

Repatriation of Sri Lankan Refugees from South India in the Post-War Era

Osantha N. Thalpawila

Department of Economics, University of Kelaniya

Abstract

During the course of the protracted war in Sri Lanka, several displaced victims of the war entered as refugees and sought asylum in Tamil Nadu state in South India. The civil war ended in 2009 in Sri Lanka, following which peacebuilding and reconstruction works were started by the government. In the process of building peace in the post-war context, repatriation of Sri Lankan refugees was considered a primary task among other resettlement works required to restore normalcy to civilian life in the former war zones. The Government of Sri Lanka formally invited the refugees to return to their motherland and provided some assistance towards their passage. This paper looks at the progress of the repatriation process of Sri Lankan refugees from Tamil Nadu state in the post-war period. To address this task this paper uses primary and secondary data as appropriate.

Introduction

In recent history each and every year has witnessed the cross border migration of millions of people in many parts of the world due to civil wars or other political upheavals. Moving out from their own native country to another country with minimal possessions generally proves to be a traumatic experience for them. Furthermore, millions of other people become displaced internally and are then forced to live in welfare camps or with their relatives and friends as a result of manmade disasters. These highly disruptive occurrences were mostly experienced in the African and Asian regions where several wars and other political instabilities emerged during recent decades. The consequences for countries that are forced to play host to a large influx of refugees who enter their territory without any prior notice⁵ can be a severe challenge too. In any event, it is another important task to repatriate these refugees who left their countries during the war once the war has ended. The repatriation is the most problematic process in the post-war scenario since it is dependent on the progress of the post-conflict peacebuilding process in the conflict affected country. In that sense the repatriation is directly connected to the success of the resettlement process which is concerned with providing all basic necessities for restarting the livelihoods of refugees and IDPs. In other words, repatriation involves much more than formally inviting the refugees back into their home countries since the governments have to provide all requisite necessities to the returnees to enable them to re-establish their permanent civil life.

As mentioned above, the civil war in Sri Lanka not only caused much physical destruction in the war zones but also inflicted damage to the human beings living in those areas. The war

⁵ It is worth mentioning here that the refugees are entitled to assistance and protection under international law. The UN convention relating to the status of refugees in 1951 and its optional protocol in 1967 have taken measures to safeguard refugee rights. The convention stressed that states are expected to cooperate with the UN specialized agency on refugee activities known as, “the United Nation High Commissioner for Refugees” (UNHCR) with regard to protection and assistance on refugee rights along with other governments, regional organizations and NGOs.

outcomes created various humanitarian issues and among the leading ones were the emergence of hundreds of thousands of IDPs and Refugees over the course of the 26 years of civil war in the country. The migration of refugees from Sri Lanka to India started in the aftermath of Black July in 1983. In other words, the communal riots of 1983 can be identified as a push factor for Sri Lankan Tamils to migrate to other countries such as South India, North America and the European countries. Although well-to-do Tamil families in Sri Lanka flew to Europe, the United Kingdom or Canada as asylum seekers, the middle and lower middle class Tamil people in Jaffna crossed the Palk Strait in boats and entered Tamil Nadu state in South India as refugees. After the July riots in 1983 there was a sudden increase in the flow of refugees to India and it was reported that 134,000 refugees had moved to Tamil Nadu, with most of them ending up in refugee camps.⁶ However, later on, between 1987 and 1989, it was reported that 25,600 refugees wanted to return to Sri Lanka after the Indo-Lanka peace accord was signed in 1987. However, this trend ended in 1990 when the war escalated in Jaffna and a further 122,000 Tamils from the North arrived in India. In 1991 the LTTE assassinated Indian Prime Minister Rajiv Gandhi and the Indian government's stance on the LTTE changed drastically. The Indian government then took immediate action to send back 54,000 refugees to Sri Lanka. During the Eelam War III from 1995 to 2002 reports pointed out that there were 102,055 Sri Lankan refugees in Tamil Nadu. When the ceasefire agreement was in force in 2002 the Indian government took action to repatriate the Sri Lankan refugees in Tamil Nadu and according to reports nearly 7000 refugees were repatriated between 2002 and 2005.⁷ It is worth mentioning here that many refugees returned to Sri Lanka unofficially from Rameswaram to Talaimannar by crossing the Palk Strait in small boats so that there are some discrepancies in the statistics regarding returnees. However, according to the available statistics there were around one hundred thousand Sri Lankan Tamil refugees who have been living for more than two decades in 110 refugee camps in various locations in Tamil Nadu state as at the end of the war⁸. Further, another significant number of refugees were living with relatives or friends in South India (see table 1.1). Some reports pointed out that many of these refugees are continuing to live in the refugee camps since 1983 when they left the country after the ethnic riots. However, all these refugees have survived with welfare assistance from the Government of India as well as other donor agencies.

Table 01: Statistics of Sri Lankan Refugees in Tamil Nadu

Description	Total
No. of Refugee camps in Tamil Nadu	110
No. of Persons in such camps	67,436
No. of Families	19,916
No. of persons living with their friends and relatives	34,757
No. of refugees of Sri Lankan origin in India	102,000

Source: Sri Lanka deputy high commissioner in Chennai (<http://www.resettlementmin.gov.lk>) [Accessed 30 October 2015]

⁶Veena Das. *Mirror of Violence: Political Economy of Ethnic Violence in Sri Lanka*. New York: Oxford University press, 1990

⁷For statistics of Sri Lankan refugees please see www.unhcr.org; A.Dasgupta, Repatriation of Sri Lankan Refugees, www.jstore.org/stable/4413676; B.Bastianpilai, Sri Lankan Tamil Refugees in Tamil Nadu Trouble to the Hast (Paper presented at the International Seminar on Refugees(1994); "Repatriation of Refugees of Sri Lankan origin", www.resettlementmin.gov.lk

⁸www.resettlement.gov.lk [Accessed 30 October 2015]

In the post-war period the Government of Sri Lanka invited these refugees to return and settle down in Sri Lanka. Further, the government made arrangements with the UNHCR to get their help to repatriate the Tamil refugees by supplying an assistance package including free passage to their motherland.⁹ Even though the Sri Lankan government and the UNHCR were willing to provide assistance to these refugees the reports indicated that not many returnees arrived from India in the post-war period. According to government statistics, the number of returnees in the first five years of the post-war period amounted to only 4.3% of the total refugees in South India. Thus, there was not much success in the repatriation process.

Theoretical Context of the study

The theory on post-conflict peacebuilding has focused on the process of repatriation since it is an important part of the whole process related to the post-war reconstruction environment. In the theoretical context, the UN notion of post-conflict peacebuilding stresses repatriation of refugees as a key process in the post-conflict period to transform from war to peace. In the 1990s several documents and reports on peacebuilding aimed to find a better strategy to achieve a long lasting peace in former war territories. As a strategy for achieving sustainable peace the UN theory identifies two important stages of post-conflict peacebuilding. First, addressing the immediate war outcomes and second, addressing the root causes of the conflict.¹⁰ In the context of addressing immediate war outcomes, repatriation is considered as one of the key tasks of post-conflict peacebuilding. The UN theory on post-conflict peacebuilding underlines the importance of repatriation on several grounds. Among these, firstly, it emphasizes returning the war torn society to normalcy. Secondly, it insists on protecting the human rights of war affected communities, particularly of those that migrated from their own country as a result of threats to their lives. These two reasons indicate that the repatriation process operates at both a social level and a personal level. It works to build the peace in a war affected territory at a socio-economic level and at a personal level it helps to protect the rights of the affected people since they are not refugees anymore. It is worth mentioning here that the UN has appointed a special office known as the United Nations High Commission for Refugees (UNHCR) to tackle the repatriation situations that keep arising in the world constantly.¹¹

Following the UN notions, several scholars and organizations focused on the various facets of post-conflict peacebuilding in the late 1990s and 2000s. Dan Smith in his peacebuilding palette focused on the repatriation of refugees and pronounced it as an essential task for rebuilding the socio-economic foundation in a war affected country. Among the activities aimed at enhancing strategies for durable peace in the field of socio-economic development, Dan Smith proposed that the repatriation and return of refugees should be one of the key activities of post-conflict peacebuilding.¹² The Organization for Economic Cooperation and Development (OECD) developed a model of post-conflict peacebuilding as a strategy to prevent violent conflict and to promote a lasting and sustainable peace. The model has

⁹See "From Conflict to Stability-Northern Province, Sri Lanka(Colombo: Presidential Task Force for Resettlement –Development and Security-Northern Province,2013)

¹⁰See Boutrous Boutrous-Ghali, Supplement to an Agenda for Peace (New York :UN, 1995)

¹¹The UNHCR basically attends to refugee matters by providing necessary facilities to protect their lives in host countries. In addition the UNHCR involves itself in the repatriation process by providing certain facilities to the governments.

¹²Dan Smith, Towards a strategic Framework for Peacebuilding: Getting their Act together (Oslo: International Peace Research Institute,2004) p.30

focused on socio-economic development as a key area of its conflict prevention strategy.¹³The OECD suggests that repatriation of refugees and reintegration of IDPs is an essential task to achieve socio-economic development in a war affected country as that would help to promote a sustainable peace. The above theoretical notions imply that repatriation of refugees and provision of essential needs for their resettlement in the country of their origin are important activities to build up a formal and successful process for building peace.

The Repatriation of Sri Lankan Refugees from South India in the Post-War era

Although the civil war ended in Sri Lanka in 2009, the repatriation process had commenced long before that but had been carried out in fits and starts to keep in step with the changing political and military ground situation. In 2009, when the war finally ended the government formally invited the refugees in the South Indian camps to return to their motherland. To facilitate this task of repatriating the refugees, the government obtained the assistance of the UNHCR in several areas, beginning in 2011.¹⁴As a strategy for motivating the refugees in South India to return and resettle here, the government decided to provide them with all necessary facilities to start a new life. The refugees were offered some incentives with the assistance of the UNHCR as follows: (1) Provision of permits to travel from India to Sri Lanka since they had no legal travel documents, (2) Provision of air tickets, (3) Payment of Rs.10,000 to each person over 18 years and Rs.7,500 for a person under 18 years, (4) Each family was provided with non-food relief items to the value of Rs.10,000 at the time of resettlement.¹⁵Further, a transport allowance of Rs.4,000 was paid by the UNHCR to each family to travel from Colombo to their home towns.¹⁶To facilitate all this, the Government of Sri Lanka had a formal discussion with the Government of India to work out arrangements to repatriate the refugees currently living in India.¹⁷Table 1.2 shows the number of Sri Lankan refugees who have arrived from India after the war ended. According to this, there was a poor flow of returning refugees from India, which shows that the entire process of repatriation is problematic.

Table 02: Arrival of Sri Lankan Tamil Refugees from India

Year	No. of Families	No. of Refugees
2011	557	1728
2012	453	1291
2013	273	718
2014	137	338
2015	151	315
Total	1571	4390

Source: Ministry of Resettlement, Sri Lanka

The repatriation of refugees should be a straightforward and prompt process as its purpose is to reverse a major negative outcome of the protracted war, just as in the case of IDPs. Therefore, the government has to overcome this refugee issue for the post-conflict peacebuilding process to be successful, and so, according to the government sources, the government welcomes the refugees from India and is ready to provide shelters, livelihood

¹³See OECD, Guidance an Evaluating Conflict Prevention and Peacebuilding Activities(Paris:OECD,2008)

¹⁴See “From Conflict to Stability” *Op cit.*

¹⁵ “From Conflict to Stability – Northern Province” (2012) *Op cit.*, p. 33

¹⁶ “Notes on Performances - 2013” (Colombo: Ministry of Resettlement, Sri Lanka, 2014) p. 35

¹⁷ “Sri Lanka’s Northern house funding gap.” *Op cit.*

necessities and other basic needs. In other words, the government provides all basic requirements under the current resettlement program in the Northern Province. Government sources pointed out that all refugees who returned from India are treated as IDPs under the resettlement program of the country.

Related Issues in respect of Poor Flow of Returning Refugees

As mentioned earlier, there are nearly 102,000 Sri Lankan refugees living in Tamil Nadu in India, whom the government invited to return to their motherland soon after the war ended. The study revealed that the repatriation of refugees was not successful, even when they were provided with some incentives to return to Sri Lanka by the UNHCR. The statistics of the concerned ministry indicated that the number of returning refugees amounted to a trickle. According to sources at the Ministry of Rehabilitation, only 4390 refugees returned to Sri Lanka from 2011 to 2015.¹⁸ This study pointed out several issues in Northern Sri Lanka that were responsible for the poor flow of Tamil refugees from South India in the post-war era. This study observed that many of the people who returned from India confronted various problems and so they were not satisfied with their present situation in Sri Lanka. A 65 year old farmer, who returned from India after the war ended, pointed out that they still have to face a number of problems relating to their livelihood.

“I returned to Sri Lanka in 2011 after the war ended. But we still do not have any permanent houses to live in. Earlier, I worked in an agricultural land in Mankulam, but now I cannot resume that work since those lands are still in an abandoned state. Therefore, I collect bee honey from the forests and sell it in the market. Most people who came to Sri Lanka face this problem.”¹⁹

This statement of the returnee from India verifies that they are still facing some problems in their livelihood matters. As they were out of the country for a long time, they had lost their original jobs and this is a major issue for returnees from India. During the period they were living in the welfare camps in Tamil Nadu, they had faced a number of hardships, but had continued to receive small amounts as welfare allowances to conduct their lives.²⁰ He pointed out that a returnee must start everything from scratch to re-establish his livelihood. A woman of 61 years said that she was living in a temporary house while facing several difficulties and having to manage without a proper income.²¹ According to the people who returned, the Tamil Nadu refugees are always well aware of the situation in Sri Lanka. According to a returned woman, the refugees maintain contact with their relatives in the Northern part of Sri Lanka and so they quickly come to know about the post-war situation prevailing in Sri Lanka; when they hear that it is still problematic they become discouraged from coming back to Sri Lanka.²² Some returnees point out that many young people in the Tamil Nadu refugee camps hope to migrate to Singapore or Malaysia to find better livelihood sources.²³ In

¹⁸“Repatriation of refugees of Sri Lankan origin”, Ministry of Resettlement, Sri Lanka. <<http://www.resettlementmin.gov.lk>> [Accessed 12 October 2015]

¹⁹ Interview with a returned Tamil refugee on 08 June 2014 at Mankulam.

²⁰“Explained: The Sri Lanka Refugee Question”, *The Indian Express*. 04 January 2015. <www.indianexpress.com>

²¹ Interview with returned refugee on 08 June 2014 at Mankulam.

²² Interview with a returned refugee. *Op cit*. She pointed out the militarization in the post-war situation, encroachment of their lands and lack of jobs in the Northern area.

²³“Sri Lankan Tamil Refugee from India Return Home”, *Asiantribune*, 10 October 2015 <www.asiantribune.com/node/88018> [Accessed 10 October 2015]

addition to the problematic livelihood situation in the Northern part of Sri Lanka, the refugees in South India were concerned about two other issues. A returnee from India pointed out that issues such as the high militarization of the Northern Province²⁴ and encroachment of lands by various parties are other main reasons for their reluctance to return. In the post-war situation the former war zones are highly militarized with a large presence of security forces personnel and the refugees believe that if they returned to the country that could pose a threat to a peaceful life.²⁵ However, most of the refugees are innocent civilians who still dislike the idea of returning to the country as a high military presence with army involvement in civilian affairs in the Northern Province has created a climate of fear that is reminiscent of the earlier war like atmosphere.

The other issue that discourages the refugees from returning to Sri Lanka is also a weighty matter that is related to their lands and property. Many of them believe that after the lapse of fifteen or twenty years while they were away, they cannot regain their properties as they have lost their legal title documents. This issue has been further complicated by the fact that the government and the military have been occupying a significant extent of agricultural lands of the local Tamil people from around the time they left the country. In this context, the refugees suppose that they are still in a more protected situation in India, even though they continue to face a lot of difficulties in the welfare camps.

In addition to the post-war situation in Sri Lanka, the political situation in Tamil Nadu has also influenced to stem the flow of repatriation. It might be mentioned here that the state government of Tamil Nadu headed by Chief Minister Jayalalitha Jeyaram (AIADMK) publicly accused the Government of Sri Lanka of human rights violations and war crimes and organized several protest movements in Tamil Nadu over the past five years. These protest movements were supported by the DMK and other political parties that sympathized with the LTTE. On several occasions these political parties had stated that there was no peaceful situation for these refugees to return to and that the situation in the North still remained very bad in regard to the rights of the Tamils. On one occasion these political parties tried to persuade the Indian government to grant citizenship to these Sri Lankan Tamil refugees.²⁶ In other words, the negative activities of Tamil Nadu politicians constantly try to show that the Sri Lankan post-war situation is still problematic and far from peaceful. On the one hand, such political posturing definitely created doubts leading to indecisiveness among the Sri Lankan refugees that would discourage them from returning to their home country. On the other hand, the Government of India is forced to spend a considerable amount of money to attend to the welfare of these refugees. Until this issue is resolved these refugees will continue to be a burden to the Indian government.

The repatriation process has been implemented on a strictly voluntarily basis and neither government has so far instituted a formal process to repatriate them. This was another important reason for the very slow pace of repatriation in the post-war era. The Government

²⁴ After the war, the government has militarized the Northern Province in terms of security in the former war zones, and this is highly opposed by the local Tamils. See "Sri Lanka's North II: Rebuilding under the Military." In *Asia Report*, 220, (Brussels: International Crisis group, 2012.)

²⁵ In respect of this problem, it is worth mentioning here that according to some media reports there are still some LTTE supporters living as refugees in welfare camps in Tamil Nadu. Perhaps they are worried that they will not be safe if they returned to Sri Lanka.

²⁶ "Sri Lankan Tamil Refugees should give Indian Citizenship", *The National*, www.thenational.ae [Accessed 23 July 2015]; "DMK Chief wants New Delhi to Provide Indian citizenship to Eelam Tamil Refugees", *The Tamil Net*, www.thetamilnet.com, [Accessed 23 August 2014]

of India has been providing welfare assistance to the Sri Lankan refugees for a long time, and is continuing with it even now. In view of the current peaceful situation prevailing in Sri Lanka, it would be a good idea if the Indian government would encourage refugees to return, for then there would be more progress in the repatriation process. Likewise, the assistance of the Sri Lankan government could contribute much to the progress of the repatriation process if it were to provide better security and permanent shelters for them.

Conclusion

The matters discussed above show that the process of repatriation in the post-war period in Sri Lanka has not been effective and the causes behind the retarded speed of repatriation have been identified. Even though the UNHCR has been providing special facilities to get them repatriated, they are discouraged by their relatives who are living in the Northern Province. This is a crucial problem faced by the government in the post-war period relating to the Sri Lankan refugees in India. The Government of Sri Lanka should focus on providing them permanent shelters and facilitate with livelihood matters to assist them to re-establish themselves when these refugees arrive in the country. Anyway, there is a problem regarding the communication between the Tamil Nadu refugees and their relatives in Jaffna. The question is whether it presents a true and correct picture of the security situation in Jaffna. Also, the repatriation process has been further jeopardised by the Tamil Nadu politicians since they have tried to gain undue political advantages by exploiting the refugee issue in the local politics of the state. The provocative activities of AIADMK and DMK against the Sri Lankan government have reversed the process of repatriation by discouraging refugees from returning. Therefore, both the Indian and Sri Lankan governments should try to work out a solution to encourage the voluntary repatriation of Sri Lankan refugees.²⁷ Further, the poor progress of repatriation will not contribute to the peacebuilding process positively, as the theory points out that repatriation of refugees is an essential part of the resettlement process in any post-war peacebuilding initiative. In other words, if the refugees are still out of the country, it implies the failure of the peacebuilding process since it means the government could not restore normal civil life in the former war zones. However, it must be mentioned here that the actions of the Tamil Nadu politicians to mislead the Sri Lankan refugees has impacted rather negatively on the repatriation process. This can be identified as a unique trend when compared with the other cases of refugee repatriation in the world.

References

- Bastianpilai, B. *Sri Lankan Tamil Refugees in Tamil Nadu Trouble to the Hast* (Paper presented at the International Seminar on Refugees, 1994)
- Bandarage, A. *The Separatist Conflict in Sri Lanka*. New York, Bloomington: iUniverse, 2009.
- Boutros Boutros-Ghali. *Supplement to an Agenda for Peace*. New York: United Nations, 1995.
- Dan Smith, *Towards a strategic Framework for Peacebuilding: Getting their Act together*, Oslo: International Peace Research Institute, 2004
- Das, V. *Mirror of Violence: Political Economy of Ethnic Violence in Sri Lanka*. New York: Oxford University press, 1990
- Dasgupta, A. *Repatriation of Sri Lankan Refugees*, 2003, www.jstor.org/stable/4413676
- From Conflict to Stability: Northern Province Sri Lanka*. Colombo: Presidential Task force for resettlement - Development and Security- Northern Province, 2013.

²⁷ The Government of Sri Lanka is to make arrangements by signing a MOU with the Indian government to bring back the Sri Lankan refugees. See "Indo-Lanka MOU sought to bring back Tamil refugees" *Daily Mirror*, 21 October 2014.

Finance, Ministry of. *Annual Report 2010*. Colombo: Ministry of Finance, 2011.

Miall , H., Ramsbotham,O., Woodhouse,T. *Contemporary Conflict Resolution*. 1 st ed. Malden,MA: Polity press in Association with Blackwell Publishers Inc, 1999.

OECD. *Guidance on Evaluating Conflict Prevention and Peacebuilding Activities*. Paris: OECD, 2008.