CHAPTER VI
SUMMARY AND CONCLUSIONS

The ongoing conflict in Sri Lanka has created a community of refugees, both within and outside the country. What began as a feeling of deprivation and resentment among the Sri Lankan Tamils in the immediate post-independence period has culminated in a full-blown war between the Tamil militants and the Sri Lankan armed forces. This has resulted in large-scale refugee generation.

Unlike other South Asian States, Sri Lanka had experienced smooth transition form colonialism. It was envisaged at the time of independence that the country would be a strong democracy. However, the present reality presents an entirely different picture. The conflict in Sri Lanka is a combination of various social, political and economic forces in society. The identitarian discourse has emerged over the period in this backdrop. Selective ethno-histories of the two major communities, the Sinhalese and the Sri Lankan Tamils, have formed a crucial factor in forging identity.

Another key element in the emergence of the ethnic conflict has been the regional concentration of the various groups. This has proved to be an important factor in the growth of the conflict to the level of being a separatist movement. Though the Sri Lankan Tamils are spread out throughout the island, most of them are concentrated in the North and East. According to the
1981 Census, they have an absolute majority in five districts, namely Jaffna, Mullaitivu, Mannar, Batticaloa and Vavuniya, and are numerically higher in Trincomalee. This has reinforced the demand for a Tamil homeland, 'Eelam'. The entire region has also been the epicentre of the conflict.

This has led to crystallization and assertion of identity that is based on real and 'imagined' history. The programmes and policies adopted by the State have been decisive in the growing sense of alienation among the Tamil community. The two main issues in the period immediately after independence were the Official Language policy of 1956, which made 'Sinhala Only' as the Official Language of the country and the colonisation schemes adopted in the North and East. As the schism widened, ethnic identities became sharper and the Tamil minorities felt marginalised by the policies of the majoritarian State. This has expressed itself in the escalation of violence since the seventies. Amidst this widening divide, the Muslims who constitute more than seven per cent of the population have also begun to assert their identity as a distinct ethnic group in the plural set up. This has added further complexities to the conflict-ridden inter-ethnic relations.

Though each phase of violence has resulted in the displacement of people, the process has become routinised in the last two decades. The distinguishing features are: (1) displacement is no longer sporadic. (2) refugee generation is both internal and external, (3) unlike the period before 1983, the
scale and frequency of violence has increased significantly, (4) and, the last but not the least, in recent years, the same people have been displaced many times.

In the past two decades, there has been a qualitative and quantitative change in the nature of conflict in Sri Lanka. The conflict has moved beyond its initial causes and there is a belief that a decisive battlefield outcome will determine the nature of political settlement. An intricate pattern of political, economic, psychological and external variables has emerged in the process. This has markedly increased the scale and frequency of violence. The nature and course of the conflict has resulted in large-scale refugee generation. Violence has worked both as a cause and effect in the Sri Lankan situation. Refugee generation has emerged within this complex web of factors.

Refugees fleeing the conflict have been displaced within and outside the country. However, internal displacement has been much higher than external displacement. This is due to two reasons. Firstly, response of host governments towards asylum seekers is changing. They are increasingly adopting ways and means to stop refugees—even without applying the policy of non-refoulement. The agreement between Sri Lanka, and Switzerland to repatriate those all refugees who have been refused asylum is a case in point. Increased naval patrolling by India is yet another instance. Secondly, the Sri Lankan government is taking measures to keep refugees within borders.
The situation of internal displacement is so overwhelming that almost everyone in Jaffna and Vanni has been uprooted at least once. The condition of internal refugees in Sri Lanka is directly related to the dynamics of the war. In most cases, internal refugees move with the war. As the battle lines are drawn and redrawn, refugees are compelled to move. In between, there are phases of no-war or ceasefires. Repatriation and resettlement efforts are adopted during these periods. But when there is an escalation of violence, repatriation is halted and people return to refugee camps. Four distinct trends are discernable: (1) refugees or potential refugees in throes of the conflict in the Vanni, (2) Resettled refugees in Jaffna, which is now under the government control, (3) Returnees from India, who have been repatriated, but remain displaced in Vavuniya and Trincomalee due to the ongoing war, and (4) Evicted Muslims living in Puttalam.

In contrast with the situation in Jaffna and the Vanni, Puttalam district has not been in the actual theatre of the conflict and violence between the Army and the militant groups. Yet the situation is perplexing. Puttalam has accommodated the Muslim refugees who had been evicted by the LTTE from their home in Jaffna and the Vanni region in 1990. The Puttalam situation presents another dimension of refugee generation in Sri Lanka. First, it brings to light the Muslim issue and highlights the multi-dimensional nature of the
conflict in Sri Lanka. Second, it highlights the issue of forced evacuation at a mass level with strategic interest.

Despite the existence of international legal mechanisms and domestic norms to safeguard their rights, these have been more on paper than applicable at the ground level. Internal refugees face severe violation of human rights, economic hardships lack of opportunities, and restriction on their movement.

The Sri Lankan refugees fleeing their country have found India to be the most accessible and accommodating asylum country. They were pouring into India throughout the eighties and early nineties. But the picture has changed substantially since then. Geographical, political and ethnic cultural factors have drawn Sri Lankan Tamil refugees to India. In the first phase of arrival most of the refugees belonged to the upper or lower middle classes. By the second phase, the numbers had reduced, but a great number of refugees coming to India were militants. The third phase marks the highest point of influx when the number crossed the 200,000 mark. Most of the refugees who came in this phase belonged to the North and the East and were of the upper or lower middle class people of the Sri Lankan society. Most of them were accommodated in refugee camps in Tamil Nadu. In the fourth phase, the arrival of Sri Lankan refugees to India had dropped, but was largely induced by the LTTE. The influx of refugees depended upon the politico military
strategies adopted in Sri Lanka as well as the response of the host community in India.

India's policy towards the Sri Lankan refugees has been broadly based on humanitarian concerns, foreign policy concerns and response of the local population. An assessment of the management of the Sri Lankan refugees brings to light the following points: despite the fact that India has not signed the 1951 Convention or the 1967 Protocol, the two major international legal instruments on refugees, the Sri Lankan asylum seekers have been accorded refugee status. However, since there are no specific legislations on refugees in India, their position remains vulnerable. They live under constant fear of being repatriated at any time. As mentioned by S. C. Chandrahasan, in an interview with the researcher, "any legal framework can be of help to the refugees. At least they will not be under the constant threat of being put under the Foreigners’ Act.” In spite of these limitations it needs to be mentioned that "asylum commitments are perhaps more generous in India than anywhere else in Asia” (Island of Refugees, USCR Issue Paper, 1991).

II

Forced migration on a permanent or temporary basis has always been an important survival strategy adopted by people in crisis situations. The
problematic is to understand the process of displacement in a conflict situation. The study stems from the conviction that issues of forced population movement are often studied under a broad theoretical framework. However, the specific factors and complexities of displacement need to be addressed theoretically.

The present study develops a framework to identify and analyse the causes and course of refugee generation in an ethnic conflict situation. This framework envisages that militarisation as the critical factor is related to a wider gamut of forces - political, economic, psychological and external, that together lead to refugee generation.

Refugee generation is a dynamic process inextricably linked to the conflict. It needs to be mentioned that militarisation is not violence alone. (1) It indicates acceptance of violence as the legitimate form of political practice. This highlights the psychological dimension of the conflict. (2) There is escalation in the scale of violence, and (3) the inter-related dynamics of violence. These can be located within a framework of four inter-related factors. They are political, economic, external and psychological variables. Each of these determinants has a crucial role to play in a militarised society. At the same time these factors are affected by the militarised situation. The interplay of the above factors creates conditions for refugee generation. It needs to be stated once again that the term refugees includes those who are
outside the country as well as those who have been displaced within the country.

A militarised conflict is 'prolonged'. It is 'psychosocial' in the sense that there is a psychological dimension in the genesis and sustenance of the conflict. The fear, insecurity and alienation that stems from the conflict indicates that the State is unable to secure the confidence of a section of its population. The process is often located in the dichotomy between the State and the 'nation'. Thus, the role of the State acquires crucial significance in this analysis. The role of the state in a multi-ethnic society is manifested at two levels. (1) At the policy level, the question is whose interest does the State represent while formulating polices that impinge on the socio-economic structure of society. (2) The role of the State is crucial in handling outbreaks of violence. Closely related to this is level of political mobilisation of groups. It also includes the nature of ideology and strategies of the leadership - 'who represents the interests of the minorities' and the parameters within which they work.

There is a deep-seated economic inequality and grievance at the root of most conflicts. These get exacerbated or settled depending upon the policy decisions adopted by the State. In a militarised situation, economic insecurities and lack of opportunities get exacerbated. International actors in ethnic conflict are States, civil society, international media, international non-
governmental organizations and the diaspora. They influence the conflict and
direction of displacement of potential refugees. Therefore they form crucial
'pull factors' in a refugee situation.

The nature and intensity of violence is inextricably linked to refugee
generation. Violence in a militarised society is multi-dimensional. It could be
latent or manifest, direct or indirect. It is central to the process and the most
potent 'push factor' in a refugee situation. Once unleashed, it is difficult to
revert the process, because refugee generation creates conditions for its
survival.

The main contention of this framework is that refugee generation
occurs when all the above factors are in force. It indicates that a militarised
society creates conditions which reinforce the schism in society. It therefore
sharpens the socio-economic, political divisions. The psychological factor is
crucial in the sense that it leads to culture of violence in society.

The case study explicates the hypotheses that have been put forward.
Militarisation of the Sri Lankan society has been the determining factor in
sustained refugee generation. The year 1983 has been a turning point in this
context. The earlier trend of violence and displacement became sustained and
was no longer intermittent as in the earlier instances.

Militarisation in Sri Lanka is discernable in the following aspects:
There has been no solution to the conflict and efforts at negotiations and political dialogue have proved to be ineffective.

The psychological aspects of a militarised society are manifested in the ‘culture of violence’ and dehumanisation of society, the acceptance of violence as a means to resolve political conflict. The fear, alienation and threat to life and liberty in such a society eventually result in refugee generation.

The political determinants are expressed in the role of the Sri Lankan State. Policies and programmes adopted by the State since independence, and specifically since 1956, were unable to address the relative deprivation of the Sri Lankan Tamil minority. They have felt economically and politically marginalised in the plural society. This found expression in militancy and the institutionalisation of violence.

The politics of displacement are discernable in the following ways:

(a) Forced evacuation of Muslims from Jaffna and Vanni in 1990.
(b) The LTTE tried to induce displacement of refugees to India (by providing boats for escape) in 1994 to keep the India factor.
(c) Efforts of the government to contain refugees within the country since 1990s to reduce the ‘India factor’

Economic inequality and competition for scarce resources has been a key factor in the growth and emergence of the conflict. As the conflict widened, the initial issues lost centre stage. However, in a militarised society
economic concerns like food, shelter, lack of employment opportunities, restriction on fishing in 'security zones' have forced people to move.

Amidst these crises, external factors have been a catalyst in the process of refugee generation. This is manifested in two ways: One, in sustaining the conflict, and two, in the response of the asylum giving countries in their response to refugees. Both the Sri Lankan government and the militant groups have sought help from other countries. Militant outfits like the LTTE, EPRLF etc were given military training in India. The presence of the IPKF in Sri Lanka is another indicator of external factors in a militarised society. The LTTE maintains an elaborate network outside the country. The role of the Tamil diaspora in the Western countries and Australia has sustained the cause of 'Eelam' by providing moral, material and strategic support. Each phase of refugee influx is determined by the above factors.

Violence has been the clinching factor in refugee generation. A complex pattern of violence has emerged in the Sri Lankan society. The Army, police, Special Task Force (STF), LTTE and other militant groups, Homeguards, IPKF and Sinhalese mobs have all been agents of violence in the ongoing conflict. Army operations, bombing assassinations, urban attacks, torture, disappearances and destruction of houses and property have been effective war strategies. Military strategies adopted by both State as well as those opposing the State have worked towards refugee generation on Sri Lanka.
The study raises certain questions. Issues that have been hitherto pushed under the carpet need to be addressed. The first question that arises is if stance of the parties at war is a ‘fight to the finish’. But in such a situation, how long can the silent majority of civilians remain caught in the war?

This research started with an exploration of studying refugees and internally displaced persons under a common framework on the premise that they are products of the same phenomenon. It needs to be emphasised that internal refugees remain in the country, not because they ‘choose’ to stay but because they are ‘unable’ to go. The study shows that the situations of these two groups differ vastly. Any slight change in the political situation affects internal refugees directly and immediately. Psychologically, refugees have accepted their fate and resigned to it; internal refugees remain caught in the ongoing conflict. They have to move as the battlelines are drawn and redrawn. There are severe restrictions on them mainly because they are members of a community that is fighting the State forces.

At a meeting in Washington at the Carnegie Endowment for International Peace, in May 1997, the UN High Commissioner for Refugees, Ms. Sadako Ogata was asked why the UN system had not been able to do much for internally displaced persons. To this she replied, “The problem is sovereignty.” It is difficult to decide whether the safety, security and well
being of people can be compromised. Conversely, this also raises the question if more access to the UN could give leverage to other States to interfere in the domestic politics of smaller States.

Being away from their country, for so many years, has rendered them out of touch with the their land. Resettling would therefore be a daunting task. As mentioned earlier, refugees are a resigned lot, resigned to their fate in an alien land. The cynicism is so high that they lack the initiative of starting life all over again.

Internal refugees are also products of the same war. But this constant moving and multiple displacement has made them pacifist. Those who support the movement, (as expressed by many refugees) maintain that their support for militancy does not stem from their belief and acceptance of programmes and policies of militant groups, because of the response of the state towards Tamil minorities.

Resettlement is an issue that is much more complicated than it is understood. When people return, they have found that their houses and property have been occupied. In Jaffna, for instance, the security forces have occupied a large number of houses. Relocation remains the only solution. But in Sri Lanka, due to the fluidity of the situation, relocation has proved to be marginally successful in view of the ongoing conflict.
The ideal solution would be cessation of hostilities. But in a situation where negotiations for political solution have not broken much ground, there should be effective refugee management in Sri Lanka. The application of Humanitarian Laws becomes particularly important. There should be efforts on both sides to ensure civilian safety. Civilian areas especially densely populated areas should be made "No-War" zones. Adequate relief measures and facilities should be provided. Free mobility of civilians should be assured. Relocated areas should be accommodated within the "No War zones," so that relocation policies are effective. Further, the UNHCR and international humanitarian agencies should ensure that the refugees are not rejected at international borders.

In the end, it must be emphasised that further research should focus on comparative studies in different countries. This will help in understanding the interplay between ethnic conflict and refugee generation. The effort would help understand the intricacies of forced population movement and address issues at the initial stages. The entire socio-political and psychological dimensions of the situation needs to be discerned, so that the schism does not reach a stage that people are forced to move. Potential refugee situations cannot be handled if the politico-military strategies of warfare continue without any end.