

INDIA'S SRI LANKAN REFUGEES NEED FAIR CONSIDERATION

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The Sri Lankan Tamil refugee rehabilitation centre opened at Thottanothu near Dindigul in Tamil Nadu in September 2022 | Photo Credit: The Hindu

It will soon be 14 years since the end of the civil war in Sri Lanka. The three-decade war that ended in May 2009 devastated the once peaceful and prosperous nation. Many civilians perished and large sections had no choice but to flee; some within the country while others left for foreign lands having lost livelihoods and fearing for their lives. Many sought protection in India, among a population of identical ethnicity in Tamil Nadu. The vast majority travelled in boats and dinghies in desperation. They entered India in search of safety, many without travel documents and were received and hosted by the Government of India on humanitarian grounds.

The Ministry of Home Affairs (MHA) in its 2021-2022 Annual Report states that 3,04,269 Sri Lankan refugees entered India between July 1983 and August 2012 and were provided relief including shelter, subsidised ration, educational assistance, medical care and cash allowances. In addition to the warm welcome provided, access to public education and health facilities embodies the Government of India's recognition of the needs of Sri Lankan refugees. Sustaining assistance for decades is an example of best practices under the aegis of the Global Compact on Refugees.

The end of the civil war renewed hope for this nation wrecked after years of ethnic strife and displacement. The Government of Sri Lanka constituted the Lessons Learnt and Reconciliation Commission in 2010 "to look back at the conflict Sri Lanka suffered as well as to look ahead for an era of healing and peace building in the country". Its observations and recommendations on human rights, international humanitarian law, land rights, resettlement and reconciliation are noteworthy.

Since the end of the civil war, the Government of Sri Lanka, and development partners initiated programmes in the Northern and Eastern provinces, with objectives of resettlement, restoration of critical infrastructure, livelihoods and social services to the local population. This led to significant improvements; the return of internally displaced persons (IDPs), infrastructure development, expansion of agriculture and livelihoods. The government expenditure in the Northern and Eastern Provinces during 2009-18 is reported to be \$3.8 billion with another \$3.4 billion by development partners.

Despite these efforts, several challenges remain, including lack of funds for recovery needs. The Easter Bombings in 2019 followed by COVID-19 slowed the development process, compounded by the economic and political crises in 2022. As in the latest World Bank Sri Lanka Update, “poverty has more than doubled over the past few years, and poverty and vulnerability will continue to rise without appropriate support”.

In India, 58,648 refugees are residing in 108 camps in Tamil Nadu while 54 are in Odisha. Another 34,135 refugees registered with Tamil Nadu authorities reside outside camps. The Government of India provided 1,226 crore for the relief and accommodation of refugees from July 1983 to March 31, 2022. However, the objective of the Government of India remains the repatriation of refugees to Sri Lanka; 99,469 refugees were repatriated to Sri Lanka up to March 1995 and no organised repatriation was done thereafter.

Amongst them are 30,000 Persons of Indian Origin (also known as “Hill Tamils”). They have a claim to Sri Lankan citizenship vide the Indo-Sri Lanka Agreements of 1964, 1974 and 1987 and amendments to the Grant of Citizenship to Persons of Indian Origin Act of Sri Lanka. Lack of documents as well as a desire to continue in India differentiates them from other refugees. They may need special consideration and lie beyond 3.35 lakh people repatriated to India from October 1964 to December 2006, as in the MHA Report 2019-20.

Today, Sri Lankan Tamil refugees in India who wish to return voluntarily are being facilitated by the Government of Sri Lanka. Over the last year, 208 individuals have returned voluntarily, supported by the Government of India, bilateral donors and the UNHCR. Recent announcements, to commence ferry services to Kankensanthurai and direct flights to Jaffna from India (this has begun), will build confidence and aid those desirous of return.

Sri Lankan refugees in India are in a protracted situation, some for over four decades. At the UNHCR, we perceive voluntary return as the most desired choice to end refugee status. There is a significant population which may not wish to return, preferring to call India home. This is a cohort born and educated in India with no knowledge or experience of their country of origin. A solution that provides relief from enduring refugee status is the need of the hour.

India possesses the capacity and the legal framework to find durable solutions to the refugee situation in Tamil Nadu. In line with the Global Compact on Refugees, India along with the international community has significantly contributed to building conditions within Sri Lanka for a safe and durable return.

Also read | [A pathway to citizenship for Indian-origin Tamils](#)

The welfare of refugees including efforts towards self-reliance can be cited as global best practice. What remains is a solution for the group which may consider India to be their home after a stay of decades. They, above all, need fair consideration.

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