

Research Note/Nota Penyelidikan

**The Conflict in Sri Lanka and its Implications for
South Asian and Regional Security**

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ABSTRACT

The note describes a research project on the security implications of the conflict in Sri Lanka for South Asia and the wider region conducted in Germany, the United Kingdom, France, India and Sri Lanka from December 1996 to December 1997. It looked at the question whether the fall-out of the conflict in Sri Lanka - the presence of refugees in India and western countries, and the activities of Tamil militant groups abroad — constitutes a security risk for the countries concerned. It was found that all the western countries concerned, and India, consider the security risks attendant on the presence of both Tamil refugees and of Tamil militant organisations as minor to negligible. While some disturbance of public law and order and demands on welfare expenditure can be considered as risks, these remain within the scope of the law enforcing agencies. India has taken steps to deal with the threat to national security emanating especially from Tamil groups taking refuge in India, and while for a time this threat was quite severe, it now considers it to have been brought under control. This throws doubts on the wisdom of the US to declare the Liberation Tigers of Tamil Eelam (LTTE) a terrorist organisation in 1997.

Key words: Security, conflict, Sri Lanka, Tamil, terrorism

ABSTRAK

Nota penyelidikan ini menerangkan tentang projek penyelidikan mengenai implikasi keselamatan konflik di Sri Lanka ke atas Asia Selatan dan rantau yang lebih luas. Penyelidikan ini dijalankan di Jerman, United Kingdom, Perancis, India dan Sri Lanka dari Disember 1996 hingga Disember 1997. Ia meneliti persoalan sama ada kesan daripada konflik di Sri Lanka, iaitu kehadiran pelarian di India dan negara-negara Barat, dan aktiviti kumpulan militan Tamil di luar negara merupakan satu ancaman keselamatan bagi negara-negara berkenaan. Kajian mendapati bahawa semua negara Barat berkenaan, dan juga India, menganggap ancaman keselamatan ekorannya daripada kehadiran

kedua-dua pelarian Tamil dan organisasi militan Tamil di sana sebagai kecil atau tidak penting. Sementara pelanggaran terhadap undang-undang dan ketertiban awam serta tuntutan ke atas perbelanjaan kebajikan boleh dianggap sebagai risiko, hal ini tetap berada dalam lingkungan kawalan agensi pelaksana undang-undang. India telah mengambil langkah menangani ancaman terhadap keselamatan negara yang timbul khususnya daripada kumpulan Tamil yang bersuaka di India. Sungguhpun satu ketika ancaman ini agak serius, India kini menganggapnya sudah terkawal. Keadaan ini menunjukkan langkah Amerika Syarikat mengisytiharkan Liberation Tigers of Tamil Eelam (LTTE) sebagai organisasi teroris pada 1997 adalah sesuatu yang kurang bijak.

Kata kunci: Keselamatan, konflik, Sri Lanka, Tamil, terorisme

OUTLINE AND OBJECTIVES OF THE PROJECT

The project was undertaken over the course of roughly one year, from December 1996 to December 1997 and funded by Univesiti Kebangsaan Malaysia. It looked at the implications the ongoing conflict in Sri Lanka had for South Asian security and for that of the whole region in general and also assessed the impact of this conflict on some Western countries with sizeable Tamil diasporas, and who are getting concerned about possible negative fall-out.

The research proceeded from the realisation that considerable confusion exists regarding the Tamil diaspora, Tamil organisations abroad and Tamil refugees. This confusion is to a certain extent unavoidable, since there are overlaps especially between Tamil refugees and the Tamil diaspora in general. Two extreme views are put forward regarding the overseas Tamil community:

1. Frequently no difference is made between Tamil refugees and militant Tamil organisations especially, and practically all Tamils abroad, even members of settled immigrant communities, are labelled militant sympathisers or even terrorists. Often, no difference is made either between refugee relief organisations and representatives of militant Tamil groups abroad.
2. The other view maintains that the Tamils overseas have no connections to refugees and/or militants and are even contemptuous of them.

In order to disentangle the confusion and get a clearer picture of who is involved and which activities might present security risks, the project was undertaken. From the start it was noted that sympathies for the *motivations* behind the Tamil struggle – which are quite strong among the Tamil diaspora - should not be equated with support for the *methods* of this struggle. With this in mind, the extent and depth of Tamil militant links were investigated to determine whether

they could be termed a security risk for the countries concerned. The starting point for this was the declaration of the LTTE (Liberation Tigers of Tamil Eelam) as a terrorist organisation by the United States in October 1998.

At the same time, their possible links to asylum seekers (refugees) in various countries were explored. Here again, we have two perceptions which mirror the two outlined earlier:

1. All asylum seekers are alleged to be 'fake' and merely Tamil militants in disguise, or
2. It is claimed that genuine refugees are being blackmailed and pressurised by the militant representatives to support the struggle in Sri Lanka financially.

It was then investigated whether the Tamil refugees can be said to constitute a security risk for the respective countries.

METHODOLOGY

To determine the parameters of the topic, two clarifications were imperative:

1. The research had to at least roughly define what is meant by terrorism, since this is the accusation put forward against the Tamil groups. Since there is no legally binding definition in international law, a very basic definition of attacking unarmed and uninvolved non-combatants, sometimes citizens of other countries, was applied. It turned out to be doubtful whether by this definition the LTTE can be termed terrorist, though they certainly have committed terrorist acts.
2. It then had to consider what was meant when security risks were mentioned. Was it *national* security that was thought to be threatened by Tamil presence and actions or whether these were risks and threats that could be taken care of by the law-enforcing agencies and with existing legal instruments?

Talks and interviews were conducted in Malaysia with members of the various Tamil organisations, refugee welfare groups and members of the security forces to assess the perception and magnitude of the problem in Malaysia and whether it could have a negative impact on national security. Field trips were undertaken between December 1996 and August 1997 to London, Heidelberg, Paris, New Delhi, Madras and Sri Lanka in order to evaluate the impact of the problem in areas removed from the immediate centre of the conflict, the links that are thought to exist to Tamil militant groups and whether, and in what way, these actually constitute a security risk for the countries involved. In Sri Lanka it was possible to judge the situation near the actual frontline, since apart from Colombo, short stays were made in Batticaloa, where both sides in the conflict face each other

closely, and in Kandy, which has been a target of Tamil attacks in early 1997 as well, when the Temple of the Tooth was bombed. It was not possible, as originally planned, to visit the Jaffna peninsula due to time constraints and the difficulties in getting permission from the authorities to travel, but it was feasible to meet Tamils who had recently arrived from there, so that a first impression of the situation in Jaffna could be gained. A senior lecturer in sociology from the University of Jaffna who managed to come on a visit to Kandy and Colombo gave a very frank and comprehensive evaluation of the situation both in Jaffna and abroad. S.D. Muni and V. Suryanarayan, who visited Jaffna shortly before the field trip, gave valuable updates on the situation.

In all destinations representatives from both sides in the conflict were contacted, i.e. members of the militant organisations as well as representatives of the Sri Lankan authorities. In addition, members of various think tanks dealing with security questions were consulted, among them current and retired members of the Police and Armed Forces, some of whom had been directly involved in the Sri Lankan problem at one time or other, and in some cases, had published studies on it. All of them discussed very openly and intensively with the researcher the precarious situation in Sri Lanka and how it influences and is in turn influenced by outside events.

Simultaneously, the theoretical and general implications of the problem as well as general questions of terrorism and security – particularly the legal implications - were discussed with colleagues at the different locations from Political Science. Press reports, government publications, embassy briefings etc. furnished valuable information on the different perceptions of the conflict, though it was not possible in the time available to gain access to unpublished and confidential documents.

FINDINGS

The research results tend to confirm the assumed impact of the conflict on a wider area, though in some unexpected ways. The security risks involved are in the perception of all countries visited considered minor and amenable to be dealt with through existing instruments. Britain, for example, has consistently withstood pressures to declare the LTTE a terrorist organisation; the same applies to Germany. It is noteworthy that the LTTE has never carried its violent struggle beyond Sri Lanka, with the one vital exception of India, which is discussed separately. Militant groups and their representatives are involved in both legal and illegal activities to finance and support their struggle, but they rarely come into conflict with the laws of their host countries. It is therefore extremely difficult and somehow beside the point to try to establish any direct links to criminal activities like drugs trafficking, human smuggling and so on, all of which have been alleged against the militants. In any case, more than one militant

organisation are operating in the host countries, some even with the co-operation of the Sri Lankan government. Involvement in the clandestine arms trade, on the other hand, can be assumed with confidence, but is virtually impossible to document or prove. Besides, LTTE members or sympathisers overseas are mostly engaged in perfectly legal business enterprises in several countries. Whereas it might be considered unethical that they finance their struggle through these businesses, it cannot per se be termed illegal.

Another question is that of extortion and blackmail. Here, some convincing evidence was found that some militant groups or at least some of their members have been involved in these activities. A few of them have been apprehended by the law enforcement agencies-prosecuted and in some cases convicted. The militant groups tend to distance themselves from these activities. It has, however, to be noted that the line between moral and actual blackmail can be thin and ambiguous.

Regarding the question of refugees, or asylum seekers as they are called in Germany, there are two problems connected with them. One is the claim mentioned above, that all of them are 'fake' refugees who come to the respective countries either to further the violent fight or for economic reasons. The evidence for the first claim is extremely sketchy; however, some militant group members have joined *after* gaining asylum in a western country when they saw the seriousness of the conflict. The claim that some refugees do come for economic reasons and concoct convincing stories to gain asylum, does apply in some cases, which are, however, comparatively easy to detect. Whether this constitutes a security problem of any kind, has then to be determined. The problem is rather that the refugees do not rely on their true histories and experiences, but with the help of unreliable lawyers, make up stories which they think are more horrific and thus more convincing than the factual ones. This practice tends to diminish the credibility of asylum claims in general.

All this cannot be said to constitute a security risk, except on the welfare funds of the countries concerned, since at least in Germany, asyants have a right to welfare. More serious are the claims of social disruption and cultural incompatibility between the host countries and the refugees, which might lead to the formation of ghettos, unrest and violence. These seem at least exaggerated; in most cases, it is the asylum seekers that are attacked, not the other way round. More serious are the allegations of petty and not so petty crimes among refugees. Most refugees in Europe are almost painfully law-abiding; there seems to be a serious problem in Canada, though, where rival gangs dominate whole neighbourhoods. Opinions differ, however, whether these can be attributed to militant groups or plain criminal activities. It has to be asked whether the right to asylum - which at least in Germany is *justiciable* (meaning that a right can be pursued through the courts) — should be restricted on the basis of these delinquencies.

India differs from the western countries in that it experienced a spill-over of violence from Sri Lanka into the southern state of Tamilnadu, which in 1991 cost Rajiv Gandhi his life. The militant groups found a safe haven in the state for some years, though not any longer after 1991, and there are still active members hiding there, while the security forces have become much more alert. The country does perceive a clear security risk from Tamil militant activities which some authors claim are linked to other terrorist actions in the country. Even in India, however, the perception in 1997 was that the threat was manageable and had decreased considerably, and that *national* security could not be said to be affected.

Similarly, the remaining refugees were not any longer seen as a security risk and treated considerably less harshly than under the previous government in Tamilnadu. This was not least due to the establishment of a number of self-policing voluntary refugee organisations. Most refugees who got into conflict with the law were involved in petty crime arising from tension and overcrowding in camps. With better amenities, these have decreased. India and Tamilnadu do not see the refugees as a security risk at the moment and consider it unlikely that members of militant groups would be able to conceal their identity among them.

In Sri Lanka the implications of overseas activities of militant groups on the country itself are the main concern of the authorities and the informed public. Media reports alleged foreign funding for the LTTE, clandestine arms transfer and a 'cyber-war' for information and propaganda. It was these concerns that induced the government to lobby for declaring the LTTE a terrorist organisation in the US and other European countries in order to dry up their funds and sources of information. At the same time the allegation that most refugees were 'fake' and were harming the country by their mere presence abroad, came most strongly from Sri Lanka itself, which led to harsh restrictions on travel for Tamils – since they lowered the country's reputation. It has to be stated, though, that the syndicates that forge passports and organise traffic in humans operate to a large extent from Colombo and in some cases Southeast Asia. The national and internal security risks Sri Lanka perceives thus exist, but they are largely attendant on the civil war. Its clamour for interdiction of the militants and deportation of refugees could be interpreted as an attempt to win a war they cannot win in the country through the involvement of overseas agencies. Though a number of countries are sympathetic to the Sri Lankan government in its fight against secessionism, they do not want to be drawn into this particular conflict more than necessary and are therefore not very amenable to these endeavours.

A detailed discussion and analysis of the research results has been written in the form of a monograph submitted to the UKM Publishers for publication.

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