

Draft

Action Plan for

SRI LANKA

SEMDOC

Statewatch European Documentation &
Monitoring Centre on justice and home
affairs in the European Union

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4. The human rights situation in Sri Lanka is a cause for concern. Human rights violations have occurred on both sides of the conflict - particularly in the war zones in the North and East of the country, but also in Colombo. There have been reports of maltreatment, rape, killings and numerous disappearances in the Jaffna Peninsula, as well as in other areas of Sri Lanka. Large numbers of civilians have also been killed or wounded in terrorist attacks. Arbitrary arrest, detention and interrogation of Tamils, particularly in Colombo, is an issue of concern. While most Tamils are quickly released, some are detained for extended periods and are consequently at greater risk of suffering human rights abuses. Police impunity is a major problem, as are arrests and detentions in violation of the safeguards built into the Emergency Regulations. There is concern that the LTTE is still using child soldiers despite a commitment to the UN Special Representative for Children and Armed Conflict in May 1998 not to use children below 18 years of age in combat.

5. President Kumaratunga has made human rights a priority and taken positive steps to improve Sri Lanka's human rights record. The number of disappearances at the hands of Government forces is significantly down from the high levels reached in 1996 and 1997. Although there appears to be a greater willingness to investigate human rights violations than under the previous government, problems still remain.

6. The Sri Lankan Government is aware of the concerns of the European Union countries over its human rights position. The establishment of a Human Rights Commission in 1997 was a step in the right direction. But experience is showing that the Commission is weak. However, the judiciary is comparatively independent. Recently, the Supreme Court declared as unlawful a Presidential ruling in August 1998 announcing a State of Emergency which effectively postponed local elections because the security situation made it unsafe to hold them. The judgement decreed that these should be held within three months. The Government has accepted the ruling. Elections were held on 6 April 1999. There have been other recent examples of the courts finding members of the armed forces guilty of human rights violations.

7. Provincial elections were held in the North West Province in January 1999. These were marred by many allegations of voting irregularities and acts of violence. On 4 March 1999, the EU made a Troika démarche expressing concerns at the election violence and calling upon the government to adhere to democratic principles and to guarantee the safety of all voters in forthcoming provincial and national elections. The Sri Lanka Foreign Minister said that he welcomed the approach taken by the EU to express its concern. He explained that a Commission had been set up to investigate allegations of electoral malpractice to deal with election complaints in the run-up to the provincial elections on 6 April 1999. Nevertheless, while campaigning was generally less violent, there were deaths and injuries. With the exception of several localised incidents, however, the elections were relatively free and fair. The most recent elections on 10 June 1999 in the Southern Province followed the same pattern.

B. STATISTICAL BASES AND INITIAL SITUATION

I. Nationals of Sri Lanka in the EU Member States, 1996, 1997 and 1998

8. Statistics collated by Eurostat show that the 150 000 Sri Lankan citizens legally resident in EU Member States comprise only a small proportion of the non-EU population (within the 2-3% range). Numerically, the largest populations are in Germany and the United Kingdom (approximately 60 000 in each country in 1998). It can therefore be concluded that the emigration of Sri Lankans for non-asylum purposes is low; it is in the area of asylum (and subsequent family reunion applicants) that significant numbers are encountered. A total of 6 652 applied for asylum in the Member States in 1998 with Germany, France, the Netherlands and the United Kingdom receiving the most significant numbers, of which the United Kingdom received more than half the total. Recognition rates of those granted full refugee status vary from 1% (Austria) to 51% (France). Detailed statistical tables are to be found in Annex I.

9. There are a number of Tamil offices based in the Member States. For the most part, their activities are confined to cultural, social and sporting matters. Although some Member States suspect close links with the LTTE, there is no evidence that they are involved in the organisation of direct financial or logistical support for paramilitary activities in Sri Lanka.

II. Analysis of the causes of migration and flight

10. Sri Lanka is primarily a country of origin of migrants and, since 1983, of asylum seekers. At present, the emigration of Sri Lankans for non-asylum purposes is low. It is not a transit country for migrants or asylum seekers. The on-going armed conflict has caused Tamils from the North and North Eastern provinces to flee to India and further afield since 1983. Almost 90% of all migrants from Sri Lanka are Tamils. It is estimated that in Jaffna one third of the population's income is derived from remittances from those resident overseas. Concentrations of extreme poverty exist in the conflict zones in the north and east due to the large numbers of internally Displaced People (IDPs) in these areas. An estimated one million people have been displaced since 1983 and around 800 000 remain away from their homes. Not all these people were originally poor but virtually all now have to cope with insecurity and minimal basic services.

11. In 1997 and 1998, the Government of Sri Lanka, other Governments and NGOs assisted 72 000 and 32 000 people respectively, who had been displaced within the country, to return to Jaffna. Others moved to settle in the south of the country. A recent change in military tactics, leading to fewer displacements, is a welcome move.

12. The mostly male asylum seekers claim that, as Tamils, they are at risk of persecution in Sri Lanka from the authorities who allegedly regard all Tamils as members of the LTTE. Round-ups and interrogations of young Tamils (males but also some females) are frequent and occur in all parts of the country, particularly Colombo, and can also be advanced as a reason for seeking asylum.

13. Tamil asylum-seekers (both men and women) frequently claim that they cannot stay in the North or East of the country as they risk being forcibly recruited by the LTTE. For those forced to join and who then escape, they claim to be at risk of persecution both from the LTTE (for having betrayed the cause) and the authorities (for being a member of the LTTE).

14. Most of the illegal migration would not be possible without the existence of Tamil-organised trafficking networks, allegedly in connection with LTTE activities but there is also evidence of involvement in trafficking by Sinhalese and Muslim facilitators. Those trafficked include a significant number of unaccompanied children. The penalties for convicted traffickers, and those holding falsified documents were significantly increased through enactment of the amended Immigrants and Emigrants Act in July 1998. A meaningful deterrent to such criminal activities now exists. Penalties upon conviction comprise a fine of between Euro 750 to Euro 3 000 and a mandatory custodial sentence of between 1 and 5 years. The Sri Lankan courts are generally enforcing this legislation for the small-time criminal; however, no major racketeers have been arrested or charged under this legislation.

C. EXISTING MEASURES AND ACTIONS

I. Rundown of existing Member State measures and actions

15. All Member States report good relations with the Government of Sri Lanka and a range of bilateral measures and actions in the area of politics, economics, humanitarian aid and JHA measures. Full details are to be found in Member States individual contributions at Annex II.

II. Rundown of existing Community/Union measures and actions (see also Annex III)

Politics

16. The Commission opened a Delegation in Colombo in October 1995.

17. Not all Member States have missions in Sri Lanka but Italy, the Netherlands, the United Kingdom, France, Sweden and Germany have Embassies in Colombo. These six enjoy an excellent working relationship. For at least the last 12 months, diplomatic representatives had been pressing the Sri Lankan authorities for a high level meeting to discuss trafficking issues.

18. The Sri Lankan authorities have been aware for some time of EU concerns about the number of asylum seekers it produces.

Economic development; development co-operation; partnership and co-operation agreements

19. The Community has signed a third-generation Co-operation Agreement with Sri Lanka (July 1994) with the possibility to suspend co-operation on the basis of a Human Rights clause. This agreement entered into force on 1 April 1995.

20. In recent years the European Community has shifted the emphasis of its co-operation with Sri Lanka from traditional development co-operation towards economic co-operation, with the active participation of the European and Sri Lankan private sectors, through bilateral and regional projects or sectoral programmes.

Humanitarian aid

21. Since 1993 the European Humanitarian Office (ECHO) has provided assistance for returnees and internally displaced persons in Sri Lanka to a total of Euro 9 065 000. The main sectors of activity have been logistical support to ICRC, as well as relief assistance to returnees, providing medicine, agricultural inputs, water supply and shelter, and protection activities. Special attention is given to the Vanni region and, since 1993, aid has been delivered via NGOs. Projects included shelter, sanitation, malaria control and provision of relief supplies to vulnerable groups such as children, the sick, the elderly, and pregnant women. In 1998, ECHO approved a package of humanitarian aid worth Euro 1 000 000 for victims of civil war; it is envisaged that aid will continue at roughly the same levels of expenditure.

22. Details of aid provided by the European Community to Sri Lanka are at Annex III.

Justice and Home Affairs measures

23. The Co-operation Agreement with Sri Lanka does not contain a readmission clause.

III. Measures and actions by UNHCR, IOM, ICRC and other inter-governmental and non-governmental organisations

24. Reports by UNHCR and ICRC are at Annex IV. These confirm the political assessment in Section A. The focus of IOM intervention is on returns and developing a sustainable migration policy with the authorities, to include the export of labour from Sri Lanka. ICRC's traditional Red Cross activities are supplemented, unusually, by assistance projects in the agricultural field, under the auspices of the World Bank and the EC, in the areas worst affected by deprivation as a result of the war. UNHCR's work is largely focused on meeting protection needs and stabilising the situation of internally displaced persons as well as facilitating the reintegration of returnee populations, particularly in Jaffna. Through UNHCR's activities the security of displaced persons is enhanced and opportunities are provided to monitor and promote their rights. Projects designed to increase income generation and to support infrastructures have the effect of strengthening the capacity of host communities to cope with influxes of displaced persons. UNHCR has put forward a number of proposals for future measures and actions by the Community/Union which it considers would contribute constructively to their further work in the region. These are set out in UNHCR's paper at Annex IV.

D. ASSESSMENT OF THE STATE OF PLAY

25. A significant proportion of the primary cause of migratory flows stems ultimately from the continuing conflict, to which no military or political settlement appears likely in the near future. The Sri Lankan Government has made it clear that it is not prepared to accept third party mediation as part of any attempt to resolve the conflict.

26. There is some public sympathy in India towards the plight of the Tamils in Sri Lanka (particularly from the Indian Tamils living in Tamil Nadu) and there have been attempts by senior figures to put pressure on the Indian Government to intervene in the ethnic conflict. But the Indian Government seems disinclined to become directly involved at present, particularly following its unsuccessful intervention, at Sri Lanka's request, in 1987-1990 (in which an Indian peace keeping force occupied areas in the North and East). The LTTE were responsible for the assassination of Rajiv Gandhi and have been banned in India since 1991.

27. The state of war has led to human rights abuses inflicted by both sides and economic deprivation and poverty in the areas most affected. All these factors, whether collectively or individually, may result in flight abroad and constitute a valid asylum claim, lead to forced displacement and relocation within the country, or create a powerful incentive to migrate, whether to take advantage of the internal flight alternative or to seek a better and more peaceful life overseas. The large sums demanded by traffickers' means, in practice, that the poorest look no further than the internal flight option, while the slightly more well-off put themselves at the mercy of the many smuggling networks active in the area.

28. There are reported to be shortages of aid supplies in the north of the country (though this is a reflection of distribution problems rather than an absolute shortage of supplies), poor accommodation for displaced persons from the north in camps around Vavuniya and continuing arrests and detentions of Tamils in government-held areas under the emergency legislation. Military restrictions on the movement of equipment and people up to Jaffna have also been a major impediment to relief and rehabilitation work.

29. There is an effective cadre of liaison officers based in Colombo who have a good working relationship, both between themselves and with the Sri Lankan authorities. Canada, with its world-wide coverage through Immigration Control Officers, is well placed to monitor migratory patterns.

30. Overall recognition rates of Sri Lankan asylum seekers in the Member States are low, although there are significant variations ranging from 1% to 51%. Tamils who are displaced as a result of violence directly related to the armed conflict in the northern and eastern areas of Sri Lanka are generally considered to have available an internal flight alternative; many Tamils live in Colombo and the south and, although Tamils are liable to be checked and interrogated and there are extensive security measures in those areas, it is not generally considered that these measures constitute persecution within the meaning of the 1951 Convention nor a breach of Article 3 ECHR or the UN Convention Against Torture.

31. As the majority of Sri Lankan asylum seekers are not recognised as refugees, there are large numbers of Sri Lankans outside the country who are eligible for return. The fact that the number of those recognised as refugees is a small proportion of the total also means that there are large numbers outside Sri Lanka who are eligible for return. The Sri Lankan authorities are worried about any sudden influx of returnees and this leads them to create obstacles to documentation which mean that, in practice, failed Sri Lankan asylum seekers are not being returned in significant numbers although some EU countries do return them (for details see Annex I).

32. The negative factors can therefore be summarised as follows:

- there is still no end to the ethnic conflict;
- there is no robust response to abuses of human rights;
- there are shortages of aid in the most needy areas (a reflection of distribution problems rather than absolute shortages);
- there is economic deprivation as a result of the effects of the war;
- there is a reluctance by the Sri Lankan authorities to receive returnees in any numbers
- all these factors create a lack of incentive to return voluntarily and a poor climate for enforced returns of failed asylum seekers.

33. But the positive factors should not be overlooked:

- despite all its current problems, Sri Lanka is not a country without hope;
- the Sri Lankan Government has taken steps to improve its human rights records (for example by setting up the Human Rights Commission) and has shown a greater willingness to investigate human rights abuses;
- literacy rates and age expectancy are relatively high for the region;
- the country has a capacity to feed itself;
- there are a number of pockets of investment and affluence.

34. These positive elements could provide a basis for a brighter future but it will be an uphill struggle. The primary causes of flight are inextricably interlinked: conflict, abuses of human rights and localised poverty. Action at the EC/EU level must therefore seek to address all three of these areas if the linkages are to be weakened and the incentive to migrate diminished.

E. ACTION REQUIRED BY THE COMMUNITY/UNION

GENERAL

35. Continue to look for ways to find a political solution to the conflict through the appropriate bodies.

Target date: ongoing

Responsible: Council

Financial implications: no

36. Foreign Policy

a) Continue to raise human rights issues with the Sri Lankan Government and, through the appropriate channels, with the LTTE.

Target date: ongoing

Responsible: Council

Financial implications: no

- b) Approach the Sri Lankan authorities in order to make the Human Rights Commission a truly independent body, to finance it appropriately and to invest it with all-encompassing investigating powers.

Target date: beginning 2000

Responsible: Council/Commission

Financial implications: no

- c) Continue to contact the Sri Lankan authorities with a view to the Chemmani graves investigation being passed to an impartial body, such as the Human Rights Commission, for clarification without delay.

Target date: ongoing

Responsible: Council

Financial implications: no

- d) Explore scope for effective action with the US and Canada, through the Transatlantic Dialogue (particularly with regard to paragraph 38(a) below).

Target date: beginning 2000

Responsible: Council/Commission

Financial implications: no

- e) Discuss with the Sri Lankan authorities the possibility of repeal of those provisions in the Prevention of Terrorism Act and Emergency Regulations which appear to give government officials far-reaching exemptions from prosecution. Continue to encourage and support the Government of Sri Lanka to find a political solution to the conflict.

Target date: mid 2000

Responsible: Council

Financial implications: no

37. Development and Economic Cooperation

- a) Assess poverty levels and causes of poverty levels in Sri Lanka of the main migrant groups.

Target date: beginning 2000

Responsible: Commission

Financial implications: yes

Possible Community budget line : no

Member States:

- b) Improve police practices through training in human rights issues (in conjunction with Human Rights Commission/ICRC and other relevant NGOs).

Target date: mid 2000

Responsible: Council

Financial implications: yes

Possible Community budget line: Pluri-annual Human Right programme (possibly) (B7 – 7)

Member States:

Experts Member States needed: yes

- c) Explore the potential for partnerships in development co-operation to strengthen peace-building measures, including educational projects, reduce conflict and provide security to all Sri Lankans, especially the poorest.

Target date: beginning 2000

Responsible: Council/Commission

Financial implications: yes

Possible Community budget line: no

Member States:

Experts Member States needed: yes/no

- d) Consider assistance with landmine clearance measures and improvements in water supplies in areas affected by the civil war.

Target date: beginning 2000

Responsible: Council/Commission/Member States

Financial implications: yes

Possible Community budget line: Aid, including emergency food aid, to help the population of the developing countries and others hit by disasters or serious crisis
(B 7- 2 1)

Member States:

Experts Member States needed: yes/no

- e) Emphasise the need for co-operation with NGOs and multilateral donors in support of a) to c).

Target date: beginning 2000

Responsible: Commission

Financial implications: no

- f) Contribute to as rapid as possible reduction of the level of poverty in Sri Lanka, bearing in mind the International Development Target of a reduction of one-half of the proportion of people living in extreme poverty by 2015.

Target date: ongoing

Responsible: Council/Commission

Financial implications: yes

Possible Community budget line: no

Member States:

- g) Develop effective partnerships to ensure an effective contribution through development co-operation to the reduction of poverty and of conflict.

Target date: mid 2000

Responsible: Council/Commission

Financial implications: yes

Possible Community budget line: no

Member States:

- h) Depending on the support provided by the Sri Lankan Government and other national and EC priorities for using development co-operation to eliminate poverty, use development assistance to help reduce conflict, build peace and provide security to all Sri Lankans, especially the poorest.

Target date: ongoing

Responsible: Council/Commission

Financial implications: yes

Possible Community budget line: no

Member States:

38. Migration

- a) Complement the effectiveness of Airline Liaison Officers in Colombo through a detailed analysis of migratory movements.

Target date: mid 2000

Responsible: Council/Member States

Financial implications: yes

Possible Community budget line: no

Member States:

Experts Member States needed: yes

- b) Enhance co-operation with the Sri Lankan authorities and NGOs to tackle illegal immigration racketeering, without prejudice to State obligations to respect the right to seek asylum.

Target date: beginning 2000

Responsible: Council/Commission

Financial implications: yes

Possible Community budget line: no

Member States:

Experts Member States needed: yes

- c) Enter into arrangements/agreements with the Sri Lankan authorities for the return of failed asylum seekers/illegal immigrants and voluntary assisted return programmes (setting out numbers of returnees per annum; the Sri Lankan Government is keen to regulate returns and has concluded MOUs with some Member States).

Target date: end 2000

Responsible: Council/Commission/Member States

Financial implications: yes

Possible Community budget line: no

Member States:

Experts Member States needed: yes

- d) Evaluate programmes for the return of failed asylum seekers/illegal migrants.

Target date: end 2000

Responsible: Council/Commission/Member States

Financial implications: no

Experts Member States needed: yes

- e) Continue Community assistance to refugees and internally displaced persons by funding actions and programmes to be implemented through international NGOs and UNHCR.

Target date: ongoing

Responsible: Commission

Financial implications: yes

Possible Community budget line: Assistance to up-rooted people
Aid, including emergency food
aid, to help the population of
the developing countries and
others hit by disasters or serious
crisis
(B 7- 2 1)

Member States:

- f) Draw up a plan specifically targeted at a reduction in trafficking in children.

Target date: mid 2000

Responsible: Council/Commission

Financial implications: yes

Possible Community budget line: no

Member States:

Experts Member States needed: yes

- g) Work with the Sri Lankan authorities to agree arrangements for the identification and documentation of their citizens. (Machine-readable passports have recently been introduced in Sri Lanka).

Target date: mid 2000

Responsible: Council/Commission/Member
States

Financial implications: yes

Possible Community budget line: no

Member States:

Experts Member States needed: yes

- h) Organise an information campaign to warn against the consequences of illegally entering EU Member States and unlawful employment, and of using facilitators to gain entry to the EU.

Target date: mid 2000

Responsible: Commission

Financial implications: yes

Possible Community budget line: no

Member States:

Experts Member States needed: yes

- i) Assist the integration into society of Sri Lankan nationals legally residing in the Member States.

Target date: ongoing

Responsible: Council/Commission/Member States

Financial implications: yes

Possible Community budget line: no

Member States:

SRI LANKA⁽¹⁾

(Democratic Socialist Republic of Sri Lanka)

Capital: Colombo

Location: Southern Asia, island in the Indian Ocean, south of India

Surrounding country: mainly India

Area: 65 610 km²

KEY FIGURES ON POPULATION⁽²⁾

Population: 18 933 600

Age structure: 0-14 years 28%, 15-64 years 66%, 65 years and over 6%

Density: 288.6 hab./km²

Urban population: 22.4% (1995)

Total population increase: 11.2% per 1000 population

Net migration rate: -1.3 per 1000 population

Infant mortality rate: 16.3 deaths per 1000 live births

Life expectancy at birth: 72.6 years

Total fertility rate: 2.12 children per woman

Ethnic groups: Sinhalese 74%, Tamil 18%, Moor 7%, Burgher, Malay, and Vedda 1%

Religions: Buddhist 69%, Hindu 15%, Christian 8%, Muslim 8%

Languages: Sinhala (official and national language) 74%, Tamil (national language) 18%; English 10%

Literacy: 90.2% of population aged 15 years and over

OTHER KEY FIGURES⁽²⁾

GDP: purchasing power parity—\$72.1 billion (1997 est.)

GDP—real growth rate: 6% (1997 est.)

GDP—per capita: purchasing power parity—\$771 (1996-United Nations)

GDP—composition by sector: agriculture 21.9%, industry 25.5%, services 56.6% (1997 World Bank)

Inflation rate—consumer price index: 9.6% (1997-Eurostat)

Labour force: 6.9 million (1998-Estimated with the percentage of 1995 year: 37.5% by the total population and 59.1% by the population aged 15-64 years)

Unemployment rate: 11.3% (>10 years, excluding Northern and Eastern provinces; 1996-United Nations)

(1) The sources of data for this national portrait are mentioned at the bottom of each table/figure

(2) Data within this current summary (above) are mainly from the United Nations, the U.S. Bureau of the Census, World Bank and Eurostat. When not indicated data/estimates refer to 1998. Figures on population are mainly from the U.S. Bureau of the Census, International Data Base; further information is provided in Table 1 and Figure 1

Trade between Sri Lanka and the EU

Table A – Imports from Sri Lanka into the EU: Principal goods ('000 EURO)⁽¹⁾



	1995	1996	1997	1998
TOTAL	930 316	990 431	1 144 691	1 188 234
Of which:				
WOMEN'S OR GIRLS' SUITS	58 246	73 719	81 602	86 570
DIAMONDS	105 555	107 172	106 717	84 263
JERSEYS, PULLOVERS	31 689	42 336	56 943	75 760
WOMEN'S OR GIRLS' BLOUSES	59 714	58 874	78 233	69 321
TEA	50 983	53 848	50 768	52 469
RETREADED OR USED PNEUMATIC TYRES	17 762	20 355	25 070	34 290
GLOVES, MITTENS	9 525	10 435	25 835	32 636
T-SHIRTS, SINGLETs	26 901	31 329	30 095	30 289
MEN'S OR BOYS' SUITS	30 066	30 998	28 520	28 488
MEN'S OR BOYS' OVERCOATS	29 966	23 344	23 500	27 407
Other	509 908	538 022	637 407	666 741

(1) Goods listed in descending order of 1998 value in euro
Source: EUROSTAT (Comext2)

Table B – Exports to Sri Lanka from the EU: Principal goods ('000 EURO)⁽¹⁾



	1995	1996	1997	1998
TOTAL	720 002	674 164	884 433	794 639
Of which:				
DIAMONDS	99 713	102 494	93 947	81 961
TURBO-JETS	22 648	25 036	24 023	30 662
ELECTRICAL TELEPHONY APPARATUS	6 340	12 654	26 635	26 856
RADIO-TELEPHONIC TRANSMISSION APPARATUS	3 129	7 132	10 947	24 752
GLASS FIBRES	103	104	4 263	23 468
DISH-WASHING MACHINES	8 518	6 701	27 314	18 679
BOILER-PLANT EQUIPMENT	25	58	83	17 032
KNITTED FABRICS	8 835	8 582	12 919	14 787
MEDICAMENTS	14 593	11 041	44 569	14 713
CANE OR BEET SUGAR	2 768	285	2 026	13 528
Other	553 332	500 077	637 705	528 201

(1) Goods listed in descending order of 1998 value in euro
Source: EUROSTAT (Comext2)

Trade between Sri Lanka and the rest of the World (as declared by Sri Lanka)

Table C – Imports to Sri Lanka: Principal goods ('000 EURO)⁽¹⁾



	1994	1995	1996	1997	1994	1995	1996	1997	1994	1995	1996	1997
	Total				From the EU				% share of imports from the EU			
TOTAL	3 769 019	2 186 051	:	:	675 708	373 016	:	:	17.9	17.2	:	:
Of which:												
CRUDE PETROLEUM OILS	178 026	117 520	:	:	:	:	:	:	:	:	:	:
WOVEN COTTON FABRICS	151 207	97 590	:	:	3 663	3 426	:	:	2.4	3.5	:	:
KNITTED/CROCHETED FABRICS	156 098	91 649	:	:	4 957	3 321	:	:	3.2	3.6	:	:
DIAMONDS	108 775	74 311	:	:	101 083	66 818	:	:	92.9	89.9	:	:
CANE OR BEET SUGAR AND SUCROSE	151 268	67 866	:	:	7 057	5 342	:	:	4.7	7.9	:	:
GOODS MOTOR VEHICLES	92 151	63 638	:	:	1 744	276	:	:	1.9	0.4	:	:
WOVEN SYNTHETIC FABRICS	68 929	48 916	:	:	2 214	2 389	:	:	3.2	4.9	:	:
MILK AND CREAM, WITH ADDED SUGAR	67 598	48 221	:	:	16 866	12 527	:	:	25.0	26.0	:	:
PETROLEUM OILS (EXCL. CRUDE)	41 773	45 056	:	:	4 413	5 045	:	:	10.6	11.2	:	:
CEMENT	55 129	41 328	:	:	64	6	:	:	0.1	0.0	:	:
Other	2 698 066	1 469 956	:	:	533 646	273 865	:	:	19.8	18.6	:	:

(1) Goods listed in descending order of 1995 value in euro
Source: EUROSTAT (Comext2)

Trade between Sri Lanka and the rest of the World (as declared by Sri Lanka)

Table D – Exports from Sri Lanka: Principal goods ('000 EURO)⁽¹⁾

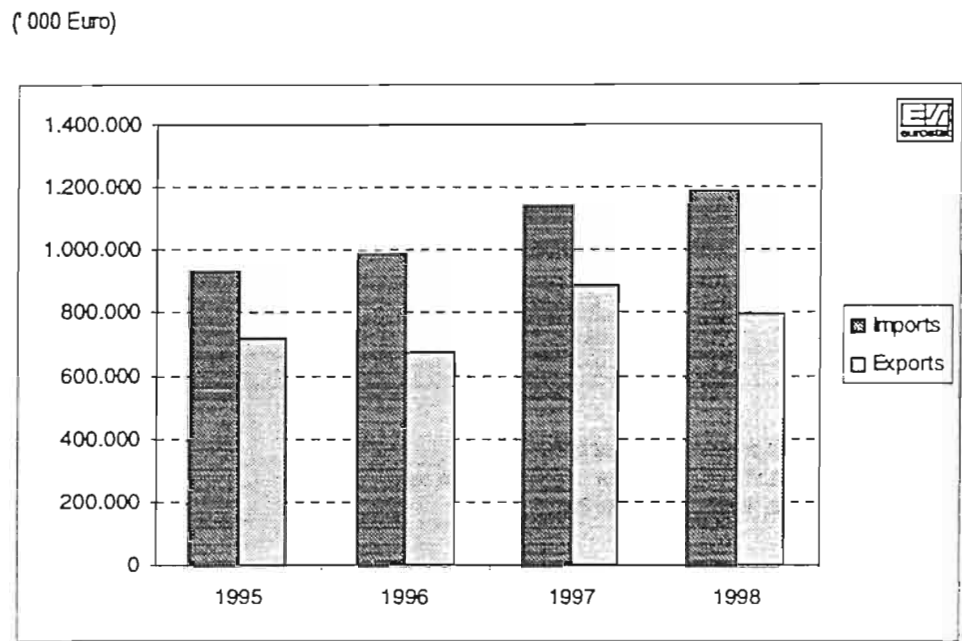


	1994	1995	1996	1997	1994	1995	1996	1997	1994	1995	1996	1997
	Total				To the EU				% share of exports to the EU			
<i>TOTAL</i>	2 698 236	1 828 243	:	:	860 088	554 955	:	:	31.9	30.4	:	:
Of which:												
TEA	350 372	213 819	:	:	54 562	28 611	:	:	15.6	13.4	:	:
WOMEN'S OR GIRLS' SUITS	242 955	191 663	:	:	61 083	45 132	:	:	25.1	23.5	:	:
MEN'S OR BOYS' SUITS	160 228	96 236	:	:	39 326	24 183	:	:	24.5	25.1	:	:
DIAMONDS	122 822	86 525	:	:	104 530	75 097	:	:	85.1	86.8	:	:
WOMEN'S OR GIRLS' BLOUSES	155 956	80 962	:	:	46 820	33 053	:	:	30.0	40.8	:	:
MEN'S OR BOYS' SHIRTS	90 993	71 463	:	:	30 501	16 258	:	:	33.5	22.7	:	:
WOMEN'S OR GIRLS' VESTS	58 096	48 273	:	:	16 245	12 285	:	:	28.0	25.4	:	:
MEN'S OR BOYS' SHIRTS	69 381	44 292	:	:	30 980	14 890	:	:	44.7	33.6	:	:
NATURAL RUBBER/GUMS	60 921	39 504	:	:	22 368	11 129	:	:	36.7	28.2	:	:
PRECIOUS AND SEMI-PRECIOUS STONES	66 687	37 851	:	:	4 188	3 359	:	:	6.3	8.9	:	:
Other	1 319 826	917 655	:	:	449 484	290 960	:	:	34.1	31.7	:	:

(1) Goods listed in descending order of 1995 value in euro

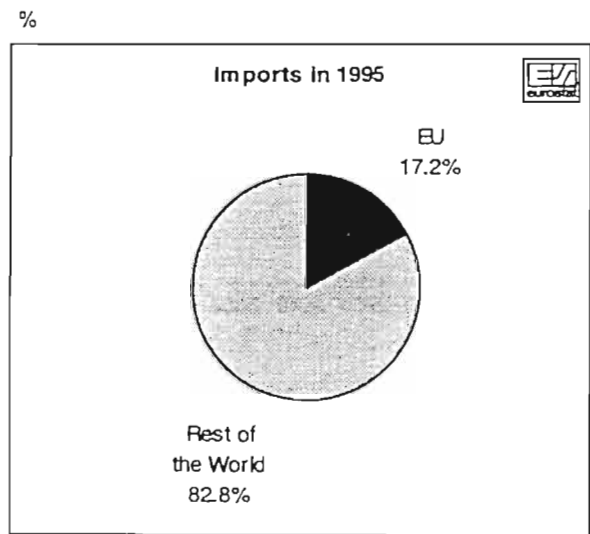
Source: EUROSTAT (Comext2)

Figure A - Trade between Sri Lanka and the EU



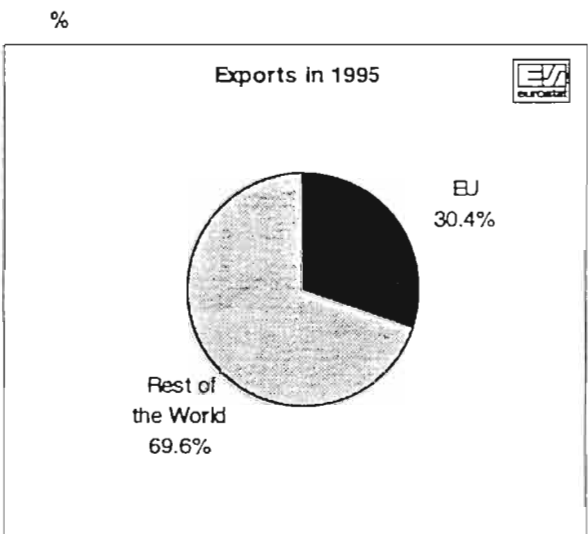
Source: EUROSTAT (Comext2)

Figure B - Trade between Sri Lanka and the rest of the World (as declared by Sri Lanka)



Source: EUROSTAT (Comext2)

100% = 2.2 million euro



Source: EUROSTAT (Comext2)

100% = 1.8 million euro

Table 1 – Main demographic indicators for Sri Lanka



	Mid-year population	Live births	Deaths	Natural increase	Net migration	Total increase	Total fertility rate ⁽¹⁾	Life expect. at birth	Infant mortality rate ⁽²⁾	Age depend. ratio ⁽³⁾
	(1 000)	(per 1 000 population)								(%)
1960	9 879.2	:	:	:	:	:	:	:	:	83.0
1970	12 531.5	:	:	:	:	:	:	:	:	75.1
1982	15 410.2	26.9	6.1	20.8	-5.9	14.8	3.24	69.3	33.1	66.8
1990	17 192.9	20.1	5.8	14.4	-1.7	12.6	2.29	71.0	18.9	59.0
1995	18 289.7	19.1	5.8	13.3	-1.1	12.2	2.19	72.2	16.9	54.9
1996	18 508.1	18.9	5.9	13.0	-1.5	11.5	2.17	72.3	16.7	53.6
1997	18 721.2	18.6	5.9	12.7	-1.4	11.4	2.15	72.4	16.5	52.4
1998	18 933.6	18.4	6.0	12.4	-1.3	11.2	2.12	72.6	16.3	51.3

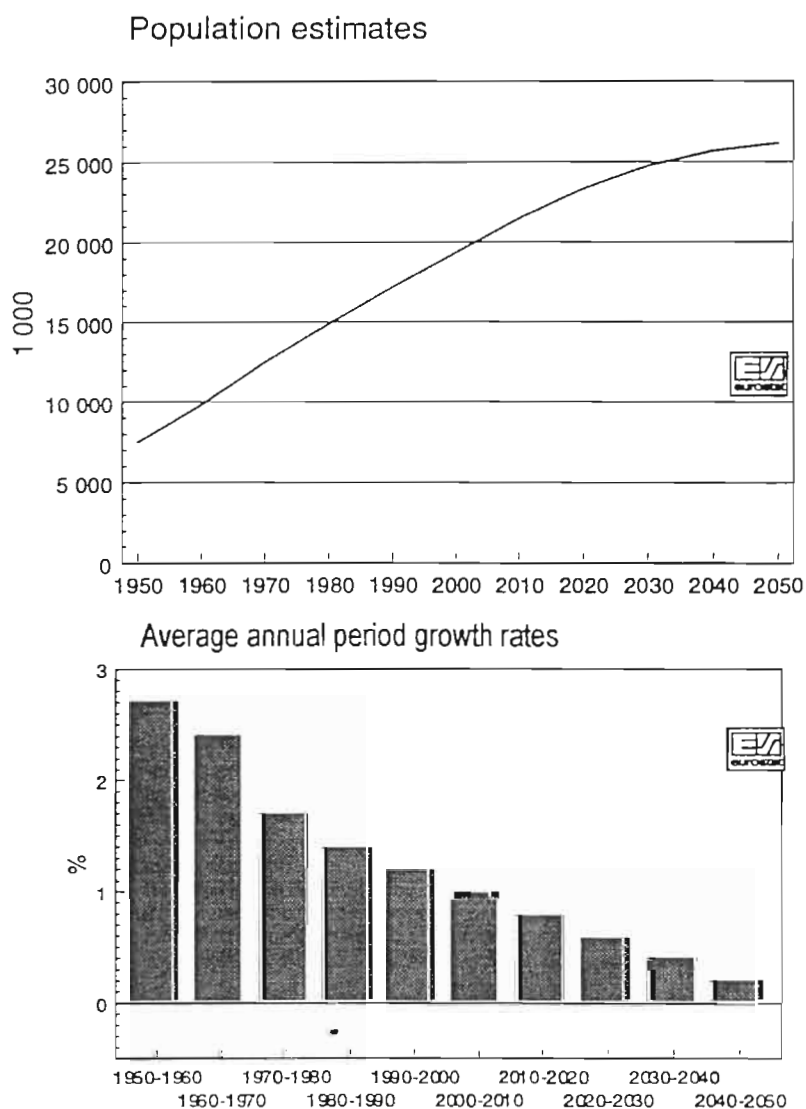
(1) Children per woman

(2) Infant deaths (under one year of age) per 1 000 live births

(3) Proportion of population aged 0-14 and 65 and over on the population aged 15-64

Source: U.S. Bureau of the Census, International Data Base

Figure 1 – Evolution of the population of Sri Lanka



Source: U.S. Bureau of the Census, International Data Base

Table 2a - Resident population of Sri Lankan citizens in EU Member States
(population on 1st January of each year)⁽¹⁾



	1990 ⁽²⁾	1994	1995	1996	1997	1998	1999	1997 or Census as % of	
								non-EU pop.	all non-nat. pop.
B	125	:	:	:	:	:	:	0.04	0.01
DK	4 839	5 782	5 769	5 736	5 415	5 409	:	2.87	2.28
D	:	46 530	49 404	54 617	58 302	60 330	58 309	1.07	0.80
EL	:	1 553	1 453	1 342	1 175	:	:	1.01	0.73
E	:	142	132	140	149	181	:	0.05	0.03
F ⁽³⁾	10 310	:	:	:	17 550	19 938	:	0.77	0.49
IRL ⁽⁴⁾	272	290	269	62	60	88	:	0.18	0.05
I	5 117	11 062	12 923	14 884	18 024	:	:	2.40	2.04
L	:	:	:	:	:	:	:	:	:
NL	676	3153	3 175	3 186	2 639	2 395	:	0.54	0.39
A	:	:	247	:	:	:	:	:	:
P	7	16	16	16	16	15	:	0.01	0.01
FIN	68	101	116	121	129	153	:	0.22	0.18
S	729	1 367	1 377	1 339	1 145	1 009	:	0.33	0.22
UK ⁽⁵⁾	:	40 000	40 000	30 000	40 000	60 000	:	3.03	1.89

(1) The population is that on 1st January of each reference year. For some Member States, 31st December of the previous year is taken as the equivalent

(2) 1990/91 Census round results for Belgium and France

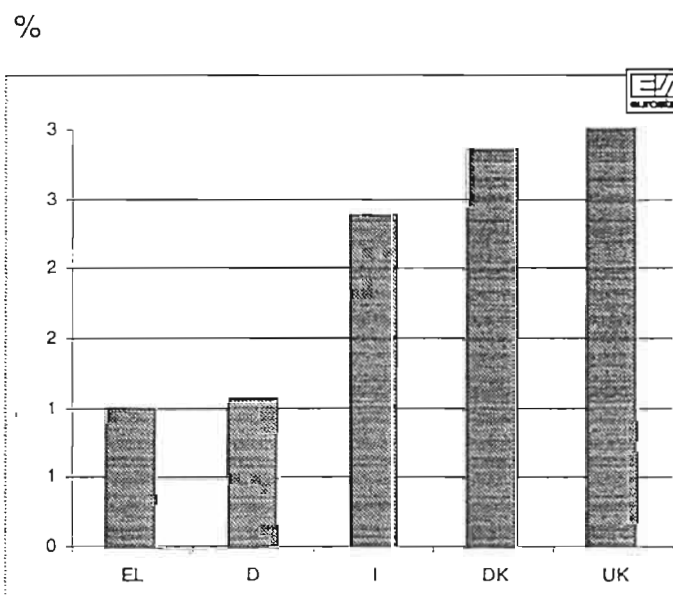
(3) Holders of a valid residence permit for 1997 and 1998

(4) Number of legal residents over age of 16 plus number of asylum applicants

(5) Labour Force Survey, Spring data, figures rounded to the nearest thousand

Source: EUROSTAT

Figure 2 - Resident population of Sri Lankan citizens in EU Member States
as a percentage of the total non-EU population in 1997
(main countries of residence of those Member States for which data are available)



Source: EUROSTAT

Table 2b – Valid residence permits held by Sri Lankan citizens in EU Member States by type of permit



	1996			1997			1998		
	Total	Long	Short	Total	Long	Short	Total	Long	Short
B	:	:	0	:	:	0	:	:	0
DK	:	:	:	:	:	:	:	:	:
D	50 901	12 594	38 307	52 050	14 173	37 877	49 444	14 702	34 722
EL	188	:	:	157	:	:	107	:	:
E	:	:	:	:	:	:	:	:	:
F ⁽¹⁾	19 948	17 550	2 398	22 644	19 938	3 506	:	:	:
IRL ⁽²⁾	62	:	:	60	:	:	84	:	:
I	21 288	:	:	23 820	:	:	25 854	:	:
L	:	:	:	:	:	:	:	:	:
NL	3 186	:	:	2 639	:	:	2 395	:	:
A	:	:	:	:	:	:	:	:	:
P	:	:	:	:	:	:	:	:	:
FIN	:	:	:	:	:	:	179	:	:
S	:	:	:	:	:	:	:	:	:
UK	:	:	:	:	:	:	:	:	:

(1) Long term residence permits are for a duration of more than 1 year; short term and provisional permits are for a maximum of 1 year. Figures refer to the number of valid residence permits held at the end of the year

(2) Number of Sri Lankan citizens, over the age of 16, registered with the police and with permission to remain, excluding asylum seekers

Source: EUROSTAT, Ministries of the Member States

Table 2c - Residence permits issued to Sri Lankan citizens in EU Member States by type of permit⁽¹⁾



	1996			1997			1998		
	Total	Long	Short	Total	Long	Short	Total	Long	Short
B	2	0	2	1	0	1	3	0	3
DK ⁽²⁾	394	:	:	294	:	:	284 ^p	:	:
D	:	:	:	50 901	12 594	38 307	52 150	14 173	37 877
EL	:	:	:	:	:	:	:	:	:
E	:	:	:	:	:	:	:	:	:
F ⁽³⁾	886	:	:	1 142	:	:	:	:	:
IRL ⁽⁴⁾	62	:	:	60	:	:	84	:	:
I	:	:	:	:	:	:	:	:	:
L	:	:	:	:	:	:	:	:	:
NL ⁽⁵⁾	229	200	29	162	142	20	161	135	26
A	:	:	:	:	:	:	:	:	:
P	:	:	:	:	:	:	:	:	:
FIN ⁽⁶⁾	13	8	5	10	5	5	38	32	6
S	111	:	:	125	:	:	142	:	:
UK	2 180	:	:	1 620	:	:	2 100	:	:

(1) This table shows how many permits have been issued during each year

(2) Number of residence permits issued to first time applicants. Includes asylum or other status in an asylum case, family reunification and other immigration residence permits including E.C. residence certificates

(3) Number of first residence permits issued to Sri Lankan citizens born outside France

(4) Number of Sri Lankan citizens, over the age of 16, registered with the police and with permission to remain, excluding asylum seekers (5) Permanent residence permits for Long, temporary residence (including refugee status) permits for Short

(6) First issue residence permits. 3 first permits were also issued from Finnish missions in the period 1996-1998

Source: EUROSTAT, Ministries of the Member States

Table 3a – Legal immigrants of Sri Lankan citizenship in EU Member States⁽¹⁾



	1990	1994	1995	1996	1997	1998	1997 ⁽²⁾ as % of	
							non-EU imm.	all imm.
B	:	:	:	:	:	:	:	:
DK	284	353	457	329	237	207	1.20	0.47
D	3 760	5 124	7 196	6 248	4 732	:	1.02	0.56
EL	384	47	39	26	45	:	0.25	:
E	:	5	15	5	5	:	0.02	0.01
F	2 425	1 708	221	240	556	:	0.94	:
IRL ⁽³⁾	:	:	3	0	0	4	0.00	0.00
I	:	:	1 450	2 178	:	:	1.63	1.27
L	:	:	:	3	1	:	0.09	0.01
NL	708	706	461	240	:	:	0.56	0.22
A	:	:	:	50	36	:	0.11	0.05
P	:	:	:	:	0	:	:	:
FIN	36	19	12	20	26	:	0.39	0.19
S	263	158	115	72	91	:	0.35	0.20
UK ⁽⁴⁾	29 800	34 100	34 800	36 700	37 900	:	30.32	13.30

(1) Asylum seekers are included in the figures for Portugal and partially included in the figures for all other Member States, according to national asylum procedures and recording systems

(2) 1996 for Italy and the Netherlands

(3) Statistics on legal migration are not available. These figures are for asylum seekers only

(4) Figures rounded to the nearest hundred

Source: EUROSTAT

Table 3b – Sri Lankan citizens granted permission to stay in EU Member States for reasons of family reunion



	1996	1997	1998
B	3	4	3
DK ⁽¹⁾	215	181	160 ^P
D	:	:	:
EL	:	:	:
E	0	2	0 ⁽²⁾
F	76	83	:
IRL ⁽³⁾	0	0	0
I	:	:	:
L	:	:	:
NL	47	52	74
A	:	:	:
P	:	:	:
FIN	0	8	8
S	78	78	105
UK ⁽⁴⁾	270	330	39

(1) Number of residence permits issued to first time applicants

(2) First semester

(3) Figures are for family reunion with Convention refugees only. Statistics for other family reunions are not available

(4) Persons admitted as fiancé(e)s or spouses or dependants of work permit holders

Source: EUROSTAT, Ministries of the Member States

Table 4 – Sri Lankan citizens repatriated from EU Member States



	1996			1997			1998		
	Repatriations ⁽¹⁾		Expulsions	Repatriations ⁽¹⁾		Expulsions	Repatriations ⁽¹⁾		Expulsions
	Vol.	Invol.		Vol.	Invol.		Vol.	Invol.	
B	:	5	:	:	8	:	:	8	:
DK ⁽²⁾	3	26	:	1	38	:	0	37	:
D	:	:	:	:	:	:	:	794	1 011
EL	:	41	:	:	2	:	:	6	:
E	:	0	:	:	5	:	:	2	:
F	:		37	:	:	43	:	:	53
IRL	0	0	0	0	0	0	:	0	0
I ⁽³⁾	:	:	265/12	:	:	633/6	:	:	174/15
L	:	:	:	:	:	:	:	:	:
NL	:	:	69	:	:	98	:	:	71
A ⁽⁴⁾	12			5			18		
P	:	:	:	:	:	:	:	:	:
FIN	:	:	:	:	:	:	:	:	:
S	:	:	45	:	1	23	:	0	25
UK ⁽⁵⁾	:	:	25	:	:	45	:	:	125

(1) Voluntary / Involuntary. Repatriations are back to the country of citizenship. Expulsions are forced removals to other countries

(2) Including monitored departures and removals of asylum seekers and refugees

(3) Notified / recorded (established, since 27.03.1998) expulsions

(4) Repatriations and expulsions

(5) UK immigration enforcement removals. Includes voluntary departures following enforcement action. Removals may relate to action initiated in earlier years

Sources: EUROSTAT, CIREFI, Ministries of the Member States

Table 5 – Applications for short and long stay visas from Sri Lankan citizens and numbers issued by EU Member States



	1996		1997		1998	
	Applications (S/L)	Visas issued (S/L)	Applications (S/L)	Visas issued (S/L)	Applications (S/L)	Visas issued (S/L)
B	92/2	32/2	122/3	39/3	118/3	43/3
DK	:	:	:	:	:	:
D	:	:	:	:	:	:
EL	18	18	5	1	15	5
E	5/9	2/8	9/10	-/8	29/21	21/7
F	3 775	1 467/465	4 272	1 604/447	3 844	2 196/529
IRL	:	:	:	:	:	:
I	:	:	:	:	:	:
L	:	:	:	:	:	:
NL	:/357	172/194	:/383	:/195	:/352	:/202 ⁽¹⁾
A	:	:	:	:	:	:
P	:	:	:	:	:	:
FIN ⁽²⁾	:	:	:	:	:	:
S	487	490	447	444	445	427
UK	:	10 370/280	:	11 200/450	:	11 960/390

(1) Long-term visas issued in 1998 until 26.11.1998

(2) Finland received 60 visa applications during the period 1996-1998

Sources: EUROSTAT, CIREFI, Ministries of the Member States

Table 6 – Sri Lankan citizens refused entry at the borders of EU Member States



	1996	1997	1998
B	19	14	13
DK ⁽¹⁾	70	48	:
D ⁽²⁾	:	:	279
EL	12	2	15
E	1	6	9
F	325	340	334
IRL	0	8	0
I	487	333	255
L	:	:	:
NL ⁽³⁾	982	830	71
A	105	60	30
P	10	10	3
FIN	12	7	5
S	17	7	18
UK	121	129	114

(1) Covers refusals of entry into Denmark by an administrative decision

Source: National Commissioner of the Danish Police

(2) Total number of refusals of entry

(3) Refused entry at Schipol airport

Sources: EUROSTAT, CIREFI, Ministries of the Member States

Table 7 – Asylum seekers and refugees from Sri Lanka

Table 7a – Asylum applications



	1990	1991	1992	1993	1994	1995	1996	1997	1998	
B	82	30	145	180	40	17	99	144	242	
DK	167	280	361	126	316	242	298	150	142 ^P	
D	4 361	5 623	5 303	3 280	4 783	6 048	4 982	3 989	1 982	
EL	148	79	4	3	5	2	16	29	1	
E	:	:	27	19	11	:	16	10	9	
F	2 529	3 400	3 959	2 818	1 733	1 097	1 169	1 582	1 832	
IRL	:	:	:	3	:	3	0	0	4	
I	59	132	45	24	20	5	1	6	45	(first 6 months)
L	1	:	0	0	:	:	0	1	0	(first 6 months)
NL	3 010	1 821	1 034	1 902	1 811	1 315	1 483	1 497	1 049	
A	156	442	133	32	19	19	49	7	159	
P	0	3	2	0	1	1	0	3	2	
FIN	3	9	31	57	18	17	37	25	39	
S	182	228	503	253	66	54	42	34	41	
UK	3 330	3 765	2 085	1 965	2 350	2 070	1 340	1 830	3 505	
EU-15	:	:	13 632	10 662	11 173	:	9 532	9 307	9 052 ^P	

Table 7b – Total numbers granted Geneva Convention refugee status



	1990	1991	1992	1993	1994	1995	1996	1997	1998
B	1	3	0	0	:	:	3	5	2
DK ⁽¹⁾	0	5	4	0	0	6	10	0	3 ^P
D	23	114	:	2303	:	:	229	69	39
EL	2	1	0	0	0	2	7	0	2
E	:	:	:	:	:	:	1	0	1
F	:	:	:	:	:	:	632	696	799
IRL	:	0	:	:	:	:	0	0	:
I	:	:	:	4	4	:	:	1	4
L	:	:	0	0	:	:	0	0	:
NL	18	11	91	59	12	10	27	18	26
A	0	4	6	1	1	0	0	0	1
P	14	0	:	:	:	:	0	0	:
FIN	:	0	0	0	:	0	0	0	:
S	:	1	:	:	1	:	0	0	1
UK	15	20	40	10	10	20	5	55	50
EU-15	:	:	:	:	:	:	914	844	928

Table 7c – Total numbers granted humanitarian/de facto refugee status



	1990	1991	1992	1993	1994	1995	1996	1997	1998
B	:	:	:	:	:	:	:	:	:
DK ⁽¹⁾	55	63	22	38	23	41	44	28	53 ^P
D ⁽²⁾	:	:	:	:	:	:	53	18	13
EL	:	:	:	:	:	:	:	14	4
E	:	:	:	:	:	:	:	:	:
F	:	:	:	:	:	:	:	:	:
IRL	:	:	:	:	:	0	0	1	0
I	:	:	:	:	:	:	:	:	:
L	:	:	:	:	:	:	:	:	:
NL	153	32	186	113	436	248	200	142	135
A	:	:	:	:	:	:	:	:	:
P	:	:	:	:	:	:	:	:	:
FIN	:	:	:	:	:	:	2	0	16
S	44	218	114	32	12	:	2	14	5
UK	455	730	4 265	2 420	105	95	25	15	10

(1) First instance decisions only

(2) Recognition under Article 53 of the 1996 Constitution

Sources: EUROSTAT, CIREA, Ministries of the Member States, IGC

Table 7d – Number of grants of refugee status as a percentage of the total number of asylum applications from Sri Lankan citizens



	1996		1997		1998	
	Granted refugee status a/b	% ⁽¹⁾	Granted refugee status a/b	% ⁽¹⁾	Granted refugee status a/b	% ⁽¹⁾
B	:	:	:	:	:	:
DK ⁽²⁾	54	21.0	28	15.0	56 ^P	39.0 ^P
D	:	:	273	4.6	:	:
	7	43.8	:	:	1	:
E	:	:	:	:	:	:
F	:	31.9	:	37.1	:	51.0
IRL	0	0.0	0	0.0	0	0.0
I	:	:	1	:	4	:
L	:	:	:	:	:	:
NL	27	2.0	18	1.0	26	2.0
A	:	:	:	:	:	1.0
P	:	:	:	:	:	:
FIN	2	:	0	:	16	:
S	:	0.0	:	0.0	:	2.4
UK	5 (+25 ELR)	:	55 (+15 ELR)	:	50 (+10 ELR)	:

(1) The percentages shown in this table are indicators only. Note that grants of Geneva Convention Status for each year often do not relate to applications made within that year. Also figures on applications usually include family members, whereas grants of Geneva Convention status may include only adult applicants

(2) Recognition rate includes Geneva Convention and de facto status refugees. First instance decisions only

ELR = Exceptional Leave to Remain

Sources: EUROSTAT, CIREA, Ministries of the Member States

Table 7e – Rejected asylum applications



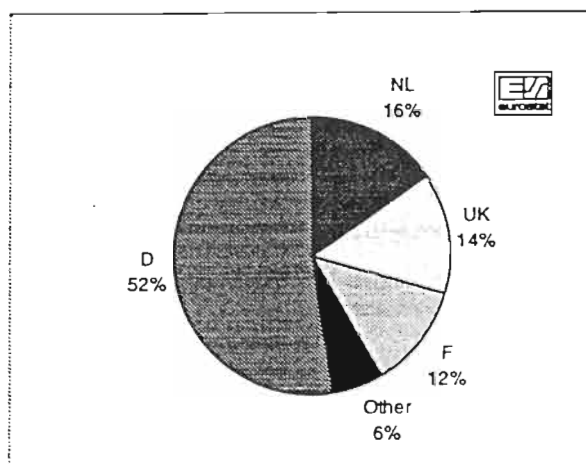
	1990	1991	1992	1993	1994	1995	1996	1997	1998
B	:	:	:	:	:	:	:	:	:
DK ⁽¹⁾	45	175	261	72	198	225	198	162	86 ^P
D	:	:	:	:	:	:	:	:	:
EL	151	75	2	3	2	2	9	28	0
E	:	:	:	:	:	:	:	:	:
F	:	:	:	:	:	:	1 348	1 180	767
IRL	:	:	:	:	:	1	:	:	2
I	:	:	:	:	:	:	:	:	:
L	:	:	:	:	:	:	:	:	:
NL	195	457	1093	982	1544	1649	2606	2248	1166
A	16	148	200	83	28	26	36	36	14
P	:	:	:	:	:	:	:	:	:
FIN	:	:	:	:	:	:	10	2	16
S	:	43	26	392	185	63	44	24	44
UK	5	20	215	260	955	1 225	2 115	1 710	1 950

(1) First instance decisions only

Sources: CIREA, Ministries of the Member States

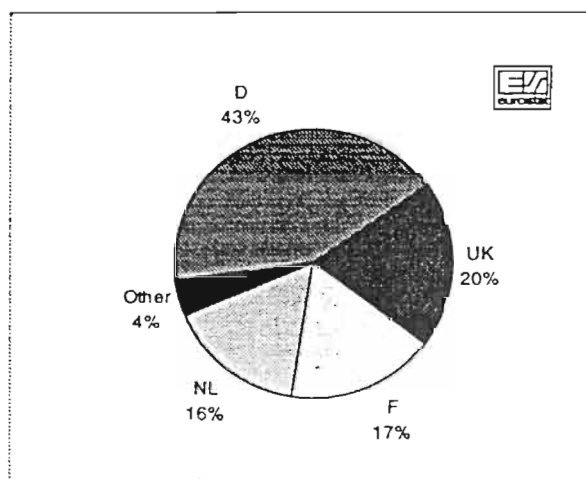
Figure 3 - Asylum applications of Sri Lankan citizens in EU Member States

1996



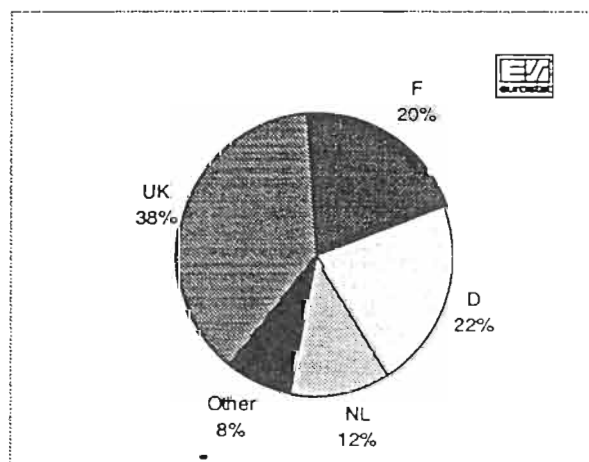
100% = 9 532

1997



100% = 9 307

1998



100% = 9 052^P
Source: Eurostat

Table 8 – Number of Sri Lankan tertiary⁽¹⁾ education students in the EU Member States



	B	DK	D	EL	E	F	IRL	I	L	NL	A	P	FIN	S	UK
School-year															
1995/96	:	42	145	5	:	51	9	0	:	:	14	:	12	26	1 025
1996/97	:	37	167	4	:	56	6	0	:	:	14	:	11	23	979

(1) Tertiary education includes: higher education non-university (ISCED 5); university second stage (ISCED 7); university first stage (ISCED 6)

In Ireland and the UK, students are considered to be non-nationals if they have permanent residence in another country, while for the other Member States non-national students are those holding passports from another country

The data presented do not provide a precise measure of student mobility. On the one hand, the number of students enrolled in an EU Member State other than their own, is underestimated, partly because, in some countries, it is not possible to identify the citizenship of students in certain types of higher education, e.g., ISCED 5 in France. On the other hand, the data may overstate the degree of student mobility, as children of migrants are included

Source: Eurostat

Conventional Signs:

- P Provisional
- :
- No data available
- +
- Indicates «below lowest level of recording»

RUNDOWN OF EXISTING MEMBER STATE MEASURES AND ACTIONS FOR SRI LANKA

1. Politics

Belgium

Political relations are good but low-key. Belgium has no Embassy in Sri Lanka.

Denmark

Denmark has no Embassy in Sri Lanka. Denmark's relations with Sri Lanka are handled by the Danish Embassy in India. No bilateral political measures and actions exist at present in terms of conflict resolution, peace making/keeping, promotion of respect of human rights, democratic institutions, rule of law, judicial capacity building etc.

France

In 1998 France and Sri Lanka celebrated fifty years of diplomatic relations following Sri Lanka's independence. A fresh impulse was given to those relations in 1994 with the rise to power of a francophone and francophile Head of State. Several members of the Sri Lankan Government visited France in 1995 and 1996 prior to the official visit of President M^{me} Kumaratunga in November 1996, her first visit to the west and the first official visit to France of a Sri Lankan Head of State. A political dialogue has ensued. In 1996 discussions took place about the possibility of concluding a re-admission agreement with a view to regulating migratory flows but those discussions proved inconclusive. An air transport agreement was concluded in the autumn of 1998 and a draft maritime transport agreement is under discussion.

Germany

The Federal Government uses every opportunity for political dialogue with Sri Lankan Government and urges it to end its policy of confrontation and to initiate talks with the LTTE with the aim of achieving a peaceful solution to the conflict through negotiation. On a German initiative the EU Troika made representations on 4 March 1999 and pressed the Government to comply with democratic rules during the forthcoming further elections. German courts (currently the Landesgericht in Düsseldorf) are looking into a well-founded suspicion of activities to generate funds (through extortion and blackmail) by the LTTE and Tamil groups in Germany. Evidence which can be used in court is seldom obtained since witnesses are afraid to make statements.

Netherlands

Main constraint for a balanced economic development is the continuing ethnic conflict in the areas in the north and east of the country. Government plans for a political solution have not resulted in a solution due to internal disagreement between the two main Sinhalese political parties and unwillingness of the Sinhalese majority population to make substantial concessions for more regional autonomy toward the Tamil population in Sri Lanka.

In January 1995 on request of the Sri Lankan President Chandrika Kumaratunge the Netherlands (with two more countries) provided a military observer to Sri Lanka to help observing the proper observance of a military truce whilst negotiations with the LTTE were held. Due to the failure to agree on the conditions for negotiations and the fresh outbreak of hostilities on 19 April 1995 the 3 observers never came into action.

The situation on human rights in Sri Lanka gives reasons for concern, especially in the conflict areas in the north and east of the country, and in respect of arbitrary arrests and harassment of Tamils in Colombo. In general, the human rights situations in Sri Lanka has improved with the coming to power of the People's Alliance Government of Chandrika Kumaratunge in August 1994. The last few years in the UN Commission on Human Rights no resolution has been adopted against Sri Lanka. The Netherlands activities in Sri Lanka on issues like promotion of respect for human rights, democratic institutions, rule of law, and judicial capacity building are of a very limited nature. Among other things, financial assistance is given to local NGO's active in the field of human rights.

Sweden

Sweden has good relations with Sri Lanka and both countries have often cooperated in international affairs. Sri Lanka was also one of the first recipients of Swedish development assistance. In 1999 the 40th anniversary of diplomatic relations between the countries is being celebrated. Sweden will receive three ministers during this year: Minister of Internal and International Commerce and Food, Deputy Minister of Finance, Justice and Constitutional Affairs and Minister of Foreign Affairs.

United Kingdom

The United Kingdom has a good working relationship with the Sri Lankan authorities and the authorities are aware of our concerns over human rights issues.

2. Economics

Belgium

Bilateral trade, mainly in the field of textiles and diamonds, is substantial.

	1996	1997	1998
BLEU exports	0,10	0,11	0,11
BLEU imports	0,15	0,20	0,19
Balance	- 0,5	- 0,9	- 0,8
			(in Euro million)

Denmark

No bilateral economic measures and actions exist at present.

France

The volume of trade between France and Sri Lanka is minimal in overall terms. France is Sri Lanka's 25th supplier and its 18th customer whereas Sri Lanka is France's 75th supplier and its 108th customer.

1998 indicators showed a marked improvement in France's trading position: several railway/aircraft contracts were concluded.

Sri Lanka could in 1999 be removed from the list of emerging economy countries in view of its healthy economic position even if its budget is stretched by its heavy military expenditure.

Germany

Total trade of Euro 425,55 million (special trade: Euro 256,16 million on German imports, Euro 169,39 million on exports) shows an export surplus of around Euro 86,92 million for Sri Lanka. Germany imports textiles, clothing, tea, rubber and jewellery and supplies machines, electrotechnical equipment and items of jewellery. German tourists: about 60 000 in 1997.

Italy

The serious crisis which is still affecting Sri Lanka makes it impossible for the time being to revive bilateral relations, which are fairly negligible just now.

Bilateral economic relations with Italy are small: in the first six months of 1998 trade totalled Euro 71,37 million, which was a 0,2% increase over the same period of 1997; there has been a slight decline in Italian exports (- 9,7% over the first six months of 1997) and a slight increase in our imports (+ 1,4%). The trade balance is negative as far as Italy is concerned, at - Euro 3,20 million.

Italy's main exports to Sri Lanka are non-electrical apparatus and machines (14,7% in 1997), textiles and fabrics of vegetable origin (10,5%), hairless tanned leather (8,4%); most of Italy's imports are man-made woven and synthetic fabric items (14,1% of the total in 1997), plant-fibre fabric sewn items (12,6%) and plant-fibre fabric knitwear and stocking (9,1%).

Italy's share of Sri Lankan trade within the European Union has grown from 5,39% in 1992 to 6,68% in 1997, because trade between Italy and Sri Lanka has risen higher than trade between the EU as a whole and Sri Lanka.

Total Italian investment in Sri Lanka at 31 May 1995 was about Euro 41,32 million. The main industries were textiles, footwear and clothing.

Trade between Italy and Sri Lanka (ISTAT data in Euro million)

	1994	1995	1996	1997	Var. % 1997/96	1998 I sem.	Var. % I sem. 98/97
Trade	95,85	115,74	125,55	147,14	+ 17,1	71,37	+ 0,2
Exports	47,98	54,43	70,91	80,36	+ 13,3	34,09	- 9,7
Imports	47,88	61,30	54,95	66,78	+ 21,5	37,29	+ 11,4
Balance	0,1	- 6,87	+ 15,96	+ 13,58		- 3,2	

Trade with Italy as a percentage of Sri Lanka's foreign trade (1997): 1,49%

Share of Sri Lanka's imports from Italy as a percentage of Sri Lanka's total imports (1997): 1,40%

Share of Sri Lanka's exports to Italy as a percentage of Sri Lanka's total exports (1997): 1,60%

Netherlands

Like Portugal and the United Kingdom of Great Britain, historical ties exist between the Netherlands and Sri Lanka. Between 1638 and 1796 Sri Lanka was under the influence of the Netherlands "East Indian Trade Company". The main commodity at the time was cinnamon.

Nowadays the main export market for Sri Lanka to EU-countries is the UK. The Netherlands rank on 4th position after Germany and the Belgium Luxembourg Economic Union. As for imports from EU-countries the Netherlands rank 3rd after the UK and Germany. Netherlands' export to Sri Lanka in 1997 amounted to Euro 34 million, and imports to Euro 84,6 million.

Sweden

Bilateral trade is relatively limited and has unfortunately been decreasing lately due to global recession and the financial turmoil in Asia. Swedish investment on Sri Lanka has picked up considerably in recent years and the country is now the fifth largest investor. Among the investors are Telia, Trelleborg, Skanska, IFS and Gislaved. All in all some ten companies with Swedish owner interests have invested in production facilities, mainly for export. Many other companies are being represented by sales agents. It has been estimated that some 3 000 people are employed by companies with Swedish owner interests. Swedish tourism in Sri Lanka has decreased compared with the 1970's but no less than 4 000 people visited the country in 1997.

3. Development cooperation

Belgium

No bilateral cooperation agreement or programme. Nevertheless some scholarships and co-financing of NGO's.

Denmark

The Danish Parliament decided in 1989 that Denmark primarily should direct its bilateral development cooperation towards 20 programme countries. In the following identification process, Sri Lanka was not selected as a programme country. As a consequence, the existing projects in Sri Lanka were phased out. New development programmes and/or projects have not been launched.

However, Denmark has in the period 1993-1998 supported a NGO-project in Sri Lanka implemented by the Danish NGO "Rehabilitation and Research Centre for Torture Victims" and the Sri Lankan NGO "Family Rehabilitation Centre" with an amount equivalent to app. 1,2 million Euro. A new grant to the same project equivalent to the amount of app. 1,6 million Euro for the period 1999-2002 was approved in December 1998.

Finland

12 950,47 Euro through NGO's for i.a. childbirth preparation exercises and preparing to motherhood.

Bilateral agreements:

1923, 14.12.	Treaty of Commerce and Navigation	29/1923 18/1924 9/1948
1923, 14.12	Agreement between the United Kingdom of Great Britain and Ireland and the Republic of Finland in regard to the disposal of the estates of deceased seamen	30/1923 9/1948
1924, 30.05	Treaty between Finland and the United Kingdom of Great Britain and Ireland and the British Dominions beyond the Seas and Emperor of India on Extradition of Criminals	40/1924 32/1925 9/1948
1924, 20.10	Agreement between the Post Office of Finland and the Post Office of Great Britain and Northern Ireland	4/1925 9/1948
1933, 11.08	Convention between the President of the Republic of Finland and His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India on mutual assistance in the conduct of legal proceedings in civil and commercial matters	3/1934 9/1948

1933, 13.10	Convention between the Government of the Republic of Finland and the Government of the United Kingdom of Great Britain and Northern Ireland for the suppression of the illicit importation of alcoholic liquors into Finland	24/1933 9/1948
1964, 08.01	Agreement between Finland and Ceylon on Recognition of Tonnage Certificates of Merchant Ships	7/1964
1982, 18.05	Convention between the Government of the Republic of Finland and the Government of the Democratic Socialist Republic of Sri Lanka for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital	19-20/1984
1985, 27.04	Agreement between the Government of the Republic of Finland and the Government of the Democratic Socialist Republic of Sri Lanka for the Promotion and Protection of Investments	53-54/1987

France

Short term risks are considered to be relatively low whereas on a medium term basis they are relatively high. No financial protocol had been forthcoming in 1991-1992 due to the previous Government's repression of the nationalist uprising. Such protocols re-appeared in 1996 and the last one for 1997, a treasury loan of Euro 6,78 million, was intended for the drinking water station at Anuradhapura.

French food aid in 1997 took the form of 730 tons of flour. Furthermore a rehabilitation programme proposed by "Action against Hunger" was adopted for the Jaffna peninsula (fruit tree plantations, around Euro 120 000) for the benefit of 5 000 farmers. "Action against Hunger" received the only authorisation granted to a European NGO to intervene under Government control in this area.

Cultural and scientific cooperation (around Euro 182 940) essentially involved the language and educational sector through the "Alliance française" network (Colombo, Kandy, Matara) and the cultural sector through the broadcasting of the weekly "Bonsoir" programme sponsored by the cultural service. Apart from the technical police cooperation carried out in 1997, technical and scientific cooperation was limited to grants for top Sri Lankan officials, to photographic archiving projects and to the tropical ecosystem and geophysical sectors.

Germany

Germany makes use of the traditional instruments of economic and development policy cooperation for the general promotion of Sri Lanka's economic development.

Overall pledges of bilateral development cooperation amount to more than Euro 9,20 billion. After Japan, Germany is the second biggest donor. 1998 saw 21 technical cooperation projects of a combined value of Euro 250,53 million. The financial cooperation resources promised amounted to Euro 632,28 million. Pledges for 1997/1998 amount to Euro 40,90 million (financial cooperation: 20,45; technical cooperation: 20,45). Main targets: education, rural development and energy production. The 21 current technical cooperation projects concern inter alia:

- rehabilitation measures for the north-east province with emphasis on water supply, schools and housing. Implementation of the project (by the GTZ – German Agency for Technical Cooperation) is currently hindered by the fact that there is continuing fighting on the overland route and that private air traffic to and from Jaffna is prohibited by the Government since the plane crash in September 1998 (allegedly shot down by the LTTE);
- reorganisation of the primary school sector. One aspect is the introduction of the subject of conflict management in teacher training in five selected teacher training centres;
- a food security programme in Trincomalee for refugees within the country.

The Ministry of Foreign Affairs, the Federal Ministry of Economic Cooperation and the office of the German Agency for Technical Cooperation in Colombo are currently looking into the possibilities of integrating Sri Lankan nationals repatriated from Germany into development cooperation projects already existing on the spot. The purpose of the project is to facilitate repatriation, in particular of rejected asylum applicants.

Ireland

The following are the costs provided by Ireland in respect of Non-Government Co-Financing projects:

1997: 1 project	Euro 60 947,43
1996: 1 project	Euro 53 329

Italy

Bilateral agreements:

- Investment Protection Agreement: with a Protocol signed in Colombo on 25 March 1987, which became effective on 20 March 1990.
- Air Services Agreement, with schedules and exchange of notes: signed in Colombo on 1 June 1959, effective from 20 December 1963.
- Dual Taxation Agreement: with additional protocol, signed in Colombo on 28 March 1984, effective from 9 May 1991.
- Scientific and Technological, Cultural and Cooperation Agreement: the version proposed by the Sri Lankan party is currently being examined by the Italian authorities.

Cooperation between Italy and Sri Lanka began in 1987 when at a Donor's Consortium Italy pledged to support the ongoing peace process and contribute to the three-year national reconstruction programme.

Work began on two major projects in the social/healthcare sector: a healthcare project for refugees in the northeastern provinces worth about Euro 1,6 million, in the form of a grant (Euro 1,39 million); a project for the reconstruction of healthcare facilities and the production of building materials, to rebuild the Trincomalee Hospital and healthcare facilities in the northeast Province, worth about Euro 11,2 million in the form of a loan-in-aid.

In 1992 Italy contributed about Euro 118 904 to UNHCR for a programme to assist the returnees from the Indian State of Tamil Nadu, and the same amount to WHO for a Hepatitis B Vaccination Programme.

However, Sri Lanka has always been the traditional recipient of Italian food aid: in 1993 and 1994 emergency aid worth a total of Euro 2,6 million were sent to Sri Lanka.

All told, between 1991 and 1996, Italy has supplied about Euro 11,2 million in the form of loan-in-aid, and about Euro 1,7 million in grants.

In the summer of 1997 work began on the project to expand the Don Bosco Technical Centre at Negombo, financed from a grant of about Euro 832 million to be implemented by an NGO, IBO (Associazione Italiana Soci Costruttori). The purpose of the project is to provide vocational training to deprived young people, to the marginalized, the abandoned or to war victims in the Negombo zone, to train them as mechanics, electricians and in computer skills, and subsequently help them to enter employment.

Also in the summer of 1997, the Italian Government provided a grant of about Euro 594 444 to the International Red Cross for humanitarian relief work.

In Italy's cooperation schedule for 1998-2000, provision is made for about Euro 2,96 million in the form of loans-in-aid, to be used to upgrade the capacity to collect and store blood in 12 provincial transfusion centres. The programme provides for the supply of medical equipment and technical assistance.

Netherlands

The main feature in the bilateral relations between the Netherlands and Sri Lanka is development cooperation. Sri Lanka is among the 19 countries proposed by the Netherlands Minister for Development Cooperation Herfkens for a continued bilateral development cooperation relation. Priority sectors are environment, rural development, reconstruction and rehabilitation.

Sweden

Swedish development cooperation with Sri Lanka started in 1958 in the area of family planning. Since then more than Euro 533,35 million in today's purchasing value has been disbursed. Swedish assistance has been used for Kotmale hydropower project, education projects and rural development, business development, humanitarian aid and human rights projects and research cooperation. Approximately 60 lankese people are participating in Sida's international courses annually. In 1997 around Euro 10,43 million was disbursed. In March 1998 Sweden and Sri Lanka signed a new Agreement on Development Cooperation for the period 1998-2000. The new agreement has emphasised the need for a development towards peace, democracy and conflict resolution as well as a sustainable economic development even for the poor. Among the components is an interesting IT-project. Several Swedish NGO's are active on Sri Lanka.

United Kingdom

The objective of the UK development assistance programme for Sri Lanka is to contribute to a reduction in the numbers of people of that country living in poverty. To this end, the UK assistance focuses on the causes of poverty, which include conflict. The UK programme of assistance amounts to about Euro 10,92 million per annum and there is a willingness to maintain this sort of level over several years, subject only to a continued and effective commitment on the part of the Government of Sri Lanka to the elimination of poverty.

4. Humanitarian Aid

Denmark

The Danish humanitarian aid grant to Sri Lanka through international humanitarian organisations or through Danish NGO's was equivalent to an amount of app. 1,2 million Euro in 1996. In 1997 the amount was app. 1,2 million Euro and in 1998 app. 1,0 million Euro.

France

Humanitarian aid grants (over Euro 15 000) enabled assistance to be provided in 12 reception centres in the Vavunya region in the north to displaced Sri Lankans who had fled the fighting.

Germany

As part of humanitarian aid for refugees and other victims of the civil war in Sri Lanka Germany is supporting UNICEF, UNHCR and ICRC projects with financial donations. It also contributes to the financing of World Food Programme and Deutsche Welthungerhilfe programmes in connection with the care of and support for internal refugees, the number of whom is put at around 700 000 by the UNHCR:

1996:	Euro 462 491,63
1997	Euro 615 664,96
1998	Euro 981 680,41

Ireland

1998: Euro 63 486,90

Netherlands

The Netherlands Ministry of Development in 1998 provided humanitarian aid to Sri Lanka for an amount of Euro 2 million. It mainly concerns medical services and other basic needs for internal displaced persons in the war areas in the north and east of the country. The financial aid is channelled through the ICRC (International Red Cross), UNHCR, UNDP, and non-governmental organisations like the Netherlands section of Médecins sans Frontières and Memisa. The intention exists to spend a similar amount in 1999.

Sweden

The Swedish Humanitarian Assistance to Sri Lanka amounted to Euro 2,94 million for 1998. Of that sum Euro 0,25 million came from the Swedish framework agreement with Sri Lanka and not from the humanitarian budget. This is due to the fact that Sweden believes that the authorities in the country have a responsibility for the consequences of the war. This sum was thus directed through the Sri Lankan Government. The rest of the Swedish contribution was channeled through the UN and international humanitarian organisations.

United Kingdom

Approximately half of the UK's current programme for Sri Lanka is devoted to humanitarian assistance, largely for internally displaced people.

5. Justice and Home Affaires Measures

Denmark

Sri Lankans must have visa in order to enter Denmark. Transit visa/airport visa is also required.

Denmark has an immigration attaché in Sri Lanka. Among the attaché's tasks are airport control and support to Sri Lankan authorities with document control.

Denmark has a re-admission agreement with Sri Lanka.

Danish legislation permits DNA-tests and medical determination of age in connection with family reunion cases.

France

Negotiations are underway with a view to signing a bilateral re-admission agreement. The reaction of the Sri Lankan authorities is awaited on a proposal forwarded by France.

Germany

Efforts are being made to conclude a bilateral return agreement with Sri Lanka. A draft agreement was forwarded in April 1998. It is planned to start negotiations in 1999. Sri Lanka was the first State whose nationals received reintegration aid under the GARP Programme in connection with their voluntary return. Around 360 people have availed themselves of this reintegration offer since 1989. In connection with the preparation of return measures, the examination of supporting documents by the national authorities with a view to issuing return documents is at times accompanied by long waiting periods. Members of the Sri Lankan immigration authority and of the Sri Lankan Ministry of Defence visited in the course of a fact-finding visit the Border Guard Directorate in Coblenz and the Federal Border Guard Office at Frankfurt am Main airport.

The so-called fraud squad has already existed in Colombo for some years, its purpose being to combat illegal entry by Sri Lankan nationals into western countries. It comprises officials from the consular departments of the following Missions represented on the spot (AUS/CAN/D/F/UK/I/NL/S/NOR/USA).

Since the middle of 1998 the representations involved in the fraud squad have tried to arrange a high-level discussion with the Ministry of Foreign Affairs together with other Sri Lankan agencies (immigration authorities, Ministry of Justice, police and public prosecutor's office, etc.) dealing with the matter of illegal entry of Sri Lankan nationals into countries in the West. The aim is to make the Sri Lankan side aware of the seriousness of the problem and to compel them to wage a resolute battle against this form of crime. Appropriate preparatory talks have taken place at HOM level.

Netherlands

On 24 October 1997 a bilateral agreement was concluded between Sri Lanka and the Netherlands for the return of Sri Lankan nationals who do not or do no longer have the right of residence in The Netherlands. Since then 35 rejected tamil asylum seekers have been returned.

Sweden

The number of asylum-seekers from Sri Lanka is very small. Sweden is rather a transit country for nationals of Sri Lanka. In 1997 no one from Sri Lanka has been granted asylum. Some people have been granted residence permit on humanitarian grounds. The Swedish authorities do not consider there being any obstacles to returning people to Sri Lanka. This applies to both voluntary and forced returns. The Swedish authorities aim to ensure that all nationals of Sri Lanka who are sent back are provided with a passport or identity papers, so as to ensure that a returnee does not encounter any difficulties when entering the country.

The Swedish authorities have not entered any return agreements with Sri Lanka.

United Kingdom

An Airline Liaison Officer has been appointed to assist the Sri Lankan authorities with identifying inadequately documented passengers. Action is also being taken bilaterally to address the problems of returning failed asylum seekers to Sri Lanka. A high level meeting with Sri Lankans to discuss a wide range of immigration issues is planned shortly.

Aid of the European Community to Sri Lanka (in MEURO)

	<u>1995</u>	<u>1996</u>	<u>1997</u>
. Financial & Technical Co-operation			
National Irrigation Rehabilitation Project (complement)	0,450	-	-
Mahaweli Consolidation Project	5,980	-	-
. Tropical Forests			
Sustainable supply of firewood	-	-	0,396
. Economic Cooperation			
* European Business Information Centre	-	0,995	-
. Actions financed with NGOs			
25 actions	0,840	-	-
13 actions	-	0,910	-
4 actions	-	-	0,650
. Rehabilitation			
Reinstallation of victims of war in their village of origin	-	0,735	-
. Aid to displaced populations			
Assistance au retour	2,228	-	2,000
Micro-projets pour les communautés se réinstallant	-	3,000	0,700
. ECHO – Emergency Humanitarian Aid	3,125	1,175	3,250
. European Commission Investment Partner			
8 projects	1,820	-	-
2 projects	-	1,148	-
TOTAL	14,443	7,963	6,996

CONTRIBUTIONS
FROM
UNHCR AND ICRC



MEASURES TO ADDRESS THE PROBLEM OF POPULATION DISPLACEMENT INSIDE AND OUT OF SRI LANKA

A PAPER FOR THE EUROPEAN UNION HIGH LEVEL WORKING GROUP ON ASYLUM AND MIGRATION

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THIS PAPER IS PREPARED BY THE BUREAU FOR ASIA AND THE PACIFIC, UNHCR

MEASURES TO ADDRESS THE PROBLEM OF POPULATION DISPLACEMENT INSIDE AND OUT OF SRI LANKA

I OVERVIEW

The most important factor contributing to population displacements both inside and out of Sri Lanka, is the armed conflict between the government and the Liberation Tigers of Tamil Eelam (LTTE), which demands an independent homeland (Tamil Eelam) for the Tamil people. Human rights violations related to the armed conflict perpetrated by militant Tamil groups and the security forces have also resulted in the displacement of Sri Lankans mainly of Tamil ethnic origin.

According to the Sri Lankan Government, some 674,000 persons were internally displaced in the country at the end of last year. Forty five percent of the internally displaced are women and thirty percent are children. Regarding external displacement, India was hosting the largest number of Sri Lankan refugees with a total of 70,337 in camps in Tamil Nadu state and an estimated 40,000 living outside the camps at end of 1998. UNHCR statistics also show that from 1990 to 1998, some 138,000 Sri Lankan asylum applications were lodged in sixteen European countries, representing some 4% of all asylum claims. Overall, some 18% of the Sri Lankan asylum claims lodged were recognised, while another 12% were allowed stay on humanitarian grounds. Germany, Switzerland and United Kingdom were the largest receivers of asylum claims from Sri Lankan asylum seekers.

II UNHCR OPERATIONS

UNHCR operations in Sri Lanka are aimed firstly, at protecting and stabilising the displaced populations in the conflict areas so as to reduce the need for further flight, and, secondly, promoting durable solutions in areas of return. In conflict areas, UNHCR's presence and advocacy contribute to enhancing the security of the displaced populations and provide opportunities to monitor and promote their rights. UNHCR assistance activities are aimed at increasing income generating possibilities and through infrastructure support, reinforcing the capacity of host communities to cope with influxes. In promoting solutions, the geographic focus of assistance activities is on the northern Jaffna Peninsula to which over 100,000 persons have returned since 1997. Increasing numbers of those displaced within Jaffna have also been returning to their homes. UNHCR's activities and field presence in these areas enable confidence-building measures, facilitate reintegration and encourage displaced persons to return. It is hoped that the restoration of normalcy will contribute to peace building through a resumption of the political process.

III. PROPOSALS FOR A COMPREHENSIVE RESPONSE

The situation of internally displaced persons

- Intensify support for efforts to protect and assist internally displaced populations in Sri Lanka, and to promote durable solutions so as to mitigate conditions for further flight and contribute to the process of peace-building. In particular, increase support for projects in areas of return so that normalcy can be restored as soon as possible

The situation of asylum seekers and refugees

- Continue to ensure that Sri Lankan asylum seekers are given access to refugee status determination procedures and that those found to qualify are granted asylum in accordance with standards of the 1951 Convention Relating to the Status of Refugees.
- Ensure that the return of rejected cases is undertaken only after the claim has been processed through full and fair procedures, under conditions which recognise the dignity of the individuals and with proper documentation obtained from the relevant Sri Lankan authorities.
- Encourage the Government of India to continue its humanitarian policies and practices toward Sri Lankan asylum seekers
- Ensure that the return of Sri Lankan asylum-seekers to any country of first asylum is based on assurances that those returned will be treated in accordance with international standards of refugee protection, in particular, the principle of non-refoulement.

Root causes

- Encourage all concerned parties to cease hostilities and resolve the conflict through political dialogue. In particular, all parties should renew their commitment to a political solution and bring about constitutional reforms needed to create a framework for a more meaningful sharing of power between regions and communities. In this context, the proposal to devolve authority to provincial councils including the Tamil majority population in the north represents the best basis for moving forward the peace process.
- Encourage the Government of Sri Lanka to continue its efforts to end the culture of impunity, ensure the rule of law and enhance national protection of its own citizens, by expeditiously addressing human rights concerns and bringing to justice those persons responsible for violations of human rights including members of the security forces.
- Contribute to developing and strengthening human rights institutions in Sri Lanka, such as the National Human Rights Commission and other human rights agencies.
- Support the efforts of various international and national agencies to promote greater public awareness of human rights and of the mechanisms for enforcement of human rights which exist nationally and internationally.

Social and economic situation

- Increase humanitarian support to the Sri Lankan authorities aimed at rehabilitating and developing areas affected by the conflict.
- Increase humanitarian support for the Sri Lankan authorities, NGOs and other relevant agencies which are aimed at improving the social and economic situation of individuals affected by the war, in particular, women, children, the elderly and the disabled.

IV CONCLUSION

As long as the armed conflict prevails, human rights violations and population displacement will pose daunting challenges. Greater political will on the part of all parties concerned is needed to find acceptable political solutions and overcome ethnic divisions. The international community should initiate and support programmes aimed at promoting internal solutions for those affected by the conflict and fostering capacity building activities. The stabilisation of population displacements and the reintegration of the displaced in areas of their origin are a pre-requisite for the resumption of representative government in areas affected by the conflict. A political dialogue between representative political parties in Sri Lanka can be the only basis through which long term democratic solutions can emerge.

HIGH LEVEL WORKING GROUP ON ASYLUM AND MIGRATION

DRAFT ACTION PLAN ON SRI LANKA

A: GENERAL INTRODUCTION

1. Sri Lanka is a multi-ethnic, multi-religious society with an estimated population of 18.9 million (1998). Three-quarters of the population are Sinhalese (mainly Buddhist) whilst 12% are Sri Lankan Tamils and 5.5% Estate Tamils (mainly Hindu). There are also Muslims (7%) and groups of Christians drawn from the Sinhalese, Tamil and other communities. Sri Lanka has a unicameral parliament with a powerful Executive Presidency. In addition to the national legislature, there are two further tiers of government: local and provincial.

2. Sri Lanka is a lower-middle income, predominantly rural country with high unemployment, the actual rate being much higher than the official figure of 9.5% (1998). Although the ethnic conflict has hindered economic development, Sri Lanka has experienced a consistent growth rate this decade of around 5% per annum. Growth in 1998 was slightly less at 4.5% and there are signs that the economy is beginning to slow down in response to global and regional events, most notably the Asian financial crisis. In areas where the conflict is concentrated, poverty is particularly severe, providing a push factor for migration to more developed countries. The International Organization for Migration (IOM) is working with the Sri Lankan Government on the development of a positive migration policy.

3. Following Sri Lanka's independence in 1948, relations between the Tamil and Sinhalese communities deteriorated and the former complained of discrimination in areas such as higher education and employment. In the 1960s and 1970s Tamil political parties sought a federal system of government - the failure to attain their aims by peaceful means led to demands for an independent Tamil state and the formation of armed groups, most notably the Liberation Tigers of Tamil Eelam (LTTE). Fighting between the LTTE and the Government began in 1983. Tamil aspirations were clearly outlined at the Thimpu talks of July 1985 in which demands were made for: a Tamil homeland (Eelam), recognition of the Tamils as a distinct nationality, self-determination and a general amnesty. The Sri Lankan Government rejected these demands but the LTTE have argued that they should be the basis of any peace settlement. Peace talks were brokered but collapsed in June 1990 and again in April 1995, when the LTTE abandoned negotiations with the Government and resorted to violence, seeing military action as their only option. Despite the worsening security situation, the Government launched a package of devolution proposals on 3 August 1995 which offered the Tamils in the North and East an unprecedented degree of local self government, at the same time investing heavily in the military and undertaking major military offensives. The LTTE have rejected the devolution proposals and the package has also met parliamentary opposition.

4. The human rights situation in Sri Lanka is a cause for concern. Human rights violations have occurred on both sides of the conflict - particularly in the war zones in the North and East of the country, but also in Colombo. There have been reports of maltreatment, rape, killings and numerous disappearances in the Jaffna Peninsula, as well as in other areas of Sri Lanka. Large numbers of civilians have also been killed or wounded in terrorist attacks. Arbitrary arrest, detention and interrogation of Tamils, particularly in Colombo, is an issue of concern. While most Tamils are quickly released, some are detained for extended periods and are consequently at greater risk of suffering human rights abuses. Police impunity is a major problem, as are arrests and detentions in violation of the safeguards built into the Emergency Regulations. There is concern that the LTTE may still be using child soldiers despite a commitment to the UN Special Representative for Children and Armed Conflict in May 1998 not to use children below 18 years of age in combat.

5. President Kumaratunga has made human rights a priority and taken positive steps to improve Sri Lanka's human rights record. The number of disappearances at the hands of Government forces is significantly down from the high levels reached in 1996 and 1997. Although there appears to be a greater willingness to investigate human rights violations than under the previous government, problems still remain.

6. The Sri Lankan Government is aware of the concerns of the European Union countries over its human rights position. The establishment of a Human Rights Commission in 1997 was a step in the right direction. But experience is showing that the Commission is weak. However, the judiciary is comparatively independent. Recently, the Supreme Court declared as unlawful a Presidential ruling in August 1998 announcing a State of Emergency which effectively postponed local elections because the security situation made it unsafe to hold them. The judgement decreed that these should be held within three months. The Government has accepted the ruling. Elections were held on 6 April 1999. There have been other recent examples of the courts finding members of the armed forces guilty of human rights violations.

7. Provincial elections were held in the North West Province in January 1999. These were marred by many allegations of voting irregularities and acts of violence. On 4 March 1999, the EU made a Troika démarche expressing concerns at the election violence and calling upon the government to adhere to democratic principles and to guarantee the safety of all voters in forthcoming provincial and national elections. The Sri Lanka Foreign Minister said that he welcomed the approach taken by the EU to express its concern. He explained that a Commission had been set up to investigate allegations of electoral malpractice to deal with election complaints in the run-up to the provincial elections on 6 April 1999. Nevertheless, while campaigning was generally less violent, there were deaths and injuries. Early reports also suggest that there were instances of intimidation and fraud.

B: STATISTICAL BASES AND INITIAL SITUATION

I: Nationals of Sri Lanka in the EU Member States, 1996, 1997 and 1998

8. Statistics collated by Eurostat show that the 150,000 Sri Lankan citizens legally resident in EU Member States comprise only a small proportion of the non-EU population (within the 2-3% range). Numerically, the largest populations are in Germany and the United Kingdom (approximately 60,000 in each country in 1998). It can therefore be concluded that the emigration of Sri Lankans for non-asylum purposes is low; it is in the area of asylum (and subsequent family reunion applicants) that significant numbers are encountered. A total of 6652 applied for asylum in the Member States in 1998 with Germany, France, the Netherlands and the United Kingdom receiving the most significant numbers, of which the United Kingdom received more than half the total. Recognition rates of those granted full refugee status vary from 1% (Austria) to 51% (France). Detailed statistical tables are to be found in Annex A.

9. There are a number of Tamil offices based in the Member States. For the most part, their activities are confined to cultural, social and sporting matters. Although some Member States suspect close links with the LTTE, there is no evidence that they are involved in the organisation of direct financial or logistical support for paramilitary activities in Sri Lanka.

II: Analysis of the causes of migration and flight

10. Sri Lanka is primarily a country of origin of migrants and, since 1983, of asylum seekers. At present, the emigration of Sri Lankans for non-asylum purposes is low. It is not a transit country for migrants or asylum seekers. The on-going armed conflict has caused Tamils from the North and North Eastern provinces to flee to India and further afield since 1983. Almost 90% of all migrants from Sri Lanka are Tamils. It is estimated that in Jaffna one third of the population's income is derived from remittances from those resident overseas. Concentrations of extreme poverty exist in the conflict zones in the north and east due to the large numbers of internally Displaced People (IDPs) in these areas. An estimated one million people have been displaced since 1983 and around 800,000 remain away from their homes. Not all these people were originally poor but virtually all now have to cope with insecurity and minimal basic services.

11. In 1997 and 1998, the Government of Sri Lanka, other Governments and NGOs assisted 72,000 and 32,000 people respectively, who had been displaced within the country, to return to Jaffna. Others moved to settle in the south of the country. A recent change in military tactics, leading to fewer displacements, is a move to be encouraged.

12. The mostly male asylum seekers claim that, as Tamils, they are at risk of persecution in Sri Lanka from the authorities who regard all Tamils as members of the LTTE. Round-ups and interrogations of young Tamils (males but also some females) are frequent and occur in all parts of the country, particularly Colombo, and can also be advanced as a reason for seeking asylum.

13. Tamil asylum-seekers (both men and women) frequently claim that they cannot stay in the North or East of the country as they risk being forcibly recruited by the LTTE. For those forced to join and who then escape, they claim to be at risk of persecution both from the LTTE (for having betrayed the cause) and the authorities (for being a member of the LTTE).

14. Most of the illegal migration would not be possible without the existence of Tamil-organised trafficking networks, allegedly in connection with LTTE activities but there is also evidence of involvement in trafficking by Sinhalese and Muslim facilitators. Those trafficked include a significant number of unaccompanied children. The penalties for convicted traffickers, and those holding falsified documents were significantly increased through enactment of the amended Immigrants and Emigrants Act in July 1998. A meaningful deterrent to such criminal activities now exists. Penalties upon conviction comprise a fine of between € 750 to € 3000 and a mandatory custodial sentence of between 1 and 5 years. The Sri Lankan courts are generally enforcing this legislation for the small-time criminal; however, no major racketeers have been arrested or charged under this legislation.

C: COUNTRY-BY-COUNTRY MEASURES AND ACTIONS

I. Rundown of existing bilateral measures and actions

15. All Member States report good relations with the Government of Sri Lanka and a range of bilateral measures and actions in the area of politics, economics, humanitarian aid and JHA measures. Full details are to be found in Member States individual contributions at Annex B.

II. Rundown of existing Community measures and actions

Politics

16. The Commission opened a Delegation in Colombo in October 1995.

17. Not all Member States have missions in Sri Lanka but Italy, the Netherlands, the United Kingdom, France, Sweden and Germany have Embassies in Colombo. These six enjoy an excellent working relationship. For at least the last 12 months, diplomatic representatives had been pressing the Sri Lankan authorities for a high level meeting to discuss trafficking issues. This has not yet taken place.

18. The Sri Lankan authorities have been aware for some time of EU concerns about the number of asylum seekers it produces.

Economic development; development co-operation; partnership and co-operation agreements

19. The Community has signed a third-generation Co-operation Agreement with Sri Lanka (July 1994) with the possibility to suspend co-operation on the basis of a Human Rights clause. This agreement entered into force on 1 April 1995.

20. In recent years the European Community has shifted the emphasis of its co-operation with Sri Lanka from traditional development co-operation towards economic co-operation, with the active participation of the European and Sri Lankan private sectors, through bilateral and regional projects or sectoral programmes.

Humanitarian aid

21. Since 1993 the European Humanitarian Office (ECHO) has provided assistance for returnees and internally displaced persons in Sri Lanka to a total of € 9,065,000. The main sectors of activity have been logistical support to ICRC, as well as relief assistance to returnees, providing medicine, agricultural inputs, water supply and shelter, and protection activities. Special attention is given to the Vanni region and, since 1993, aid has been delivered via NGOs. Projects included shelter, sanitation, malaria control and provision of relief supplies to vulnerable groups such as children, the sick, the elderly, and pregnant women. In 1998, ECHO approved a package of humanitarian aid worth € 1,000,000 for victims of civil war; it is envisaged that aid will continue at roughly the same levels of expenditure.

22. Details of aid provided by the European Community to Sri Lanka are at Annex C.

Justice and Home Affairs Measures

23. The Co-operation Agreement with Sri Lanka does not contain a readmission clause.

III. Measures and actions by UNHCR, IOM, ICRC and other inter-governmental and non-governmental organisations

24. Reports by UNHCR, IOM, ICRC and Amnesty International are at Annex D. These confirm the political assessment in Section A. The focus of IOM intervention is on returns and developing a sustainable migration policy with the authorities, to include the export of labour from Sri Lanka. ICRC's traditional Red Cross activities are supplemented, unusually, by assistance projects in the agricultural field, under the auspices of the World Bank and the EC, in the areas worst affected by deprivation as a result of the war. UNHCR's work is largely focused on meeting protection needs and stabilising the situation of internally displaced persons as well as facilitating the reintegration of returnee populations, particularly in Jaffna. Through their activities the security of displaced persons is enhanced and opportunities are provided to monitor and promote their rights. Projects designed to increase income generation and to support infrastructures have the effect of strengthening the capacity of host communities to cope with influxes of displaced persons. UNHCR has put forward a number of proposals for future measures and actions by the Community/Union which they consider would contribute constructively to their further work in the region. These are set out in their paper at Annex D.

D: ASSESSMENT OF THE STATE OF PLAY

25. A significant proportion of the primary cause of migratory flows stems ultimately from the continuing conflict, to which no military or political settlement appears likely in the near future. The Sri Lankan Government has made it clear that it is not prepared to accept third party mediation as part of any attempt to resolve the conflict.

26. There is some public sympathy in India towards the plight of the Tamils in Sri Lanka (particularly from the Indian Tamils living in Tamil Nadu) and there have been attempts by senior figures to put pressure on the Indian Government to intervene in the ethnic conflict. But the Indian Government seems disinclined to become directly involved at present, particularly following its unsuccessful intervention in 1987-1990 (in which an Indian peace keeping force occupied areas in the North and East). The LTTE were responsible for the assassination of Rajiv Gandhi and have been banned in India since 1991.

27. The state of war has led to human rights abuses inflicted by both sides and economic deprivation and poverty in the areas most affected. All these factors, whether collectively or individually, create a powerful incentive to migrate, whether to take advantage of the internal flight alternative or to seek a better and more peaceful life overseas. The large sums demanded by traffickers means, in practice, that the poorest look no further than the internal flight option, while the slightly more well-off put themselves at the mercy of the many smuggling networks active in the area.

28. There are reported to be shortages of aid supplies in the north of the country (though this is a reflection of distribution problems rather than an absolute shortage of supplies), poor accommodation for displaced persons from the north in camps around Vavuniya and continuing arrests and detentions of Tamils in government-held areas under the emergency legislation. Military restrictions on the movement of equipment and people up to Jaffna have also been a major impediment to relief and rehabilitation work.

29. There is an effective cadre of liaison officers based in Colombo who have a good working relationship, both between themselves and with the Sri Lankan authorities. Canada, with its world-wide coverage through Immigration Control Officers, is well placed to monitor migratory patterns.

30. Recognition rates of Sri Lankan asylum seekers in the Member States are low. Tamils who are displaced as a result of violence directly related to the armed conflict in the northern and eastern areas of Sri Lanka are generally considered to have available an internal flight alternative; many Tamils live in Colombo and the south and, although Tamils are liable to be checked and interrogated and there are extensive security measures in those areas, it is not generally considered that these measures constitute persecution within the meaning of the 1951 Convention nor a breach of Article 3 ECHR or the UN Convention Against Torture.

31. The fact that the number of those recognised as refugees is a small proportion of the total also means that there are large numbers outside Sri Lanka who are eligible for return. The Sri Lankan authorities are worried about any sudden influx of returnees and this leads them to create obstacles to documentation which mean that, in practice, failed Sri Lankan asylum seekers are not being returned in significant numbers although some EU countries do return them (for details see Annex A).

32. The negative factors can therefore be summarised as follows:

- there is still no end to the ethnic conflict;
- there is no robust response to abuses of human rights;
- there are shortages of aid in the most needy areas (a reflection of distribution problems rather than absolute shortages);
- there is economic deprivation as a result of the effects of the war;
- there is a reluctance by the Sri Lankan authorities to receive returnees in any numbers
- all these factors create a lack of incentive to return voluntarily and a poor climate for enforced returns of failed asylum seekers.

33. But the positive factors should not be overlooked:

- despite all its current problems, Sri Lanka is not a country without hope;
- the Sri Lankan Government has taken steps to improve its human rights records (for example by setting up the Human Rights Commission) and has shown a greater willingness to investigate human rights abuses;
- literacy rates and age expectancy are relatively high for the region;
- the country has a capacity to feed itself;
- there are a number of pockets of investment and affluence.

34. These positive elements could provide a basis for a brighter future but it will be an uphill struggle. The primary causes of flight are inextricably interlinked: conflict, abuses of human rights and localised poverty. Action at the EC/EU level must therefore seek to address all three of these areas if the linkages are to be weakened and the incentive to migrate diminished.

E: ACTION REQUIRED BY THE COMMUNITY/UNION

Priority: short-, medium- and long-term measures, programmes and projects likely to be a lasting success; legal bases and financing.

GENERAL

35. Continue to look for ways to find a political solution to the conflict through the appropriate bodies.

SHORT-TERM MEASURES

Foreign Policy

36. a) Continue to raise human rights issues with the Sri Lankan Government and, through the appropriate channels, with the LTTE.
- b) Approach the Sri Lankan authorities in order to make the Human Rights Commission a truly independent body, to finance it appropriately and to invest it with all-encompassing investigating powers.
- c) Continue to contact the Sri Lankan authorities with a view to the Chemmani graves investigation being passed to an impartial body, such as the Human Rights Commission, for clarification without delay.
- d) Explore scope for effective action with the US and Canada, through the Transatlantic Dialogue (particularly with regard to paragraph 35(a) above).

Development

37. a) Assessment of poverty levels and causes of poverty levels in Sri Lanka of the main migrant groups.
- b) Improve police practices through training in human rights issues (in conjunction with Human Rights Commission/ICRC and other relevant NGOs).
- c) Explore the potential for partnerships in development co-operation to strengthen peace-building measures, including educational projects, reduce conflict and provide security to all Sri Lankans, especially the poorest.
- d) Consider assistance with landmine clearance measures and improvements in water supplies in areas affected by the civil war.

Migration

38. a) Complement the effectiveness of Airline Liaison Officers in Colombo through a detailed analysis of migratory movements.
- b) Enhance co-operation with the Sri Lankan authorities and NGOs to tackle illegal immigration racketeering.
- c) Agree arrangements with the Sri Lankan authorities for the return of failed asylum seekers/illegal immigrants (taking due account of Sri Lankan sensitivities over the volume of returns), voluntary assisted return programmes and monitoring of returnees.
- d) Continue Community assistance to refugees and internally displaced persons by funding actions and programmes to be implemented through NGOs and UNHCR.

MEDIUM- AND LONG-TERM MEASURES

Foreign Policy

39. Discuss with the Sri Lankan authorities the possibility of repeal of those provisions in the Prevention of Terrorism Act and Emergency Regulations which appear to give government officials far-reaching exemptions from prosecution.

Development

40. a) Contribute to as rapid as possible reduction of the level of poverty in Sri Lanka, bearing in mind the International Development Target of a reduction of one-half of the proportion of people living in extreme poverty by 2015.
- b) Development of effective partnerships to ensure an effective contribution through development co-operation to the reduction of poverty and of conflict.

- c) Depending on the support provided by the Sri Lankan Government and other national and EC priorities for using development co-operation to eliminate poverty, use of development assistance to help reduce conflict, build peace and provide security to all Sri Lankans, especially the poorest.

Migration

- 41. a) Draw up a plan specifically targeted at a reduction in trafficking in children.
- b) Work with the Sri Lankan authorities to agree arrangements for the identification and documentation of their citizens. (Machine-readable passports have recently been introduced in Sri Lanka).
- c) Pursue with the Sri Lankan authorities the possibilities of return programmes (setting out numbers of returnees per annum; the Sri Lankan Government is keen to regulate returns and has concluded MOUs with some Member States).
- d) Organise an information campaign using IOM expertise to warn against the consequences of illegally entering EU Member States and unlawful employment, and of using facilitators to gain entry to the EU.

Budget Lines

42. Funding for these measures may be available from existing Budget Lines (for example, B7-6008 for assisting with the voluntary repatriation and reintegration of returnees). There are a number of different sources of funding within Community budgets (eg development funds) but these are for specifically defined purposes. If these purposes do not match the requirements for implementation of the Action Plans it will be for Ministers to consider whether there should be changes of emphasis in spending priorities.

Date revised: 14 June 1999

