Addressing ‘forced migration’ from Sri Lanka at its source: assessing the ‘retreat’ of the Rudd and Gillard governments

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In the latter part of 2009, Sri Lankan asylum seekers dominated news and media commentary in Australia, especially after the Australian customs ship MV Oceanic Viking picked up 78 Sri Lankan Tamils from a sinking vessel heading for Australia and took them back to an Indonesian port. By this time other boats carrying Sri Lankan Tamil asylum seekers had been taken to Christmas Island, and opposition politicians and sections of the media argued that the apparent upsurge in the numbers of such refugees heading for Australia meant that the Rudd government had lost control of ‘border protection’. The Rudd government argued that it was working with the Indonesians to find ways to ‘process’ asylum seekers in Indonesia before they headed for Australia. However, as the controversy continued Prime Minister Rudd dispatched experienced diplomat John McCarthy as a ‘special envoy’ to Sri Lanka to see what could be done to stop the flow of refugees at source and Foreign Minister Stephen Smith joined McCarthy for talks with Sri Lankan government officials in Colombo in November 2009.

Soon after his visit to Sri Lanka, Minister Smith announced a new package of AUD22 million in aid to Sri Lanka which would be targeted at helping the Sri Lankan government crack down on illegal ‘people smuggling’ and at helping to resettle some of the 200,000 or more people who had been displaced during the finals stages of the war between the Sri Lankan army and the Tamil Tigers in the north of the country. Minister Smith told parliament that Australia would actively support initiatives to bring about ‘healing and reconciliation’ between Sinhalese and Tamil communities that had been divided by the long and costly civil war. He said the government looked forward to receiving a more detailed report from Special Envoy McCarthy on what the government could do to prevent the flow of Sri Lankan asylum seekers at source.
Minister Smith made a further detailed statement to parliament on the situation in Sri Lanka, and Australia’s response to it, in March 2010, when there was intense media interest in the outcome of Sri Lanka’s presidential election and the subsequent arrest of the main opposition candidate and former army chief General Sarath Fonseca. However, there is no record of any further significant statements and the evidence suggests that as the federal election loomed the Labor government began to back away from its efforts to address the question of forced migration from Sri Lanka at source. Under pressure from Tony Abbott and problematic opinion polls, the Rudd and Gillard governments adopted a more parochial and unsympathetic attitude towards Sri Lankan asylum seekers, and the policies announced by Prime Minister Gillard on the eve of the election campaign attracted widespread criticism. This sad loss of political will deserves closer examination because simplistic, poll-driven policies will do nothing to address the complex problems of forced migration. Indeed, Labor paid a heavy price for its more general lack of political will in the August 21 elections.

**A neglected relationship**

The very fact that Prime Minister Rudd felt a need to send a ‘special envoy’ to Sri Lanka in November 2009 to find out why so many people were seeking asylum outside the country suggests that the government had lost touch with the realities of what is happening in that country. It gave weight to the impression that Australian governments have been putting a rather low priority on the importance of Australia’s long-term and multifaceted bilateral relationship with Sri Lanka for some time. It is difficult to know what real insights John McCarthy could gain from his ten days in the country, especially when his travel plans had to be approved by the Sri Lankan army and government officials. Furthermore, Minister Smith did not elaborate on how the AUD22 million promised in aid would be allocated.

As mentioned above, the next time Minister Smith addressed parliament on the situation in Sri Lanka was in March 2010, soon after President Mahinda Rajapakse had won a new term in office and before the elections for the Sri Lankan parliament had been held. At this time, there was considerable international concern about the erosion of democratic processes in Sri Lanka — especially after the arrest of Rajapakse’s main rival General Sarath Fonseca — and the likelihood that the Sri Lankan armed forces had committed gross violations of human rights in the final stages of the war against the Tamil Tigers. Smith delivered a thoughtful and well-crafted statement in which he highlighted ‘Australia’s long-standing bilateral relationship with Sri Lanka, [which was] underpinned by substantial people-to-people links’. The statement urged a strengthening of ‘civil society’ in Sri Lanka to prevent the erosion of democracy and the rule of law. Smith also expressed special concern for around 10,000 Tamils who had been separated from other people displaced by the war and held in detention as Tamil
Tiger ‘suspects’. The statement ended by saying that ‘as a long-time friend Australia is committed to working with Sri Lanka to build a peaceful and prosperous future’ for the country.

The statement by Minister Smith announced that Australia would give AUD20 million in aid over a period of five years for reconstruction in the war-affected areas of Sri Lanka. The majority of this allocation (AUD12 million) would be given to the World Bank for its Emergency Northern Region Project, while the balance (AUD8 million) would be given to the Asian Development Bank (ADB) for its North East Community Restoration and Development Project. Minister Smith noted that this funding package came on top of AUD3 million that had been given to UN Habitat in November 2009 to provide cash to families displaced by the war in the north for repairs or substantial reconstruction of their war-damaged homes. It was not clear from this statement what had happened to the AUD22 million in aid that Minister Smith promised when he returned from Sri Lanka in November and the statement did not elaborate on the recommendations made by Special Envoy McCarthy in his ‘detailed report’ to government. The statement did say that McCarthy had revisited Sri Lanka in February 2010 and that he had subsequently been involved in ‘consulting the international community’ on the challenges facing Sri Lanka. There was no elaboration, however, on what this meant in practice.

‘Tougher’ stance on Sri Lankan asylum seekers

Not long after Minister Smith made his statement to parliament in March 2010, the Rudd government announced a freeze on applications for asylum by both Sri Lankans and Afghanis who were being held in Australian detention centres. Government spokespeople defended the freeze by saying that it was necessary to send a clear signal to those who might otherwise turn to ‘people smugglers’ to ‘jump the queue’ for protection in Australia. However, they also made the rather ludicrous suggestion that conditions may be improving enough in both countries—and especially in Sri Lanka—to allow many of those who had fled probable persecution to return. The Sri Lankan government and armed forces have gradually relaxed restrictions on some 250,000 Tamils who had been taken into army-controlled camps after fleeing the area where the final intense and bloody battles had taken place between the army and Tamil Tigers. However, Sri Lankan government officials acknowledge that, as of August 2010, there were still around 33,000 people in the camps because they had no homes to go to. Minister Smith himself estimated that some 230,000 homes had been destroyed in the war and he noted that it would take considerable time to restore basic infrastructure in the war-affected regions. Furthermore, in early August 2010, members of the national parliament belonging to the Tamil National Alliance claimed that 3,000 war refugees wanting to return to their former homes had been turned back by soldiers, reportedly because army camps had been established where their homes used to be.
The UN has estimated that at least 7,000 civilians died in the final stages of the war, although aid agencies have suggested that the real figure could be two or three times that estimate.\(^1\) Aid workers reported that a large majority of those living in camps for displaced people at the end of the war were widows with children and that most of them would struggle to find ways to support their families if returned to their villages and towns.\(^2\) In August 2010 an unknown number of Tamil Tiger ‘suspects’ were still in detention. Yet it is clear that people who lived in areas that were controlled by the Tamil Tigers had little chance of avoiding an association with the de facto government. Moreover, it has been clearly established that the Tamil Tigers used threats and intimidation to force young people to join their armed struggle. There are thus good reasons why those marked as ‘suspects’ may fear returning to Sri Lanka. Many of those Sri Lankan Tamils trying to reach Australia since the end of the war were already outside the country when the war came to a close and feared being treated as Tamil Tiger supporters or sympathisers should they return home. Some people who had been actively involved with the Tamil Tigers left the country because they had fallen out with the organisation’s leaders and yet might not be forgiven by the Sri Lankan government for their past association. Post-war reconciliation will not succeed unless the Sri Lankan government and community demonstrate a generous attitude towards those caught up in the struggle for an independent state of ‘Eelam’. Yet there is little sign of such generosity.

In July 2010 the United Nations High Commissioner for Refugees said that conditions in the north of Sri Lanka had not improved sufficiently to enable the safe return of internally or externally displaced Tamils. Yet when Prime Minister Julia Gillard announced an extension on the freeze of Sri Lankan asylum applications in late July she argued that conditions were already in place for a safe return.

**Election prompts strategic retreat**

There can be no doubt that the looming federal election caused the Rudd and Gillard governments to back away from their earlier strategy of engaging more actively with Sri Lanka to address the causes of forced migration at source. A Google search suggests that Minister Smith did not make any significant statement or announcement on Sri Lanka between March 2010 and the date of the federal election in August 2010. When Julia Gillard announced a revamped policy on asylum seekers soon after she took the prime ministership from Kevin Rudd, the emphasis had become entirely reactive, promoting downstream ‘solutions’ such as a regional ‘processing centre’ and stronger action to protect Australia’s borders. Of course, Tony Abbott had effectively dumbed down the debate with his inane rhetoric about ‘stopping the boats’ and major media outlets helped him shift the whole political discourse to the right with their heavy focus on boat arrivals. As John Howard had earlier demonstrated, it is easy to win political support in key marginal electorates by promoting parochialism
and by using the politics of fear and it can be difficult to counter this with a more intelligent analysis of complex issues and challenges. Prime Minister Gillard tried to ‘neutralise’ the issue in order to minimise the loss of support in marginal electorates, but in doing so she created new doubts about her ability to be a political leader and her weak policy on asylum seekers helped to bolster support for the Australian Greens. Promising efforts to engage more proactively with Sri Lanka were largely put aside and there was no intelligent discussion in the election campaign about how to address refugee ‘push factors’, even from the Greens.

The initiatives announced earlier by Minister Stephen Smith were not completely abandoned, however, and it is still not too late to build on them. The Sri Lankan media reported in July 2010 that AusAID had announced a new package of AUD3.3 million over a period of three years to support the work of the International Organization for Migration (IOM) to facilitate the ‘return and reintegration’ of those displaced by the war in northern Sri Lanka. This aid appears to be well targeted in trying to help local government authorities and other ‘local institutions’ to rehabilitate ‘community assets’ and to create new forms of employment and renewed livelihoods for vulnerable communities. It is preferable to fund credible organisations that are working on the ground in the war-affected parts of Sri Lanka rather than to direct aid through the World Bank or ADB for projects that may rebuild damaged infrastructure but do little to rebuild local capacity or heal divisions within local communities. Yet the money given to the IOM is small in comparison to the aid given earlier to the World Bank or ADB and it is also small in comparison to the AUD22 million that Minister Smith promised in November 2010.

It is not easy to build local capacity in Sri Lanka because the presidential system of government introduced in 1977 has created a highly centralised national polity and an equally centralised national economy. I was involved in a major study of post-tsunami reconstruction in four different local areas of Sri Lanka between 2005 and 2009, submitted in report-form to AusAID in May 2010. The study found that while it is important to work with local authorities and local government organisations in order to rebuild local communities it is just as important to work with credible community-based organisations. Our reports illustrate why effective community development work in shattered and vulnerable communities requires sound local knowledge and long timeframes. The reports highlight examples of good practice in post-disaster community development in Sri Lanka. Good practice was often led by Sri Lankan organisations or involved partnerships between experienced external agencies and credible local organisations. The post-tsunami experience should be used to ensure that Australian aid for the reconstruction of war-torn local communities in Sri Lanka is properly targeted and effective in its aims.
Beyond a focus on ‘people smugglers’

After Foreign Minister Stephen Smith returned from his visit to Sri Lanka in November 2009 he made much of the fact that he had reached agreement with the government of President Mahinda Rajapakse on taking action to close down the operations of illegal people smugglers in Sri Lanka. However, this is far from being a high priority for President Rajapakse who has said on numerous occasions that disgruntled Sri Lankans should feel free to leave the country. Over the course of my research in Sri Lanka, I was informed that the Rajapakse government has repeatedly turned a blind eye to a people smuggling racket operating out of the coastal town of Negombo, adjacent to Colombo’s international airport. Of course, Australia should be working with all Asian governments and relevant international agencies to clamp down on the operations of profiteering people smugglers. However, it will be more effective in the long term to move ‘upstream’ by directing aid into community-building and reconciliation projects in areas where people currently feel unsafe and vulnerable. I know many Sri Lankans—both Tamil and Sinhalese— who would welcome the opportunity to return to Sri Lanka if the conditions that gave rise to the long and costly civil war were truly resolved. That should be the primary goal of Australian aid to Sri Lanka and the Australian government should build on its long and important bilateral relationship with Sri Lanka to build a multilateral approach to effectively target international aid to Sri Lanka.

Of course, it needs to be noted that the outflow of forced migration from Sri Lanka does not only centre on the war-ravaged region in the north. A major review of migration from Sri Lanka conducted by the IOM in 2009 estimated an annual outflow of around 250,000 people seeking employment overseas and a total of 1.8 million Sri Lankan citizens working in other countries. The report noted that remittances sent back to Sri Lanka from those working overseas amounted to 7 per cent of the country’s GDP and 36 per cent of its export earnings. Many of these ‘economic migrants’ are ‘cyclical migrants’ in that they travel abroad to work on relatively short-term contracts. However, the report noted that official figures underestimate the extent of such migration because many people find ‘illegal’ ways to obtain employment in other countries. The report suggested that many Sri Lankans want to migrate to countries which have better health and education services and offer a higher level of ‘personal security’. It noted that, as of January 2009, United Nations figures recorded 137,752 Sri Lankan refugees and 7057 Sri Lankan asylum seekers living outside Sri Lanka and a further 269 refugees and 393 asylum seekers still living in the country.

The steady increase in the numbers of ‘economic refugees’ can also be related to the impacts of the long and debilitating civil war. People living in the south-east, as well as the north, fear for their personal security in a country that has been highly militarised for more than twenty years. The steady outflow of forced migrants can only be stemmed if the opportunity...
is seized to put the war in the past and build conditions of peaceful coexistence. Sri Lanka certainly has the natural resources for much better levels of food security and general prosperity than it currently enjoys and it is well situated to benefit from global trade. The war has been the major inhibiting factor for the nation’s development. Sri Lanka’s international friends must seize the opportunity to turn an uneasy ‘peace’ into a sustainable resolution of the causes of the conflict.

The ‘substantial people-to-people links’ between Australia and Sri Lanka that Minister Smith referred to date back to times when Australian cricket teams would regularly stop over in Sri Lanka on their way to England and also to the ‘Colombo Plan’ of 1950 under which many Sri Lankans came to Australia to further their education. The Department for Foreign Affairs and Trade has estimated that there are around 100,000 people of Sri Lankan ‘extraction’ resident in Australia and about 8,000 Sri Lankan students in Australian universities, even though the Colombo Plan is long dead. Australians responded with unprecedented generosity to post-tsunami aid appeals for Sri Lanka, partly because there are so many Sri Lankans living here and also because cricket links have been important to both countries. Rather than pandering to fears of a flood of Sri Lankan refugees heading to Australia, the Australian government should try to foster even stronger people-to-people links that might help to bring about a meaningful post-war reconciliation in Sri Lanka and create safer conditions for the return of Sri Lankan refugees. We have little to fear from the movement of people between Sri Lanka and Australia and even stronger people-to-people links would ensure that the movement works in both directions. Indeed, Sri Lanka could provide a far-sighted Australian government with the perfect opportunity to show that a proactive policy in regard to forced migration will ultimately be far more effective than a reactive, parochial and mean-spirited one.

The inconclusive result of the federal elections in 2010 reflected growing cynicism towards the poll-driven politics of both the major political parties. The time may be ripe for ‘conviction politicians’ who are willing to tackle difficult issues without resorting to popularism. The time has surely come to shift away from parochial responses to the large and complex challenges of forced migration in the Asia-Pacific region and even the Greens need to do more detailed policy work in this area. A stronger and more coherent argument needs to be made to shift the policy emphasis from parochialism to proactive engagement with governments, multilateral organisations and civil society organisations in the Asia-Pacific region in order to address forced migration at source.
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Endnotes


2. A report to this effect was given verbally to M. Mulligan and Y. Nadarajah by a Colombo-based aid worker who had visited the refugee camps in the north on several occasions up to July 2010.


5. The study resulted in the production of seven separate but linked reports that can be accessed through the website of the Globalism Research Centre <www.rmit.edu.au/globalism>. Note that report no. 3, by M. Mulligan and Y. Nadarajah, on rebuilding local communities in the wake of the tsunami disaster, is most pertinent to the argument here.
