Language Act, more commonly known as the "Sinhala Only" Act, which declared Sinhala the national language of Ceylon and the official language of government.

One scholar has said that this act "marked the end of the political control exercised by the westernized, English-speaking elite, including the Tamils...and symbolized the end of foreign domination of Sri Lanka."⁵ If so, it also marked the beginning of a new divisive era of ethnic politics, with increasingly narrow appeals to Sinhalese, Tamil, and later, Muslim nationalism.

To protest what it considered a discriminatory law, the Federal Party staged a peaceful rally near Parliament in mid-1956. The demonstrators were attacked and beaten by a Sinhalese mob. In Amparai District on the east coast, Sinhalese settlers in Gal Oya killed 100 Tamils.

Faced with threats of mass civil disobedience by the Tamils and counter-threats by Sinhalese extremists, Bandaranaike and Chelvanayakam drew up a compromise agreement. The Bandaranaike-Chelvanayakam Pact of July 26, 1957 concluded that "there should be a recognition of Tamil as a national

language and that the administrative work in the Northern and Eastern Provinces should be done in Tamil."⁶

The pact also provided for the direct election of Regional Councils in the north and east and control over the critical issues of local administration, including taxation, education, law and order, and other affairs of daily life.

On the Federal Party demand that Ceylon citizenship be granted to people of Indian descent, Prime Minister Bandaranaike simply agreed to give the issue "early consideration."⁷

At a conference in Trincomalee in August 1956, the Federal Party had also called for the establishment of a semi-autonomous Tamil linguistic state within a federal union. In a statement on general principles of the pact, Bandaranaike insisted that "he was not in a position to discuss the setting up of a federal constitution or regional autonomy."⁸

From Co-Existence to Confrontation It has been suggested that Tamil politics in Sri Lanka has undergone four distinct phases. The period from 1948 to 1956 was one of "responsive cooperation," during which Tamil political parties participated in government and sought legislative redress for inequities. The second phase, "non-violent non-cooperation," which ran from 1956 to 1972, began soon after passage of the "Sinhala Only" Act, when the Federal Party call for a semi-autonomous Tamil state was met by Sinhalese mob violence. The anti-Tamil riots of 1956 "polarized the country into Sinhala and Tamil groups."⁹

The polarity widened in May 1958, when the Federal Party convened in Vavuniya District to organize a *satyagraha*, or nonviolent protest. The previous month, Bandaranaike had abrogated the Bandaranaike-Chelvanayakam Pact under intense pressure from the Buddhist clergy and the UNP, who were now learning for themselves the seductive power of ethnic politics.

Once again, Sinhalese extremists confronted the Tamil gathering "and what began as the stoning of buses and trains that were transporting Tamil delegates via Polonnaruwa ended in the massacre of Tamils in many areas, especially in Colombo."¹⁰ Before the government intervened and declared a state of emergency, an estimated 300 to 400 people had been killed; more than 2,000 acts of arson, looting, and assault had been committed; and between 12,000 and 25,000 Tamils had been displaced

from their homes.

On September 26, 1959, Bandaranaike was assassinated by a disgruntled Buddhist monk and there followed an interlude of brief UNP control. Less than a year later, his widow, Sirimavo Bandaranaike, returned the SLFP to power in national elections and proceeded to implement "Sinhala only" laws with new vigor. The Federal Party responded with another civil disobedience campaign and even went so far as to establish a separate postal service in Tamil areas. Sirimavo Bandaranaike responded by imposing a two-year state of emergency, arresting some of the Tamil leadership, and banning the Federal Party.

In October 1964, Mrs. Bandaranaike reached an agreement with India's Prime Minister Lal Bahadur Shastri to resolve the fate of what the governments estimated to be a population of 975,000 "stateless" Plantation Tamils living in Ceylon. Under the Sirimavo-Shastri Pact, Ceylon and India agreed to divide the group on a 4:7 ratio, with India granting citizenship to seven people for every four granted citizenship by Ceylon.

As it turned out, the two governments had miscalculated both the total number of "stateless" Tamils and their intentions. By 1968, when implementing legislation was finally enacted, about 700,000 Plantation Tamils had applied to remain in Ceylon and 400,000 opted for Indian citizenship. Since the original formula had provided for India to accept 525,000 Plantation Tamils, the Indian government accepted the lower total quite willingly. Ceylon, however, insisted that the ratio required it to take only 225,000, leaving nearly half a million people in legal limbo.

Not until 1986 was their status legally resolved. But by then, many of them had become refugees.

The SLFP lost the March 1965 elections to the UNP, and for a brief five-year period, the Federal Party of the Ceylon Tamils and the Ceylon Workers' Congress of the Plantation Tamils enjoyed modest influence in a coalition government. But Sirimavo Bandaranaike and the SLFP won again in 1970, this time with a two-thirds majority in Parliament, thanks to an alliance with two Marxist parties.

Ironically, although the SLFP-dominated United Front moved Ceylon's foreign and economic policies sharply to the left, its first and greatest threat came from a Maoist, Sinhalese youth movement known as the Janatha Vimukthi Peramuna (JVP), or People's Liberation Front. In April 1971, the JVP launched a full-scale insurrection and nearly toppled

the government. But after two weeks of heavy fighting, in which between 1,200 and 8,000 people were killed and 16,000 imprisoned, the government reasserted control.

In May 1972, the SLFP made good on one of its campaign promises and pushed through a new constitution, the first since 1946. The constitution changed the name of the country from the Dominion of Ceylon to the Republic of Sri Lanka. It abolished the Senate and established a unicameral National State Assembly, with new powers over the judiciary. The constitution also reiterated the position of Sinhalese as the only official language of Sri Lanka, and gave Buddhism "foremost place," declaring that "it shall be the duty of the state to protect and foster Buddhism."¹¹

"It was obvious to the Tamils," Ram writes, "that, with the new constitution setting the seal on their marginalization by the Sinhalese, the era of cozy power adjustments and gentlemanly agreements...was over."¹²

At this point, the Federal Party united with the Tamil Congress and the Ceylon Workers' Congress to form the Tamil United Front. Four years later, at a convention in Vadukkodai, the coalition renamed itself the Tamil United Liberation Front (TULF) and called for the "restoration and reconstitution of the free, sovereign, secular, socialist state of Tamil Eelam."¹³ The Ceylon Workers' Congress, however, opted out. The Plantation Tamils had supported equal rights for Tamils and even federalism, but drew the line at separatism.

What might be called the period of "nonviolent separatism" in Tamil politics began in 1976. It would not remain nonviolent for long.

Showing a now predictable disaffection for the incumbent party, the Sri Lankan electorate voted once again to "throw the rascals out" in 1977, this time dumping the SLFP and giving the United National Party an unprecedented majority of 140 out of 168 seats in the national assembly. Long-time UNP loyalist and leader, Junius Richard Jayewardene became prime minister.

With TULF the largest opposition party in Parliament and the Ceylon Workers' Congress offered a cabinet post in the new government, Tamils could hope that the UNP would be more accommodating to traditional Tamil concerns than the SLFP had been. The UNP election manifesto had promised that Tamil grievances would be resolved in an All-Party Conference. TULF and the UNP even negotiated an agreement on the establishment of District Development Councils (DDCs), with an aim to decentralize a number of key administrative

functions.¹⁴

But within two weeks of the inauguration, communal rioting swept the island in the first major outburst of ethnic violence since 1958. From August 13 to September 15, 1977, Sinhalese mobs attacked and looted Tamil shops and homes, killing perhaps 300 people and displacing 35,000.¹⁵ The proximate cause this time was an announcement that Tamil militants had killed a Sinhalese policeman in Jaffna.

The 1977 riots marked the first time that Plantation Tamils were assaulted in large numbers, even though they had so recently rejected the call for Tamil separatism.

What might be called the period of "nonviolent separatism" in Tamil politics began in 1976. It would not remain nonviolent for long.

In September 1978, capitalizing on the UNP's huge majority in Parliament, Jayewardene pushed through a new constitution, which "drastically altered the nature of governance in Sri Lanka [by replacing] the previous Westminster-style, parliamentary government with a new presidential system modeled after France, with a powerful chief executive."¹⁶ Under the new constitution, Jayewardene became Sri Lanka's first president.

While the constitution was consolidating political power in Colombo, the UNP was offering several important concessions to the Tamils:

Sinhala remained the official language and the language of administration throughout Sri Lanka, but Tamil was given a new "national language" status. Tamil was to be used in a number of administrative and educational circumstances. Jayewardene also eliminated a major Tamil grievance by abrogating the "standardization" policy of the United Front government, which had made university admission criteria for Tamils more difficult. In addition, he offered many top-level positions...to Tamil civil servants.¹⁷

TULF objected to many of the provisions of the

1948 - 1982: THE SEEDS ARE PLANTED

- 1948** Ceylon gains independence from Britain.
- 1949** Citizenship Act requiring proof of three or more generations of paternal ancestry in Ceylon renders about 975,000 plantation Tamils "stateless". S.J.V. Chelvanayakam leaves the Ceylon Tamil Congress to form the Federal Party.
- 1956** S.W.R.D. Bandaranaike and the Sri Lanka Freedom Party win election on a Sinhala-nationalist platform. His Official Language Act makes Sinhala the only official language of Sri Lanka. Anti-Tamil riots break out in Colombo and eastern areas. Federal Party calls for establishment of a Tamil linguistic state within a federal union.
- 1957** Bandaranaike-Chelvanayakam Pact recognizes Tamil as a "national language" and provides for its use in administrative work in the Northern and Eastern provinces. The pact also provides for the establishment of Regional Councils to govern these provinces. Following Sinhalese mob actions and Buddhist protests, Bandaranaike abrogates the pact in April 1958.
- 1958** Sinhalese-Tamil riots in May and June leave an estimated 300-400 people killed. The government forcibly relocates 25,000 Tamils from Colombo to the north.
- 1959** Bandaranaike is assassinated by a Buddhist monk.
- 1964** Under the Srimavo-Shastri Pact, India agrees to grant citizenship to 525,000 "stateless" Plantation Tamils and Ceylon agrees to give citizenship to 300,000, leaving about 150,000 still stateless.
- 1971** Ultra-left Sinhalese youth movement, the Janata Vimukthi Peramuna (JVP, or People's Liberation Front) launches a two-week insurrection in the south. An estimated 8,000 people are killed.
- 1972** Under a new constitution, Ceylon becomes Sri Lanka, an independent republic within the British Commonwealth. The constitution drops a section on protection of minorities and gives special status to the Sinhala language and the Buddhist religion. The Tamil United Front (TUF) is created, combining Federal Party and Ceylon Workers Congress (CWC), a trade union representing Plantation Tamils. Velupillai Prabhakaran and 30 other teenagers secretly form the Tamil New Tigers.
- 1974** India and Sri Lanka agree that 150,000 of the Plantation Tamils not covered in the 1964 pact will be divided equally between the two countries.
- 1976** TUF recasts itself as the Tamil United Liberation Front (TULF) and calls for establishment of the separate, secular state of Tamil Eelam. The Tamil New Tigers become the Liberation Tigers of Tamil Eelam (LTTE).
- 1977** From August 13 to September 15, Sinhalese mobs burn and loot Tamil homes and businesses in Jaffna and elsewhere; 300 are killed and 35,000 Tamils seek shelter in refugee camps. J.R. Jayewardene and the UNP replace the SLFP government of Sirimavo Bandaranaike.
- 1978** New constitution recognizes Tamil as a "national language" alongside Sinhala, which remains "official" language of the country. Incidents of Tamil militant violence--particularly against police stations--increase rapidly.
- 1979** Prevention of Terrorism Act permits suspects to be held incommunicado up to 18 months without trial.
- 1982** Jayewardene is elected the first president of Sri Lanka. Prevention of Terrorism Act is extended indefinitely.

new constitution but remained in Parliament in hopes of securing further concessions on Tamil autonomy. But TULF found its tactics of nonviolent protest and dialogue challenged by a Tamil youth movement increasingly eager to usher in the fourth phase of Tamil politics: militant separatism.

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

The only way to keep the Sinhalese lion (singha) at bay, they decided, was to become tigers and forcibly wrest from Sri Lanka a separate nation, Eelam, where Tamils would enjoy the majority. Or die trying.

In 1972, an 18-year-old school dropout named Velupillai Prabhakaran, along with about 30 fellow Tamil teenagers, took control of one of the many informal Tamil youth groups that had sprung up in Jaffna, renaming it the Tamil New Tigers. Prabhakaran and his Tigers lit the fuse of a Tamil backlash.

In 1975, Prabhakaran claimed responsibility for the assassination of a fellow Tamil, Alfred Duriappah, the pro-government mayor of Jaffna. In 1976--the year that TULF endorsed a call for a separate, secular Tamil state--TNT changed its name to the Liberation Tigers of Tamil Eelam (LTTE). Soon afterwards, Tiger attacks on policemen and public officials, particularly Tamil "traitors", began to escalate.

The Pressure Builds Jayewardene continued to apply a "carrot-and-stick" approach to the Tamil problem. In July 1979, the government declared a state of emergency in Jaffna and passed the Prevention of Terrorism Act, which, among other things, permitted security and military forces to hold suspects incommunicado for up to 18 months without trial. In the same month, Jayewardene appointed a presidential commission to inquire into Tamil grievances and recommend appropriate remedial actions.

Without renouncing its call for a separate Tamil state, TULF nominated a member for the commission and entered into negotiations with the government to implement the regional councils

provisions of the Bandaranaike-Chelvanayakam Pact. The District Development Councils Act of 1980, which provided for limited devolution of administrative authority to local districts, was greeted by the Tamil militants as an unacceptable compromise.

In June 1981, shortly before elections were to be held for the Jaffna District DDC, the LTTE assassinated a leading UNP candidate. At a TULF rally one week later, two policemen were killed. And the communal riots were on again:

In retaliation, off-duty Sinhalese policemen and Sinhalese soldiers went on a rampage, looting, killing, and setting fire to the Jaffna public library with its 95,000 volumes of rare books of historical and cultural significance to the Tamils. Indian Tamils suffered heavily at the hands of roaming mobs of hoodlums who destroyed property and killed innocent victims.¹⁸

By August, the violence had spread east to Amparai and south to Negombo and the hill country. Posters sprouted in Colombo saying, "Aliens you have danced too much; your destruction is at hand. This is the country of we Sinhalese."¹⁹ Among the more ominous new manifestations of the 1981 riots was the activity of organized, politically directed thugs, and the passivity of the police and armed forces in preventing Sinhalese mob attacks.

The Blowup The next round of anti-Tamil riots in 1983 were the worst in Sri Lanka's history and marked a political and psychological turning point in the Sinhalese-Tamil conflict.

Although no single incident can be blamed for causing the riots, the triggering event took place on July 23, when the LTTE ambushed and killed 13 Sri Lankan soldiers at Tinneveli, then mutilated their bodies. As the news spread that the mangled corpses were to be brought back for burial in Colombo, local Sinhalese started rioting.

The violence soon spread beyond Colombo to the towns of Gampaha, Kalutara, Kandy, Matale, Nuwara Eliya, and Trincomalee. Official estimates say that 350 people died in the week of rioting that followed. Tamil estimates of the death toll run to 2,000 and higher. More than 18,000 Tamil homes and 5,000 businesses were destroyed, with economic losses totalling \$300 million or more. Nearly 100,000 people crowded into 15 "welfare centers" for displaced persons around Colombo. Tens of thousands more,

including an estimated 35,000 Plantation Tamils, fled north. And for the first time in history, Tamil refugees began to flee the country in large numbers.

Eminent Tamil historian and anthropologist S.J. Tambiah cited two “disconcerting features” of the 1983 riots:

More than any other previous ethnic riot, the 1983 eruption showed organized mob violence at work. Gangs armed with weapons such as metal rods and knives and carrying gasoline...[and] carrying voter lists and addresses of Tamil owners and occupants..., descended in waves to drive out Tamils, loot and burn their property, and sometimes kill them.²⁰

Tambiah also noted a “complete breakdown of law and order...caused as much by the active participation or passive encouragement of the...police and the army” as by the mob violence.²¹

Rather than offer comfort to the Tamil victims, President Jayewardene (who had been reelected in 1982) belatedly issued a statement saying that “the time has come to accede to the clamor and the national respect of the Sinhala people.”²² In August 1983, a Sixth Amendment to the Constitution was passed, which made it illegal to advocate separatism. When the 14 TULF MPs refused to take such an oath, they were expelled from Parliament.

There would be other fruitless attempts at compromise, but the field now belonged to those with the guns. Those without were lucky if they had someplace to run for cover.

III. ASYLUM IN INDIA: THE FIRST WAVE

At their closest points, Sri Lanka and the south Indian state of Tamil Nadu are less than 20 miles apart. Through 1984, a regular ferry service plied the waters of the Palk Strait between Sri Lanka’s Mannar Island and the Indian port of Rameswaram. Tamil Nadu is home to India’s 55 million Tamils with linguistic, religious, and political affinities to their Tamil neighbors across the water. So when Tamil refugees began to flee Sri Lanka in 1983, there was little doubt about where they would go.

S.C. Chandrahasan--former legal counsel for TULF, son of S.J.V. Chelvanayakam, and now a refugee and human rights activist in Madras--was

part of the first wave of Tamil refugees to come to India. “In the state-sponsored pogroms of 1983,” he told USCR, “they bashed up most of the lawyers’ offices and tried to make me an example by bumping me off, so it came to a point where we couldn’t continue in the country.”

Between 27,000 and 30,000 Tamils sought asylum in India in 1983. Most crossed by ship or by air and found places to stay with friends or relatives in cities like Madras, Tiruchirappalli (usually shortened to Trichy), and Madurai. Though many had lost their homes and possessions in the riots, the majority still had sufficient resources, or contacts, to live outside of refugee camps. They fled Sri Lanka, Chandrahasan said, because “they lost confidence that the rule of law existed.”

A survey of Sri Lankan refugees in Tamil Nadu conducted in 1985 by Madras Christian College (MCC), Department of Statistics shows that about two-thirds of those who arrived between July and December 1983--or roughly 20,000 people--were Plantation Tamils. A majority were from the Kandy/Nuwara-Eliya region. Five percent reported loss of life in their family. Forty percent said they had lost their homes in Sri Lanka: “The houses were either burnt down, or partially damaged, or forcefully occupied by the local Sinhalese unsocial elements,” said the study.²³ Thirty percent of Plantation Tamils surveyed said they had lost their means of livelihood in the July 1983 riots.

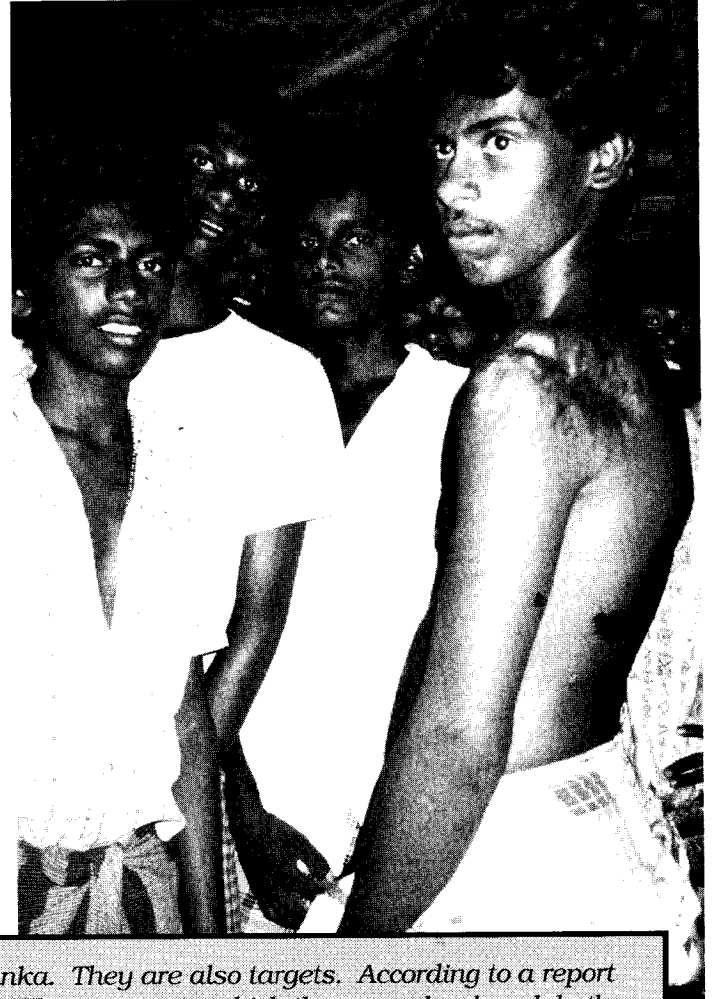
The remaining 10,000 or so Tamils who reached India in 1983 were Ceylon Tamils, principally from Colombo, with smaller numbers coming from Jaffna and other districts in the Northern and Eastern provinces.

As the fighting between the Sri Lankan security forces and the Tamil militants intensified in 1984 and 1985, the flow of refugees continued. By July 1985, there were about 75,000 Tamil refugees living independently and another 23,000 living in government-assisted refugee camps in Tamil Nadu.

The MCC study highlights several telling differences, and a few parallels, between the two groups.

Of those living outside the camps, 60 percent were Ceylon Tamils and 40 percent were Plantation Tamils. Most of the Ceylon Tamils were concentrated in and around Madras, while the Plantation Tamils favored Madurai and Trichy. Eighty percent were Hindus and the rest were Christians.

The profile of the typical “non-camp” Tamil refugee reveals a predominantly urban, white-collar



Civilians are not simply caught in the crossfire in Sri Lanka. They are also targets. According to a report by the University Teachers for Human Rights in Jaffna, "The manner in which the game developed, both sides wanted civilians killed. One because of callous anger and the other...mainly as propaganda material in the form of corpses."

Photo Credit: USCR/C. Robinson

background. Virtually all had come from either Jaffna, Colombo, or Kandy/Nuwara-Eliya. Thirty percent had university degrees. Eighteen percent listed themselves as business executives, 11 percent as professionals, 13 percent as clerks/office workers, and another 11 percent as teachers. Fully 40 percent valued their homes in Sri Lanka at 350,000 Sri Lankan Rupees (\$13,500) or above. The random sample "contained hardly any laborers from the tea estates of Sri Lanka and none of the fishermen from the coastal area."²⁴

In marked contrast, of the 23,000 Tamils living in some 70 camps throughout Tamil Nadu in 1985, 70 percent were from Mannar, one of the poorest districts in Sri Lanka. Half were farmers or

fishermen, while 30 percent cited their occupation as business or office workers and professionals. While most claimed to have owned a house in Sri Lanka, 60 percent said it was worth less than 50,000 Sri Lankan Rupees (about \$2,000). Seventy percent were Ceylon Tamils and 30 percent were Plantation Tamils. Half of the camp population in 1985 said they were Christians--evidence, certainly, of the strong Roman Catholic presence in Mannar.

The very first wave of refugees who came to Tamil Nadu in 1983, then, were fleeing in the aftermath of the July ethnic violence in the cities. Although many had lost homes and businesses, they could generally afford the journey to India and to support themselves once they arrived. It was the

flight of a scared and shaken elite.

Asked their reasons for leaving Sri Lanka, 35 percent said they feared the Sri Lankan army, 18 percent said they were worried about the future, and "other reasons were the education of children, general feelings of uncertainty, and the fear of thugs who roamed around looting and molesting people."²⁵

By 1985, however, a substantial percentage of refugees were farmers and fishermen from rural areas in the north and east. Of the roughly 68,000 who arrived in Tamil Nadu in this period, one-third were forced to seek assistance from the Indian government. Asked why they had left Sri Lanka, more than 90 percent of camp refugees said they feared the army and the police. More than ten percent said they had lost one or more members of their family.

Isolated, sporadic outbreaks of ethnic conflict had turned into sustained and generalized violence in the northeast. At first, Tamil refugees were people who could afford to flee. Increasingly, they were becoming those who could not afford not to.

Indian Government Response In spite of the fact that India hosts a population of nearly 400,000 refugees from at least six different countries, it is not signatory to the UN Refugee Convention. UNHCR is permitted a small office in New Delhi to assist approximately 11,000 Afghan refugees, 800 Iranians, and a small number of Burmese, but has been restricted from exercising its full assistance and protection mandate on behalf of the 210,000 Sri Lankans in Tamil Nadu, 100,000 Tibetans in the north, or an estimated 75,000 refugees from Bangladesh's Chittagong Hill Tracts who are now living in India's Tripura state.

Despite the curbs on international assistance and monitoring, India has accorded a welcome to Tamil asylum seekers that is as generous as for any refugee group in Asia.

But despite the curbs on international assistance and monitoring, India has accorded a welcome to Tamil asylum seekers that is as generous as for any refugee group in Asia. The record is not unblemished, to be sure. There have been instances of pushbacks and coercive measures to promote

repatriation, but it has largely been the case, as Chandrahasan put it, that "every person who has landed on the shore and asked for refuge has been granted refuge."

India, in fact, sent a ship to Sri Lanka in September 1983 to pick up about 1,000 Plantation Tamils who were living in camps in Colombo following the ethnic riots of that year.

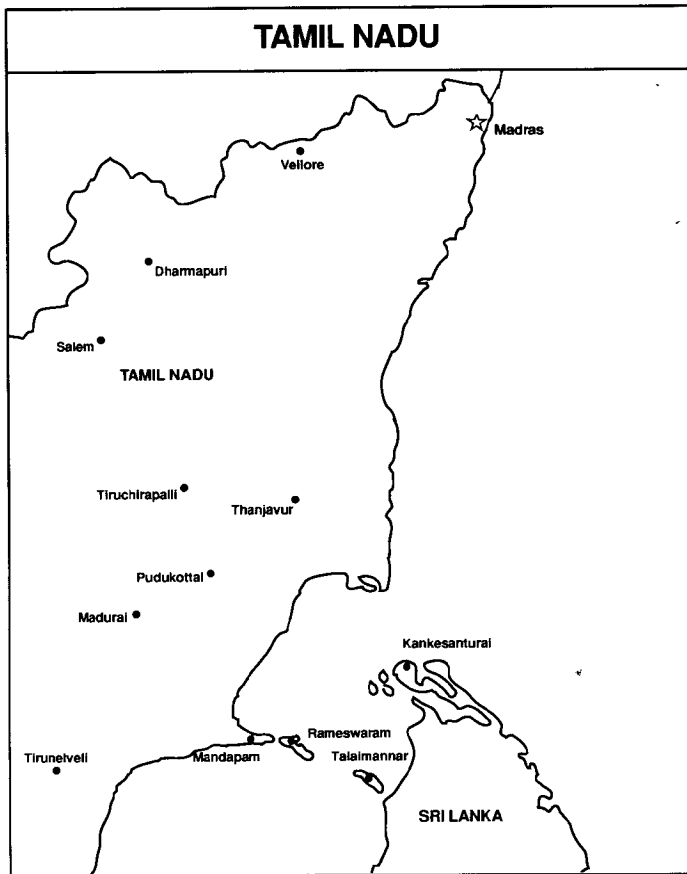
In November 1984, the ferry service halted for the monsoon season. When pressure from both governments prevented it from restarting the next year, many refugees were forced to flee in small boats, often paying extortionary rates for the trip. Arriving at the port of Rameswaram exhausted and destitute, most sought help from the government. They were registered at the divisional office, photographed, and issued refugee identity certificates. During a temporary stay at the transit camp of Mandapam, refugee families were given cooking and eating utensils, clothing, bedsheets, and reed mats.

After they had been transferred to any one of a number of camps throughout Tamil Nadu, the refugees received a monthly dole of 110 Indian Rupees (about \$9 at the time) per head of household and proportionally smaller amounts for each dependent. Essential commodities like rice, sugar, and kerosene oil were available for purchase at subsidized rates.²⁶

The MCC study offers a view of refugee camp life in the early days, around 1985:

The camps are located in old cinema theatres, community halls, small schools, cyclone shelters, or common rest houses. In a few places special housing schemes have been sanctioned to accommodate them. Most of the camps lacked proper medical aid, toilet facilities, and in a few camps there was a scarcity of drinking water... The refugees felt that the [government] money given was not enough for them. Some of them tried to get employment outside the camps, which was not allowed. In many camps there were people belonging to various professions and possessing many skills but they had to idle away the time. Education of children was another problem... Admission into schools outside the camps was difficult as children did not have any of the necessary certificates.²⁷

The Madras Christian College study asked refugees in the camp about their expectations in India



and how far these had been fulfilled. As to basic necessities--food, shelter, clothing, etc.--100 percent said their expectations had been fully or partially fulfilled. Only small minorities, however, expressed satisfaction with the status of education, employment, or financial help. In a letter to the Danish Refugee Council, author of the MCC Study, J.P. Vijayathilakan said, "Even though the refugees feel that their lot is better than that of some of the Indians outside the camps, the level of living is much lower than what they are used to in Sri Lanka."

Given the general dissatisfaction with camp life, it is not surprising that over 70 percent told MCC interviewers they wanted to go back to Sri Lanka if normalcy were restored.

For refugees outside the camps, again, it was a different story. Although life in India undoubtedly was a come-down from the standard of living most had enjoyed in Sri Lanka, it certainly was safer. Some found work in Tamil Nadu, despite the official

prohibitions. Others were supported by friends or relatives in India, back in Sri Lanka, or overseas. An overwhelming majority said they had been well treated by the Indians. Only about 15 to 20 percent said they had encountered problems with such things as education for their children, employment, or immigration status.

Little surprise, then, that in July 1985, fewer than half of the people living outside the refugee camps said they wanted to go back to Sri Lanka if the situation returned to normal. Precisely two years later, however, the question became more than academic.

IV. THE INDO-SRI LANKAN ACCORD AND REPATRIATION

Frightened asylum seekers were not the only Tamils to stream into southern India in the wake of the July 1983 riots. During the violence, Prime Minister Indira Gandhi had sent her foreign minister, P.V. Narasimha Rao, to Colombo as a tangible sign of concern. One week later, she announced cryptically, "India is not just another country," and invited the leader of the Tamil United Liberation Front, A. Amirthalingam, to New Delhi for talks.²⁸

Emboldened by these gestures of Indian partisanship, the Tamil militant presence in Tamil Nadu burgeoned. After July 1983, "all the significant groups functioned from Madras city with the covert and open support of the state government.... They had offices.... They carried unlicensed arms.... They could commute to Jaffna and back without travel documents,"²⁹ many of them smuggling guns or other contraband. It became an open secret that the central government and the Tamil Nadu state government were providing aid and training to the Tamil guerrillas.

But on October 31, 1984, a Sikh separatist assassinated Indira Gandhi. She was succeeded by her son, Rajiv, who formed an interim government and then won a landslide victory himself in 1985.

Without completely cutting off support, Rajiv Gandhi began to distance himself from the Tamil militants in a bid to play peacemaker in the Sri Lankan conflict.

In July 1985, India brokered negotiations between the Sri Lankan government and six Tamil militant groups, including the LTTE, in Thimpu, Bhutan. Of the militants' four demands--respect for



Despite the growing conflict between Indian Peace-Keeping Forces and the LTTE, on December 24, a group of 252 Tamils boarded the Indian ship S.S. Ramanujam at Rameswaram, sailed across the Palk Strait, and disembarked on Mannar Island. Between December 1987 and March 1989, a total of 25,600 refugees returned from Tamil Nadu through "organized channels" and were assisted by UNHCR.

Photo Credit: UNHCR/A.Von Arb

the integrity of the traditional Tamil homeland, recognition of Tamils as a national group, self-determination for the Tamil nation, and citizenship for all Tamil residents--the government conceded only the last. On January 1986, Sri Lanka granted citizenship to 96,000 Plantation Tamils.

India's attempts at mediation failed again in April and December 1986. In 1987, frustrated by the intransigence of the militants in their demand for a separate state, Rajiv Gandhi issued what amounted to an eviction notice to the guerrillas in Tamil Nadu. If it was war they wanted, they would have to fight it from Jaffna.

With the Tiger leadership back on the island and claiming control of the civil administration in the Jaffna peninsula as of January 1, 1987, the Sri

Lankan government launched a major military offensive against the LTTE, coupled with a "virtual economic blockade of the Jaffna peninsula, denying it food and fuel and isolating it from the rest of the island."³⁰

Following a brief lull in April, as India pressed unsuccessfully for a ceasefire and new negotiations, on May 26, the Sri Lankan army launched Operation Liberation. Within days, it appeared on the verge of taking Jaffna.

Compelled both by a humanitarian imperative to aid Tamils in distress and a political imperative to maintain leverage with Colombo, India took action. On June 4, one day after the Sri Lankan navy had turned back a relief flotilla, Indian transport planes dropped 22 tons of supplies on Jaffna peninsula.

They had invaded Sri Lankan air space without permission, escorted by two jet fighters. The message was unmistakable: Whatever it took, India would have a say in resolving Sri Lanka's Tamil question.

With its army only 12 miles from Jaffna, Sri Lanka announced the end of its military offensive. Following protracted discussions between the two governments, and in the face of mounting protests in the streets of Colombo, on July 29, President Jayewardene and Prime Minister Gandhi signed the Indo-Sri Lankan Accord. Among its provisions were the cessation of hostilities, the surrender of all arms by the Tamil militants, the temporary union of the Northern and Eastern provinces into a single administrative unit pending a referendum, elections to a new Provincial Council, and the repatriation of Sri Lankan refugees from Tamil Nadu.

In a letter to Jayewardene that accompanied the agreement, Gandhi also promised India's cooperation to "deport all Sri Lankan citizens who are found to be engaging in terrorist activities, or advocating separatism or secessionism."³¹

Repatriation: 1987-1990 By early 1987, the number of Tamil refugees in India had climbed to 135,000, of whom about 35,000 were living in camps and the remainder outside.

On August 31, 1987, UNHCR signed a Memorandum of Understanding with the Sri Lankan government, agreeing to "provide emergency assistance to returnees and displaced persons who wish to return to their homes following the peace agreement between India and Sri Lanka."³²

By November 2, UNHCR had established an office in Colombo and the Indian and Sri Lankan governments had worked out an agreement to repatriate 75,000 Sri Lankan refugees within one year.

But two major problems loomed at the very outset: How could UNHCR vouch for the voluntary nature of the return without a presence in Tamil Nadu? And how could anyone, UNHCR included, provide rehabilitation aid to returnees when it was not peace they were coming back to, but escalating violence?

Although the Accord had only grudging consent from the two parties in conflict, the Sri Lankan government and the LTTE, it was greeted with significant optimism by many Tamils on both sides of the Palk Strait. When the first 3,000 troops of the Indian Peace-Keeping Forces (IPKF) were airlifted into Jaffna, they were warmly welcomed by much of the populace. And when officials in Tamil Nadu an-

nounced in October 1987 that Tamil refugees were required to register for repatriation, initially there were only scattered complaints, principally from "stateless" Plantation Tamils who had chosen to cast their lot with India.

But the ceasefire that was to have come into effect within 48 hours of the signing of the Accord, followed by a surrender of arms three days later, never materialized. Instead, after a brief period of calm, fighting broke out between the militant groups and, shortly thereafter, between the LTTE and the IPKF.

On October 25, three short months after their arrival in peace and welcome, the IPKF had seized Jaffna after a bloody, two-week battle with the Tigers. The Indian peace-keepers were looking more and more like an occupying army.

Despite the growing conflict and uncertainty, plans for repatriation continued apace. On December 24, a group of 252 Tamils boarded the Indian ship S.S. Ramanujam at Rameswaram, sailed across the Palk Strait, and disembarked at Talaimannar pier on Mannar Island. Between December 1987 and March 1989, a total of 25,600 people returned to Sri Lanka through "organized channels" and were assisted by UNHCR. In addition, UNHCR provided reintegration assistance to about 17,200 spontaneous returnees who had come back to Sri Lanka just prior to or just after the signing of the Accord.

In March 1988, UNHCR opened its first field office in Mannar. A second field office was opened in Jaffna in August, and a third in Trincomalee in September. The program had two basic components: reception, and rehabilitation and reintegration assistance. UNHCR officials met each organized returnee family at reception centers in either Mannar Island or Jaffna, where they were registered and given a "family emergency pack" (consisting of cooking utensils, basic foodstuffs, clothing, etc.) as well as a cash "settling-in" grant of SLRs 2,000.

Once they reached their ultimate destinations, returnees were given an additional grant of SLRs 4,000 (half of which was paid by the Sri Lankan government and the other half by UNHCR) and were eligible to receive housing assistance of up to SLRs 15,000. Beyond that, UNHCR offered help in a variety of sectors, including health services (in conjunction with Medicins Sans Frontieres), non-formal education and vocational training, water and sanitation, fisheries, and agriculture.

Spontaneous returnees were offered essentially the same package, minus the family emergency pack.

SRI LANKAN RETURNEES ASSISTED BY UNHCR: 1987-1990

<u>Districts</u>	<u>Number of Persons</u>
Mannar	22,747
Jaffna	5,968
Vavuniya	3,710
Trincomalee	3,604
Kilinochchi	311
Mullaitivu	132
Batticaloa/Amparai	96
Other Districts	446
Non-registered spontaneous Returnees in various districts	5,986
Total	43,000

In all, from 1987 to 1989, UNHCR assisted a total of 43,000 organized and spontaneous returnees in seven primary districts at a cost of about \$10.5 million. More than half resettled in Mannar, with 6,000 returning to Jaffna, 3,700 to Vavuniya and 3,600 to Trincomalee.

Was Repatriation Voluntary? Was it Safe?

Estimates by the Organization for Eelam Refugees Rehabilitation (OFERR), a nonprofit refugee advocacy and service organization run by Tamil refugees in India (Chandrasahana is a co-founder and treasurer of OFERR), suggest that, from 1987 to early 1989, a total of about 48,000 refugees repatriated from Tamil Nadu. This would indicate that, in addition to the 43,000 returnees aided by UNHCR, there were about 5,000 spontaneous returnees who did not seek UNHCR assistance in Sri Lanka.

At the beginning of the repatriation effort, 32,000 refugees were living in the camps and more than 100,000 were living outside. Of the 48,000 returnees, 28,000 came from the camps and 20,000 came from outside.

Since virtually all of the organized returnees came from the refugee camps, the great majority of the spontaneous returnees would have to have come from outside the camps. Most, and probably all, of these spontaneous returns were voluntary.

But what of the 25,000 organized returnees? How many returned home voluntarily? Ultimately, there is no simple answer. And that, of course, is the

problem. UNHCR was rebuffed in its efforts to establish a full-time presence in Tamil Nadu, and had to settle for periodic visits to Madras and Rameswaram. So it had no way to ensure, prior to departure, that refugees were given the opportunity to express freely whether or not they wished to repatriate, as its procedures require.

Without a full-time presence in Tamil Nadu, UNHCR was forced to improvise. An August 1988 UNHCR report noted:

All returnees from southern India to Sri Lanka through organized channels are interviewed by UNHCR staff either while in transit on the boat and/or on landing at one of the entry points in order to ascertain the voluntary nature of their repatriation. To date, the very large majority have responded positively in that regard. In cases of doubt, UNHCR staff examine the facts to see whether the returnees' motivation for not wishing to repatriate could be validly considered to be within the international criteria for refugee status and, if so, whether they would wish to return to India.³³

In the case of three people deemed to be involuntarily repatriated, UNHCR was able to arrange for their return to India. In many other instances, one UNHCR field officer in Sri Lanka told USCR, "We would ask them, 'Did you volunteer to return from India?' 'No'. 'Do you want to go back to

India?' 'No'."

At the outset of the Accord, official pressure to repatriate was inescapable. The refugees in the camps were told that camps were to be closed and government dole stopped. On October 14, 1987, the Indian government released a statement titled "Return of Sri Lankan Refugees."

All Sri Lankan refugees who came to India...in the wake of ethnic disturbances...are required to return to Sri Lanka.... Steps have already been initiated to send back the refugees who are staying in the camps. It is now felt that the refugees staying outside the camps should also return.

The statement ordered all of the Tamil refugees living outside of camps--estimated at 95,000 at the time--to report immediately to the office of the District Collector. Those who failed to register by December 31, 1987, "will be treated as illegal aliens and proceeded against, in terms of the Registration of Foreigners Act," whose penalties included deportation. Nowhere did it mention that the refugees had any choice in the matter.

According to R. Sampatkumar, at the time acting head of UNHCR's Regional Bureau for Asia and Oceania, "the deadline for registration of refugees was extended several times at UNHCR's request. We urged that people should not be forcibly sent back even though they had not registered. This, to some measure, was accepted by the Indian authorities."

In a few instances, refugees resisted repatriation. Several people who had returned to Sri Lanka only to flee to India again in the wake of the 1990 violence spoke to USCR. Said one refugee in Valavanthankottai:

I came to India as a refugee with my family in March 1985. In 1988, we were asked to go back to Sri Lanka by the Indian government. We did not feel safe to go back, and when we refused, our dole was stopped. We staged a protest demonstration in front of the Madurai Collector's office, stating that we will not return until permanent peace is returned. But nobody listened, and in July 1988, we boarded a ship in Rameswaram and sailed to Talaimannar where we were received by UNHCR officials.

In May 1988, four UNHCR officials met in

Madras with members of several Indian organizations working in the Tamil Nadu camps. By then, 9,500 refugees had returned through organized channels. Most had come from the camps.

The private agency members explained some of the difficulties of the refugees living outside the camps. According to one participant's minutes of the meeting, these included:

(1) More than 60 percent have not registered with the district officials for fear of being deported against their wish, (2) Some families have already gone back and the others are waiting to see what they have to say about the situation there.... (4) There is a fear among the refugees that life is still not normal in Sri Lanka.

Ultimately, most of the refugees who lived outside the camps, or who moved out of the camps to avoid repatriation, were left alone, according to OFERR.

Given the obvious pressure from the Indian government and the lack of access to refugees prior to their departure, should UNHCR have involved itself in the return of Tamil refugees to Sri Lanka?

"This was not a normal repatriation program," Sampatkumar told USCR. "In effect, UNHCR did not play a role in the repatriation process. We were

Given the obvious pressure from the Indian government and the lack of access to refugees prior to their departure, should UNHCR have involved itself in the return of Tamil refugees to Sri Lanka?

involved once people returned, and our presence in Sri Lanka was very beneficial. If India had decided to send the whole group back home, we wanted to create the best opportunities for them that we could."

The fragile calm that settled on Sri Lanka's northeast following the final withdrawal of the Indian Peace-Keeping Forces in March 1990 prompted UNHCR to conduct an internal evaluation of the repatriation effort, and to assess plans for the future. In its findings, the UNHCR evaluation acknowledged

the "controversy surrounding this program from its inception."

On the India side, the UNHCR evaluation noted that "UNHCR was not asked to assist in the protection and assistance aspects of the refugee caseload. Consequently, when it came to the reception and rehabilitation of returnees, UNHCR had minimal insight to prejudge the voluntary nature of the repatriation process." Moreover, on the Sri Lanka side, "the scope and time frame of the UNHCR operation shifted in late 1987 from a limited intervention where UNHCR was responsible for immediate relief needs, to a...relief and rehabilitation program with a longer time frame." At the very time that planning was going on for this more intensive program, "direct clashes between IPKF and LTTE militants also continued."

The UNHCR evaluation noted as a very positive outcome that "the presence of UNHCR staff in field locations...provided a sense of security for the returnee populations and a tremendous strength to the local administration" but recommended that "UNHCR should generally avoid becoming deeply involved in rehabilitation work for orderly returnees in situations of armed conflict."

"Another important lesson" learned from the experience "is that UNHCR should not accept to become part of an official returnee program without being directly involved in the organization and registration of the repatriation phase."

This conclusion was shared by Sampatkumar. "If a similar situation presented itself," he told USCR, "we should negotiate to establish a presence in the country of asylum so that UNHCR can exercise its mandate without impediment."

"After slightly over two years of operations," the UNHCR evaluation concluded, "the time has come for a gradual termination of present activities,... gradually handing over all assistance sectors by December 31, 1990.... UNHCR's continued presence in Colombo depends entirely on political developments in 1990. Should the conflict recommence, obviously the role of UNHCR will have to come to a sudden halt." The conflict did resume, in fact, only weeks after the evaluation was concluded. But UNHCR stayed on, shifting its focus to emergency relief for displaced persons in Mannar district.

The Unravelling Throughout 1988 and 1989, as the IPKF and the LTTE continued to talk peace, they waged war. It was not just the Indian soldiers and Tiger guerrillas fighting each other. Tamils were also

killing Tamils, as the LTTE made a bid for supremacy in the northeast by seeking to wipe out rival militant groups. In the south, Sinhalese opposition to the Indian presence grew increasingly vocal and even turned violent in the form of JVP terrorism.

On December 19, 1988, the UNP's Ranasinghe Premadasa defeated the SLFP's Sirimavo Bandaranaike in the presidential elections. Four months later, he offered to talk peace with both the JVP and the LTTE. Although the JVP never responded, the LTTE eventually did. The Tigers and the Sri Lankan government could agree on at least one thing: India must go home.

In March 1990, the last contingent of the IPKF departed Sri Lanka. The Indians had lost nearly 1,200 men and more than 10,000 Sri Lankans had been killed. The Indo-Sri Lankan Accord was in shambles. Premadasa continued his peace talks with the LTTE, and for the first six months of 1990, the northeast enjoyed a prolonged, if tenuous, peace. The Sri Lankan army remained in its barracks, and the LTTE concentrated publicly on political organization. For a time, a workable settlement seemed possible.

In fact, the talks had reached the same old impasse: Eelam. Father Harry Miller, a Jesuit priest and American who has lived on the island, principally in Batticaloa, for 43 years, told USCR: "There was no way that negotiations were going to succeed as long as the Tigers said, 'We will be satisfied only with independence' and the government said, 'We will give you almost everything but independence.' That's where they ended up."

Then, on June 11, 1990, as Miller put it, "the lid blew off." LTTE guerrillas attacked 17 police stations in the Eastern Province and captured an estimated 600 policemen. Father Miller was witness to the events in Batticaloa:

They separated the Tamil police from the Sinhalese police and left the Tamil police here in some sort of custody.... Then they marched the Sinhalese police out of town. They drove out, literally drove out of town, all the Sinhalese residents of Batticaloa, some of whom had been here for decades. They destroyed every government building in the town. And perhaps the most disgraceful of all, they went into the Buddhist temple and just disgraced it...

That put the fat in the fire. From there, the army began to move in. They decided that they would have to consider that everyone in the area was a Tiger until he proved himself

otherwise. And when they came in and found...that all the government buildings had been destroyed, the army proceeded to destroy all the Tamil buildings...from Valaichenai to Batticaloa, every Tamil dwelling, every Tamil shop was destroyed by the army as it came in, in retaliation.

More than 100 decomposed bodies have been discovered so far. The fate of the remaining policemen is not known, though it is suspected that some are being held prisoner by the Tigers. The Sri Lankan army struck back with equal ferocity, killing about 100 Tamil civilians near a refugee camp in Amparai. The fight was on again. This time, both sides came to say, it would be to the finish.

V. THE INTERNALLY DISPLACED IN SRI LANKA

Within days of the violence in Batticaloa, the conflict had spread throughout the Northern and Eastern provinces, driving Tamils, Muslims, and Sinhalese from their homes in a desperate search for safety.

By late July, there were a reported 880,000 people displaced in some 640 camps (or welfare centers, as they are called by the government). By far the largest numbers were in Jaffna, where 355,000 people were displaced in 352 camps. Batticaloa, Mannar, Mullaitivu, and Killinochchi were also heavily affected, with displaced persons averaging about 100,000 per district.

Government figures in mid-1990 only recorded displaced persons in welfare centers, not those who had sought shelter outside with friends and relatives, so it is quite likely that the total numbers of displaced were much higher. By the end of 1990, statistics on displaced persons, counting those inside and outside the government welfare centers, exceeded one million.

Sri Lankan government figures show a substantial decline in the numbers of internally displaced in January 1991 from over one million to around 760,000. From the beginning to the end of the month, the population in the welfare centers dropped from 756,000 to 400,000, while the population outside rose from 278,000 to 365,000.

One explanation would be that people had begun moving out of the government-run camps but not all could get back to their own homes due to the destruction and continued instability.

Another possible reason would be more accurate headcounts. From July 1990 to January 4, 1991, for example, government statistics invariably showed 355,000 people displaced in 352 camps in Jaffna district with no figures available for those displaced outside. However, January 9 statistics for Jaffna suddenly showed only 39,000 people in 159 camps and 186,000 displaced with friends and relatives. Changes for Mullaitivu and Vavuniya were equally dramatic.

Since January 1991, government statistics have continued to show a gradual decline in the welfare center populations and a gradual rise in the number of displaced outside the centers.

...humanitarian assistance to internally displaced persons in Sri Lanka can fairly be described as something of a model program for conflict zones.

The total number of internally displaced persons had dropped to 644,000 (with 255,000 in welfare centers and 389,000 outside) by August 1991, most of them in the northeast. But with a population estimated at 3.5 million, this would mean that the war continues to displace one out of every five people living in the Northern and Eastern provinces.

While many people have been displaced by the destruction of their homes and loss of livelihood, it is generally agreed that fear has been the driving force behind internal flight.

Conservative estimates suggest that at least 10,000 people have been killed in the northeast since the fighting resumed in June 1990. Most have been civilians. Danger comes from every side and can touch anyone. According to a recent report by Amnesty International,

The evidence...clearly indicates that government forces, apparently acting with an almost total sense of impunity, have arbitrarily detained and deliberately killed thousands of defenseless people since the war resumed. Killings in the east have also been attributed to paramilitary or vigilante groups...often believed to consist of members of the security forces.

Almost all the victims of violations committed by government security forces and allied groups are members of the Tamil minority...

Amnesty International has also collected reports of extrajudicial executions of civilians by the LTTE.... Victims include large numbers of Sinhalese and Muslim civilians as well as Tamil people considered "traitors". The LTTE has also been responsible for the "disappearance" of prisoners it has taken, including policemen and others in government service as well as those it considers "dissident" Tamils, and is reported to have tortured prisoners.³⁴

In the middle of such violent chaos, it is hard to imagine that any sort of relief effort could be sustained. In fact, humanitarian assistance to internally displaced persons in Sri Lanka can fairly be described as something of a model program for conflict zones.

Relief--and to obviously varying degrees, protection--for displaced persons is provided by a number of different players in the northeast, including the local community, the Sri Lankan government, the LTTE, foreign and indigenous nongovernmental organizations (NGOs), the International Committee of the Red Cross, and UN agencies, principally UNHCR. This report focuses on the roles of three: the Sri Lankan government, ICRC, and UNHCR.

The Sri Lankan Government Response Shortly after the 1983 communal riots, Colombo established the Ministry of Reconstruction, Rehabilitation, and Social Welfare (MRRSW), whose main objectives were to provide relief, rehabilitation assistance, and compensation to people affected by man-made or natural disasters. In March 1989, the ministry gained Cabinet-level status.

On June 21, 1990, President Premadasa appointed the Secretary of the MRRSW, Charitha Ratwatte, as Commissioner-General of Essential Services, whose functions included the coordination of relief services to displaced persons in the northeast and in the south.

Drawing upon the resources and structure of an assistance plan first developed in 1987 under the Indo-Sri Lankan Accord, the government distributes dry rations, cooking utensils and other essentials to people living either inside or outside welfare centers.

Responsibility for transporting the relief aid to the affected areas is given to ICRC, UNHCR, a number of national and international NGOs, and in some

cases, private transport companies. Once the food rations and other relief supplies are in place, it falls to the local civil administration to see that the supplies are distributed.

At the district level, Government Agents (GAs) have the authority to issue dry rations to displaced persons. At the sub-district or division level, the job belongs to Assistant Government Agents. Distribution points are the welfare centers themselves or Multi-Purpose Cooperative Societies, essentially government warehouses, located in each district.

The work of the local government officials--many of whom are Tamils in the northeast--is helped greatly by the fact that both the LTTE and the leadership in Colombo want relief aid to reach civilians. The LTTE, even though it claims control of Jaffna and other territory in the north, obviously cannot afford to feed and shelter hundreds of thousands of destitute people. The Sri Lankan government, humanitarian concerns notwithstanding, seeks two objectives with its relief effort. As one official told USCR, "We want to win the hearts and minds of the people, and we want to demonstrate that the situation is basically under control."

Despite this claim of civil control, the work of district officials can be extremely precarious as they try to maintain workable relations with both the LTTE and the Sri Lankan army, without getting too close to either one. The penalties for failure can be deadly.

Despite its impressive commitment to maintain a civil administration in areas controlled or contested by the LTTE, the government relief effort has several shortcomings and is showing signs of strain.

Even with the best of intentions by all concerned, the distribution of relief supplies is likely to be uneven in a war zone. Often, displaced persons both inside and outside the welfare centers complained to USCR of long delays in food distribution and of shortages.

The army accuses the LTTE of diverting or "taxing" supply convoys, and the Tigers volley back with charges of theft and corruption. Logistical complications and security checks also contribute to the delays.

The relief situation is probably worse in Jaffna than anywhere else in the northeast, given that it has been the focus of almost uninterrupted fighting since June 1990. In a September 1990 report, the Bishop of Jaffna accused the government of cutting off electricity to Jaffna and enforcing a strict blockade on fuel, food, and medicine. A March 1991 open letter

signed "The Cry of the Tamils of Northeast Sri Lanka" recites a litany of wants in Jaffna:

The banks have no money, the post offices have no stamps, the pharmacies have no medicine, gas stations have no petrol, the lights don't burn..., the telephones don't ring..., the newspapers don't come, and we can't even listen to the radio for news because no batteries are allowed to be brought in. We cannot bring in candles, nor box of matches, nor mosquito coils to drive away the mosquitoes.

Government officials respond by saying that it was the Tigers who damaged the power lines to Jaffna, and that the ICRC delivers regular shipments of food and essential medicines to Jaffna (see section below). They insist that the list of 48 prohibited items posted at the Vavuniya checkpoint--including "batteries, surgical equipment, medical items (linen and gauze)..., chemicals..., petrol and diesel..., gold..., [and] printing machines"--contains only items of strategic use to terrorists.

The shortages in Jaffna undoubtedly have been made worse by the LTTE's restrictions on population movements. In order to leave the peninsula, all civilians must pay the Tigers an "Exit Visa" of SLRs 10,000 (\$250). The very people who are too poor to escape are also the least likely to afford the exorbitant cost of living in Jaffna.

Yet another problem for the Sri Lankan government's relief effort looms in the near future: money. The Sri Lankan government says it is spending roughly \$5 million per month on relief aid to displaced persons. For three weeks in August 1991, the government cut off rations to people displaced outside of the welfare centers, citing an improvement in the security situation and a revival of economic activity. Privately, government officials expressed worries about costs.

The rations were restored following a protest by 12 opposition parties in Colombo, but the government says it will need substantial assistance from international donors to sustain the relief effort in 1992.

The will and capacity of the government to protect those who have sought shelter and relief in a welfare center have also come into question. The camps have been frequent targets of army attacks and combing operations. Letchumi Marimuthu, a Tamil refugee in India, told USCR of one such attack on Nilaveli camp in Trincomalee district in June 1990:

We were staying in Nilaveli school when an army convoy passing on the road started shelling. The shrapnel hit five of us. Three people died instantly. I was hit in the leg. I was taken to Gopalapuram and treated for my wounds. I left when the bombing started again.

The September 1991 Amnesty International report cites several instances of "disappearances" from refugee camps:

On August 2, 1990, 150 men were reportedly taken from Pottuwil refugee camp, only 30 of whom were subsequently released. The police and the STF [Special Task Force, a police commando unit] both denied that they had carried out the detentions, and the whereabouts of the remaining 120 men remains unknown...

In another incident, 158 people staying at the refugee camp at the Eastern University campus, Vandaramullai, Batticaloa, were reported to have been taken into custody by the security forces on September 5, 1990.³⁵

At the time of the September 5 incident, there were an estimated 42,000 people staying in the Eastern University camp. Within days of the round-up, the LTTE ordered the camp to empty.

Under pressure from the local Peace Committee to account for the "disappearances", the army gave out 31 names of people it said had been detained then released. Neither they nor the other 127 people, however, have been seen again.

The International Committee of the Red Cross

The ICRC delegation opened an office in Colombo in October 1989 and spent its first year primarily in the south visiting JVP detainees. Within weeks of the outbreak of fighting in June 1990, ICRC had opened sub-delegations in Kandy, Jaffna, and Batticaloa, along with offices in Trincomalee, Amparai, Mannar, Matara, and Anuradhapura. As of June 1991, the ICRC staff consisted of 69 expatriates (including 24 delegates posted in the northeast) and 200 nationals.

The ICRC head of delegation in Colombo, Pierre Wettach, told USCR that the organization is now engaged in two separate spheres of activities. In seven districts in the south, ICRC continues to visit an estimated 8,000 prisoners still held by the govern-



Letchumi Marimuthu and her grand-daughter, Gowri, are two of the more than 125,000 Tamils who have fled to India since June 1990. Home for now is a cyclone shelter, as the violent winds of ethnic conflict still rage in Sri Lanka.

USCR/C. Robinson

"We were staying in Nilaveli School when an army convoy passing on the road started shelling. The shrapnel hit five of us. Three people died instantly. I was hit in the leg. I was taken to Gopalapuram and treated for my wounds. I left when the bombing started again. We fled to Thiriyai and then to Mullattivu, and then by boat to Pesalai on Mannar Island. When the church we were staying in got shelled from the sea, we decided to go to India. We paid a sum of 1,000 Rupees for a place on a boat, and on July 17, 1990, we reached Rameswaram..."

ment as suspected JVP activists.

In the northeast, ICRC's roles are far more diverse and include the following:

Protection of Relief Convoys One primary ICRC responsibility is delivering relief supplies to the north, principally the Jaffna peninsula. Since July 1990, three ships bearing large Red Cross emblems have carried food and medical supplies from Colombo to the north. Monthly shipments of government-supplied food rations by mid-1991 were averaging 7,000 tons. ICRC assists in transporting an additional 300 tons of food per month by the slow, uncertain, and often dangerous overland route north from Vavuniya.

Government estimates of food needs in the

north are about 10,000 tons per month. These standards might be somewhat short, Wettach suggested, but said that "regarding essential needs, there are no real shortages."

As for medicine, Wettach acknowledged that "some medical supplies are embargoed by the military as 'strategic materials'. Fuel for our generators in Jaffna has also been a problem. But these are matters of ongoing discussion. Generally, we feel it is working." ICRC does not transport food or other relief supplies to the east.

Jaffna Teaching Hospital On June 19, 1990, Sri Lankan forces bombed the Jaffna Teaching Hospital, causing extensive damage and leaving the city without essential medical facilities. Following several months of discus-

sions, in late October, ICRC reached an agreement with the Sri Lankan government and the LTTE to declare the hospital compound a neutral zone.

On November 9, two bombs were dropped in the hospital zone, injuring five people. ICRC immediately issued a rare public protest, saying, "The repetition of such an incident could seriously call into question the continuation of ICRC activities in the northeastern provinces of Sri Lanka."

Since then, the protected zone around the hospital has been expanded to cover an area roughly 1,500 square meters. There have been no further incidents of attacks. As an internationally sanctioned neutral zone in an area of substantial conflict, said Wettach, "Jaffna Hospital works."

Support for the Sri Lanka Red Cross In conjunction with the League of International Red Cross and Red Crescent Societies, ICRC has supported the Sri Lanka Red Cross in establishing mobile health units to serve a number of welfare centers in the north. "We try to motivate local doctors and health personnel to get involved wherever it is possible," said one ICRC medical official. It is both an effective use of local resources, he suggested, and promotes greater awareness and understanding of the conflict.

Family Tracing and Detainee Visits ICRC delegates in the northeast also carry out monitoring of civilians in conflict situations, family tracing, and visits to detainees. ICRC receives about 100 tracing requests per week from families who report an arrest or a disappearance. Of these requests, ICRC estimates it is able to successfully trace perhaps 20 to 30 percent.

Mannar District and the UNHCR Open Relief Centers "This happy valley," wrote a Catholic bishop of Madhu Church in 1976, "parklike in its smooth expanse and its sentinels of great leafy trees...harbors during the festivals a vast multitude of the sons and daughters of Sri Lanka. They came from the North and South, East and West, from Jaffna to Galle, from Trincomalee to Colombo."

In 1990, however, it was not festivals that brought the multitudes to the venerated Catholic shrine to Our Lady of Madhu, but firefights. Some of the refugees were coming from the north and the east, but most were residents of Mannar district or neighboring Vavuniya.

Refugee movements into, within, and out of Mannar district have been substantial since 1983, when the anti-Tamil riots had forced perhaps 1,800

Plantation Tamil families to flee north. In 1984, the ethnic conflict moved in with a vengeance.

On December 4, 1984, following an LTTE landmine blast near Murunkan that killed several soldiers, the army went on a rampage. Security forces stopped two buses on the Mannar-Vavuniya road and started shooting. On one six-mile stretch of road, 83 bodies were discovered.

In early 1985, people began to flee to India. By the middle of the year, an estimated 30,000 residents of Mannar district were refugees in Tamil Nadu, including most of the Plantation Tamils who had fled there two years earlier.

The situation improved in late 1985 when more disciplined officers were sent to Mannar and people in India began to feel that it was safer to return. In late 1986 and early 1987, prior to the Sri-Lankan Accord, perhaps 6,000 people returned spontaneously to Mannar.

As the repatriation continued in late 1986, the army put pressure on the local government to regularize the process. Registered boats started making the trip from Rameswaram to Tallaimannar pier. They were met by a "Permission Board" consisting of customs officers, immigration officers, and the Central Intelligence Bureau for screening. About half of the returnees passed through this Permission Board, according to one estimate. Some were detained briefly at Tallady army camp but were later released.

With the signing of the Accord and the establishment of a UNHCR assistance program for the returnees, people stopped coming on their own. IPKF forces arrived in Mannar in August 1987, and the next two years were marked by sporadic fighting and instability, although not on a scale with Jaffna and other districts to the north and east.

In all, from 1987 to 1990, UNHCR assisted 23,000 spontaneous and organized returnees to resettle in Mannar, by far the largest total for any single district. Based on conversations with returnees, one local official characterized the repatriation as largely voluntary, although "privately some people said they did not want to return." He credited the UNHCR presence in Mannar during that period as bringing "important stability" to the local administration and the maintenance of basic services.

In addition to bringing stability, and much needed resources, to the civil administration, "it was the protection impact of having UNHCR field offices in the principal areas of return, which was the most notable element of the program," wrote Bill Clarence, UNHCR representative in Sri Lanka,



In the shadow of a Catholic church and sacred shrine, Madhu offers temporary shelter to about 27,000 people. The church has never been attacked, and the Sri Lankan army and the Tigers have been persuaded to keep their distance.

USCR/C. Robinson

in a paper published in the *International Journal of Refugee Law*:

The active presence of UNHCR field staff and their close interaction with the local competent authorities, particularly the Government Agents and their technical support staff in the Kachcheries (District Headquarters), and unhindered contacts with the returnees themselves...set the tone for the operation, and gave the reassurance that international standards were to be observed. During this period of conflict between the armed forces competent for security, the...IPKF and the Tamil militant groups supporting them, and the...LTTE, the

*UNHCR presence was undoubtedly a restraining influence on the action of combatant parties towards the civilian population.*³⁶

When fighting broke out again in June, Mannar became a locus of substantial internal displacement and the primary launching point for flight to India. In August 1990, government figures show 69,000 people living in welfare centers. Tens of thousands more certainly were displaced outside the government-aided centers.

"Most displaced persons on the move at that time stopped at or passed through Madhu," said Clarence. "But although there was plentiful water and some pilgrim shelters remaining from more peaceful times, there was insufficient food and, other than the notable reassurance of the Church and the shrine itself, little sense of security. In consequence, the large majority of displaced persons who reached Madhu quickly crossed over to Mannar Island, which provided the shortest, safest and cheapest crossing to South India."³⁷

As UNHCR watched the exodus of more than 125,000 people, including over half of those who had so recently come back from India, it faced a dilemma, Clarence said: "whether to abandon those receiving reintegration assistance, or to look after them, and in so doing, to reduce the pressure to leave."³⁸

In July and August 1990, the UNHCR office in Sri Lanka and the local delegation of the ICRC, in conjunction with the Sri Lankan government, examined the possibility of establishing a "safe haven" on Mannar Island--in effect, a demilitarized area recognized as such by the parties to the conflict and the international community. The idea ultimately was rejected as being technically and politically unworkable. In its place, however, UNHCR proposed what Clarence called in a November 1990 memorandum, "the much less ambitious and more pragmatic system of Open Relief Centers (ORC)."

In September 1990, with Sri Lankan government approval and at the request of the Indian government, UNHCR launched a new relief initiative in Mannar district. Its objectives, according to a November 1990 UNHCR "Note for the File," were four-fold:

- 1) to maintain UNHCR's presence in the area so as to monitor developments regarding returnees;
- 2) to assist returnees and displaced/destitute persons in areas where there is a high concentration of returnees;

- 3) to reduce the pressures on returnees and other persons who may otherwise feel compelled to leave the country due to unrest; and
- 4) to promote conditions for the spontaneous voluntary repatriation of refugees from Tamil Nadu.

The Note added that "UNHCR's activities in Sri Lanka should be considered something of a test case to establish to what extent the international community would be prepared to see UNHCR undertake activities in a country of origin which could have the effect of reducing the number of persons seeking asylum."

UNHCR established Open Relief Centers in two sites: at Madhu Church, the Catholic shrine deep in Tiger territory on the mainland, and at Pesalai, a fishing village on the northern coast of Mannar Island, in an area largely controlled by the Sri Lankan army. Six sub-centers were also established--four on the mainland and two on the island--for wider delivery of relief assistance.

Several NGOs are working closely with UNHCR. Medicins sans Frontieres (MSF) is the main implementing partner for health assistance, while Save the Children Fund (UK) is providing educational materials and helping to transport and distribute fertilizers where crop production is feasible. CARE International also is involved in crop production activities.

Clarence defines an Open Relief Center as "a temporary place where displaced persons on the move can freely enter or leave and obtain essential relief assistance in a relatively safe environment."³⁹ The population at the Pesalai ORC has remained small and relatively constant at around 1,200. Madhu, on the other hand, has shown substantial fluctuation. In September 1990, the camp population was 10,750, climbing to 14,500 in November, then dropping to 13,300 by December. Increases averaged about 1,500 per month until April 1991, when heavy fighting in the district sent more than 11,000 people fleeing into Madhu, and the population ballooned to 28,800. By May, however, nearly 3,500 people had left the Madhu ORC and returned home.

The ORCs, Clarence suggests, "differed significantly, both from closed camps and from government welfare centers, and did not and could not claim to constitute, at least de jure, 'safe havens'."⁴⁰ There are no written agreements from either the LTTE or the Sri Lankan government as to the status or security of the UNHCR centers. "Both parties have, however, ex-

pressed their intention not to violate ORCs," Clarence said in his November 1990 memo, "and there is tacit understanding with both parties that cadres carrying arms should not enter the ORCs. There is implicit acceptance of ORCs as neutral areas in which humanitarian relief can be provided by international agencies and NGOs."

These understandings have been tested, sometimes sorely. In late February 1991, Ranjan Wijeratne, the Sri Lankan minister of state for defense, ordered that Madhu be evacuated and the population moved to Vavuniya. The army was launching a major offensive against the LTTE, and the camp was to be closed indefinitely. Following consultations with local authorities, the church administration, and community leaders, UNHCR concluded in a March 1991 mission report:

The refugees/displaced persons indicate total solidarity in their resolve not to move from Madhu. They explain with eloquent simplicity that they had suffered a great deal because of...events in and after June 1990, that these sufferings had been relieved significantly in Madhu, and that they fear very much resumption of the conditions of insecurity and privation which they experienced before they reached Madhu, should they have to go on the move again.

The closing of Madhu and the forced relocation of its population were opposed not only by UNHCR, but by the Catholic Church and the Indian government as well. In the end, the alliance proved a potent one and Madhu stayed open.

The Pesalai ORC has had to grapple with the problem of sporadic army incursions and round-ups. On January 25, 1991, the Sri Lankan army entered Pesalai and removed five people for interrogation. Only one person was later released. This was the second such incident since the ORC was established (the army had seized 14 people on November 16, 1990) and UNHCR moved to negotiate an understanding with the army.

The following unwritten terms have been in effect since the beginning of the year: The Sri Lankan government security forces can only enter the ORC after notifying UNHCR staff; any interrogations conducted in the ORCs must be in the presence of the UNHCR field officer-in-charge and competent personnel of the civil administration; and if any people are removed for further questioning, the security forces

must leave the names of the detainees with UNHCR. Access to the detainees must also be given to UNHCR, ICRC, the civil administration, and family members.

The arrangement is not ideal, obviously, and in at least two subsequent incidents, the army has violated this understanding. But the protection available to displaced persons in the ORCs still is substantially better than anything else to be found in the northeast.

It is estimated that more than 100,000 residents of Mannar had left the district since June 1990. Of these, about 50,000 were Tamils who fled to India. Another 15,000 Tamils went south, along with 35,000 Muslims, and about 3,000 Sinhalese. While these are very large numbers, the vast majority who sought refuge in India did so prior to the establishment of the ORCs. There is little question that the presence of the UNHCR facilities, and Madhu in particular, has been reassuring to displaced persons and provided them with a meaningfully safe alternative to the camps in Tamil Nadu.

"We have talked to people," said a local government official, "and most said the only reason they were going to India was insecurity. Because of UNHCR, people are staying here."

"Last August [1990], these people were moving to India," said Father Peppi, a young Tamil Catholic priest working in Madhu. "When the camp was established, people stopped moving. I certainly feel that UNHCR has helped to protect people and to promote local administration."

R. Muttiah, a 55-year-old farmer from Vavuniya, walked to Madhu with his wife, five children, and one grandchild in August 1990. "We came to Madhu so that we could go to India from here," he told USCR. "But then we heard that UNHCR had plans to establish a camp. We decided to remain here because we felt this camp gave us protection from the army attacks and aerial bombings that forced us to leave our homes."

The Muslims and Other Refugees in the South

Sri Lankan army attacks and aerial bombings are not the only factors forcing people from their homes. In October 1990, the LTTE stepped up a campaign begun several months earlier to evict the Muslims, a Tamil-speaking minority, from their homes and businesses in the north. The once close relations between the Muslims and the Tamils had disintegrated following Tiger attacks on Muslim civilians in the east and countering atrocities against Tamil civilians committed by government-supported Muslim

Home Guards.

On August 3, 1990, LTTE guerrillas attacked two mosques at Kattankudy in Batticaloa district, killing 120 Muslim men and boys at prayer. One week later, the Tigers launched a night raid on the Muslim town of Eravur, also in Batticaloa. According to the government, 173 men, women, and children were killed in their sleep.

On August 12, according to Amnesty International, "Muslim home guards attacked the Veeramunai refugee camp, surrounding the temple and firing on the thousands of people gathered within. Then they broke through the temple gates, and attacked people with reaping knives."⁴¹ At least 21 people were reported killed and 40 injured.

The Muslims, who represent about 7.6 percent of the population nationwide, are numerically strongest in the east, comprising nearly one-third of the population in the Eastern province. In contrast, they are only about five percent of the population in the north.

In late October 1990, the LTTE issued a summary eviction notice to all Muslims living in the northern districts of Mannar, Mullaitivu, Kilinochchi, and Jaffna: leave or be killed.

One Muslim refugee from Mullaitivu told USCR:

The LTTE gave everybody three days to leave Mullaitivu. They told us, "Everything that you earned in Eelam must remain in Eelam." Before this, there had been no trouble between the Tigers and the Muslims. Now they said, "You people are giving trouble in the Eastern province. That is why you must vacate."

The expulsion hit particularly hard in Mannar, where the Muslims numbered at least 40,000. A farmer from Puresankulam village described his experience to USCR:

The LTTE gave us two hours to quit our homes. We were allowed to take 1 sovereign of gold and 1,000 Rupees. They looted everything else. We went to the seashore and were forced to wait two days on the beach. On October 28, we got on a boat to Kalpitiya in the heavy rain.... The LTTE sent us without injury but there was a "suicide squad" from the east. They were responsible for the looting.

Another man expressed bitterness toward both the LTTE and the Sri Lankan army. "The gov-

1983 - 1991: BITTER HARVEST**1983**

- July 3 Emergency Regulation 15a permits security forces to bury or cremate bodies of people they kill without establishing their identities and without inquests.
- July 23 LTTE ambushes and kills 13 Sinhalese soldiers.
- July 24 State funeral in Colombo for the 13 soldiers turns into anti-Tamil riot and spreads to Plantation Tamil areas in Kandy and Nuwara Eliya. Within one week, an estimated 2,000 Tamils are killed, 18,000 Tamil shops and homes are destroyed and 100,000 people are rendered homeless. About 70,000 flee to South India, and thousands more to Europe.
- August Special session of Parliament amends the constitution to ban political parties advocating secession.

1986

- May 14 LTTE kills 146 Sinhalese Buddhist pilgrims in Anuradhapura.
- July India brokers negotiations between the Sri Lankan government and six Tamil militant groups in Thimpu, Bhutan. After two meetings, the talks collapse.

1987

- January LTTE leadership is forced out of Madras, establishes a "parallel government" in Jaffna. Sri Lanka retaliates with army offensive, economic blockade.
- May 26 Sri Lankan army launches "Operation Liberation II" to drive the LTTE from Jaffna.
- June 3 Sri Lankan navy turns back 19 Indian ships carrying relief supplies to Jaffna.
- June 4 Escorted by jet fighters, Indian transport planes drop 22 tons of relief supplies on Jaffna peninsula.
- June 10 With its army only 12 miles from Jaffna, Sri Lanka announces the end of its military offensive.
- July 29 Indian Prime Minister Rajiv Gandhi and President J.R. Jayewardene sign Indo-Sri Lanka Accord. Among its provisions are a cessation of hostilities, the surrender of all arms by the Tamil militants, the union of the Northern and Eastern provinces into a single administrative unit, elections to a new Provincial Council, and the repatriation of Tamil refugees from India to Sri Lanka.
- July 30 First 3,000 troops of the Indian Peace-Keeping Force (IPFK) airlifted into Jaffna to "guarantee and enforce" the cease-fire.
- Aug. 31 UN High Commissioner for Refugees (UNHCR) signs a memorandum of understanding with Sri Lanka to assist returnees and displaced persons.
- Oct. 5 Twelve LTTE fighters, taken into custody by a Sri Lankan naval patrol, commit suicide by swallowing cyanide tablets.
- Oct. 6 Prabhakaran declares the cease-fire agreement no longer binding on the LTTE.
- Oct. 25 With its forces increased to 15,000 against the LTTE's 2,500, the IPFK takes Jaffna after a bloody, two-week battle.

- Dec. 24 First batch of 252 Tamil refugees returns from India to Sri Lanka through UNHCR channels.
- 1988**
- Oct. 18 A boatload of 340 Tamil refugees returns to Jaffna, bringing the total of "organized" returnees to 25,000. Following this, repatriation from India through organized channels is effectively suspended.
- Dec. 19 UNP is returned to power. Ranasinghe Premadasa becomes president of Sri Lanka.
- 1989**
- April Secret negotiations begin between LTTE and Sri Lankan government to oust the IPKF.
- Sept. IPKF and LTTE reach agreement on a ceasefire and the eventual withdrawal of Indian troops.
- Oct. The International Committee of the Red Cross (ICRC) opens an office in Colombo.
- 1990**
- March 24 Indian Peace Keeping Forces complete their withdrawal from Sri Lanka.
- June 11 LTTE guerrillas attack 17 police stations in the Eastern Province and capture 600 policemen. An estimated 110 Sinhalese officers are lined up and shot. The Sri Lankan army retaliates by killing 100 Tamil civilians and the war is on once again.
- June 25 More than 1,000 people are dead and 200,000 internally displaced following two weeks of fighting. By the end of the month, these numbers have nearly doubled.
- July 10 3,100 Tamil refugees reach the port of Rameswaram in the south Indian state of Tamil Nadu, bringing the total of new arrivals since June to 18,300.
- July 13 Sri Lankan navy sinks a boatload of Tamil refugees in the Palk Strait, killing 24 people. Following the attack, boat arrivals dip temporarily, but by the end of the month, a total of 50,000 Tamil refugees have reached India.
- August 3 LTTE guerrilla attacks on Muslim mosques in Kattankudy leave 120 dead. One week later, a Tiger raid on Eravur leaves 170 dead.
- Sept. UNHCR establishes "Open Relief Centers" in Madhu and Mannar Island.
- Sept. 5 Security forces take into custody 158 people staying in a refugee camp at the Eastern University campus in Batticaloa.
- Oct. LTTE evicts approximately 60,000 Muslims living in the North. They are told to surrender their valuables and are given only a few days to leave. Most seek refuge in Puttalam.
- Nov. 9 ICRC protests Sri Lankan army bombing of the Jaffna Teaching Hospital.
- 1991**
- May 2 Four members of Medecins Sans Frontieres (MSF) are seriously wounded when a Sri Lankan air force helicopter fires on their vehicle while it is travelling from Mannar to Vavuniya.
- May 21 Former Indian prime minister Rajiv Gandhi is assassinated by a suicide bomber. Indian officials suspect LTTE is responsible.
- June 13 Sri Lankan government troops kill an estimated 150 Tamil civilians near Kokkadicholai to revenge the LTTE killing of three soldiers.
- June 28 Tamil Nadu officials announce all Sri Lankans in the state must register with the government.
- July 20 2,000 Sri Lankan Tamils are arrested in Tamil Nadu for failure to register with the state government.
- July 29 Following meetings in New Delhi, the Indian and Sri Lankan governments announce they are collaborating on a plan "to encourage the early and voluntary return of refugees presently in India to their original places of habitation."

ernment never protected us. They never made an effort to stop the eviction. As soon as the Muslims left, the army moved in and established camps."

More than 40,000 Muslims now live in 60 camps near Puttalam on the western coast, and thousands more have fled to Colombo. The Muslim Refugee Rehabilitation Organization said in July 1991 that displaced Muslims in Sri Lanka numbered more than 100,000.⁴²

"We are destitute," one Muslim refugee told USCR, "without land, without a voice.... If any Muslim country offered to take us, we are prepared to go. We have suffered a lot, and there is little hope left here."

An estimated 13,000 people live in welfare centers in Colombo. In addition to the Muslims (who live in separate camps), many of the refugees are Tamils from the Eastern Province. Sinhalese who have fled the fighting generally do not remain in the welfare centers long before they move in with friends and relatives.

The four Tamil camps in Colombo are under the loose administration of the Eelam People's Democratic Party (EPDP), a pro-government Tamil group. Refugees in one of the welfare centers told USCR that the government occasionally takes young men out of the camp for interrogation. They do not always return. Some Tamils in the camp said the youths had been fingered by the EPDP.

"We are destitute," one Muslim refugee told USCR, "without land, without a voice... If any Muslim country offered to take us, we are prepared to go. We have suffered a lot, and there is little hope left here."

Although new arrivals continue to trickle into Colombo, they are no longer being registered by the government and, as such, are not entitled to food rations. Registration of new arrivals stopped on November 5, 1990. In the three camps that USCR visited in late May 1991, from 20 to 30 percent of the residents were unregistered.

The greatest concern of those displaced in the south--Muslims and Tamils alike--is that the Sri Lankan government will try to pressure them to head

north before it is safe. Given the radical disaffection between the Tigers and the Muslims, and the deep disdain and suspicion the LTTE harbors for Tamils who have fled south, a safe return home can only come with peace.

Batticaloa and the East

The train from Colombo to Batticaloa rattled through the night like a box of loose cutlery. On one wall of the shaking car was scribbled, "LTTE Soht Dath." Shoot to Death? Short Death? The message was obscure and menacing, a fitting welcome to the Eastern province.

With the eviction of the Muslims from the North, it is a clear fight for control between the army and the Tigers. The East is anything but clear. According to the 1981 census, Ceylon Tamils numbered about 400,000 of the Eastern Province's 1 million people. Muslims comprised about 32 percent and Sinhalese 25 percent of the population, along with small numbers of Plantation Tamils and others. The population has risen to about 1.3 million as of 1991, but the ethnic proportions remain much the same.

Such a mix has served to make the battle for the East a terrifying free-for-all, where the Sri Lankan army has been joined by paramilitary forces and government-supported groups, including the Special Task Force, the Muslim Home Guards, various pro-government Tamil groups, vigilantes, and thugs.

Small wonder, then, that civilian abuse and "disappearances" have been more numerous in the East in the last year, than anywhere else on the island. LTTE attacks on Sinhalese and Muslim civilians are well documented, as are countering assaults on Tamil civilians by the Sri Lankan army or its proxies. According to Amnesty International, "over 3,000 Tamil people are reported to have 'disappeared' in the custody of government forces in the East since June 1990."⁴³

At one time, in July 1990, more than 80 percent of the population in Batticaloa district had been displaced from their homes.

According to a report from the Government Agent and District Commissioner for Batticaloa, following the outbreak of fighting in June 1990, "violence and arson on the one hand and inter-racial disturbance and security operations on the other resulted in a virtual standstill of the civil administration." A two-month buffer stock of food stored in the

government warehouses was looted, and rations had to be imported from Colombo, Amparai, and Polonnaruwa.

"The problem of refugees became acute as time went on," said the G.A.'s report. At the beginning of 1991, there were still 61,100 displaced people living in 50 welfare centers in Batticaloa district, and 158,300 people living outside. A district task force was established to draw up a program of resettlement and relocation to encourage people to go back to their homes.

"The resettlement process was purely voluntary and there was no compulsion," said the G.A.'s report. "Security clearance was a pre-requisite for such resettlement."

By June, the number of displaced persons in welfare centers had dropped to 32,400, with 70,400 displaced outside the centers.

While the G.A.'s report insists that civil administration has now been restored and security has gradually improved, his own statistics on food supply tell a somewhat different story. As of May 1991,

Though the affected families are entitled to 44 weekly rations [from June 1990] up to now, only 17 rounds have been issued to the families in the welfare centers in the town. Other welfare centers in the rural areas have been issued only 8 to 10 rounds and those outside welfare centers have been given 5 to 6 rounds.

Continued violence and insecurity, in fact, have significantly hampered both the delivery of rations to Batticaloa and their local distribution, especially outside of town.

Local NGOs and some of the displaced persons themselves told USCR that they had been pressured with threats of ration cutoffs to leave the welfare centers in town, particularly those housed in schools, so that classes could resume in June.

One local official told USCR that "the army wants to move people out of the welfare centers," to create a greater semblance of normalcy. "But people don't want to go back to the borderline areas," near Muslim villages, he said. "I am not compelling people to do anything. I am only trying to find a humanitarian solution to the problems."

The Sinhala Maha Vidayala camp is one of the few welfare centers in Batticaloa town that the residents have not been pressured to leave. The school for Sinhalese students is not needed because the Tamil Tigers have driven most of the Sinhalese from the

area. The Tamils who are living there say they cannot return to their homes because they fear retaliation from Muslims, who insist they are only defending themselves against Tiger attacks.

Opposition MPs and others have called for a more active UNHCR and ICRC presence in Trincomalee and Batticaloa, but, for the moment, in the east, where people gather, danger gathers. Bring people together for safety, in other words, and one invites suspicion, army round-ups, and violence.

Said ICRC's Wettach, "In the East, the issue is not finding a safe place for people. People must find that for themselves. The most that can be done is to try to prevent forced relocation."

Another point working against an expanded international role in the East, said Wettach, is that "ICRC works best when there are clear military structures on both sides, where you have interlocutors.... In the East, you don't have any of this."

VI. THE NEW SEARCH FOR ASYLUM

On October 18, 1988, a boatload of 293 returnees pulled into harbor at Kankesanthurai on the Jaffna peninsula. It was going to be the last run before the monsoon season made the straits impassable. It was to prove effectively the end of organized repatriation. Two groups of Plantation Tamils totaling just over 500 people returned in March 1989, but it was clear that the Accord was unravelling. From that point on, the winds of migration shifted back toward India.

As the Indian troops withdrew from Sri Lanka, more than 10,000 Tamil refugees fled to Tamil Nadu in the last months of 1989 and the first three months of 1990, according to OFERR. Most of them were supporters of the Eelam People's Revolutionary Liberation Front (EPRLF) and other Tamil groups that had allied themselves with the IPKF and did not want to be around to face a vengeful LTTE on their own.

India's response to this new influx of refugees was decidedly ambivalent. Head of the state government, Tamil Nadu's Chief Minister M. Karunanidhi, was known to be sympathetic to the Tamil cause, but he was under pressure from the new central government in New Delhi to maintain a stricter neutrality toward the ethnic conflict.

On March 7, authorities in Tamil Nadu turned away two boats carrying about 1,600 EPRLF supporters. Although the boats were allowed to land in Orissa state farther to the north, Karunanidhi said,

"Except for real refugees, the government will not allow any militant groups in."⁴⁴

The LTTE also may have tried to stop EPRLF supporters from reaching Tamil Nadu. On February 7, according to *The Sri Lanka Monitor*, "five boats carrying 135 people were attacked by high-powered speedboats fitted with rocket launchers off Point Calimere on the Tamil Nadu coast.... Two boats carrying 65 people landed safely but 70 refugees are feared drowned."⁴⁵

The EPRLF accused the LTTE of the attack, using power boats supplied by the Sri Lankan navy.

When the fighting started again in June, it was a matter of days before refugees began pouring into Rameswaram. By July 10, a total of 18,300 refugees had reached India, including 3,700 in a single day. The two permanent camps of Mandapam and Kottapattu were quickly filled and three new camps were built in the Madurai area to accommodate the newcomers.

Now it was Sri Lanka's turn to discourage the exodus. On July 13, the Sri Lankan navy attacked and sank a boatload of 24 people crossing the Palk Strait. There were no survivors. Three days later, Ranjan Wijeratne acknowledged that the navy had turned back some 30 boatloads of refugees heading toward India.

Saraswathi Sevakan, now living in Gummidiipoondi camp outside of Madras, told USCR:

In July 1990, I left my village of Murunkan in Mannar district and got into a boat for India.

There were 45 of us, all civilians. We were about to leave the cove when a navy gunboat came at us, shooting. We jumped into the shallow water. Some people were waving white flags to show we were not militants. We lay in the water for two hours before the navy boats came back and took us to shore. They threatened that if they found any LTTE in the area, we would be killed. We were taken to a navy camp. My husband was taken away. I have not seen him or heard from him since.

Following the July 13 attack, refugee movements briefly slowed to a trickle, but by the end of July, new arrivals numbered 50,000.

According to OFERR statistics, Sri Lankan refugee arrivals totalled 47,500 in August and 20,200 in September.

In October 1990, Indian and Sri Lankan naval patrols stepped up their surveillance in the Palk Strait, and refugee flows decreased again. According to *The Sri Lanka Monitor*, "Over 70 refugees drowned in two separate incidents off the Tamil Nadu coast on October 6, when overcrowded boats capsized after being challenged by the Indian navy."⁴⁶

Arrivals in October totalled only 2,000, and were at comparable levels in November and December. By the end of 1990, more than 125,000 Tamils had sought refuge in India.

When USCR visited Tamil Nadu in May 1991, statistics compiled by OFERR showed a total of 210,000 refugees in the state, of whom 115,000 were

ARRIVALS OF SRI LANKAN REFUGEES IN INDIA JUNE 1990-APRIL 1991

<u>PERIOD</u>	<u>FAMILIES</u>	<u>PERSONS</u>
June to July 1990	14,704	50,772
August 1990	13,876	47,508
September 1990	5,923	20,076
October 1990	821	2,076
November 1990	413	1,129
December 1990	83	193
January 1991	45	146
February 1991	14	48
March 1991	9	27
April 1991	5	7
TOTAL.....	35,893	122,071

Note: From May to September 30, 1991 there were no new arrivals.

Source: OFERR



Founded in 1984 by Sri Lankan refugees, the Organization for Eelam Refugees Rehabilitation (OFERR) has established a variety of programs and services for refugees in Tamil Nadu, including counseling, educational assistance, medical assistance, special programs for women and children, technical and vocational training, income generation activities, and provision of relief supplies.

Photo Credit: USCR/C. Robinson

living in a total of 237 camps, with the rest taking up residence somewhere outside.

This represents the largest number of Tamil refugees ever to seek asylum in India. The fact that more than 57 percent have sought government assistance in a camp environment, according to OFERR's Chandrahasan, "shows how the long duration of violence can cause the economic weakening of a community."

OFERR has estimated that about 60 percent of those who returned to Sri Lanka under the Accord, including both organized and spontaneous returnees, have since come back to Tamil Nadu. About 50,000 of the new arrivals are believed to have come from Mannar District.

The camps are scattered throughout 19 districts in Tamil Nadu and hold anywhere from 24 people to more than 8,000. Refugees can be found living in cyclone shelters in coastal areas, canvas tents, cadjan (palm thatch) huts, tarpaper shacks, temples, community halls, markets, and school buildings.

As was the case prior to 1987, new arrivals in the camps are given clothing, sleeping mats, and cooking utensils. The head of family now receives IRs 150, and rice and kerosene are available at subsidized prices. According to a December 1990 OFERR report, "the network of free medical facilities of the state government has been extended to cover the camps.... The state government has also issued instructions to admit refugee children to schools close to the camps."

Non-Governmental Assistance and the Role of

OFERR If India historically has been suspicious of UN and international humanitarian organizations applying their mandates on sovereign territory, it has taken an equally dim view of private expatriate relief groups, particularly those who would take their services to politically sensitive populations in volatile border areas and coastlines. So no foreign doctors, teachers, counselors, or camp workers are to be found among the refugees in Tamil Nadu.

In the past nine years, however, a diverse mix of indigenous organizations has supplemented the central and state governments' aid to Tamil refugees both inside and outside the camps. They include Protestant and Catholic churches, Hindu missions, community development groups, educational institutions, and refugee self-help groups.

Some are quite local in their focus. The Community Rehabilitation Organization Project (CROP), for example, has worked primarily with camps in the Salem area. The Medical Unit for Service of Tamils (MUST) has covered about 40 camps in the vicinity of Madras.

Other organizations have focused on special needs or populations. The United Front Federation for Repatriates (UFFR) principally serves Plantation Tamils. With funding from the World Council of Churches, among other overseas donors, Madras Christian College has provided scholarships and training to needy Sri Lankan students.

Without slighting these initiatives, one organi-

zation stands out for its breadth of services, its continuity, and its effectiveness in promoting aid and protection for Tamil refugees in India. On May 21, 1984, less than one year after the refugee influx began, the Organization for Eelam Refugees Rehabilitation (OFERR) was registered as a tax-exempt organization in Tamil Nadu, with permission from the Department of Rehabilitation to visit and work in all the refugee camps in the state.

With a staff and a managing committee composed almost entirely of Sri Lankan refugees, OFERR has established a variety of programs and services for refugees in Tamil Nadu, including counseling, educational assistance, medical assistance, special programs for women and children, technical and vocational training, income generating activities, and provision of relief supplies.

Lacking international intercessors with the Indian government, OFERR has made a virtue of necessity and forged its own working relationships with both the Tamil Nadu and central government officials. One area where the efficacy of this strategy can be seen is education.

In the early stages of the Tamil refugee presence in Tamil Nadu, the state government response to the educational needs of refugee students was "haphazard", according to an OFERR report. Up to the 8th standard (8th grade), education was free but access was often complicated: many camps were not located near schools, or refugee children lacked necessary certificates, and so forth.

Above the 8th standard, there were questions of costs and, at the university level, the issue of caste and class quotas.

Through dialogue with state and central government officials, OFERR played a pivotal role in both clarifying regulations for lower grade levels and opening up spots in universities for Sri Lankan refugee students.

As of May 1991, 35,000 Sri Lankan refugee students were attending schools in Tamil Nadu. Children up to 8th standard are given two sets of uniforms, free textbooks, mid-day meals and nutritional supplements, and free bus travel to schools.

Up until June 1991, admission to universities was by competitive selection over and above the normal allocation of quotas, with a certain number of seats in medicine, engineering, polytechnics, and agriculture reserved for refugee students. Scholarships for needy students were available through the Tamil Nadu Chief Minister's Fund and the Madras Christian College, among others.

"As it stands today," said an OFERR report dated March 1991, "educational services provided to [Sri Lankan] refugee students by the Tamil Nadu government are one of the best in the world ever provided by any country to any refugee population."

In the wake of Rajiv Gandhi's assassination in May 1991, however, the Indian government--responding to rising local resentment of Sri Lankan Tamils--suspended university-level studies for Sri Lankan refugees.

Prior to 1987, India registered as refugees only those who were living in camps and receiving government assistance. Here, too, OFERR played a key role in encouraging the Indian government to provide refugees outside the camp with some form of identification. "Start with the point that India is not signatory to the UN Convention, and there was no recognition for the concept of refugee," Chandrahasan told USCR. "It was against this backdrop that we had to find a way of building this concept in a *de facto* way."

Now, "it is required that every person who is in India and who has come in as a refugee should register with the Collector," Chandrahasan said. "It has become the most important document for a refugee to have, in that if he needs any facilities as a refugee, he has to produce his card. For example, to get admission to schools and colleges, he has to produce a refugee identity certificate."

All of the 115,000 Tamils now in camps are registered, and, as of May 1991, about 37,000 out of 95,000 refugees living outside of the camps had registered. Most of the unregistered refugees had arrived between 1983 and 1987, he said, along with a few post-1990 arrivals.

Asylum Post-Gandhi On the afternoon of May 21, 1991, USCR was in Madras interviewing C.K. Gariyali, former Secretary of Rehabilitation for the Tamil Nadu state government. She was in a pensive mood. "I don't think there will be any solution for the Sri Lankan problem," she said. "The quality of human beings is deteriorating. They have lost their wisdom. Everything now is decided by firearms. I really believe that Kaliyuga, the Hindu age of destruction, has already started. The black ice will fall."

Less than ten hours later, only twenty miles outside of Madras, former prime minister Rajiv Gandhi was blown apart by a suicide bomber, while he was campaigning for re-election. Seventeen other people died in the blast as well. Five months later, the chief suspects in the assassination continue to be members of the LTTE.

Gandhi's death touched off a wave of violence in Tamil Nadu. Twelve people were killed as supporters of his Congress (I) party attacked members of the rival Dravida Munnetra Kazhagam party. Though no Tamil refugees were killed, one camp outside Madras was attacked and 15 houses were torched.

On May 22, the president of the Tamil Nadu Congress (I), K. Ramamurthy, called for the deportation of all Sri Lankan Tamils. "Even a single person should not remain here, whoever it might be, because everybody comes in the guise of refugees," he said in Madras. "They have come seeking asylum and they cannot dictate. Let them do all their nonsense in Eelam."⁴⁷

The next day, the general secretary of the AIADMK (All India Anna Dravida Munnetra Kazhagam) and Gandhi ally, Ms. Jayalalitha, told reporters, "I appeal, rather demand, that the [central government] should take immediate action to see that all Sri Lankan Tamils are sent back. This should take place immediately."⁴⁸

Only three weeks earlier, Jayalalitha had been far more accommodating, telling *The Hindu* newspaper, "As long as the genocide continues in Sri Lanka and Tamil youth are rounded up and killed, refugees will be pouring into India. We cannot turn them away because it is our duty to provide them relief and rehabilitation."⁴⁹ In light of these statements and the generally tense situation in Tamil Nadu, Chandrasan said, "We got word to the camps, 'Just don't move.'"

On May 27, the commerce and law minister in New Delhi, Dr. Subramaniam Swamy, announced that the central government did not support the deportation of Tamil refugees, although it would continue to crack down on the militants. "Over 99 percent of the Sri Lankans in India are refugees, and we are not in favor of any deportation. It is only the remaining one percent who should be nabbed, and the authorities are looking for them."⁵⁰

In early June, Chandrahasan told USCR that the Tamil Nadu government planned to consolidate 237 camps to about 120. Most of the camps to be closed are along the coastline, where militant activity--gun-running and other smuggling--is concentrated.

"The larger camps are basically safe," Chandrahasan said. "It is the smaller ones that are at some risk, so we feel this [consolidation] is a good idea, although employment possibilities will be reduced."

On June 28, the Tamil Nadu government issued a communique requiring all Sri Lankan Tamils living outside the refugee camps to register with the nearest police station within one week. Those failing to do so, the

announcement said, would be deported.

Beginning on July 20, Indian police began to round up unregistered Sri Lankan Tamils. By the next day, 2,000 people had been arrested and state government officials were threatening the violators with "severe penal action" including deportation.⁵¹

To make the developments all the more ominous for the refugees in Tamil Nadu, one week later, the Indian and Sri Lankan governments announced they were collaborating on a plan to repatriate all of the Sri Lankan refugees. Following meetings in New Delhi between the two countries' foreign ministers, an Indian spokesman said:

The two sides agreed on the need to encourage the early and voluntary return of refugees presently in India to their original places of habitation, and to take appropriate steps in this regard.... We have furnished to Sri Lanka a list giving a complete village-wise breakdown of refugees...to help locate the places to which the refugees can return with safety and speed.⁵²

The Tamil Nadu government has handed over to the Sri Lankan authorities about 6,800 names of people who, at least at one time, had indicated a wish to go back to Sri Lanka. According to Chandrahasan, the list is based on a survey the government conducted sometime prior to the assassination. "I couldn't say how many people now would opt to go back," he told USCR in late September.

Chandrahasan characterized the discussions between the two governments on the possible transfer of some or all of the Tamil Nadu refugee population to camps in Sri Lanka as "more an exploratory process than a plan. The Indian policy basically is still to give refuge to refugees."

He noted, however, that access to higher education has been suspended for Tamil refugee students. The predominant concern of the Indian government, he said, is stopping infiltration by Tamil militant groups.

By mid-August, the Indian navy had deployed five additional detachments to patrol the Palk Strait, and the Tamil Nadu state government had beefed up marine police forces in the 11 coastal districts.

At the end of September 1991, an uneasy quiet had fallen on Tamil Nadu. No further large-scale round-ups had occurred, no refugees had been deported, and few were daring to cross the Palk Strait in either direction.

Asylum in the West

Although the Sri Lankan exodus did not start in earnest until the 1980s, migration statistics for earlier decades already "read like a diagnostic chart of social conflict."⁵³ Small but steadily increasing flows were punctuated by spurts of outmigration in 1956, 1958, and again in 1972 in the wake of the JVP insurrection and government crackdown.

Following the 1983 riots, the widening violence narrowed the margins of safety to a vanishing point for large numbers of Tamils. By mid-1986, in addition to the 125,000 refugees in India, roughly 75,000 Tamils had sought asylum in Europe, North America, and Australia.

Nearly 25,000 Sri Lankan Tamils have sought asylum each year in Europe, bringing the total as of mid-1991 to more than 200,000. Canada has about 20,000 Tamils. Far smaller numbers have entered the United States. A 1989 study on refugee flight from violence noted that "Tamil asylum applications in the West have proved vexing because first asylum is available in the region and there are conflicting elements in the Tamil refugee experience."⁵⁴

Many Tamils certainly have been subjected to ethnic persecution or suffered discriminatory restrictions on educational and employment opportunities. But Tamils "are also a migrating minority,"⁵⁵ showing a tendency since British colonial times toward upward and outward mobility.

*To draw the line between refugee and migration in this situation was problematic. It was not merely that the two groups traveled along similar routes and used the same networks. The migration experience itself had elements of deprivation that resembled... persecution.*⁵⁶

To put it simplistically, the European response to Tamil asylum seekers in the 1980s was largely to smudge the line between bona fide refugee and deportable immigrant. In 1983, for example, not a single Tamil asylum seeker was given refugee status in Britain, Holland, or Switzerland.⁵⁷ Neither, however, were any deported to Sri Lanka.

Throughout the rest of the decade, there were occasional deportations as well as somewhat more frequent grants of permanent refugee status, but most European governments were content either to grant Tamils some kind of temporary leave to remain

on humanitarian grounds or to deny asylum but simply not enforce deportation.

The governmental response was largely consistent with, and indeed shaped by, UNHCR's own position on Tamil asylum seekers. In a September 26, 1985 letter to Senator Rudy Boschwitz, a Republican from Minnesota, UNHCR wrote:

With respect to the present situation in Sri Lanka, it remains UNHCR's position that no Tamil asylum seeker should be returned at this time against his will--unless his safety is clearly unquestioned. This position flows from UNHCR's responsibility to extend international protection not only to persons fleeing direct persecution or fear of persecution, but also to those who are displaced from their native country because of severe internal upheaval or armed conflict. This position manifestly applies in the instance under discussion. Such asylum seekers should be allowed to remain in the asylum country's territory on a temporary basis until Sri Lankan conditions improve to the point where they can return to an environment of safety, or some other solution is found for them.

The UNHCR position was made known in formal petitions to European and other countries of asylum.

With the signing of the Indo-Sri Lankan Accord in 1987, a number of European countries were further emboldened to repatriate Tamil asylum seekers. The establishment of a UNHCR assistance program for returnees, according to a May 1990 internal evaluation conducted by UNHCR, "was seen as a potential 'window' through which repatriants and rejected cases could be sent.... In a number of countries, court rulings used the existence of the UNHCR returnee program to excuse the refusal of refugee status."

In February 1988, five Tamils who had been rejected for refugee status in Britain were repatriated to Sri Lanka. The five later submitted an appeal from Sri Lanka to a British adjudicator, asserting that they had been unfairly denied refugee status under the UN 1951 *Convention Relating to the Status of Refugees*. Based on evidence of beatings and mistreatment at the hands of the Indian Peace-Keeping Forces and the Sri Lankan police, the adjudicator ordered that the five applicants be returned to Britain for a reconsideration of their asylum claims.⁵⁸

With the collapse of the Accord and the renewal of fighting between the Tigers and the Sri Lankan

army, European policies toward Tamil asylum seekers are again at a crossroads. As the 12 member states of the European Community seek to harmonize their immigration policies by the end of 1992, many European NGOs and human rights groups fear that Tamils increasingly will find themselves outside the walls of "Fortress Europe."

The signals, once again, seem mixed. According to the British Refugee Council's monthly, *The Sri Lanka Monitor*, Germany has granted refugee status to fewer than one percent of its 50,000 Sri Lankan asylum seekers and "most are denied work permits and free movement." On the other hand, "Germany says it will exempt Sri Lankan Tamil refugees from tough new asylum laws that allow federal authorities to expel refused asylum seekers."⁵⁹

In France, home to more than 30,000 Tamils, a 55-year-old Tamil man died of a heart attack in late August when police tried to force him onto an airplane and return him to Sri Lanka. In the last two years, however, France has taken a generally "enlightened view"⁶⁰ toward Tamil asylum seekers, approving 60 percent of 6,000 applications in that time.

Across the Atlantic, lies an even more marked study in contrasts. With 20,000 Tamils in country and generally quite liberal asylum policies, Canada has become "a kind of promised land," for Tamils, according to Malcolm Rodgers of the British Refugee Council.

From January to June 1990, 2,034 Sri Lankans--presumed to be mostly if not all Tamils--sought asylum in Canada. Nearly 90 percent were approved. The Canadian government also provides free legal counsel and a variety of benefits--including medical coverage, language training, welfare, housing, and vocational training--while an asylum application is pending.

In the United States, from 1983 through March 1991, a total of 446 Sri Lankan asylum applications were filed with the Immigration and Naturalization Service (INS). Only 13 cases were approved, while 199 were denied, for an approval rate of 6 percent. The remaining cases were otherwise closed or pending.

The high rejection rates reflect three basic perceptions held by the INS and the U.S. government as a whole.

First, most Tamils are leaving Sri Lanka either for personal reasons or to escape from conditions of generalized violence, not because of a "well-founded fear of persecution," as U.S. law requires for refugee status. Second, Sri Lankan Tamils have significant

opportunity to seek asylum closer to home, particularly in India. And third, as one U.S. official said recently, "There are hundreds of thousands of Tamils living safely in Sri Lanka," presumably meaning in Colombo and elsewhere in the south.

Although the INS has deported 77 Sri Lankan nationals back to India and Sri Lanka in the last decade (most of whom are presumed to be Tamils), it has been content at times simply to shepherd them toward the Canadian border. The director of a private immigrant aid organization in Buffalo, New York said that from July 1990 to June 1991, his office helped 366 Sri Lankan asylum applicants cross into Canada. About 99 percent of the claimants were Tamils, mostly young males.



VII. RECOMMENDATIONS

Most of the people who have sought refuge in India or who are internally displaced in Sri Lanka say they will not go home until peace returns, although the thought of a prolonged stay in the camps and welfare centers is deeply discouraging. Following are USCR recommendations to promote safety and humane treatment for Sri Lankan refugees and displaced persons until a peaceful settlement can be negotiated.

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

The two agencies are playing equally vital and complementary roles serving displaced people: UNHCR in operating the Open Relief Centers, and ICRC in carrying out its traditional mandate in areas of conflict, including emergency relief and medical assistance, family tracing, and prison visits.

The UNHCR budget is not likely to exceed \$2 million in 1992, so the donations need not be large, but commitments from Western capitals would carry weight far greater than their dollar value. It is not a strength that India covers the majority of the UNHCR budget in Sri Lanka.

The ICRC 1991 appeal for Sri Lanka was approximately \$12 million. As of October 1991, only \$5.5 million had been pledged, including \$1.5 million from the United States. Even a small increase in the U.S. pledge for 1992 could spur other countries to be more forthcoming.

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

The Sri Lankan government's effort to maintain a civil administration and relief program in the conflict areas should be acknowledged. With assistance schemes costing as much as \$5 million per month, Sri Lanka says it cannot continue its relief program without international help. In the case of the United States, funding could be made available by reprogramming existing development aid. Bilateral support should not be without conditions, however. There must be clear assurances, subject to regular monitoring, that displaced civilians are not subjected to forced relocation, arbitrary arrest and

detention, or other abuse at the hands of Sri Lankan security forces.

The guidelines that have been worked out between UNHCR and the Sri Lankan army regarding the Open Relief Centers should be modified for the welfare centers, substituting an ICRC delegate, perhaps, for a UNHCR official: The army should not enter a welfare center without notifying an ICRC delegate, interrogations should take place only in the presence of the delegate, and if people are taken away for further questioning, their names must be left with the ICRC delegate and access to the detainees must be extended to ICRC as well as family members.

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

Despite India's overall impressive record on asylum, the recent round-up of 2,500 Sri Lankans in Tamil Nadu and the threats of deportation are a sharp reminder that the refugees enjoy no legal status or international protection in India. A UNHCR presence in Tamil Nadu could do much to improve that situation.

The new Indian Prime Minister, Narasimha Rao, having inherited a foreign debt of \$72 billion-- the third largest in the world-- is openly courting international investment. This seems an opportune time for UNHCR to extend an offer of financial assistance for the camps in Tamil Nadu.

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

This is not the time to be encouraging repatriation of any sort, even spontaneous return. The prospect of organized return raises a veritable sea of red flags, given the lack of a full-time UNHCR presence in Tamil Nadu and the unlikelihood of safe reintegration in Sri Lanka. Certainly, what is not needed is to replace the refugee camps in India with more camps in Sri Lanka.

But if the two governments see fit to pursue discussions on repatriation, UNHCR should be there. USCR also supports the recommendation

made by Amnesty International that India should release any of the 2,000 Tamil refugees who are not facing criminal charges. India, furthermore, should not deport anyone who might face persecution upon return to Sri Lanka, and should give detainees the opportunity to submit their cases for legal proceedings.

5. The LTTE should halt any further expulsion of Muslims, or any other ethnic communities, from the northeast and, at the same time, should permit the free exit of Tamils seeking to leave Jaffna. The LTTE record of abuse of civilians--of every ethnicity, Tamils included--is well-documented and appalling. From a refugee protection standpoint, the practice of forced expulsion on the one hand and inhibiting the free exit of civilians from a conflict zone on the other, both constitute serious violations of human rights.

6. Sri Lankan asylum seekers in the West should be accorded at least temporary safe haven until the conflict is resolved. Although the number of Sri Lankan asylum seekers in the United States is quite small, it would appear that they qualify for Temporary Protected Status (TPS). The Immigration Act of 1990, passed by Congress last November, authorizes the Attorney General of the United States to extend "temporary protected status" (TPS) to nationals of any country that is experiencing (a) ongoing armed conflict within that state, (b) an environmental disaster resulting in a substantial, but temporary, disruption of living conditions, or (c) extraordinary and temporary conditions that prevent nationals of that state from returning in safety.⁶¹

The initial TPS period is from 6 to 18 months, with extensions available at the Attorney General's discretion. Those who are given TPS status may not be deported and are given work authorization while their status remains in effect. As of mid-October 1991, the Attorney General has extended TPS to nationals from El Salvador, Kuwait, Lebanon, Liberia, and Somalia.

7. The new Assistant Secretary of State for South Asia should make it an early priority to visit India and Sri Lanka. Recent legislation, effective October 1, directs the State Department to create a new post of assistant secretary of state for South Asian affairs.

South Asia--defined as India, Pakistan,

Afghanistan, Bangladesh, Sri Lanka, Nepal, Bhutan, and the Maldives--clearly has been of secondary importance within the State Department's Bureau of Near Eastern and South Asian affairs.

Rep. Stephen J. Solarz, who sponsored the amendment to the State Department authorization bill, said the new position would help to ensure "that this important part of the world receives the high-level attention it deserves."⁶²

8. The Sri Lankan government and the LTTE must be encouraged to agree first to a ceasefire and then to a negotiated settlement. The two sides so far have proven themselves incapable of concluding successful negotiations on their own, so a third-party intermediary may be needed to press the issue. Once burned is twice shy, and India may be content to pursue a containment strategy for the time being. The Australian government, on behalf of the Commonwealth countries, has proposed to broker talks.

The Tigers now say they are willing to drop their demand for a separate state in exchange for autonomy under a federal system. That may or may not be a legitimate offer, but the government should pursue it nonetheless.

Without suggesting a prescription for a settlement, one key ingredient would be a true measure of self-determination for the Tamils. Key concessions will be needed from the Sinhalese-dominated government, with constitutional guarantees. But there also must be corresponding guarantees that democratic principles would be maintained in any autonomous areas. It would be unthinkable simply to leave the people of the northeast in the control of the Tigers. Sinhalese and Muslims in the Northern and Eastern provinces deserve minority rights, just as Tamils deserve the right to elect their own representatives, free of terror tactics and intimidation.

• • •

Though the road to peace appears as tortuous as it has ever been, the Sinhalese and Tamil people are increasingly desperate for an end to the brutalizing violence. As one refugee told USCR, "If peace doesn't return and we continue to live like this, we will be degraded and ultimately extinguished as human beings."

FOOTNOTES

- ¹ University Teachers for Human Rights, *The Politics of Destruction and Human Tragedy: Report No. 6* (Jaffna: University of Jaffna, February 1991) p. 22.
- ² Mohan Ram, *Sri Lanka: The Fractured Island* (New Delhi: Penguin Books, 1989) p. 37.
- ³ Ibid.
- ⁴ Russell R. Ross and Andrea Matles Savada, eds. *Sri Lanka: A Country Study* (Washington, DC: Library of Congress, Federal Research Division, 1988) p. 44.
- ⁵ Chelvadurai Manogaran, *Ethnic Conflict and Reconciliation in Sri Lanka* (Honolulu: University of Hawaii Press, 1987) p. 45.
- ⁶ Ibid., p. 187.
- ⁷ Ibid., p. 188.
- ⁸ Ibid., p. 187.
- ⁹ Ram, op. cit., p. 42.
- ¹⁰ Monogaran, op. cit., p. 50.
- ¹¹ Ibid., p. 56.
- ¹² Ram, op. cit., p. 45.
- ¹³ Ibid., p. 48.
- ¹⁴ Ibid., p. 66.
- ¹⁵ Manogaran, op. cit., p. 62.
- ¹⁶ Ross and Savada, eds., op. cit., p. 53.
- ¹⁷ Ibid.
- ¹⁸ Manogaran, op. cit., pp. 66-67.
- ¹⁹ Ram, op. cit., p. 52.
- ²⁰ S.J. Tambiah, *Sri Lanka: Ethnic Fratricide and the Dismantling of Democracy* (Chicago and London: University of Chicago Press, 1986) p. 21.
- ²¹ Ibid., p. 24.
- ²² Ram, op. cit., p. 53.
- ²³ J.P. Vijayathilakan, "A Study of Sri Lankan Refugees in Tamil Nadu." (Madras: Department of Statistics, 1985) p. 21.
- ²⁴ Ibid., p. 19.
- ²⁵ Ibid., p. 22.
- ²⁶ By 1991, the monthly dole for the head of family had been increased to IRs 150. Each dependent above 12 years old received IRs 120 per month, the first child under 12 received IRs 75, and each additional child under 12 received IRs 37.5.
- ²⁷ Vijayathilakan, op. cit., p. 9.
- ²⁸ Ram, op. cit., p. 123.
- ²⁹ Ibid., p. 118.
- ³⁰ Ibid., p. 61.
- ³¹ Ibid., p. 145.
- ³² UNHCR Press Release, September 2, 1987.
- ³³ Office of the UNHCR in Sri Lanka, "UNHCR Special Program of Limited Assistance to Returnees in Sri Lanka: Information Note" (Colombo: August 23, 1988) p. 3.
- ³⁴ Amnesty International, "Sri Lanka - The Northeast: Human Rights Violations in a Context of Armed Conflict," (London: Amnesty International, September 1991) p. 3.
- ³⁵ Ibid., p. 23.
- ³⁶ W.D. Clarence, "Open Relief Centers: A Pragmatic Approach to Emergency Relief and Monitoring during Conflict in a Country of Origin," *International Journal of Refugee Law*, Vol. 3, No. 2 (London: Oxford University Press, 1991) p. 322.

- ³⁷ Ibid., pp. 322-333.
- ³⁸ Ibid., p. 323.
- ³⁹ Ibid., p. 325.
- ⁴⁰ Ibid., p. 325.
- ⁴¹ Amnesty International, op. cit., p. 27.
- ⁴² *The Sri Lanka Monitor*, No. 42 (London: British Refugee Council, July 1991) p. 3.
- ⁴³ Amnesty International, op. cit., p. 17.
- ⁴⁴ Agence France-Presse, March 10, 1990.
- ⁴⁵ *The Sri Lanka Monitor*, No. 25, (February 1990) p. 2.
- ⁴⁶ *The Sri Lanka Monitor*, No. 33 (October 1990) p. 4.
- ⁴⁷ Agence France-Presse, May 24, 1991.
- ⁴⁸ *The Hindu*, May 24, 1991.
- ⁴⁹ In *Frontline*, August 3-16, 1991.
- ⁵⁰ *The Hindu*, May 28, 1991.
- ⁵¹ Agence France-Presse, July 21, 1991.
- ⁵² Reuters, July 30, 1991.
- ⁵³ Aristide Zolberg, Astri Suhrke, and Sergio Aguayo, *Escape from Violence: Conflict and the Refugee Crisis in the Developing World* (New York and Oxford: Oxford University Press, 1989) pp. 147-148.
- ⁵⁴ Ibid., p. 148.
- ⁵⁵ Ibid., p. 148.
- ⁵⁶ Ibid., p. 149.
- ⁵⁷ Lawyers Committee for Human Rights, "Uncertain Haven: Refugee Protection on the Fortieth Anniversary of the 1951 United Nations Refugee Convention," (New York: Lawyers Committee for Human Rights, advance copy) p. 68.
- ⁵⁸ Ibid., pp. 79-82.
- ⁵⁹ *The Sri Lanka Monitor*, No. 43, (August 1991) p. 4.
- ⁶⁰ *The Sri Lanka Monitor*, No. 39 (April 1991) p. 4.
- ⁶¹ See Lawyers Committee for Human Rights, "Handbook on Obtaining Temporary Protected Status," (New York: Lawyers Committee for Human Rights, April 1991).
- ⁶² *The Washington Post*, September 26, 1991.

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