

Nachfolgend veröffentlichen wir Auszüge aus einer Studie "Sri Lankan refugees in the Indian state of Tamil Nadu"; Herausgeber: 'The Sri Lanka Project, The Refugee Council', London, August 1999.

1. Background

Sri Lanka lies 22 miles south-east of Tamil Nadu, the southernmost state of India. The proximity has led to close historic and cultural ties and population migration over the centuries. (...) In recent years, particularly since 1983, continuing violence on the island has resulted in Sri Lankan Tamils fleeing to India seeking safety among the 55 million Tamil population in the southern state.

Following large-scale violence against the Tamil community in July and August 1983 in Sri Lanka, over 100.000 Tamils fled to Tamil Nadu. The Indian government provided refuge to them although India is not a signatory to the 1951 UN Convention on the Status of Refugees. By 1987, 29.000 refugees were housed in 170 government camps and another 106.000 lived with friends or relatives or in rented accommodation.

The Indo-Sri Lanka Agreement of July 1987 aimed at ending the island's conflict. (...) Under the agreement, an Indian Peace Keeping Force (IPKF) arrived in Sri Lanka to promote peace. In August 1987, United Nations refugee agency UNHCR and the Sri Lankan government signed a Memorandum of Understanding establishing a UNHCR presence in Sri Lanka and cooperation for refugee relief and rehabilitation.

Repatriation of refugees from Tamil Nadu began in December 1987 during a period of turmoil and UNHCR established a Special Programme of Limited Assistance for the refugees in Sri Lanka. By September 1987, the IPKF had become involved in the conflict and launched a major offensive against the Liberation Tigers of Tamil Eelam (LTTE) fighting for a separate Tamil homeland in the north-east of the island. Around 22.000 refugees had been returned to Sri Lanka by July 1988,

through Talaimannar on Mannar Island and Kankesanthurai in the Jaffna peninsula. Repatriation continued while heavy fighting was taking place between the IPKF and the LTTE.

The Indian government refused access for UNHCR to the refugees on Indian soil for the purpose of assessing the voluntary nature of the repatriation. UNHCR officials carried out the assessment and registration on the ship returning the refugees. NGOs criticize such procedures where assessment to determine the voluntary nature of the return was made after the refugees had left Indian soil. The UNHCR suspended the repatriation in April 1989 due to 'large-scale potential violence and general insecurity in Sri Lanka'.

Following a pact with the LTTE in 1989, the Sri Lankan government began pressurizing India to withdraw the IPKF. The withdrawal of the IPKF began in October 1989 and was completed in March 1990. But in June 1990, the cooperation between the LTTE and Sri Lanka government ended and fresh fighting broke out. An economic blockade was imposed on northern Sri Lanka and the airforce began large-scale bombing of the north-east. Within six months, 150.000 Sri Lankan Tamils had fled to Tamil Nadu. By the beginning of 1992, there were 230.000 refugees in India - 120.000 were in camps and others outside.

Twelve leading members of the Sri Lankan Tamil group Eelam People's Revolutionary Liberation Front (EPRLF), including its leader K Pathmanabha, were killed in an LTTE attack in Madras on 19 June 1990. The former Indian Prime Minister Rajiv Gandhi was assassinated on 21 May 1991 by a suicide bomber, while he was on an election campaign at Sriperumpudur, 25 miles south of Madras. The LTTE was named as the main suspect.

The murders sent shock waves through India and following the killing of Rajiv Gandhi, the refugee scene in south India changed dramatically. The sympathy enjoyed by Sri Lankan refugees among the people of Tamil Nadu turned to one of hostility. The Indian and Tamil Nadu governments took a hardline attitude in relation to Sri Lankan refugee issues. Over 1.000 Tamil Nadu police took part in Operation Flamingo in September 1991, to clear LTTE bases from the 300 mile coastline south of Nagapattinam. Refugee camps in the coastal areas were moved to 25 reception centres in the interior of the state.

India outlawed the LTTE on 14 May 1992 for two years under the Unlawful

Activities (Prevention) Act. The ban has since been extended every two years. When it was extended in May 1994, over 1.600 LTTE suspects were held in Tamil Nadu prisons and special camps, 26 of them accused of involvement in the Rajiv Gandhi murder. The LTTE appealed against the proscription in 1998 to a tribunal appointed under the Act. The tribunal held its enquiries at Trichy in Tamil Nadu and in New Delhi. On 31 January 1999, the tribunal held that the Indian government decision to ban the LTTE was valid and dismissed the Tigers' appeal. The Rajiv Gandhi murder trial was concluded in January 1998. All 26 people, ten Indian and 16 Sri Lankan, accused of conspiracy, were sentenced to death by a special court. The accused appealed to the Indian Supreme Court. The Supreme Court, on 11 May 1999, confirmed the death sentences of two Sri Lankans and two Indians. Three were sentenced to life imprisonment and 19 others were acquitted.

The refugee repatriation programme resumed in January 1992, under an agreement between the Indian and Sri Lankan governments, but UNHCR refused to become involved, declaring that the conditions in Sri Lanka were not conducive for safe returns. The UN High Commissioner for Refugees, Sadako Ogata, wrote to Indian Prime Minister Narasimha Rao in May 1992, after UNHCR staff on Mannar Island reported mounting cases of forcible return among the 23.000 refugees repatriated since January 1992. But by August 1992, UNHCR had changed its mind and become involved in the repatriation, despite the ban on NGOs and UNHCR into refugee camps in Tamil Nadu.

In August 1992, the Madras High Court lifted its suspension on repatriation imposed after a public interest petition lodged by two politicians in Tamil Nadu. There were accusations that camp conditions were allowed to deteriorate and assistance to camps delayed deliberately in order to coerce the refugees to leave India. Rehabilitation Officers were instructed, according to reports, to gather by whatever means the targeted number of refugees for repatriation to Sri Lanka.

Some 5.000 returnees were stuck on Mannar Island, because their homes were destroyed, occupied by the army or were in LTTE-controlled areas. In 1999, many refugees returned from India are still languishing in camps in Mannar, Vavuniya and Trincomalee, unable to go back to their home areas.

The British Refugee Council (BRC) wrote to High Commissioner Sadako

Ogata in November 1992, on behalf of 16 international NGOs, raising doubts over the voluntariness of the repatriation, emphasizing the importance of providing access for NGOs and UNHCR to refugee camps. After a meeting with the Indian High Commissioner in London in December 1992, BRC suggested a joint NGO-UNHCR mission to India and Sri Lanka for assessment of the situation. The UNHCR, however, felt that a joint mission, particularly to Tamil Nadu, should await an agreement with the Indian authorities on UNHCR's access to the refugee camps.

The Indian government allowed the UNHCR in Tamil Nadu to monitor the voluntary nature of the refugee returns. However, denial of access to refugee camps led to UNHCR interviewing refugees in transit centres or at the point of departure. UNHCR said that it was only facilitating returns and insisted that returnees knew they faced 'a less than ideal situation and have weighed the risks involved'. In this second phase of repatriation, over 29.000 refugees were returned to Mannar Island off the western coast of Sri Lanka and Trincomalee on the eastern coast. The programme was suspended in October, but recommenced on 13 August 1993.

Hopes of peace were dashed when peace talks between the LTTE and the new People's Alliance government collapsed in April 1995. Renewed fighting led to large-scale internal displacement in northern Sri Lanka. As a result, the repatriation of refugees from India was again suspended. Some 56.750 refugees were in 115 camps in Tamil Nadu at the time and an estimated 100.000 outside the camps, many living in rented accommodation depending on remittances from relatives abroad. Between 1992 and 1996, 54.059 refugees were repatriated to Sri Lanka from Tamil Nadu. Since August 1996, following heavy fighting in the northern Vanni region in Sri Lanka, after the launch of military operation Jayasikurui (Certain Victory) to open a landroute to Jaffna, a further 15.000 refugees have fled to Tamil Nadu. Refugees continue to arrive in small numbers in the southern Indian state from the western coast of Sri Lanka.

2. Across the Palk Strait

Most of the refugee families in Tamil Nadu camps are poor and were forced to undertake the hazardous journey by boat across the Palk Strait, the 22-mile stretch of sea dividing India and Sri Lanka. Refugees fleeing from Sri Lanka usually take a boat near Pesalai on Mannar Island or at Nachchikudah, 26 miles

north-east of Mannar, paying boatmen, many of whom are said to be controlled by the LTTE.

In July 1990, 35 people drowned when a boat carrying refugees fleeing army operations in Vavuniya, capsized. Some 185 Tamil refugees fleeing the war zone are known to have died in the Palk Strait since October 1996. Over 130 refugees died when an overcrowded trawler capsized at sea within a mile from Nachchikudah on 19 February 1997. Many of them were women and children displaced from Jaffna following military operations in December 1995. Forty five more refugees, including five children, drowned on 25 July 1998 when another boat sank near Rameswaram in south India.

Refugees face other difficulties when crossing the Palk Strait. The Sri Lankan and Indian naval vessels patrolling the sea, mainly for the purpose of preventing the LTTE from smuggling weapons, often intercept the refugees. The Sri Lankan Navy has brought many refugees back to Mannar, to be charged before courts for leaving the country illegally. Despite these risks, the continuing military operations in the Vanni and aerial bombardment by the Sri Lankan Airforce are forcing refugees to flee Sri Lanka. In October 1998, some 125 refugees landed in Tamil Nadu. Another 48 were arrested on 7 October 1998 at sea by the Sri Lankan Navy and returned to Mannar. Over 120 people fled from Mannar in boats to Tamil Nadu on 2 July 1999, following Operation Rana Gosha (Battle Cry).

Refugees fleeing the country encounter other problems. In its March 1997 report, the US Committee for Refugees (USCR) said that UNHCR should not actively dissuade Sri Lankans from seeking refuge in India. USCR welcomed UNHCR's open relief centre (ORC) as an alternative to flight for those who may want such flight, but emphasized that neither the Sri Lankan government nor UNHCR should seek to impose the ORC on would-be refugees or use its existence as a pretext for interdicting and returning refugees to Sri Lanka.

Refugees from Sri Lanka usually land at Dhanushkodi on Pamban Island and are screened by Indian authorities at Rameswaram on the same island to determine if they have links with the LTTE (see map). Thereafter all refugees are sent to Mandapam camp on the mainland in Ramanathapuram District. (...) Those suspected of links with the LTTE are detained and sent to special detention camps. Some persons, after being cleared by courts of suspected militant activities, continue to be

detained in special camps charged under the Foreigners Act with illegal entry.

3. Number of refugees

UNHCR says that at the end of 1998, there were 70.337 refugees in 131 camps in the districts of Tamil Nadu. According to other reports, male adult refugees are 38% and female adults 35%. Male children are 14% of the refugee population and female children are 13% (ie. 73% adults and 27% children).

The camps include three special camps for Sri Lankan Tamil militant group members and their families. In the Chenkalpet District, a special camp contains 4.097 persons of 1.070 families who belong to the militant groups Tamil Eelam Liberation Organisation (TELO), People's Liberation Organisation of Tamil Eelam (PLOTE) and Eelam People's Revolutionary Liberation Front (EPRLF). Some 80 LTTE cadre are held at the Tippu Mahal special camp at Vellore in North Arcot Ambedkar District, which in reality is a detention centre. Another 27 LTTE cadre are detained at the Melur special camp in Madurai District, which is also a prison. Many government buildings including cyclone shelters have been converted to refugee camps. The Indian government has constructed shelters within many camps. Non Governmental Organisations (NGOs) are currently not permitted into special camps or into the Mandapam transit camp, which currently accommodates over 3.900 refugees.

4. Refugees outside camps

Although earlier some 80.000 to 100.000 people who fled violence in Sri Lanka were non-camp residents, UNHCR estimates that there are now only 40.000 persons living outside government-run refugee camps in Tamil Nadu, with friends and relatives or surviving on remittances from family members in Western countries. (...) The refugees outside camps do not receive any assistance from the Tamil Nadu or Indian government.

Following the signing of the Indo-Sri Lanka Agreement in July 1987, the Indian government called on all Sri Lankans living outside refugee camps to register with the District Collector (the highest ranking administrative officer in a district). At the time only 12.675 people responded and registered themselves. Thereafter the government directed the District Collectors to carry out surveys to identify Sri Lankans living among the local population.

Initially, Sri Lankans outside camps were given visas for three or six months and they were able to obtain extensions from the Collector's office after producing a clearance certificate from the police. A person resident for more than three months was also expected, in addition, to obtain a tax clearance certificate from the Inland Revenue Department. Immediately after the killing of the EPRLF members in June 1990, the Tamil Nadu government renewed its call for registration of refugees who lived outside refugee camps.

In October 1991, there were 120.000 Sri Lankan refugees in government-run camps and another 110.000 outside. Less than 30.000 of those living outside refugee camps had registered and others were regarded as LTTE suspects. In an attempt to break LTTE's grip on the southern state, 2.060 people identified as Tigers were rounded-up after the assassination of Rajiv Gandhi and detained in high-security isolation.

The Tamil Nadu government issued a public notice on 28 June 1991 requiring all Sri Lankan Tamils living outside refugee camps to register with the nearest police station within seven days with details such as name, address and occupation. Owners of houses and lodges providing accommodation for Sri Lankan Tamils were also ordered to give details about their tenants within seven days. The deadline for registration was extended later by two weeks. The government issued another notice on 25 September 1992, asking refugees to register themselves before 1 October 1992. Those who had already registered, but had changed their place of residence were also advised to provide their new addresses. The government made it clear that those who did not register would be removed to special camps for eventual deportation from Tamil Nadu.

The refugees living outside government refugee camps must ensure that they have a valid visa or police registration. After the initial visa expires, in most cases police registration is deemed sufficient. The police issue no document proving registration. The police provide a Registration Number, which the refugee is expected to quote when difficulties arise relating to residence in Tamil Nadu. If the refugee wishes to leave the country, he/she needs to provide the Registration Number and the date of registration. In effect, the Registration Number replaces the visa.

Non-camp Sri Lankan refugees who are employed are expected to obtain work permits. People who are resident for five years or more and those married to Indian citizens may apply to be included

in the electoral list. They are also entitled to apply for a Ration Card, which enables them to obtain consumer goods and fuel at a subsidized price. Many of the refugees who have completed five years in India and applied for Ration Cards have not received any response.

In earlier years, refugees living outside camps experienced problems from Tamil militant groups, who always pressurized them for money. Threats, extortion and abductions were reported. Inter-group rivalry and fighting between militant groups created enormous problems for refugees. There was also tension between the local Tamil Nadu population and refugees living outside camps. Refugees who received money from relatives abroad were blamed for the rapid rise in the price of consumer goods and rents. Immediately following the assassination of Rajiv Gandhi in May 1991, those outside camps were open to abuse and in some instances even to physical attacks. Although some problems remain, the tensions now seem to have dissipated, with each community recognizing the other's problems.

According to reports, the Indian Home Ministry sent a letter to the refugees outside camps in September 1998 advising them to leave India within two weeks. No reason was assigned for the decision. Some refugees say that they have not received any reply to their appeal over the decision. However, up to July 1999, no action had been taken to remove the refugees from India.

5.0 Refugee camps

5.1 Camp administration

The local Village Administrative Officer (VA) is in charge of the camp in his area and to attend to camp affairs he/she is provided with two assistants (Thalayaris). The Revenue Inspector (RI) of the area supervises the VA and receives representations from the VA. The District Revenue Inspector (DRI) (Thasildar) is in charge of all the refugee camps in the district. At district level, in the Collectorate (the Collector is the most senior government administrative officer in the district), a Regional Divisional Officer (RDO) and a Rehabilitation Revenue Inspector (RRI) (Thasildar) attend to camp affairs. The Q-Branch of the police provides security to the refugee camps.

Currently, if a refugee wishes to go out of a camp for any purpose, he/she must obtain letters of recommendation from the VA and the DRI. Q-Branch and the RRI must approve the application. The RRI's approval must also be obtained, among others, for the following:

- 1) Passport to go to Sri Lanka,
- 2) Application for increases in cash dole when children reach to age of six or twelve,
- 3) Registration of children for inclusion in the Refugee Card,
- 4) Removal or inclusion of names on records relating to refugee camps.

NGOs have encouraged the formation of various committees within the camp to attend to the needs of the refugees. The following committees function in every camp:

- Camp Committee,
- Student Movement,
- Women Committee,
- Sports Committee,
- Teachers-Parents Committee.

5.2 Shelter

The lack of proper shelter is one of the main problems in the refugee camps. Most huts in the camps were built nine years ago as temporary housing and are in a poor condition. These huts which are usually made of corrugated tar sheets with a door but no windows, have very little living space inside. High temperatures in the summer and heavy rains during monsoons make life in the huts extremely difficult. In some areas refugees are accommodated in cyclone shelters, government buildings or farm buildings. These are partitioned with cloth, cardboard or other light material. Where possible, each family creates a flimsy rectangular enclosure with sarees or bedspreads. In these open halls there is little privacy, particularly for women. These and other buildings used as refugee camps are also in need of repairs. The government has issued strict instructions that NGOs cannot become involved in the construction or installation of what are referred to as "permanent" structures in the camps. These include housing, electricity and water supply.

After the DMK government came into power in Tamil Nadu in April 1996, Rs 50 million (\$ 1,2 Million) was allocated to improve housing. NGOs working with refugees in Tamil Nadu urged the government to permit their involvement in building new huts or alternatively pay the money to refugees to enable them to repair the existing huts or construct new huts. Unfortunately, the government employed a contractor to build new shelters within the camps.

The shelters constructed by the contractor are barrack-like linerrooms. The walls are flimsy and may collapse at any time. Most of the roofs have been blown away in the wind. The roofs are made of tin sheets, and where they are still intact, make the shelters extremely

hot and uninhabitable. Currently no one lives in these linerrooms. The money allocated by the government has been wasted entirely.

5.3 Sanitation and health

The government has constructed toilets in several camps, but without any water supply. They are therefore unusable. People have been forced to use open spaces in the vicinity of the camps. Most camps are in remote areas and therefore the water supply is mainly from tube wells using hand pumps. Doctors visiting the camps say that communicable diseases such as tuberculosis, typhoid and diarrhoea are prevalent. Many camps are far away from urban centres where medical facilities are available.

Studies conducted in 1993 and 1995 among refugee children indicated that 32% to 53% of the children were moderately to severely undernourished and underweight among children under five years of age was high. High incidence of anaemia, dental caries, night blindness, refractory errors and respiratory infection were noted and the children faced high risk of impaired growth and development.

A large number of refugees have problems relating to mental health. Nearly 20% suffer from anxiety, depression and obsessive compulsive thoughts, which have led to suicides and attempted suicides, adolescent reaction and early marriages. The poor economic resources available are a contributory factor in mental health problems.

There are also disabilities such as impaired mobility, impaired speech, hearing and vision and mental handicaps. Concealed disabilities such as chronic undernutrition, diabetes, mental disturbances, congenital heart diseases, dyslexia and chronic asthma are also problems within refugee camps according to doctors.

5.4 Employment

Employment is a major problem for refugees living in camps and depends on the location of the camp. Only a small percentage of the refugees are able to find employment and it is harder for women than men to find work. In some areas, employment is available in the vicinity of the camps. Where the camps are remote, obtaining employment is almost impossible and the refugees must seek employment in other areas. If a refugee obtains a job in an area far away from the camp and is compelled to stay in that area for a number of days, then

he/she faces the risk of losing registration at the camp.

Refugees are generally able to obtain casual jobs only, which means that they are recruited on a daily basis and paid daily. Such jobs, where available, are in shops, factories and fields. Road construction projects are implemented in Tamil Nadu and refugees are employed in stone quarries to provide stones needed for the roads. Those employed in quarries are not provided with protective gear and many refugees have suffered injuries, particularly to their eyes.

5.5 Freedom of movement

On 27 May 1993, the Tamil Nadu government banned NGOs entering refugee camps and introduced new restrictions on the movement of refugees in camps. The Commissioner of Rehabilitation, in his instructions to District Collectors, said that 'only those who are required to go out to work will be allowed to go in the morning at 8.00 am on the condition that they would return before 6.00 pm on the same day'. The order also said that camp refugees who want to visit their relatives in other areas must obtain written permission from the camp officer (Thasildar) issued in consultation with the 'Q'-Branch of the police.

The restriction effectively shut refugees out of the local dawn-to-dusk labour market and deprived them of supplementary income. But the new government order in February 1998 granting access of refugee camps to NGOs also removed this restriction.

UNHCR says that it has received a fairly large number of complaints from residents in special camps, which range from conditions in the camps to the lack of freedom of movement, to the indefinite nature of stay in such camps. Residents in the special camps are allowed to go out of the camps only if they leave the country.

5.6 Education

Sri Lankan refugee students (and other students from Sri Lanka) have faced difficulties as a result of Tamil Nadu government decisions in extending educational facilities. In July 1988, the state government issued an order [Government Order (GO) No 597] stating that,

- students in Standard 10 and below would not be permitted to continue studies after the 1988 academic year;
- no new admissions of students would be allowed in colleges, polytechnics and universities;

c) student visas will be restricted, and d) visas would be extended on condition that parents do not insist on staying in India until completion of the student's courses.

This order was not implemented following protests by refugee and human rights groups.

In 1989, Tamil Nadu's DMK government issued an order allowing the admission to schools and colleges and reserving seats for children of Sri Lankan refugees. The government reserved 40 seats in engineering, 20 in medicine, 10 in agriculture in colleges and 40 seats in polytechnics for refugee children.

Following the assassination of Rajiv Gandhi in May 1991, admission of Sri Lankan refugee students to all schools for the academic year was suspended by Tamil Nadu's new AIADMK government in September 1991 and the reservation of seats was withdrawn. (Education Department letters dated 3 September 1991). The government allowed education only in August 1993, by an order which stated that refugee children would be permitted to study up to Standard 12 in schools in Tamil Nadu during the academic year 1993-94.

The Tamil Nadu government stated: "The question as to whether the Sri Lankan refugees' children be permitted to study in schools ... has been re-examined, as in every camp, refugees have been pleading for restoring status quo ante since it is a human problem. ... Accordingly, in modification of instructions... the Sri Lankan refugees' children be permitted to study up to +2 (Standard 12) in the schools of Tamil Nadu, during the academic year 1993-94" (Letter of Secretary to the Government dated 12 August 1993). Refugee students and other Sri Lankan students were thus denied the opportunity to pursue higher education in colleges, including professional colleges for the academic years 1993-94 and 1994-95 (Government letter No. 634 dated 8 August 1995).

In May 1996, a local refugee agency, the Organisation for Eelam Refugees Rehabilitation (OFERR), submitted a petition to the Tamil Nadu government for the restoration of college admissions. The ban on higher education was lifted in June 1996. Government Order No 126 dated 25 June 1996 stated: "The Government have carefully examined the request ... Accordingly, the Government lift the ban imposed ... for admission and permission for continuance of Sri Lankan students with regular passport and visa and the Sri Lankan Tamil refugee students to study in