Briefing on the Tamil people in Sri Lanka

Report of the Foreign Affairs, Defence and Trade Committee

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The Tamil People in Sri Lanka

Recommendations

The Foreign Affairs, Defence and Trade Committee makes the following recommendations to the Government.

1. That it acknowledge publicly that the Sri Lankan Government has allowed most of the Tamils detained in Government camps to return to their homes, and urge the Sri Lankan Government to release immediately the rest of those detained.

2. That it request that the Sri Lankan Government give international human rights organisations access to the particular camps where supposed Liberation Tigers of Tamil Eelam members are detained, so that the detainees’ details are recorded to establish their identities and to monitor their treatment.

3. That it join with others in the international community in encouraging political reconciliation in Sri Lanka that takes into account the aspirations of Tamil people.

4. That New Zealand make further contributions to the United Nations agencies assisting with the resettlement of Tamil refugees in the northeast of Sri Lanka.

Introduction

We have received a briefing from the Ministry of Foreign Affairs and Trade on the situation in Sri Lanka following the end of the civil war in May 2009, which resulted in the defeat of the Liberation Tigers of Tamil Eelam (LTTE). After the war, approximately 300,000 Tamils were being held in camps for internally displaced people, under military control. There has been wide international concern over conditions in the camps and the lack of freedom of movement of the inhabitants. We are aware that New Zealand’s picture of the situation in Sri Lanka depends on second-hand reports from non-governmental agencies and countries with diplomatic missions in Sri Lanka.

Camps for displaced people

Until recently, the Government of Sri Lanka restricted the access of international humanitarian agencies to the “resettlement” camps, restricting information about the living conditions of inhabitants. We were told that the Government of Sri Lanka claimed that it needed to identify former LTTE cadres who had merged into the civilian Tamil population before it could begin a resettlement process; about 10,000 suspected cadres have now been moved to other camps, which are closed to international scrutiny.

We understand, however, that access for humanitarian agencies has now improved, and they are being allowed to enter the camps to make improvements to water supply and sanitation. Civilian resettlement commenced in October 2009 and, by 24 November 2009, the United Nations High Commissioner for Refugees estimated 140,000 displaced people had been released from the camps. The Sri Lankan Government announced in early December that detainees would be free to move in and out of the camps; it aims to return
people to their homes or otherwise resettle them by 31 January 2010. However, we heard that people travelling in and out of the camps require an identity card and their movements are monitored. Approximately 270,000 have now left the camps, which has improved the conditions for the remaining displaced people.

**Resettlement**

It is clear that there are significant challenges in resetting the displaced Tamil people. The conflict zone remains heavily mined and must be cleared before people try to return to their homes. The international community is assisting with the disposal of mines, but the destruction of infrastructure, overcrowding at welfare centres, the lack of shelter, clean water and sanitation facilities, and the devastation of the agriculture sector are serious obstacles. We heard that information from Sri Lanka about the resettlement process is unreliable, and there are rumours of military surveillance of Tamil people who have returned to their homes. The Sri Lankan Government has yet to indicate how it will rehabilitate child soldiers recruited by the LTTE.

**Political climate in Sri Lanka**

Presidential elections were to be held on 26 January 2010 (two years ahead of schedule). President Rajapaksa had said he would present a plan for the resettlement of the Tamil people if re-elected. General Sarath Fonseka, who led the Sri Lankan army to victory over the LTTE, was to contest the election. We heard that both men have considerable support amongst the Sinhalese community, and both would seek the Tamil vote. Since we received the briefing from the Ministry of Foreign Affairs and Trade, elections have been taken place and the incumbent, President Rajapaksa, has been re-elected. We await further announcements from the new Government on plans for resettlement and the prospects for reconciliation.

The arrest on 8 February 2010 of General Sarath Fonseka, and the harassment of his supporters, potentially presents a serious danger to democracy in Sri Lanka and the prospects for reconciliation with the Tamil community.

**Reconciliation**

The international community, including New Zealand, has called for the Sri Lankan Government to articulate a plan for political reconciliation, in order to establish a functioning society. We consider that reconciliation should be a priority for the Sri Lankan Government. It seems likely that, if it does not adopt this approach, further radical opinion and activity is likely to emerge amongst the Tamil people. Reconciliation will depend on ensuring that the Tamil people no longer feel marginalised by the Government in Sri Lanka, on addressing the circumstances that led to the formation of the LTTE, and on improvements to health, education, shelter, and vital services for Tamil people.

**International impacts**

There is concern about the possibility of an increase in asylum-seeking and people-smuggling from Sri Lanka if there is no improvement in the situation there. Managing the processing of asylum seekers or “boat people” requires regional solutions. New Zealand currently takes 750 mandated refugees through the United Nations High Commission for Refugees. We are aware that some refugees to New Zealand and Australia are already being processed from Sri Lanka, and New Zealand’s quota may include refugees from Sri Lanka.
We welcome the announcement from the Minister of Immigration that New Zealand will be accepting 13 UNHCR-mandated refugees from the *Oceanic Viking*. We note that while economic issues have previously driven most of the refugees from Sri Lanka, conditions in the camps and the threat of detention because of association with the LTTE could also now be factors. We were told that there is some risk of migrants from Sri Lanka bringing their political conflicts to New Zealand.

**International response**

The situation in Sri Lanka has been discussed at the United Nations Human Rights Commission and the United Nations Security Council, although we heard that the council could not reach a consensus on a resolution. We also understand that the United Nations Secretary General is monitoring Sri Lanka’s resettlement programme.

While China considers that the conflict in Sri Lanka is an internal matter and that it is not appropriate for the UN to intervene, India has expressed concern about the treatment of the Tamil people and has pressed the Sri Lankan Government to address Tamil concerns. The European Union and the United States have spoken critically of human rights violations during the conflict. The EU has threatened to withhold aid funding if the Sri Lankan Government does not address the issues raised. This appears to have had some results, as we heard that the Sri Lankan Government has recently established a commission to investigate claims of human rights abuses. However, concern remains that the commission is a subcommittee of the Sri Lankan Cabinet.

There is general acknowledgement of the need for international assistance to help with the resettlement of Tamil refugees.

**New Zealand Government response**

In early December New Zealand announced that it would be contributing $1 million to United Nations agencies that help to resettle Tamils forced from their homes by the recent civil war in Sri Lanka: the United Nations Population Fund is to receive $500,000 to help with maternal and neonatal support, and the United Nations Children’s Fund will receive $500,000 to re-establish water and sanitation facilities at resettlement sites.

The New Zealand Government has voiced concern about the situation in the camps and called for the release and resettlement of displaced people; it has also called on the Government of Sri Lanka to initiate a process of reconciliation and allow political participation by minorities.

**Concluding remarks**

We share international concern about the Tamil people in Sri Lanka, particularly the approximately 10,000 suspected LTTE cadres now being held in “rehabilitation” camps. We acknowledge that the Sri Lankan Government has allowed most of the Tamils detained in Government camps to return to their homes, and urge the early release of the rest of those detained.

There is a collective international interest in ensuring an adequate process of reconciliation in Sri Lanka. We encourage the Government of Sri Lanka to adopt a process of political
reconciliation, in which past affiliations would not necessarily be held against people, and which would take into account the aspirations of Tamil people.

We congratulate the New Zealand Government for its recent grant of $1 million towards resettling Tamil refugees in the northeast of Sri Lanka, and encourage future donations.

**Recommendations**

1. That the Government acknowledge publicly that the Sri Lankan Government has allowed most of the Tamils detained in Government camps to return to their homes, and urge the Sri Lankan Government to release immediately the rest of those detained.

2. That the Government request that the Sri Lankan Government give international human rights organisations access to the particular camps where supposed Liberation Tigers of Tamil Eelam members are detained, so that the detainees’ details are recorded to establish their identities and to monitor their treatment.

3. That the Government join with others in the international community in encouraging political reconciliation in Sri Lanka that takes into account the aspirations of Tamil people.

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Appendix

Committee procedure

The committee heard evidence from the Ministry of Foreign Affairs and Trade. The committee met between 10 December 2009 and 11 February 2010 to consider the inquiry.

Committee members

John Hayes (Chair)
Hon Chris Carter
Jacqui Dean
Hon Pete Hodgson
Hone Harawira (non-voting member)
Dr Paul Hutchison
Keith Locke
Todd McClay
Hon Maryan Street