CHAPTER IV
INTERNAL REFUGEES IN SRI LANKA

INTRODUCTION

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

INTERNAL REFUGEES: AN OVERVIEW

All those people who are uprooted from their original place of residence but do not cross an international border and remain displaced within their own country are termed internally displaced persons (IDPs). In recent years, there is a perceptible increase in the number of internally displaced persons. The reasons behind this are two fold: first, the nature of conflict is changing from interstate to internal conflicts. Between 1989 and 1994, there were 94 conflicts worldwide (in 64 locations) but only 4 of them were interstate conflicts. Second, States, especially developed states are increasingly taking measures to obstruct the inflow of asylum seekers by
encouraging voluntary repatriation and providing assistance in the country of origin.¹

Definition

There is no international agreement so far the exact definition of the term. There are different views on the question as well as the utility of defining them as a distinct category. According to Luke T. Lee, the exclusion of IDPs from the definition of refugees actually denies a larger chunk of the uprooted people, the protection that they are entitled to.²

Unlike the definition of the term refugees, which has been formalised as per the 1951 Convention, the 1967 Protocol, the 1969 OAU Convention and the 1984 Cartagena Declaration, the definition of IDPs has been informal. This implies that the issue has not been addressed so far. This also poses a problem to the international community not only in addressing the issue, but also in formulating a definition and acknowledging the problem. The Analytical Report of the Secretary General of the Internally Displaced persons (1992) defines IDPs as:³

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

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

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

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

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

5 Lee, n.2, p.28.
6 Francis Deng, Guiding Principles, on Internal Displacement (OCHA)
human right or natural or human-made disaster, and who have not crossed
an internationally recognized State border

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

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

7 James Hathaway The Law of Refugee Status, (Toronto: Butterworths 1991), pp.29-33
This problem of definition has an impact in estimating displacement figures as well. It is easier to estimate refugees because in crossing an international border they come in contact with the host government and international agencies. IDP figures are more difficult to assess due to: (i) the government’s incapacity (ii) its failure to recognise minorities and persecuted people (iii) the denial of the problem by the government (iv) they often stay in the area of the conflict and are inaccessible to relief agencies (v) their movement to other areas (vi) their non-traditional routes of flight which keep them undetected (vii) Also, it cannot be determined if they are permanently settled or waiting to return to their original place of residence, and lastly, lack of clear institutional responsibility for their predicament also makes it difficult to count the internal refugees.8

**INTERNAL REFUGEES IN SRI LANKA**

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

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

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

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10 Refugee camps are referred to as welfare center in Sri Lanka.
within or outside the area. Even districts in the South like Galle and Hambantota, which are not within the troubled areas, have internal refugees. There are no welfare centers in Gampaha, Kalutara, Badulla, Moneragala, Ratnapura, Kegalle, Kandy Matara, Hambantota and Galle. But the refugees are living with friends and relatives and receiving Government assistance. Puttalam is the only district that has not produced refugees but it is host to a large number of displaced people numbering about 66,000 but are living in 81 camps and also outside camps.
Table 4.1 INTERNAL REFUGEES IN SRI LANKA 01/01/2000

<table>
<thead>
<tr>
<th>District</th>
<th>No. of Welfare Centres</th>
<th>Refugees in Welfare Centres (Families)</th>
<th>Outside Welfare Centres (Staying with Friends &amp; Relatives) (Persons)</th>
<th>Total Number Internal Refugees (Persons)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Families</td>
<td>Persons</td>
<td>Families</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jaffna</td>
<td>56</td>
<td>1,695</td>
<td>6,191</td>
<td>85,221</td>
</tr>
<tr>
<td>Kilinochchi</td>
<td>40</td>
<td>5,972</td>
<td>24,868</td>
<td>8,594</td>
</tr>
<tr>
<td>Mullaitivu</td>
<td>73</td>
<td>7,939</td>
<td>32,642</td>
<td>14,440</td>
</tr>
<tr>
<td>Mannar*</td>
<td>7</td>
<td>5,645</td>
<td>22,752</td>
<td>6,429</td>
</tr>
<tr>
<td>Vavuniya*</td>
<td>14</td>
<td>4,649</td>
<td>18,337</td>
<td>7,634</td>
</tr>
<tr>
<td>Trincomalee*</td>
<td>13</td>
<td>1,056</td>
<td>3,953</td>
<td>6,402</td>
</tr>
<tr>
<td>Batticaloa</td>
<td>2</td>
<td>408</td>
<td>1,540</td>
<td>5,417</td>
</tr>
<tr>
<td>Amparai*</td>
<td>4</td>
<td>989</td>
<td>4,020</td>
<td>49</td>
</tr>
<tr>
<td>Puttalamp*</td>
<td>81</td>
<td>9,320</td>
<td>44,612</td>
<td>5,021</td>
</tr>
<tr>
<td>Anuradhapura*</td>
<td>39</td>
<td>2,388</td>
<td>9,273</td>
<td>1,284</td>
</tr>
<tr>
<td>Kurunegala</td>
<td>12</td>
<td>245</td>
<td>1,160</td>
<td>506</td>
</tr>
<tr>
<td>Polonnaruwa*</td>
<td>6</td>
<td>682</td>
<td>2,879</td>
<td>472</td>
</tr>
<tr>
<td>Colombo</td>
<td>1</td>
<td>96</td>
<td>450</td>
<td>803</td>
</tr>
<tr>
<td>Matale*</td>
<td>1</td>
<td>9</td>
<td>46</td>
<td>158</td>
</tr>
<tr>
<td>Gampaha</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1,140</td>
</tr>
<tr>
<td>Kalutara</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>356</td>
</tr>
<tr>
<td>Badulla</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>26</td>
</tr>
<tr>
<td>Moneragala</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Ratnapura</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>17</td>
</tr>
<tr>
<td>Kegalle</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>51</td>
</tr>
<tr>
<td>Kandy*</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>167</td>
</tr>
<tr>
<td>Nuwara Eliya</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>64</td>
</tr>
<tr>
<td>Mataara</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>67</td>
</tr>
<tr>
<td>Hambantota</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>24</td>
</tr>
<tr>
<td>Galle</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>Total</td>
<td>349</td>
<td>41,093</td>
<td>172,723</td>
<td>144,352</td>
</tr>
</tbody>
</table>

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

Sri Lanka reflects the global reality that was discussed in the previous section. The level of internal displacement outnumbers the scale of external displacement by a wide margin. At the end of 1999, there were
approximately (668,706)\textsuperscript{11} internal refugees, as against 280,000 refugees outside the country.\textsuperscript{12}

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

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

\textsuperscript{11} CGES, data, 2000.
\textsuperscript{12} USCR, World Wide Refugee Information/Country Report/Sri Lanka, 2000
\textsuperscript{13} The Agreement was signed in January 1994 for details see, 'The Time is Not Yet Ripe!', "Short Report on clarification concerning the Repatriation of Tamil Asylum Seekers, (Lucerne / Zurich, Bonn, April 1994)
providing a 'safe haven' to threatened civilians, in effect, it meant stopping
refugees within the country.

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

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

**Displacement figures:**

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

\textsuperscript{14} Bastiampillai, n. 9, p.13.
so tense that it is difficult to keep track of refugees leaving or coming back. People often escape to safer places secretly and at night through irregular routes because of the problem of securing passes. Entry passes need to be secured from the LTTE as well as the Government as the case may be. People often hide in the Vanni jungles for days before they register themselves at the nearest welfare centres or camps.\textsuperscript{15}

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

\textbf{Facets of Internal Refugees}

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

\textsuperscript{15} These views were expressed by respondents interviewed in Vavuniya.
escalation of violence, repatriation is halted and people return to transit camps. Based on this premise, facets of displacement can be categorized into four main sections, which are complex and inter-related.

1. Resettling refugees.
2. Refugees in the paroxysms of violence
3. Abiding refugees
4. Repatriated but still displaced

Resettling Refugees - Jaffna

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

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

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

\textsuperscript{18} These are reactions of some respondents in Vavuniya and Trincomalee.
\textsuperscript{19} Commission General of Essential Services, Issue of Dry Ration/Cash and WFP Assistance as at 01/01/2000.
The continuing warfare and presence of the army has made civilian life difficult. Armed Forces are still occupying homes of people in the 'security zones' and 'restricted zones'. There is control on the movement of essential services and, if available, prices are exorbitant. There is still electricity crisis in certain areas of Jaffna. Resumption of normal life is rendered difficult also due to continued violence in the adjacent Vanni region.

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

Refugees in the Paroxysms of violence: Vanni

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

20 The LTTE asked the civilians not to use the air route. It also warned the airlines from operating in the peninsula. The LTTE also shot down a Lion Air aircraft in 1998, over the sea between Mannar and Jaffna.
intermittent violence in the last six years. This has led to fluid situation of internal displacement and almost everyone in Vanni has been uprooted at least once. Three different trends are discernable. One, there is a semblance of normalcy in some areas like Vavuniya and Mannar town. The Central Office of the Government Agent locally known as the Kachcheri is functional in these areas. There are some areas where an army operation or fierce fighting may be going on. There, are some grey-areas\textsuperscript{21} like border villages which are constantly on the verge of violence. In the last six years since the Operation Riveresa, some parts of Vanni have been constantly under military operation and open fighting. Other parts have been relatively peaceful. In this continuum between peace and war, the area has witnessed acute displacement.

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

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

\textsuperscript{21} It was noted during the field research that on two sides of the road one side is LTTE area, the other side is government controlled.
(2) Locally displaced: They are displaced from within Vavuniya district and are living in welfare centers or with friends and relatives.

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

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

Table 4.2 POPULATION OF VANNI DISTRICT AS AT 31.12.1999

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


There are refugees in the 'cleared' areas as well as 'uncleared' areas. The office of the GA, Vavuniya, works as a coordinating office for CGES supplies, relief supplies and food convoys to areas under the LTTE's control. As of January 2000, there were 371581 people living in the
'uncleared' areas of Vanni. In 1999, though the requirement was for 205 trucks of food, only 137 were sent. In fact, there has been a steady decline in the number of supply trucks sent to the 'uncleared' areas from 6,232 in 1997 to 2,265 in 1999.

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

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

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

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22 Figures from the Situation Report Vavuniya, n.17, p.4.
23 Ibid. p.15.
24 Ibid. p.10.
and brothers in addition to parents/grand parents and children/grand children.

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

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

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

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

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

These complex guidelines issued to refugees from within and outside Vavuniya once again highlights the gravity of the situation in the
Vanni. It needs to be reiterated, that the difficulties of refugees and the activists working in the area are serious. In a personal interview with a refugee living in the Sithambarapuram, camp this problem was emphasised once again. The respondent had secured a job in the Gulf. But because of his age, (he was 33 years old), he was considered a suspected LTTE activist. He was not granted permission to go to Colombo to seek visa. It may be mentioned here that at that time (April 2000), there was a rumour that the LTTE activists were infiltrating Colombo and had plans of attacking 'important' places in the capital. Since the assassination of TULF MP, Neelan Tiruchelvam in Colombo in November 1999, there were strict limitations imposed on the 'release' of refugees towards Colombo by the Ministry of Defence.

Abiding Refugees: Puttalam

In contrast with the situation in Jaffna and the Vanni, Puttalam district has not been in the actual theatre of the conflict and violence between the Army and the militants. Yet the situation is perplexing. Puttalam, which is located in the north of Colombo, has been home for the Muslim refugees who had been "expelled" from their home in Jaffna and the Vanni region. According to CGES figures there were 65,895 refugees living in Puttalam at the beginning of the year 2000. According to a survey by the Department of Census and Statistics in September 1998, 49 per cent of the families had been living in welfare centres for the past seven to eight
years, and 41 per cent for more than eight years in 1998. According to the survey out of 9,320 families living in welfare centres, the majority 6670 came from Mannar district 1,030 from Jaffna, 696 from Mullaitivu, 233 from Kilinochchi, 97 from Vavuniya and the rest 594 from other districts.

The position of the Puttalam refugees is vulnerable because though many of them belong to the LTTE controlled areas, those from government-controlled areas also find it difficult is go back. Their apprehension stems from the fact that there is no political solution to their problem yet. Refugees are keen on negotiations between the LTTE and the government. Without a political solution to the issue, refugees face the risk of becoming displaced again. Another issue that is pertinent in this connection is the issue of the land and property. Property owned by Muslims that are now under the LTTE controlled areas, cannot be recovered unless a political solution is reached. Refugees have for some time now been urging the government and the UNHCR to initiate negotiations.

The Puttalam situation also points to two other facts, which are critical in understanding the politics of displacement.

(1) Host-refugees relations: The fact that refugees have been living in Puttalam for a decade without any end in sight seems to have irked the local population. Like other refugee situations they were initially welcomed with warmth and hospitality. But soon host-fatigue had set in
and the local people felt pressures on their society. There was competition in economic activities especially fishing because Puttalam is a coastal district. Even in other business and occupations like running grocery shops or three-wheelers, there was competition from local residents. Students also expressed this general feeling and in most schools there were separate attendance registers for refugee children even after six years.25

(2) The other problem pertains to the lack of concern for Puttalam refugees because they are not living in the traditional 'conflict areas'. The interest shown by NGOs, media and the government has so far been minimal. There was a need to disseminate their "eviction" that is in contravention with the principles set out in the International Humanitarian Law, the Human Rights Laws and also the Fundamental Rights enshrined in the Constitution of Sri Lanka. By and large, the refugees in Puttalam seek a political solution. For their return, they seek international assurance and support the of national and international NGOs and the government in the reconstruction process.

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The situation in Trincomalee district reveals two distinct aspects of internal displacement in Sri Lanka. On the one hand, the resettlement and relocation policies and programmes are being adopted and implemented. According to the Government Agent, Trincomalee, between 1983 and 1999, more than 84 per cent of the displaced people had been resettled.

On the other hand, there were refugees from India who were still living in the Alles Garden transit camp. It is the second aspect that needs attention.\textsuperscript{26} The second phase of repatriation from India was carried out between August 13 and September 7, 1993. According to the UNHCR, out of 6,927 returnees, most of them were able to return to their original homes if they belonged to the 'cleared' areas in Vavuniya. Those who hailed from LTTE-controlled areas, were accommodated in the Alles Garden Transit Camp that was constructed specifically for the purpose in 1992.\textsuperscript{27} Discussions with the refugees in the camp revealed that they felt very constrained after returning to the island\textsuperscript{28}. The exact figures were not available regarding the number of returnees still in the camp. This

\begin{footnotes}
\textsuperscript{26} The issue of repatriation will be discussed in a separate section in the next chapter. But as a facet of displacement it needs to be addressed in this section as well.
\textsuperscript{27} For details see Repatriation of Refugees From India to Sri Lanka, 13th August to 7th September 1993 Report, UNHCR, Colombo.
\textsuperscript{28} "When I was in India I was having a vehicle and traveling to Madras, Bangalore often, but I came back. It was a big mistake. Things are very difficult now. No money. I was doing stationery business in India. But I cannot go back. Very difficult, life is risk to go. (Sic) These are the words of Param, in the Alles Garden camp, Trincomalee."
\end{footnotes}
probably makes the issue more confounding. Based on interviews and observation, it was discerned that several people hailing from Thiriya in Trincomalee, and Kilinochchi and Mullaitivu were staying in transit camps.

**Issues of Internal Refugees**

The phenomenon of internal displacement in Sri Lanka brings to light a number of specific issues, which a displaced minority faces in the throes of an ongoing conflict. It must be emphasised here that internal refugees (unlike refugees who are outside the country) live in the war-zone. Most of their problems stem from this. The key issues of internal refugees are enumerated below.

Security concerns: Security concerns of internal refugees can be located in three major issues. One, refugees are often made scapegoats by the Army as well as the LTTE. Two, they may get caught in a crossfire during their flight to safety. Three, refugee camps are often attacked by the LTTE as well as the Army.\(^{29}\) Freedom of movement is severely restricted in all refugee camps.

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\(^{29}\) In 1986, 32 refugees were killed by the Navy in Mannar; In 1990 30 refugees were killed in a refugee camp in Kalmunai and Kallaru; St. Peter's Church Navalay, was bombed in July 1995 and all those who had sought refuge there were killed; navy attacked a boat in Jaffna in October the same year killing 13 refugees, in December again the Valachchenai camp in Batticaloa was shelled and an unknown number of refugees were killed.
Resettlement: The government as well as international agencies are adopting resettlement and relocation policies. The ideal solution for internal refugees is resettlement in their own homes. But in situation where it is not possible, the attempt is to relocate them in new areas. But once some areas are earmarked for relocation and people begin to settle down, they have to move out again if the battlelines change and the area comes under the combat-zone.30

Poor camp conditions: Conditions in welfare centers is oppressive. Some of the problems that they face in camps are over crowding, poor water and sanitation, lack of infrastructure, irregular rations, harassment by security forces and poor access to health care.31

Education and Employment of internal refugees is one area that has been particularly neglected. Due to constant displacement people have lost their jobs. Due to restrictions of movement from refugee camps, they are unable to seek employment opportunities elsewhere.

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30 During the course of fieldwork this researcher had observed several newly built or incomplete houses that had to be abandoned due to resumption of hostilities.
31 Tamil and Muslim refugee camps are less equipped than Sinhalese camps. There have been differences between camp conditions in Love Lane camp number I and II, Trincomalee. The first one accommodates Muslim refugees and the second camp hosts Sinhalese refugees. Muslim refugees in the camp complained that the main crowbar was damaged and could fall any time and the entire structure could collapse. But repeated requests to authorities had not yielded any results so far.
Legal Mechanisms: In the absence of specific legal mechanisms to safeguard the rights of internal refugees, their position becomes particularly vulnerable.

**MANAGEMENT OF INTERNAL REFUGEES**

In dealing with the management of internal refugees, two areas need to be studied: (1) Legal Mechanism (2) Institutional Mechanism

**Legal Mechanism**

Since there are currently no international mechanisms directly applicable to the internally displaced, they come under the International Humanitarian Law and Human Rights Law.

**Human Rights Law**

The principles of international human rights law contained in the International Bill of Human Rights (comprising the UDHR, ICCPR and the ICESCR) are applicable to displaced persons. Provisions of the International Bill apply to all people, unlike principles of Humanitarian Law, which apply only in situations of armed conflict; or those of refugee laws, which apply only if a person has crossed an international border and sought asylum. International Human Rights Law guarantees a wide spectrum of rights, both civil and political, and social, economic and cultural rights. In the present context, the following rights are relevant:
Right to the freedom of movement and the freedom to choose one's residence (Article 13, UDHR; Article 12, ICCPR). This includes the right to leave one's place of origin; to change a temporary living area; to return home; the right not to be forcibly expelled from one's own country. Such rights can be restricted only on grounds of national security, public order, public health or morals or to protect the rights and freedoms of others. However, as the Special Representative of the UN had noted, the limitations have to reflect a reasonable balance between public needs and the seriousness of the situation of the individual.

Some of the rights under the Human Rights laws that are relevant for internally displaced persons are: the non-derogable right to life (Article 3, UDHR; Article 6, ICCPR) and the corresponding right to live with human dignity, the right to an adequate standard of living, including adequate food, clothing and housing and to the continuous improvement of living conditions (Article 11, ICESR), the non-derogable right to recognition everywhere as a person before the law (Article 6, UDHR; Article 16, ICCPR). Thus the loss of identification documents during flight should not result in the submergence of a displaced person's legal personality and a denial of access to government services or the courts, the right against discrimination (Articles 2 and 7, UDHR; Articles 2 and 3, ICESCR; Articles 2,3 and 26, ICCPR).
Humanitarian Law

Principles of International Humanitarian Law are also applicable in situations of internal displacement. Some of the relevant laws are: Common Article 3 of the Geneva Conventions and Additional Protocol II are directly applicable in cases of conflict of an internal nature. They attempt to lay down basic standards of humanitarian protection, which both parties to the conflict are bound to observe in relation to non-combatants. Sri Lanka has not ratified the Additional Protocol II; should it do so, the provisions would be binding on both parties to the conflict.

Article 17 of the Additional Protocol II prohibits the displacement of civilian populations unless their security is involved or if military reasons so demand. If civilian populations are displaced under these exceptions, measures should be taken to see that they are "received under satisfactory conditions of shelter, hygiene, safety and nutrition." Francis Deng argues that Article 17 does not appear to cover situations where people flee because of a generalised threat of violence and fear, as distinct from being ordered or compelled to move. However, Article 17 (2) states that "civilians shall not be compelled to leave their own territory for reasons connected with conflict." It is possible to interpret this provision

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expansively so as to include situations where civilians are forced to flee because of a threat of violence.\textsuperscript{33}

Common Article 3 and the Additional Protocol II expressly prohibit 23, different acts ranging from murder and torture to indecent assault. The Additional Protocol II further provides that where essential supplies are lacking the state concerned must agree to undertake relief operations which are humanitarian, impartial and conducted without distinction.

The educational rights of children are guaranteed under Article 4(3) of the Additional Protocol II. Steps should also be taken to facilitate the reunion of children with their parents. The recruitment of children under 15 for use in the conflict is forbidden.

\textit{Other International Instruments}

There are other international instruments, which contain principles applicable to the protection of the internally displaced people. Among these are the UN General Assembly Resolution (45/153) on Human Rights and Mass Exoduses (1991) and the UN Sub Commission Resolution on Forced Evictions (1991). The Vienna Declaration notes that greater importance must be given to the promotion and protection of human rights of "groups which have been rendered vulnerable."\textsuperscript{34} It notes that states

\begin{flushleft}
\textsuperscript{33} Article 17 of Additional Protocol II is one of the few international provisions, which directly addresses the forced dislocation of people.
\textsuperscript{34} Vienna Declaration and Programme of Action, United Nations (1993) Para 24
\end{flushleft}
have an obligation to create and maintain adequate measures at the
national level, in particular in the fields of education, health and social
support, for the promotion and protection of the rights of persons in
vulnerable sectors of their populations and to ensure the participation of
those who are interested in finding a solution to their own problems. Given
that internally displaced persons constitute a vulnerable group, it is thus
possible to argue that they deserve enhanced protection compared to other
sections of the population.

Where persons have been continuously displaced and rendered
more vulnerable for a period of time, their entitlement to special privileges
in the nature of affirmative action programmes should be considered.
Programmes of affirmative action, as temporary programmes, which are
designed to assist historically discriminated groups, have been justified in
some cases.

It is possible to deduce from these international instruments more
specific standards, including a right not to be displaced, or as the United
Nations High Commissioner for Refugees (UNHCR) has chosen to express
it, as the 'right to remain'. Other standards that recognise the right of
people to flee scenes of conflict and their right not to be relocated or
resettled against their wishes also flow, by implication, from the broader s
principles contained in these international instruments.
Other human rights instruments are also generally applicable to displaced persons. These include CERD, the Torture Convention, Convention on Elimination of all Forms of Discrimination Against Women (CEDAW), and Convention on the Rights of the Child (CRC).

**Domestic Norms and the Rights of Displaced Persons in Sri Lanka**

Internal refugees are citizens of Sri Lanka and therefore come within its domestic jurisdiction. The Government of Sri Lanka has therefore taken steps to protect their human rights. Promotion and protection of internal refugee comes under this broad framework. The establishment of the Human Rights Commission needs to be mentioned in this context. The Human Rights Commission the government seeks to ratify the Optional Protocol to the ICCPR. This would enable persons to seek redressal outside the national jurisdiction as a final resort in case of human rights violations.35 Up to the end of 1999 Sri Lanka had ratified twenty-seven International Human Rights Instruments which include the International Covenant on Economic Social and Cultural Rights of 1966, International Covenant on Civil and Political Rights (ICCPR) of 1966, Convention on the Prevention and Punishment of the Crime of Genocide of 1948, Convention

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on the Rights of the Child (CRC) of 1989, International Convention on the
Elimination of All Forms of Racial Discrimination of 1966, International
Convention on the protection of the Rights of all Migrant Workers and
members of their family, and the First Optional Protocol to the
International Covenant on Civil and Political Rights. Apart from those, Sri
Lanka has also signed three Geneva Conventions of 1949 on the
Amelioration of the Condition of the Wounded, Sick and Shipwrecked
Members of the Armed Forces at Sea, Relating to the Protection of Civilian
Persons in the Time of War, and Treatment of Prisoners of War.

However, the Government of Sri Lanka has not ratified twenty-four
International Instruments. The prominent ones in this include the Optional
Protocol II to the ICCPR, Convention Relating to the Status of Stateless
Persons of 1954, and International Convention against Taking of Hostages
of 1979\(^{36}\).

Internal refugees in Sri Lanka are also entitled to the Fundamental
Rights guaranteed under Chapter III of the Constitution and other basic
services available to other citizens. As Francis Deng noted, the
responsibility of ensuring the minimum standards of human existence and
dignity - physical protection, shelter, food, clothing, basic health and the

\(^{36}\) For a complete list of International Instruments ratified and not ratified by Sri Lanka see
integrity of the persona and the family as the most fundamental social unit rests with national governments.37

Under Article 14(1) (h) of the Constitution, all citizens are entitled to the freedom of movement and the right to choose their residence. The right is subject to restrictions on grounds of national security, apart from the other general restrictions laid down in Article 15(7). These are: national security, public order and the protection of public health or morality, securing recognition and respect for the rights and freedoms of others, and meeting the just requirements of the general welfare of a democratic society.

Under the present conditions of conflict the displaced certainly cannot exercise their right to freedom of movement. Moreover, the government's efforts at resettling the displaced, if done forcibly, could also amount to a violation of this right.

Since 1972 High Commissioners of the UNHCR have accepted to offer assistance to IDPs without including them under the 1951 Convention. Since 1990 the UNHCR has being regularly asked to extend its service to IDPs. In fact, in 1997, almost half the persons of concern to

UNHCR were not Convention refugees - 21 per cent were IDPs and 15 per cent returnees.\textsuperscript{38}

However, since IDPs remain within the country of origin it is the responsibility of government to provide them with protection and assistance. If the UN Security Council so feels the international community may step in as per Chapter VII of the Charter of the United Nations. The country of origin has the final word and, therefore, decides the extent to which the international community be allowed to operate.\textsuperscript{39}

\textbf{Institutional Mechanism}

It includes the different agencies that are involved in providing protection and assistance to refugees. Protection is aimed at securing their physical safety and legal rights. This could include (a) monitoring the situation, (b) providing technical assistance and advisory service to relevant authorities, (c) training for the law enforcement official and civil society, and (d) advocacy and lobbying. Assistance includes (a) provision of emergency relief materials at the time of flight and (b) rehabilitation and reconstruction. The two main agencies providing protection and assistance to internal refugees in Sri Lanka are the (1) state and (2) non-state actors.

\textsuperscript{38} Ibid, p.31
Since internal refugees are primarily the responsibility of the state, it becomes imperative for the state to provide a mechanism to this effect. With this basic framework the Sri Lankan government set up the Ministry of Reconstruction and Rehabilitation in 1987. The Commissioner General of Essential Services (CGES) works under the Ministry to provide dry ration and other provisions to the refugees, through the Government Agent in different districts. The Rehabilitation and Reconstruction Agency for the North (RRAN) was created specifically for the northern districts of Jaffna, Vavuniya and Mannar.

A specific plan was launched in two phases for the purpose of resettlement and reconstruction—namely the Emergency Relief and Reconstruction Programme (ERRP). ERRP I for the period 1987-94 was launched with a budget of 22,650 million Sri Lankan Rupees (SLR). However this failed due to the resumption of hostilities and lack of funds.

This was followed by a similar programme, ERPP II, which was launched in 1995, with an estimate of 67,000 SLR. Though ERPP II also is not a successful plan, it nevertheless indicates an important shift in the
displacement policy of the government. Apart from the reconstruction of infrastructure ERPP II was "human centred."  

This change reflected the (PA) Government's policy, which aimed at treating relief, rehabilitation and reconstruction as integral part of the development process. The new policy emphasised:

- Recognizing the basic human dignity of displaced people.
- No forcible displacement of people.
- Improvement in camp conditions.
- A realistic package of assistance for resettlement or relocation.
- Loan for economic activities, through the Reconstruction and Rehabilitation Bank.

This qualitative shift in the displacement policy points to the fact that the government realized that the internal refugee situation was initially a temporary phenomenon but was threatening to become a permanent phenomenon:

Despite insecure conditions resettlement guidelines were issued by the Ministry. It stated that resettlement should be voluntary and required


social and economic infrastructure. Under the Resettlement package a settling in Allowance (SIA) of 2000 Sri Lankan Rupees, a productive Enterprise Grant (PEG) of 45,000 Sri Lankan Rupees for resuming economic activities to those with a family income of less then Rupees 2,500 per month, a housing grant of Rupees 25,000, and loans for resuming economic activist through the Reconstruction and Rehabilitation Bank were to be distributed to the refugees.

The total expenditure that was being incurred by the Government on internal refugees was estimated at Rupees 250 million per month (at the end of 1996). The expenditure on food and rations has ranged around three billion Rupees\textsuperscript{42}.

However, the schemes have not been as successful as envisaged, primarily because of unstable political conditions and lack of infrastructure and continued restrictions on freedom of movement and economic activities like fishing.

**Humanitarian Agencies**

This is a broad term that includes all agencies other than the state. The specific issue of internal displacement is addressed by international agencies like the UNHCR and ICRC, International NGOs (INGOs) and local NGOs. All of them work within a specific mandate. There is a range

\textsuperscript{42} For details see Cost of War, National Peace Council Report, 2000
of international and local, Non-Governmental Organisations (NGO) active in providing relief, rehabilitation, coordination, dissemination and lobbying for internal refugees in Sri Lanka. Though Sri Lanka has several successful NGOs, both at the local and national level, the conflict in the North-East has prompted NGOs to enlarge their activities in the island. Any understanding on the role of non-state actors in the management of internal refugees in Sri Lanka would be incomplete without mentioning the debate on the role of the international organisations and the sovereignty of the state. There is a growing apprehension especially among the Sinhalese majority that by allowing these organisations to function, the state is compromising on its sovereignty.43 The other concern stems from the 'limited social base' from which most NGO activists are drawn. By and large they belong to the upper middle class English educated sections44. Their urban background often limits them from understanding the real problems that internal refugees face in their day-to-day life. Sometimes, the approach adopted by these agencies is in line with the government policy, and are often criticized to be 'government allies'. Despite these constraints international and local NGOs in Sri Lanka have been playing an important

role in publishing a number of incisive reports on the issue. The two most important international humanitarian agencies in Sri Lanka are the UNHCR and the ICRC, but there are a number of other organisations also active in the field. Prominent among them are OXFAM, CARE International, FORUT, Medicins sans Frontiers, (MSF), Redd Barna, Save the Children Fund (SCF), and SEDEC. The UN agencies working in the area are World Food Program (WFP), and United Nations Children’s Fund (UNICEF) At the national or local level, some of the most active NGOs are Sarvodaya, Sewa Lanka, Rural Development Fund (RDF) and Sri Lanka Red Cross. Local NGOs have a three-point agenda, which includes relief, rehabilitation and development. In a refugee situation, the first task is to provide relief and assistance to the displaced. The second task is rehabilitation, i.e. after the initial unrest is over, internal refugees may be either resettled in their original villages or relocated to another area. In this context, the local NGOs implement micro projects funded by the UNHCR, or individual projects. These are specifically undertaken for resettlement programmes, like repairing roads, schools, wells and other infrastructure. Development programmes are undertaken mostly non-combat zones or in resettled villages. A brief overview of the functioning and workings of the UNHCR and the ICRC, would give a better understanding of the management of internal refugees in Sri Lanka.
The UNHCR

The presence of the UNHCR in Sri Lanka dates back to 1987, when the Government of Sri Lanka requested it to facilitate repatriation of refugees from India. The UNHCR has now moved beyond its initial role along with the course of the war. When the conflict escalated in 1990, it became difficult to distinguish between returnees and (internal) refugees. It was at this time that the UNHCR was asked by the Government of Sri Lanka to expand its activities to assistance and resettlement.\(^\text{45}\) Since then the UNHCR provides necessary assistance through provision of emergency relief and later facilitate resettlement / relocation as the case may be through implementation of micro-projects usually carried out by local NGOs. There have been three main programmes initiated by the UNHCR in Sri Lanka: (i) Special Programme of Limited Assistance to Returnees from South India, (ii) Programme of Relief Assistance to Returnees and Displaced Persons in Sri Lanka, which began in September 1990, and (iii) providing 'safe haven' through creation of Open Relief Centres (ORC). ORCs, which were initiated in 1990-91, have been providing relief for short-term displacement during army operations. The main task of the UNHCR has been to ensure 'voluntary' repatriation, security of returnees

and displaced persons, and rehabilitation of returnees and internal refugees.

The ICRC

The International Committee of Red Cross (ICRC) is another key international organisation working in Sri Lanka since 1971 and actively since June 1990. The ICRC was invited to Sri Lanka by President Premadasa at the height of the JVP insurrection in October 1989 in the South. Since then it has been actively performing its humanitarian work in the conflict in the North and East. "The ICRC is an independent humanitarian organisation which has been mandated by the community of States to protect and assist victims of armed conflict and internal violence." The specific mandate of the ICRC is based on International Humanitarian Law. The IHL is applicable in times of war to 'limit the effects of armed conflict' and protect those who are not part of the hostilities.

The ICRC has been involved in the following activities in Sri Lanka: (i) activities for detainees, (ii) tracing; (iii) activities for civilian populations, (iv) relief (v) medical activities, (vi) cooperation with national society, (vii) dissemination of rules of behavior in combat, and (viii) acts as neutral intermediary whenever required. The ICRC is the only body, which works

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46 ICRC, Sri Lanka, Newsletter, no.19, June 2001
on cases of disappearance by 'tracing' missing persons. As a neutral intermediary, the ICRC receives tracing requests from family members of missing persons. Due to this, the ICRC's role is crucial and delicate because it has to communicate with the LTTE as well as the Army or the government. Apart from this, the ICRC is also involved in providing relief and assistance to refugees. In the initial years of its activities in Sri Lanka, the ICRC was mainly involved in protection and tracing, but in recent years, relief measures also figure in the agenda. In fact the ICRC now spends almost a fourth of its annual budget on relief activities. The budget of the ICRC has also increased from 9,082,432 Swiss Francs in 1994 to 15,846,283 Swiss Francs in 1999. Providing medical supplies and transporting the sick to hospitals from inaccessible areas is another dimension of its work in Sri Lanka.

CONCLUSION

The ongoing conflict has unleashed a complex pattern of internal displacement in Sri Lanka. Though they are products of the same phenomenon internal refugees are more vulnerable than those who have crossed an international border. Their social and economic vulnerabilities limit them within the country. As the war continues, they remain caught in

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47 This happened in November 1999, when ICRC was the only office functioning in Vavuniya town
48 Annual Reports of the ICRC
the crossfire. Despite the existence of International legal mechanisms and domestic norms to safeguard their rights, these have been more on paper than applicable at the ground level. Internal refugees face severe violation of human rights, economic hardships, lack of opportunities, and restriction of movement. They need passes to go out of the camps and are sometimes not allowed to move out of the district. This makes their position even more vulnerable and politically sensitive. Efforts at resettlement or relocation have proved to be only marginally successful. This is due to two reasons: one, the ongoing operations in the Vanni region and continuation of strict security arrangements, and two, there is a suspicion that humanitarian and relief work cannot remain outside the ambit of the politics of the war. Though the urgent need for protection of internal refugees is felt, the question is how it can be achieved without affecting the sovereignty of the State. 7