

No 37

Jan.

1989

VOICE OF THE VOICELESS

BULLETIN OF THE COORDINATING SECRETARIAT FOR PLANTATION AREAS

Have we finally arrived at a solution of the Problem of the CITIZENSHIP OF STATELESS PERSONS?

The Bill entitled 'Grant of Citizenship to Stateless Persons' (Special Provisions) was read for the First, Second and Third Time and duly passed in the Sri Lankan Parliament on 9 November 1988. At the beginning of the day's proceedings the Speaker announced the Decision of the Supreme Court (to which the Bill had been referred by the President as "urgent in the national interest" in terms of Article 122 (1) (b) of the Constitution) that "neither the Bill nor any provision thereof is inconsistent with the Constitution".

Was there not an earlier Act passed determining citizenship to Stateless Persons and, if so, what did that Act say?

There was an earlier Act - No 5 of 1986 entitled Grant of Citizenship to Stateless Persons, certified by the Speaker on 18 February 1986.

The Act noted that in 1964 there were 975,000 persons of Indian origin residing in Sri Lanka who had not been recognized either as citizens of Sri Lanka or as citizens of India; they were stateless. By the two Agreements between the Prime Ministers of India and Sri Lanka of 1964 and 1974, of this total of 975,000 persons, 375,000 were to be granted Sri Lankan Citizenship and 600,000 were to be granted Indian Citizenship and repatriated to India, in each case plus the natural increase.

However, only 506,000 had applied for Indian Citizenship. There was a shortfall of 94,000.

Readers will please accept our apology for the delay in the publication of this issue. No 38 will follow as per schedule in April 1989.

Act No 5 of 1986 provided for the grant of Sri Lankan Citizenship to these 94,000 persons (in addition to the 375,000 agreed upon by the Agreements of 1964 and 1974). Thus Sri Lankan Citizenship would be granted to 469,000 persons plus the natural increase.

The Act also stated that the Government of Sri Lanka would solve the problem of statelessness within 18 months of the date of enactment of the Act, that is, before 18 August 1987.

What was the situation immediately before Act No 5 of 1986 was passed ?

Sri Lankan Citizenship

Number to be granted under the Agreements of 1964 & 1974	375,000
Number granted	197,535
Number to be granted	177,465

Indian Citizenship

Number to be granted under the Agreements of 1964 & 1974	600,000
Number who applied	506,000
Number granted	421,207
Number repatriated	337,066
Number granted but still remaining in Sri Lanka (421,207 - 337,066)	84,141
Number applied but still to be granted (506,000 - 421,207)	84,793

All the above figures do not include the natural increase and are called the "accountable numbers."

What was the performance in the matter of granting Citizenship under Act No 5 of 1986?

The performance was poor and did not at all come up to the expectations of the Act.

According to figures given in Parliament on 9 November 1988, the number of accountable persons granted Indian Citizenship between 1 - 1 - 1986 and 31 - 10 - 1988 was 568; while the number granted Sri Lankan Citizenship in the same period was 39,276.

What was the reason for the poor performance?

The Minister who moved the Second Reading of the new Bill in Parliament on 9 November 1988 first enumerated the various steps taken to implement the Act of 1986. Finally he said: "In spite of

all these efforts to complete the grant of citizenship within the time frame of 18 months, the work could not be completed even by August 1988 due to various unforeseen circumstances."

What is the purpose of the 1988 Act?

Let us quote the Minister again:

"As the Government has resolved to solve the problem of statelessness and as the matter cannot be prolonged indefinitely, it was decided to introduce a new Bill in Parliament, which is this one enabling the conferment of citizenship to the balance stateless persons."

The Act is meant to enable the conferment of citizenship of Sri Lanka to those accountable persons out of the 469,000 who have not yet received citizenship. It is implied that Indian Citizenship will be granted to those accountable persons out of the 506,000 who have not yet received Indian Citizenship.

The Act envisages therefore the granting of Sri Lankan Citizenship to approximately 233,000 persons, plus the natural increase after 30 October 1964.

Who is eligible for Sri Lankan Citizenship under the new Act?

Every person who is (a) of Indian origin lawfully resident in Sri Lanka; (b) is stateless; and (c) who is not within the 506,000 persons who have applied for Indian Citizenship.

What is the procedure for obtaining citizenship?

There is no special procedure. Every person fulfilling the conditions outlined in (a), (b) and (c) above shall have the status of Citizen of Sri Lanka.

But does not the Act speak of a Certificate of Citizenship and also of an affidavit?

Yes, the Act states that any person who is a citizen by fulfilling conditions (a), (b) and (c) above may apply to the Commissioner for the Registration of Persons of Indian Origin for a Certificate of Citizenship substantially in the form set out in Schedule A to the Act and the Commissioner shall issue such a Certificate within 60 days of the receipt of such application substantially in the form set out in Schedule B to the Act.

However, the Act states that no person shall require the production of a Certificate for any purpose and that an affidavit shall be accepted as prima facie evidence of one's citizenship.

What happens to a person who makes a false declaration in the application for the Certificate?

Such a person will be guilty of an offence under the Act and shall be liable to punishment on conviction by a Magistrate, the punishment being imprisonment not exceeding one year or a fine not exceeding Rs 5000 or both imprisonment and fine. The Magistrate will also make order cancelling the Certificate.

Final upshot

All those persons of recent Indian Origin who have not applied for Indian Citizenship and have not yet received Sri Lankan Citizenship are now citizens.

If challenged to prove citizenship, the person can either produce the Certificate or an affidavit as prescribed in Schedule A.

What will happen if the applicants for Certificates of Citizenship exceed the number 469,000?

The Minister answered in Parliament on 9 November 1988 as follows: "To the best of our knowledge that problem would not arise... In any case, if there are one or two stray cases, there is adequate provision" in both the 1986 and 1988 Acts.

So have we finally arrived at a solution of the Problem of the Citizenship of Stateless Persons?

The Second Agreement of 1974 between the two Prime Ministers stated: "I am sure that it is a matter of satisfaction to our Governments that with the full implementation of the 1964 Agreement and the present Agreement the problem of persons of Indian Origin in Sri Lanka who have not been recognized as citizens of Sri Lanka or as Citizens of India will have been finally settled." It was not.

The Sri Lanka government communique which heralded the 1986 Act stated: "the long-standing problem of statelessness which has been with us since 1952 will be finally resolved." It was not.

We can only hope that the new Act will be more fortunate.

— Editorially

NGO ARRANGEMENTS FOR NEW REPATRIATES IN SOUTH INDIA

The TECRAS (The Ecumenical Council for Repatriates and Refugees from Sri Lanka) News Letter 4/88 gives the following information which will be of interest to our readers :

“Coordinational meet in view of the future repatriates :

The above meet, held on February 3rd, was followed up on October 28th and December 16th at SMSSS premises.

Surmising that repatriates might start coming in March 1989, the NGOs wanted to be in a state of preparedness with their services. The following were the proposals put forward.

SMSSS (Sivagangai Multipurpose Social Service Society), besides its canteen and provision store, will barter garments, utensils and other essentials for the saleable goods (oil, soap, clothes etc) of the repatriates and it will continue to assist the school with provisions of food stuffs. It will also initiate an integrated Health Programme in the campus.

YMCA takes up the printing and distribution of the informative hand-bill, besides offering facilities for reading (space and material), games and cultural programmes. The T.V. and the to be purchased V.C.P. will also serve to impart educative information to the repatriates. YMCA will also explore the possibilities, together with the national Secretariat, of two trades-training, embroidery and typewriting. It will also get in touch with Rotary, Lions Clubs etc. and solicit their services for the repatriates at Rameshwaram.

AFDORP, as agreed upon earlier, will place a volunteer at the service of repatriates through TECRAS, besides looking into the correspondence of the repatriates both within and without the country.

The Parish Priest at Mandapam Fr Pushparaj will offer guidance to individuals and families and will direct the most deserving among them, needing urgent assistance, to SMSSS. Whatever little infrastructure he has will be placed at the service of repatriates.

TECRAS was asked to do the following :

- Find out from MAITRI and CTVT the position of their services in the camp.
- Request them to continue the services, viz. CTVT could start two wheeler, cycle and T. V. mechanism, wiring (house and motor - winding), and tailoring, MAITRI, its Balwadi, registration of and assistance at deaths and births and collection of vital statistics.
- Request JRS to arrange for, as already accepted, a permanent chart exhibition, inside the camp.
- Approach the Government for special leave and assistance to youngsters who would enlist themselves for the training in various trades.
- Seek the sponsorship of any medical institution (CMC. RHUSA, CHETPET Medical Mission, Madurai Mission Hospital) for a full-time trained nurse and a midwife to head the integrated health programme in the camp.
- The volunteers (VCRS - Volunteer Cadre for Repatriates' Service) sponsored through TECRAS could be attached to the service organisations in the camp in case of no recognition from the administration.
- TECRAS prepare another video, instructive and educative, to be screened at Mandapam.
- Request the Bank that will function in the camp to diversify its operations. Normally it only encashes cheques. It can also convert the currency, offer locker and pledging facilities.

A joint proposal, by all the NGOs in the camp, incorporating the services, personnel, financial out-lays etc. will be sent to the Government for its approval and assistance.

This is also the time when NCR (National Council of Rehabilitation) constituted in March 88, must rise up to the occasion. "

RACISM AND THE OVERSEAS "EXPERT" OR "VOLUNTEER"

(The following contains substantial excerpts from the challenging article, Racism and the Irish Volunteer, by Niall Crowley in Third World Now (Dublin), No.33, Autumn 1988. For reasons of space we have omitted those parts of the article which specifically refer to the Irish volunteer overseas, as Irish. For the rest, we believe that the article is an eye-opener not only for many foreign experts and volunteers working in the Third World, revealing their hidden agendas, but also for us in the Third World who with foreign aid also receive the foreign "expert" and "volunteer".-Ed.)

Origins

The ideology of racism and the practice of racism as we know it today have their roots in the 16th century. It was only at this time that the word 'race' entered the English language. This was the period in which colonialism and slavery were key elements in the development of capitalism.

Colonialism involved the violent transformation of the colonized economy to service the needs of the metropolitan economy. The slave trade which developed as part of this process was a throwback to an earlier era. An ideology was required to justify these actions. So it became appropriate to divide the world into 'races' and develop an ideology of racism based on white superiority.

This process was not formally exposed until the UNESCO conference in 1949 called in response to the holocaust in the second world war. This conference of top scientists found that the division of people into 'races' was not based on biological phenomena but rather on political and economic expediency. 'Race' therefore is no more than a social myth.

These roots of racism are important to identify not least because, with independence, aid provision became a key element in the continuing relationship between the colonizer and the colonized. Aid was very much a tool for the influence of the colonizer to be maintained in the ex-colony.

It was not rare for European expatriates to be transformed from colonizers to aid personnel. For example, many Portuguese aid personnel in Mozambique today had only left Mozambique at independence to return in this new guise some years later. Even where this is not the case, it is disturbing to examine the origin, the lifestyle and the work practice of many of today's volunteers. It is hard to avoid concluding that they are the inheritors of the colonial expatriates.

Understanding Racism

Volunteering remains very much a white middle class preserve. Therein could lie one of the reasons why racism is not addressed as an issue in these circles.

A key to developing an anti-racist practice is an understanding of racism and must become obligatory for those planning on going abroad and for those involved in the sending agencies. At present it does not feature in any pre-departure preparation which is, in itself, an indicator of racism at work.

For this analysis it's worth focusing briefly on two questions. What are the features that this concept of 'race' consists of? How is it that we think along racist terms? The answers to these questions should provide us with material against which to measure our practice.

Race Categorisation

The key features stand out when attempting to see what division into 'races' is really about. The first is that variations in behaviour have to do with innate biology and not with culture. In fact the notion would be that cultural differences are caused by biological differences.

How often do we hear the actions of black people explained by reference to the colour of their skins. A Mozambican will, in this understanding, respond to a situation not on the basis of coming from a definite tradition and culture but merely on the basis of being black.

The second feature has proved of great use in the face of the conquest and plunder involved in colonialism. It is that friction between nations is inevitable and arises from natural biological differences.

Race Thinking

Race thinking is essentially how we think in race terms. How it is that, consciously or unconsciously, we promote and accept as natural the division of the world into 'races' in our ideas and expressions. It has been neatly defined as the association of a category of persons with a type of behaviour.

How often in our discussions on our experience abroad do we apply inflexible descriptions to the people of a whole nation or even a whole continent. Warning bells ring when people begin to discuss 'Africans' or lump the huge variety of traditions within a nation into an inflexible 'they'.

Jacques Barzan, a Frenchman writing in 1957, defined three elements that are present in race thinking.

1. People are divided into unchanging types. Their characteristics are transmitted genetically. Again how often do we hear cultural activities described as being something that is "in the blood", "Africans have rhythm in their blood" being a frequent example.
2. Mental and moral behaviour associated with these unchanging types is based on physical features.
3. Personalities and cultures are divided on the basis of race.

Race thinking and race categorisation thus provide us with set rules which are worked out in racist practice.

The Institutional Level

Racism at the institutional level has to do with the ethos, practices, policies and structure of organisations. In trying to expose it one must go beyond verbal declarations and written constitution and examine actual practice. Four areas of practice suggested themselves as requiring examination.

The first area is that of the messages communicated by the foreign agencies in their search for funds and recruits. How does their advertising define the problem? How does it relate to the understanding of racism described above?

The second area that needs examination is the manner in which our agencies are structured so that they inevitably exclude black people, principally representatives of those receiving the volunteer. The third area is closely related, and is the key of developing anti-racist practice. That is, who makes the decisions?

Many agencies will argue that they consult the local government. However often such consultations are merely a process of "maintaining good relations". Then one can also ask why is there no formal decision-making power afforded to those who will be affected by such decisions. At times there can appear to be genuine cooperation with a

local body. However a closer look at the local body can reveal that key planning and advisory positions are held by the volunteers of the cooperating agency.

Others will argue that they employ local people in their field offices. More often though, such employees are in low paid powerless positions rising at the highest to "assistant field directors."

The final area worth looking at is the decision of the setting within which the volunteer will work. Much of the setting provided is designed to ensure a support network for the volunteer. However, it is a support network not built on the local people but on the expatriate community.

In this way the volunteer's housing ends up being an expatriate enclave. The volunteer is not integrated into the local community. Rest houses are provided for the volunteers. Again these are set apart from the local community and are often accessible only to expatriates. Finally, conditions and a lifestyle are prepared for the volunteers that they could not expect at home and that effectively isolates them from the local community. In this way racist notions of white superiority are reinforced.

All this is evidence of institutional racism at work. It is present in one form or another in all sending agencies. We must all take responsibility for making it a subject of debate and for ensuring a programme of anti-racist action.

The Level of the Individual

Racism at the level of the individual volunteer. Again I would choose four areas worthy of attention.

The first must be the assumptions that lie behind our reasons for going abroad. Such reasons are usually a mixture of personal gain and altruism. The aspect of personal gain when it becomes predominant can be the most obviously disturbing given that it is essentially exploitative. It can reach the level of the volunteer that described his reasons for being in Mozambique as being the unique mixture of hot sun, beautiful and blue seas.

However it is in the area of altruism that tend to lie the more disturbing assumptions. We all go with vague notions of "helping them". We came by these notions with little analysis of whether what we have to offer is in any way relevant or whether a local person might be far better for the job. Ultimately these notions are patronising and have their roots in our conditioning of white superiority. A key question we rarely ask ourselves is - are we really needed?

The second area to look at is that of how often we observe volunteers espousing the most progressive of ideas and operating in their workplaces in the most authoritarian and racist fashion.

How sensitive are we to the local values and traditions that lie behind local work practices? Is it not common that we arrive with our white Western values and seek to impose them on our colleagues? If we are to be honest, the answers can only be disturbing indicators of our racism.

The third area to examine has been mentioned in terms of the role of the sending agency. However there is also the element of our choice in the selection of support networks. It is no easy task to avoid becoming part of the expatriate circle. This circle of high living, of easy friendship if you are white and of never ending anecdotes detailing the ineptitudes of the local people.

Finally we must also question our lifestyle outside of the workplace. Are our activities in this sphere also indicative of notions of white superiority? Do we challenge the idea that we have the right to hire a servant? Herein lies a relationship deeply reminiscent of colonial times.

— Niall Crowley

THE MONTHS OF JULY — SEPTEMBER 1988 AT CSPA

During this period the CSPA Action Committee met on two occasions: 4 July and 22 August to make decisions concerning its plans of work.

Membership was granted to the Association for Socio-Cultural Advancement (ASOCA), a group which works for the Plantation People in the Central Hills.

Voice of the Voiceless was published in July: Kundrin Kural, the Tamil bulletin, was published every month as usual. Anawarana, the Sinhala magazine, due August, has been delayed.

The Office Secretary and the Audio-Visual Technician visited the groups in Hatton, Galaha, Matale and Kotagala mainly to talk about possible items for the Cultural Festival to be held later in the year.

Y. Ranasinghe Rajapakse
Office Secretary

AIR MAIL

PRINTED MATTER



fr C. a. Sochimpillai
St. Augustine's Seminary
2661 Kingston Road
Scarborough ONT
CANADA M1M 1M3

30, Pushpadana Mawatha
Kandy
Sri Lanka

VOICE OF THE VOICELESS

appears 4 times a year: on the first Monday of January, April,
July, October.

Subscription Rates (Incl. of Postage)

Inland: Rs 10.00 for 4 Issues
Overseas Surface : £ 2 or US\$ 2.50 for 4 Issues
Overseas Airmail: £ 4 or US\$ 4.50 for 4 Issues
Per copy Rs. 2.50

Address cheques etc., payable to Coordinating Secretariat for
Plantation Areas, Account Payee Only.

Edited by Paul Caspersz, residing at No 30, Pushpadana Mawatha,
Kandy and printed at Bravi Press, 274, D. S. Senanayake Veediya,
Kandy, Sri Lanka

Digitized by Noolaham Foundation.
noolaham.org | aavanaham.org