HUMAN SECURITY IN THE HILL COUNTRY

Foundation for Co-Existence (FCE)

The **Foundation for Co-Existence** (FCE) is a non-profit organisation working to promote co-existence through human security. The Human Security Programme is at the forefront of FCE's activities and focuses on reverence for individual's rights and the protection of all communities irrespective of cultural differences. FCE has been actively working in the Eastern Province since its inception in 2003. The Human Security Programme has now extended its reach to serve the hill country.

Foundation for Community Transformation (FCT)

FCT is an organisation was established to address issues of non-territorial minority ethnic communities. The objectives of the organisation are to develop processes and formulate schemes for the protection of human and minority rights, to ensure security and ensure full participation in public affairs by non-territorial ethnic minorities. FCT primarily focuses on the Indian-Origin Tamil community in Sri Lanka.

HUMAN SECURITY OF INDIAN ORIGIN TAMILS IN PLANTATION AREAS

Second Edition

A Study on Human Security Issues of
Indian Origin Tamils Living in the Plantation Sector of Sri Lanka

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LIST OF ABBREVIATIONS

ADB	-	Asian Development Bank
CBO	-	Community Based Organisation
CERD	-	Convention on the Elimination of All Forms of Racial Discrimination
CWC	-	Ceylon Workers Congress
DS	-	Divisional Secretariat
EMA	-	Estate Medical Assistant
FPP system	-	first-past-the-post (electoral voting system)
GDP	-	Gross Domestic Product
GTZ	-	German Technical Zone
ICCPR	-	International Covenant of Civil and Political Rights
ICESCR	-	International Covenant on Economic, Social and Cultural Rights
ILO	-	International Labour Organisation
IOT	-	Indian Origin Tamils
ISA	-	In-Service Advisor
JBIC	-	Japanese Bank of International Co-operation
JEDB	-	Janatha Estates Development Board
NGO	-	Non Government Organisation
NHDA	-	National Housing Development Authority
NIC	-	National Identity Card
PDSP	-	Plantation Development Support Programme
PHSWT	-	Plantation Housing and Social Welfare Trust
PR system	-	proportional representation (electoral voting system)
PTA	-	Prevention of Terrorism Act
SIDA	-	Swedish International Development Agency
SLEAS	-	Sri Lanka Educational Administrative Service
SLSPC	-	Sri Lanka State Plantation Corporation
TULF	-	Tamil United Liberation Fron
UDHR	-	Universal Declaration of Human Rights
UNDP	-	United Nations Development Programme

EXECUTIVE SUMMARY

This study seeks to examine the recurrent human security problems faced by the Indian Origin Tamils (IOTs) in the context of the emergence of their distinct identity, interactive processes and general political developments that have influenced their lives.

Sri Lanka is a multi ethnic and multi religious country with four major ethnic communities – Sinhalese, Sri Lankan Tamils, Tamils of Indian Origin and Muslims. Sri Lanka is unique in that it has two separate Tamil ethnic identities each distinct in its own way history and cultures. These are the long established indigenous Sri Lankan Tamils with origins in Northeast Sri Lanka, and the 'Indian-Origin Tamils' (IOTs) constituted by the descendants of the 19th and early 20th century migrants from Tamil districts of India who formed their settlement in the plantation areas of Central, Uva, Sabaragamuwa, Western, Southern and North Western provinces. With the passage of time there has been differentiation and today a substantial number of IOTs are in other occupations also.

Although primordial factors of cultural, social and physiological realities contribute to the shaping of the ethnic identity of IOTs, this study points out that the ethnic identity of IOTs is essentially a social construct evolved over the past 150 years or so under particular circumstances. The perceptions of IOTs and the goals they want to achieve are those that are specific to their ethnic configuration in the country.

The study has also drawn attention to the responsibility of political and civil society leaders to devise appropriate constitutional, political and socioeconomic measures to create inclusivity and participation for IOTs in the public affairs of the country.

The report suggests action programmes on important areas that need urgent intervention to promote the human security of IOTs.

FOREWORD

The Foundation for Co-Existence (FCE) is glad to intervene in a constructive manner to address the issues of human security in the hill country. The Indian Origin Tamils (IOTs) who were brought from India since the 1820s were settled in the plantation districts. Decades of socio-economic and political exclusion and ethnic discrimination have been the major causes for their current status of marginalisation.

Hill country districts have been experiencing various conflicts based on ethnicity from time to time and the districts remain highly sensitive to future conflicts. Therefore, taking constructive initiatives to prevent conflict and to promote peaceful co-existence among various communities living in the hill country is vital for the well being of the country.

Even though several attempts have been made since the nationalization of the plantation in the mid 1970s to improve the living conditions of plantation residents, including the health care services, housing and education etc., the situation remains far from satisfactory relative to the national standards. We believe that socio-economic equality is essential in order to integrate this community into the main stream of our society. Therefore, well planned and constructive intervention to promote social development initiatives is indispensable.

The Hill Country Human Security Report enumerates with much eloquence the deprivation and discrimination that a significant minority community is facing. The IOTs have been making a remarkable contribution to the national economy through their labour in the tea and rubber plantation industries ever since their arrival to the country.

This report indicates the deplorable situation in the areas of education, health, access to justice, employment opportunities, status of women, security, language rights, housing, and land rights. Lack of opportunities for youth to ensure their livelihood income security is fuelling youth unrest and this situation can create potential for future conflicts in the region.

FCE has gained experience in conflict prevention by introducing the early warning and early response system in the Eastern Province for the past three years. It is our intention to utilize the lessons learned and experience accumulated in the hill country in order to promote human security in these districts and to create conditions conducive towards peaceful coexistence of all communities inhabited in the hill country districts.

We invite the cooperation and collaboration of all stakeholders- community leaders, political leaders, state institutions and law enforcing authorities and people living in these districts to achieve this common goal.

Kumar Rupesinghe
Chairman
FCE

INTRODUCTION

Human Security in its broadest sense encompasses all aspects of Human Rights (Civil, Political as well as Economic and Social) good governance, access to education, health care and ensuring each individual opportunity and chances to fulfil his or her potential. Ensuring human security is crucial for upholding dignity and peace ful coexistence among various communities.

Human security is recognised as a form of safety with action, freedom from fear or harm, enjoyment of human rights and preservation of human dignity. The United Nations Development Programme (UNDP) Human Development Report of 1994 defined human security as encompassing two main aspects. Firstly, safety from "chronic threats" including hunger, disease and repression and secondly, protection from sudden and hurtful disruption in the pattern of daily life, whether at home or in work or one's own community. Such threats can exist at all levels of national income and development. (UNDP: 1994: 23)

The overriding concept of human security is that people should be able to take care of themselves and therefore enjoy opportunities to meet their most essential needs and to earn their own living. UNDP recognises four primary characteristic of human security:

i) Human security as a universal concept that is relevant to all people everywhere as many threats to human security are common to all people with the only variable being the intensity of the threat which varies from context to context.

ii) The components of human security are interdependent as threats to human security (such as disease, pollution, terrorism, ethnic disputes, and social disintegration) are not isolated events confined within national borders but rather have international consequences.

iii) Human security is easier to ensure through early prevention rather than later intervention. The social and economic cost of the HIV/AIDS epidemic in Africa is one primary case in point.

iv) Human security is people-centred as it concerns itself with how people live, how freely they are to exercise choices, the degree of access they have to markets and social opportunities and critically, whether they live in conflict or peace. (UNDP: 1994: 22-23)

Aspects of human security include that of economic, food, health, environmental, personal, community and political security and the interrelationship between them. Denial of one aspect implicates all others. For example, denial of economic security leads to disparities in economic opportunities and a gap between rich and poor. Such a reality can implicate environmental security (migration to regions with in a country or countries perceived to have greater economic opportunity leading to population and environmental pressure) which in turn implicates community security (leading to ethnic tension) and political insecurity (in the form of state repression)

The state is enjoined to provide various types of protection for its citizens. Individuals must also be protected from the arbitrary power of the state. Emphasis must be placed on maintaining rule of law and good governance. Human security is a tool and instrument to advance the interests of individuals and groups within the larger community. It is the concept on which all decisions, reforms and practices should be based.

Within the broad perspective of the concept of human security this study concentrates on identifying and flagging the pervasive threats and situations that mark the lives of the Indian Origin Tamils (IOTs) in Sri Lanka. Pervasive threats exist not only for the IOTs living in the plantation sector but also in urban areas.

Scope of Human Security

The concept of Human Security, related initially to refugees and internally displaced people, was later expanded to cover those who affected by ethnic and other conflicts and threats, including mass poverty. The protection of vulnerable populations subjected to communal strife, ethnic unrest, terrorism, crime, poverty and unemployment were brought within the ambit of human security. Initially the focus was on threats to the person and life resulting from physical torture, war, ethnic tension, crime, street violence, rape and domestic violence. But over the years the focus has expanded to include structural and cultural threats to personal security and freedom, covering various other dimensions such as economic, food, health, environmental and political issues. At present, the area of human security would also include safeguards from impact caused by globalisation.

IOTs are perhaps the most vulnerable group in terms of household livelihood security, food security and physical security in the country. The social and economic indicators explain the socioeconomic backwardness of this community compared to other communities in the country. With the deprival of the citizenship in 1948 and disenfranchisement of the entire community in 1949, IOTs became politically voiceless and segregated from the mainstream development process. The plantation production system which sustained them depended on exports where the producers do not have any control over the prices. They had to face the hard realities of price fluctuations, as these are agricultural produce in which weather can play an important role in the provision of work in the estates. During the drought seasons the number of days of work offered was reduced, having adverse effects on their income. Although wages have shown an increase in terms of money, in effect the real wage has gone down due to the failure to match the wage increase with the rise of the cost of living. Stable income is important to plan monthly expenditure. Wage increases that could enable workers to cope with the increased cost of living is refused due to the status of the plantation economy. Therefore, workers are in a constant struggle to fulfil their basic needs within the limits of their inadequate income.

Objectives and Methodology of the Study

The objectives of this study are as follows.
- To define the ethnicity and elucidate the identity of IOTs in Sri Lanka
- To examine the dimensions of threats to human security encountered by the IOTs particularly among the residents in the plantation districts.
- To make suggestions to promote their human security, participation in public affairs and for promoting co-existence between the IOTs and other communities in Sri Lanka

Data was collected from secondary sources of incidents that have seriously affected the lives of IOTs in the past. Only incidents that occurred during the post independence period have been included for secondary data. This limitation was considered necessary in keeping with the main objective of the project. A few institutes have collected and maintained records like paper clippings, unpublished articles, discussion papers, etc. in relation to the incidents that occurred against the IOTs in the country. Some of these sources have been contacted for the purpose of including secondary information in the report. It has been identified that extended and separate research directly from newspapers and other sources would largely benefit all future studies and analyses. This however was not within the scope of this study. Whatever information it has been possible to collect is provided herein.

Apart from this, primary data was gathered through the medium of focus group meetings conducted to incorporate the present situation faced by the IOTs. The focus group meetings were carried out in Deraniyagala, Balangoda, Nawalapitiya, Hatton, Kahawatta, Matugama and Badulla. Focus groups were comprised of teachers, trade union leaders, leaders of social organisations, religious personalities and the members of civil society. Focus groups comprised of both males and females from the respective areas under study. The average number of participants in focus group meetings ranged from seven at Deraniyagala to twenty-six in Hatton. A few field visits to the estates were also conducted. A guideline for the focus group meetings was developed based on the suggestions made by a group consisting of academics, professionals and community leaders.

- P. P. Devaraj

ETHNICITY AND IDENTITY OF IOTS

In the post-Cold War era of ethnic revivalism and resurgence, ethnic groups have been dominant forces in the process of political change and social transformation. Ethnicity has a natural tendency to bring individuals into groups, developing their consciousness and shaping a common identity. All too often, conflict is a result of the politicisation of ethnicity, accompanied by mobilisation by leaders who chal lenge the hegemony of the dominant ethnic group in order to protect and promote their community's identity-related interests (Liebkind, 1989; Brown 1989; Hutnik, 1991).[1]

The *ethnic group* is one of the most intensely debated concepts in social science and the term is still lacking in definitional unanimity and consensus among scholars. The uncertainty arises from the fact that each definition of the concept emphasises a particular trait or set of traits as the fundamental attributes of an ethnic group. Urmila Phadnis (*Ethnicity and Nation-Building in South Asia*, 1989) has endeavoured to provide a compact definition of an ethnic group as a "historically formed aggregate of people having a real or imaginary association with a specified territory, a shared cluster of beliefs and values connoting its distinctiveness in relation to similar groups and recognised as such by others." To rephrase, she suggests that an ethnic group will have common historical antecedents, an association with a specific geographical area, shared cultural emblems, a sense of distinctiveness, and recognition of group differentiation, both "self defined" and "other-recognised."

The IOT community has a history of nearly 200 years in Sri Lanka. The community finds its roots in migrants from the Tamil districts of India, who came to Sri Lanka in response to the phenomenal demand for labour created by the establishment of the plantation industry by the British in the early part of the 19th century.

At the turn of the 19th century, IOTs emerged as the largest minority community of the country. In the 1911 census they outnumbered the Sri Lankan Tamils, 530,983 to 528,024. At the time of independence in 1947 they were still the second largest ethnic minority community in the island. As a result of subsequent changes, such as repatriation and displacements, the IOT community has now dropped to the position of the fourth largest ethnic group, 1% below Muslims.

The last few population counts failed to provide a realistic estimation of the number of IOTs in Sri Lanka. For example, the number of IOTs counted in 1971 (1,174,606) summed with their inter-census natural increase (169,053) gives an estimate of the number of IOTs who should have been in the country (1,343,659) in 1981, but the number recorded in 1981 was 818,656. The difference of about 525,000 between these two figures needs to be attributed to misinterpretation. According to immigration and emigration records, repatriation was on the order of 312,000. It appears that a little over 200,000 Indian Tamils were counted as Sri Lankan Tamils. Therefore, the population of IOTs

Neat and beautiful surroundings, but the lives of the workers who support all that is tragic

would be around 6.85 % (1,018,000) instead of 5.08 % of the total population in 1981.

This seems to have occurred in the census of 2001 as well. The census was conducted only in 18 districts in the country and reveals the population of IOTs as 5.08 % (855,891) of the total population. An estimate made based on the national level growth rate shows that it will be around 6.41% (1,202,349) of the total population of the island.[2] Many IOTs, particularly those living in the districts of Colombo, Gampaha, Kandy, Matale, Galle, Kurunegala, Puttalam, and Ratnapura are reported as Sri Lankan Tamils in the census. Interviews with IOTs living in the district of Colombo reveal that IOTs being counted as Sri Lankan Tamils was a common occurrence in Colombo.

It should be noted that 88.13 % of IOTs are settled in the plantation districts of Nuwara Eliya (359,386), Badulla (141,087), Kandy (106,341) Ratnapura (78,581), Kegalla (45,647), and Matale (23,329). They represent 51.33 %, 18.22 %, 8.35%, 7.79 %, 5.86 % and 5.27 % respectively of the total population of the respective districts in 2001. In the North-Eastern districts they account for 7.07 % of their total population in the island. Nuwara Eliya district holds the greatest concentration of IOTs, where they constitute 51.33 % of the total population of the district.

1.1 Immigration and Emigration

The history of the IOTs in Sri Lanka begins with the decision of the British Colonial government to initiate plantation industries in Sri Lanka in the early 1820s. Though Indian immigration

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to Sri Lanka has a tradition rooted in the ancient past of the two countries and migrants had been settled and assimilated into the local population in the past. The controversial issues involving Indian migrants began with the organised migration of Indian labour brought and settled in the country since the 1820s after the arrival of British Colonial power.

Early migration of the Indian labourers was transient in nature. Labourers maintained their connection with their ancestral villages and their interest in Sri Lanka was limited with the duration of their employment. Manual workers were brought to Sri Lanka from India to work in the public works, harbour, etc. The number was relatively small and most of them did settle permanently in Sri Lanka. Initially, coffee was cultivated and the workers were brought during picking season and sent back to their villages in India. Only a small percentage of them stayed permanently during the period of coffee cultivation. Tea was introduced after coffee cultivation was affected by a leaf fungus in the 1860s. Tea is a labour intensive crop that requires a large resident labour population and therefore, more people were brought into the country and permanently settled in the plantation districts. No formal records were kept on this labour migration. "...no authority existed to control and record the migration movement except the quarantine authorities in the principal routes of entry into the island from India. The quarantine authorities, however, had little interest in the emigrating population, which, in consequence were very much under-estimated. Immigration through minor ports was not recorded at all." (Dr. N. K. Sarkar, 1957)

This process of immigration was associated with the economic development of Sri Lanka in the 19th century and after. Early in the 19th century, the colonial government of Sri Lanka began a programme of road-building, railway building, construction of public works in the island. From about the 1880s tea plantations were expanded in the country and towards the end of the 19th century and in early decades of the 20th, rubber plantations were opened in midland and low-country areas of the island. Cheap labour required for these enterprises was recruited from South India and brought to the island. Table 1 indicates the growth of the Indian Tamil estate population in Sri Lanka of this period.

Various deceptions were used in the recruitment of labour, painting glowing pictures of conditions on the estates. The harrowing tales of the transport of workers in over-crowded vessels across the Palk Straits and their long trek across disease-infected countryside to the estates in the hills are filled with distress and anguish. Many died on the way and the road was littered with the skulls of the dead. A planter who wrote under the initials D.P. testified "one could fill many carts with the skulls of those who have been abandoned unburied on the road." reference

Nor did the situation approximate the prom-

Table 1

Growth of the Indian Tamil Estate Population in Sri Lanka

1827	-	10,000	1921	-	493,944
1847	-	50,000	1931	-	692,540
1877	-	146,000	1946	-	665,853
1911	-	457,765	1961	-	949,684

Source: *Administration Report of the Labour Commissioner.*

ised idyll once the new labourers had reached their destination. Treatment of workers on the plantations was cruel and unjust. The following quotation from the *Autobiography of a Head Kangany Carpen* (as related by a Ceylon Planter) relates the incident of a worker named Pitchai,

who was nearly beaten to death by a planter. The incident is described by his fellow worker:

"Then we were cruelly thrashed. Our legs and arms were covered with cuts and wounds and we could hardly get to the lines. Pitchai was covered with blood because being the largest he tried to resist and angered the master more."

Cases of assault on workers were common and when death occurred it was hushed up, either without informing the authorities or with police connivance.

Surpluses created through the plantations went mainly to urban areas, and although part was invested in infrastructure development and welfare measures, these were generally not in areas that affected the plantation workers.

Plantation development brought rapid growth. Government expenditure on roads, postal services, and railways was designed primarily for the benefit of the plantations, but by their very nature these elements of a modern transport and communication network served to strengthen the connection between the plantation sector and the traditional sector of the economy. The city of Colombo experienced phenomenal development during this period. The port expanded and associated services, such as packing and transport, developed. The rise of the urban working class and the white-collar employee was an offshoot of plantation growth, and all these developments paved the way for unprecedented and abiding changes in the economic, social, and political conditions of the country.

Over this period the economy and society of Sri Lanka underwent profound changes. As the country developed, the situation of the IOT estate workers stagnated under authoritarian management, political exclusion and the impact of the conflict in the North and East. The historical patterns of discrimination experienced by IOTs as a distinct group served to consoli-

date them as a separate ethnic group and identity force in Sri Lanka.

1.2 Insecurity and Marginalisation

The IOT plantation workers, who are Tamil speaking and practice the Hindu religion, were economically marginalised and prevented from maintaining any relationship with communities outside the estates. This isolation of the estates from the rest of the country paved the way to widen the gaps between these two communities and for exploitation of the situation by politicians for political and ideological gains. There are three important underlying issues that cause insecurity for and have marginalised the IOT plantation residents – land, political power and the on-going ethnic conflict.

1.2.1 Land Scarcity

The land issue is one of the detrimental factors for the ethnic relationship between the IOT workers and the Sinhalese in the plantation districts. Although it was the acts of British rulers that deprived the Kandyan peasants of land for future village expansion and thus forcing them to face land scarcity, nationalist forces targeted IOT labourers, ignoring the fact that they too were as much victims as the Kandyan peasants.

Colonial rulers created plantations by vesting their control on uncultivated and unutilised lands through various land ordinances- such as the Waste Land Ordinance of 1848, the 1897 Temple Land Registration Ordinance No. 10 of 1856 and the Crown Land Ordinance of 1987- and distributed mainly to British nationals to open up plantations. By acquiring excess lands in the plantation industries and transforming these into plantations, the village peasants were left to face land problems relating to future village expansion. The issue of land was highlighted in the Land Commission Report of 1935.

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It should be recognised that the land taken up for estates was largely undeveloped and unutilised. Much of the expansion of coffee cultivation in the year from 1850 to 1860 occurred outside of the Central Province, primarily in Uva and Sabragamuwa, where vast unbroken tracts of virgin forests in mountainous regions were brought into cultivation. The earliest immigrant labourers did not find cultivated land ready to be appropriated from local farmers, rather they found jungle. Through the labour of these first immigrant workers and of subsequent waves of immigrants, the forests were transformed into coffee and later, tea estates. The earlier immigrants were exclusively men but as tea began to replace coffee in the 1860s women and children began to immigrate as well and settlements stabilised.

Another factor that should be taken into consideration is the high rate at which natural increase of population took place beginning in the middle of the 19th century and gathering momentum in early 20th century. Even excepting immigration of plantation workers, population growth in Sri Lanka at this period was among the highest in Asia. The increase in population by itself would have led to greater pressure on land resources, but as there was adequate land available internal migration in search of land did not take place on any noticeable scale.

The local capitalist class that had emerged in the wake of plantation development was anxious to invest their newly earned money in land, considered to be both an important asset and a determinant of social status. Drawn by the attractive prices being offered, many peasants voluntarily sold their share of family land and even their small holdings.

Regardless of these factors consequent land scarcity faced by villagers in the Hill Country remains a source of tension between villagers and estate workers. There have been campaigns to spread the perception that the IOT labourers took the land of the Sinhala farmers, instead the communities should have been brought together to develop a common strategy for land use and lobbying for equitable and just land distribution.

1.2.2 Nationalisation of the Estates

Estates were nationalised in 1972 and 1974 under the Land Reform Act which imposed limitation on ownership of land by individuals and foreigners. All foreign owned land was fully nationalised and Sri Lankan individuals were allowed to own only 50 acres of highland or 25 acres of Paddy land. Nationalised estates were brought under the control of two state agencies, Janatha Estate Development Board (JEDB) and Sri Lanka State Plantation Corporation (SLPC), to manage the estates.

Until the nationalisation, the workers were protected from outside attacks. But, the post nationalisation created avenues for communal violence by the outside forces. The nationalisation process was focused with ethno-centric euphoria by the government in power that had whipped up anti Tamil sentiments in several plantation districts. This process influenced the ethno-nationalist forces patronised by the ruling party to forcibly enter the estates and to drive the resident IOT worker families away in order to grab the estate land. This situation resulted in a series of violent incidents in the estates immediately after the nationalisation process was completed. This pattern of violence was witnessed throughout the island-wide anti-Tamil programme of 1977, 1981 and 1983 inflicting organised violence against estate residents in several parts of the country. Ethnic tension continues to run very high in the plantation areas and incidents of communally-motivated violence against the estate residents is reported continuously in several parts of the country.

1.2.3 Plantation Hierarchical Management System

The vast majority of the IOTs settled in the plantations. The structure and living conditions of the plantation system further contributed to the historical insecurity of IOTs in Sri Lanka.

The societal structure of the immigrants, fitted to the interests and requirements of an estate economy, was very different from that of a village in India. Instead of the multiple crops common in rural India the labourers cultivated a single cash crop. In addition, almost the entire production of this single crop was to be exported, unlike in villages where its residents consumed most of what was grown. Caste distinctions that might have been kept clear by distinct residential patterns in India were dismantled in the estate setting, where all workers were compelled to live in identical, barracks-style line rooms, regardless of caste. Caste-specific occupations became less important, and in some cases even disappeared, because all the residents of an estate had to work towards the end of manufacturing coffee or tea at a profit. After all these changes, the culture of IOTs within the plantation system had a sense of continuity that contributed to providing the core substance of identity.

The terminology "plantation system of agriculture" originally gained currency when the sugar plantations were established in America. These plantations were run on slave labour, captured in Africa and transported to the plantations were they were held without recourse, rights, or legal standing. Plantations have been defined as "a large farm estate producing a crop/s for commercial purposes, using a large number of hired wage labourers organised under a centralised management hierarchy." (Yujiro Hyami, *Family Farms and plantations in Tropical Development*, www.economics.hawaii.edu) Institutions engendered by Western Colonialism,

the plantations are designed to extract tropical agricultural products to export to the home markets in the West. Today, the plantations remain a modern 'enclave' with the aim of serving the international markets. Due to the commercialised nature of the plantations, processing and marketing of the produce need to be centralised.

When slavery was abolished in the early part of the 19th century alternative labour sources were sought. Labour was brought from countries like India and China on an indenture basis. In Sri Lanka the *kangani* system of recruitment was adopted. The *kanganis* belonged to the intermediate order of the Indian caste system and were responsible for the recruitment of labour from South India. They acted as 'go-betweens' and intermediaries in worker-management relations in the plantations. Later on, they assumed the leadership of trade unions.

Some of those who established coffee plantations in Sri Lanka had knowledge of plantation agriculture in the West Indies and they brought this knowledge to Sri Lankan plantation management. George Beckford in his book *Persistent Poverty: Underdevelopment in the Plantation Economies in the Third World* (University of West Indies, Zed Books, London: 1972) speaks about the plantation system in the following manner. "From the very outset the Plantation began as a unit of authority with controls over all aspects of the lives of people within its territory...." He goes on to further state that "The Plantation is a total institution. It binds everyone in its embrace to the one task of executing the will of its owners or owner and because it is omnipotent and omnipresent in the lives of those living within its confines it is also a total social institution."

The plantations in the Americas and West Indies were established by the use of African slave labour. When slavery was abolished labour supply had to be obtained from other sources such as India and China on the basis of indenture or

contract system. Although slavery as such was no longer practised the methods of management derived from the slave plantations continued and the total institutional nature of the Plantations persisted. It is this situation that prompted Hugh Tinker a well-known writer to use the term "New Slavery" to characterise labour relations under the indenture system. (*A New System of Slavery: the Export of Indian Labour Overseas 1830-1920*, Oxford University Press, UK: 1974)

The management was organised like a military operation. There were parades in the morning when work assignments were given. Everything was precisely ordered. Troops of workers, rows of bushes, rows of line rooms, names on lines, roll calls, conch (bugle) calls, discipline, punctuality, and so on were marked features of the plantations. Total obedience was required from workers. This signified militarisation and radical remarking of the relations among people as well as between people and the land. The obedience of workers was signified by the replacement of the traditional *vanakkam* greeting and the gesture that goes with it a docile *salaam*.

Today, there have been considerable changes from the original position. The entry of organised trade unions has made a dent in the authoritarianism of plantation management. The most prominent trade union in the sector is the Ceylon Workers' Congress (CWC), which represents a large percentage of the IOT estate workers. After 1977 it was politically linked with the government, but it nevertheless used the political commotion after 1983 to negotiate for better working conditions. (http://www.bigboon.com)

The significance of the Trade Unions has increased since privatisation. They are now the guardians of the rights that the plantation workers have earned to date. In addition, Trade Unions are participating in negotiations after privatisation to make sure that no layoffs take place. Representation in the Parliament and local government increases their bargaining power to negotiate for workers' rights

However, two basic residual elements of the original system are still in force, estate management's authority in the estates and the manner they control the life of the workers. There are several instances where threats are used against workers with the help of neighbouring villagers. Threats used by management to keep workers under control are passed off as ethnic violence. The management structure of the sector contributes to the constant class conflict between the workers and the management. The management is often perceived as representing the elite capitalist 'bourgeoisie' enjoying the surplus at the expense of an oppressed working class. Thus the labour relations in the sector are quite stormy and strained. After privatisation, workers in some areas only get three to four days of work. As labour laws require that workers be paid for a minimum of 25 days, the extra wage paid is considered as a loan. This fosters a system whereby the worker is rendered a debtor to the management. (Annathaie Abayasekara, *Tea plantation Women Workers in Sri Lanka*, Gami Seva Sevana: daga.dhs.org) The triangle of the hierarchy (management-administration-workers) highlights the top-down nature of the organisation of the sector which tends to isolate the workers from the decision making process.

Lack of appreciation of the contribution of the labour force and the inability to recognise the labour as the most important factor of production by the management also account for the strained worker-management relations. Moreover, the specialisation of tasks greatly inhibits worker skill development, especially those relating to management and entrepreneurship. This can have an adverse impact on the motivation of the workers. Perhaps, the low levels of productivity in the sector stem from unsatisfactory sanitary conditions and inadequate provi-

sion of welfare. Thus, the expenditure on welfare and health can be considered as an investment.

1.2.4 Violence on the Plantations

Violence, whether in the form of physical or verbal abuse, is visible as behaviour; but human action does not come from nowhere; there are roots. These can be divided into two categories-cultural violence and structural violence. Cultural violence is derived from notions, dogmas, ideologies and prejudices, and serves to justify violence. Structural violence arises from interest or potential for violence that is present and entrenched in social or other world structures. Cultural violence helps to legitimise, sustain and validate structural violence and in turn structural violence adds new elements to the culture of violence.

Labour-intensive production, hierarchical structure of management, authoritarianism, and rigid and inflexible controls are marked features of the plantation system, making it exploitative and repressive. All these factors result in the alienation of the producers from:

- The product of their labour
- The process of production

The symbiotic relationship that prevails between cultural violence and structural violence is evident when the management of the plantations activate and even foster external violence when they have internal problems. Media publicity about the conflict in the North and East is often used to keep workers in repressed conditions. Inter-party rivalries and political mobilisation on a communal basis form the larger framework within which structural violence is sustained and hardened.

The social and economic rights of the workers are violated on a daily basis. The state to a large extent has oppressed this social group for political motives. The estate workers have been mobilised by various political parties for narrow political gains. The vote of the plantation workers constitutes a substantial portion of the total votes in the hill country. This is a matter of great concern for all political parties contesting in the area. The political power exercised by the CWC and the attempts made by various political parties to form an alliance with the Congress can perhaps explain the importance of the CWC in the country's political arena. Moreover, the estate community often becomes a subject of ethnic violence when the conflict in the North and East intensifies.

The Prevention of Terrorism Act (PTA) resulted in a promotion of violence against estate workers as they, especially the estate youth, were often detained by the state authorities. During the latter part of 1990 and during the early months of 1991 a large number of hill country youth were detained under the PTA. The pretext was that terrorists from the Eastern Province had infiltrated into Uva and were sheltered in the estates. (Special Report No.4 of the University Teachers fro Human Rights)

The state has been accused of large-scale sterilisation of estate workers. The government allegedly has promoted birth control programme among young Tamil parents by providing ficancial incentives and those who have undergone the surgery have been reportedly given a sum of Rs.500 only. According to a survey carried out in Hali-Ela, Rockkettenna estate, 91% of those who have undergone the LRT surgery are less than 26 years of age. However, the law states that the surgery cannot be performed on persons who are less than 26 years. (http://www.greenleft.org). This clearly shows that the lack of awareness and education among the estate community has been employed to coerce them to participate in the programme. Some are of the opinion that this was a move by the majority-Sinhala government towards reducing the Tamil population in the estate sector.
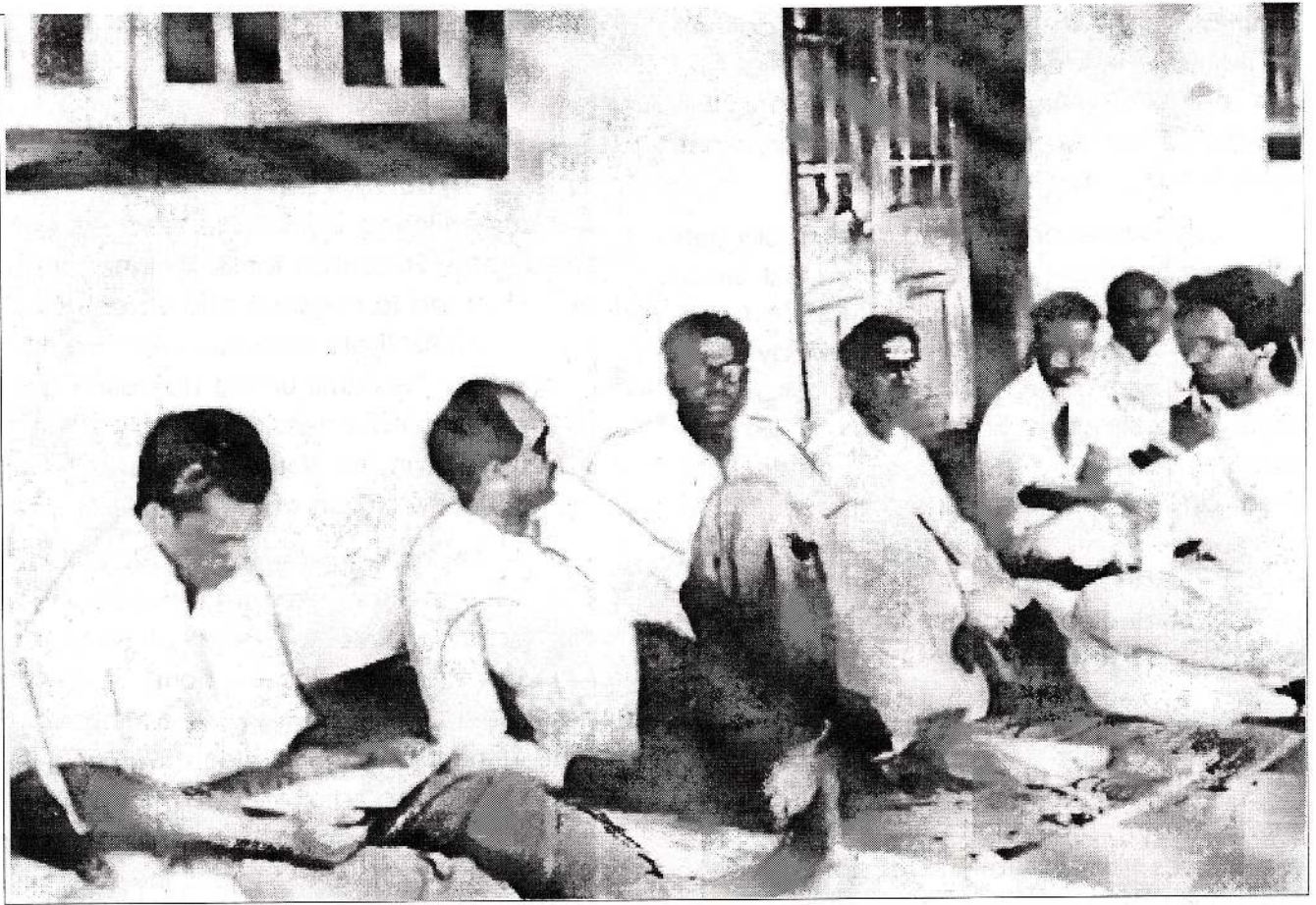
A satyagraha of 142 days by the Ceylon workers congress against oppressive citizenship laws

The pressure and trauma of plantation organisations has an impact on the psyche of the worker, and this often finds expression in violence against women, violent clashes between rival trade unions, and quarrels over such matters as water collection or drain blockage. This accepted discourse of violence is a deep-rooted aspect of plantation life.

As viewed later in the paper (Section 2.12) IOT women face much violence in their lives, experiencing violence at the hands of the males who have been given power over them by cultural forces. There is a high degree of domestic violence in the plantation sector. Women are often battered and sexually molested. Moreover, in most cases they are controlled by a male in the family such as the father, husband or a brother. The prevalence of alcoholism in the plantations also accounts for the violence directed at women. Secondly, the institute of the plantation system itself promotes gender inequality to a great extent. The inferior status given to women is a clear manifestation of the entrenchment of the patriarchal system in the structure of the plantations. The majority of women are engaged in unskilled work at a minimal wage rate. Until recently the women were paid a lower wage than their male counterparts for the same task. Women are often deprived of deciding how the money earned by them should be spent. Thirdly, women are not politically empowered in that though the trade unions in the plantation sector consist of a large number of women, leadership is assumed by males. Thus the benefits that trickle down to them are

minimal, as the issues and needs are defined by the male leaders at the local, regional and national levels. (Annathaie Abayasekara, *Tea plantation Women Workers in Sri Lanka*, Gami Seva Sevana: daga.dhs.org)

Direct violence, in its brutality, usually gets attention and there is some response to it. Structural violence, however, is for the most part invisible and pervasive, and normalised by long-standing practices and stable institutions. Occurrence of structural violence is made possible when people are disadvantaged by political, legal and historically-inherited discrimination. Long-standing structural inequities are usually accepted and condoned, but engender violence nonetheless. Recently there have been proposals for restructuring of plantation on the basis of an outgrown system. It is doubtful whether this can correct structural inequalities.

There is a high degree of social stigma attached to the plantation community. Perhaps this derives from the low social status given to them due to their landlessness, bad working conditions, low wages, inadequate sanitary conditions, being members of lower castes. The notion that has prevailed in the Sri Lankan society that they are 'lesser beings' has long excluded them from social systems and institutions to a considerable extent. This notion stems from ethnocentric perceptions of their culture. Thus, cultural violence is institutionalised in the social structures creating structural violence. For instance, they are often unable to find employment outside the estate sector due to the low social status attached to them. They are also discriminated against both inside and outside the sector.

The conditions of daily life on the estates amount to violations of human rights. This includes all forms of violence be it direct or structural. This must be addressed. Programmes to ensure adequate housing, health and sanitation can reduce the intensity of the problem. It will however take more profound work at the structural and cultural level to address the pervasive forms of violence faced by IOT communities.

1.3 Impact of the Military Conflict in the North-East

As mentioned earlier, the violence connected to the Sri Lankan Tamil demand for autonomy has led to negative and violent repercussions for IOTs. These demands were first publicly aired by the Tamil United Liberation Front (TULF) who passed a resolution demanding a separate state in the North and East in 1976. (Vaddukottai Resolution of the TULF-1976)

The Ceylon Worker's Congress (CWC), led by Mr. S Thondaman, expressed its reservations saying that a separate state would be no solution for the distinct social and economic problems faced by the IOTs. But, he associated with the TULF as one of the three joint Presidents even after the demand for a separate state was adopted. Although the political approach, goals and policies adopted by the IOT were different, they became usual targets of attack and harassment by Sinhala mobs in the South in their retaliatory punishments. In this manner, IOTs were placed in vulnerable situation to pay price for the causes of which they do not have any ownership.

The escalation of violence since the late 1950s directed towards the Sri Lankan Tamils has also significantly affected the IOTs. The outbreak of communal violence in 1958 extended to several areas in the Hill Country. Again in 1977, IOTs were significantly affected by the post-election Island wide communal violence. This situation was again intensified during the anti-Tamil riots in 1981. The organised island-wide riot orchestrated in 1983 was devastating both to the Tamil speaking people and the country as a whole. Sinhalese mobs with electoral lists in their hands, targeted Tamil houses and ransacked, looted and burnt them. Large numbers of IOTs were affected and killed by this attack.

A significant number of IOT workers were displaced and became refugees. From 1958 onwards, due to the anti Tamil violence and insecure situation in the mid and low grown districts, considerable number of displaced families among the IOTs have migrated towards the Northern province and settled in Vavuniya, Kilinocchichi and Mullaitive districts. Worsening of the security situation in the North and East has discouraged such migration of the IOTs since 1983. It was only the non-governmental organsations and religious organisations were assisting their resettlement process in those districts. There was hardly any state intervention witnessed in support of the rehabilitation of these displaced people during that period. Eventually, some members of the younger generation among them who were settled in the North have even joined as cadres of various Tamil militant movements. But, IOT community has on the whole maintained a distinctly separate identity and socio, political agenda that is different from that of the Sri Lankan Tamils.

In the implementation of the Prevention of Terrorism Act, large numbers of plantation youth working in urban areas were arrested and detained for long periods. Many plantation youth who had found employment in Colombo and other urban areas were compelled to go back to their estates because of the threats and extensive harassment.

The spilling over of violence towards the IOT was due to the fact that the Sinhala mobs saw the IOT as part of the Sri Lankan Tamil population since they had a common language. They did not make distinctions between Sri Lankan Tamils of the North and East and IOTs, although they were well aware of the classic differences. These ethnic divides were fully exploited by local level politicians and sometimes even the managers of the estates; both joined forces to use these occasions to threaten work-

ers and provoke violence against them in order to cement their authority and hold over IOTs.

Hence it can be seen that in this ethnic conflict between the Sri Lankan Tamils and the Sri Lankan Government, the IOTs have been persecuted due to the fact that their mother tongue is Tamil. However, it cannot only be attributed to language. Social structures and power relations also play a crucial role. IOT's economic and social status in society adds another dimension to their persecution, as their almost semi slave like status in the plantations prohibits and does not nurture a culture conducive to activism. Several nationalist groups among the Sinhalese were trying to take political advantages by drawing IOTs into the ethnic conflict, inflicting damages to them during the communal violence and trying to deny the differences of identities between the two Tamil Communities inhabited in this country. Yet, IOTs are very firm in maintaining a separate and distinct entity on the Sri Lankan political landscape.

1.4 Historical Exclusion from Political Participation

1.4.1 Political Representation and Permanent Settlement

Finally, in analysing the patterns of discrimination which have separated the IOT community as a distinct identity group, it is essential to take into account their historical exclusion from political participation.

After 1920, the British government in India was pressured by the Indian National Congress, a nationalist movement, to ensure that those who had gone from India to other countries in the British Empire should not be discriminated against as compared to other British subjects in those countries, a demand shaped by the personal experiences of Mahatma Gandhi in South Africa. In 1921 the Imperial Conference

They are poor, but they earn a very great amount of foreign exchange for the country

held in London passed a resolution that the rights of the Indian emigrants lawfully domiciled in other countries of the empire would be recognised and guaranteed. Sri Lanka was bound by this resolution and committed to give full rights to the IOTs.

The following year the Indian Emigration Act of 1922 was passed, prohibiting emigration from India to destinations which denied the immigrant Indian population rights equal to those of the local population. This formed the basis of an Indian agreement with Sri Lanka for reform in the treatment of plantation workers if emigration was to continue.

Under restricted provisions 100,000 persons of Indian Origin were registered as voters under the Donoughmore constitution in 1931.

This was about one fifth of the adult population among them at that time. Awareness increased and by 1939, 235,000 IOT persons were registered as voters, which was closer to one half of the adult IOT population. At this point, however, political leaders took steps to reduce this number. Oral interview was made compulsory for IOT persons to register themselves as voters for the 1943 register. Through systematic discrimination the number of voters among IOT persons was reduced from 235,000 to 168,000.

With the British insisting that any scheme for transfer of power had to meet with the agreement of minority communities, the majoritarian leaders worked out strategies to split the minorities. Various measures which would improve the religious, cultural and employment opportunities of Kandyans and Muslims were approved

by the second state council. There were also efforts to woo the more moderate of the Sri Lankan Tamils. In 1943 the state council passed a motion to make both Sinhala and Tamil official languages, seeking to curry favour with Sri Lankan Tamils. In contrast to this accommodative approach with other minorities the Ceylon National Congress leaders worked to exclude and marginalise the plantations based IOTs. This was in part motivated by the fear that estate Tamil workers would join with the growing left movement. The electoral system introduced under the Donoughmore Reform worried Kandyan Sinhalese, who felt that in electorates where IOTs were dominant they would lose representation. An electoral system to give representation to both communities could have been easily devised if the Donoughmore Commission gave greater importance to the representation of minorities. But once the divisive approach was adopted the movement toward discriminations continued.

It was in this context that the issue of IOT presence became a contentious and controversial issue for Sri Lanka at the political level, especially as the colonial government decided to nominate a representative to the State Council to represent the interest of the IOTs through the communal representation system. The opposition to this decision came from the Sinhala nationalist forces and their opposition was based on the issue of permanent residence. The conflict was further crystallised with the issue of granting Universal Adult Franchise. The Sinhala Nationalist opposed granting voting rights to the IOT estate workers on the ground of permanent settlement. The discordant debate on franchise converged with the efforts of the elite majority to mobilise and maintain support of their constituents in the context of a deepening economic crisis. IOTs were granted voting rights on the basis of seven years and five years of permanent settlements for unmarried and married respectively.

The question of permanent settlement has been a key subject to the whole controversy on Indo-Lanka questions and the negotiation between the two governments during the first five decades of the last century. The Indian opinion generally contended that the majority of the IOT population in Sri Lanka are permanently settled in the island. The Sri Lankan government, on the other hand, has regarded most IOTs as transient and without a permanent interest in Sri Lanka. Despite of the importance of this issue, no attempt was ever made either by the Indian or Sri Lankan government to conduct a proper study to assess the degree of permanent settlement of the Indians in Sri Lanka. Various estimates of such settlement have, however, been offered by British colonial authorities in the past. Accordingly, in 1928, the Donoughmore Commission on the Constitution estimated that 40-50 % of IOT estate workers were permanently settled in Sri Lanka. The Jackson Report on Immigration in 1938 estimated that 60 % of the IOTs were permanently settled in the country and while the Soulbury Commission mentions the figure as 80 %.

IOT political mobilisation through their own organisation, named to reflect India, increased the suspicion of the nationalist forces of their loyalty to Sri Lanka. Further, IOTs became decisive force to influence the elections in about twenty electorates in the plantation districts. Their ability to elect six members to the first parliament and the contribution to the victory of nearly thirteen candidates from the left parties in the 1947 election pushed the IOTs into a controversial situation politically. The post independent parliament passed the legislation on Citizenship Law deliberately aiming to deprive the citizenship and voting rights of this community despite the provisions of non-discrimination against minorities that was guaranteed in the Article 29/2B of the first Constitution of 1947, that was drafted at the time of the independence.

1.4.2 The Issue of Citizenship

Immediately after taking charge of the newly independent government, D.S. Senanayake moved to introduce draconian citizenship laws and disenfranchised the entire community of plantation IOTs. The Ceylon Indian Congress's protest against the deprival of the citizenship rights was confined to a token *satyagraha*, even that was put down by force. The saga of discrimination and marginalisation of the plantation Tamils continued. The years that followed were to witness multiple acts of discrimination, and rampant violence against the Tamil plantation workers.

The Sri Lankan government passed the Indian-Pakistani Residents' (Citizenship) Act of 1949 for the 'stateless' persons to apply for their Citizenship rights. 237,000 applications were filed for citizenship on behalf of 825,000 persons. But, until 1962, only 134,188 persons (16.2%) were admitted to Citizenship. Between 1950 and 1964, India has accepted about 225,000 as Indian citizens. Those not granted of either country were called 'stateless'.

In 1964, it was estimated that there are 975,000 persons not recognised as citizens by either country. Sri Lankan and Indian prime ministers signed the Sirima-Shastri agreement on 30 October 1964 to grant Sri Lankan citizenship for 300,000 persons and to grant Indian citizenship for 525,000 persons and to repatriate them to India. In 1974, another agreement was reached between Sri Lankan and Indian prime ministers, Sirima Bandaranaike and Indira Gandhi to divide the remaining 150,000 stateless evenly.

The issue of statelessness was to be settled on or before 30 October 1981, according to the 17 years of implementation period agreed in the agreement. But, until the end of 1988, the status was the following:

According to countable number, total number applied for Indian citizenship and for repatriation was only 506,000 persons, which is less than the 94,000 persons agreed in the agreement. Therefore an "Act to provide for the grant of the status of Sri Lankan Citizenship to certain Stateless Persons of Indian Origin" was passed in Parliament in January 1986 to accommodate these persons as citizens of the country. This act was amended through another Act to "Grant of Citizenship to Stateless Persons (Special Provisions)" that was passed Parliament in November 1988. Finally, the issue of statelessness was resolved through another Act that was passed in 2004.

1.4.3 Lack of Participation in Public Affairs

The Universal Declaration of Human Rights (UDHR), the International Covenant of Civil and Political Rights (ICCPR), and the Convention on the Elimination of All Forms of Racial Discrimination (CERD) enshrine the rights of minorities to take part in government and in public affairs. The UN Committee on Human Rights has elaborated this provision by stating that the "conduct of public affairs [...] is a broad concept which relates to the exercise of political power, in particular the exercise of legislative, executive and administration powers [...covering] all aspects of public administration and the formulation and implementation of policy at international, national, regional and local levels" (General Assembly, 1996).

The International Covenant on Economic, Social and Cultural Rights (ICESCR) guarantees other forms of social participation, such as culture and arts, scientific research and literary activities. Participation in cultural, educational, linguistic and religious affairs is given special attention. It is through this type of participation that an individual or group protects their identity and

Table 2

Citizenship status of plantation workers

	India	Sri Lanka
Total number of persons who applied for citizenship	506,000	469,000
Numbers granted citizenship	422,504	276,427
Number remaining to be granted citizenship	83,4967	192,573
Number repatriated to India		337,413

Source: Hansard 9-11-1988. All these numbers are countable from the original number of 975,000 stateless and the natural increase from 30 October 1964 are excluded

the survival and dignity of the group is ensured. It becomes the responsibility of the government to take positive steps to protect the identity of a minority and the rights of its members to enjoy and develop their culture and language, and to practice their religion in their community with other members of the group.

The communal violence of July 1983 sounded the death knell for the cultural advancement of IOTs. So grievous was the blow that some have used this context to raise questions as to whether the damage done to the cultural development of IOTs is deemed irreparable.

The most important form of participation is in the decision-making processes of the state, whether legislative, executive, or judicial. As this discussion has shown, IOTs have been deliberately prevented from participation in the legislature through their disenfranchisement in 1949. While they had some representation in the 1947 House of Representatives, this ceased from 1952. In 1977 they were able to elect one member to Parliament. With the end of statelessness in 1986 and the recent legislation that brought to an end the problem of citizenship it has been possible for IOTs to elect more members to Parliament, as well as to Provincial Councils and local bodies.

Although the present electoral system is an improvement on the earlier, first-past-the-

post (FPP) system, there are still many areas where there is a substantial IOT population who have not found representation. Ethnic demography has not been adequately recognised in the design of the electoral system. New electoral reforms would need to recognise and merely introducing a mixed system of first-past-the-post and proportional representation (PR) is insufficient. Innovative and creative approaches are necessary to design an electoral system suitable for Sri Lanka's demographic situation and distribution of the different ethnic communities.

1.5   Distinct Identity Group

The historical presence and role of the IOT community within Sri Lanka has distinguished it as a distinct and significant minority with separate and pressing needs which need to be acknowledged and addressed. The historical patterns of discrimination have isolated this group and hindered the community's access to all aspects of political and social life.

Having presented human security as an analytical framework, and analysed the formation of IOTs in Sri Lanka as a distinct identity group, this report will now move to examine particular sources of insecurity faced by IOTs in the plantation sector and how these can be addressed.

25

INSECURITIES IN THE PLANTATION SECTOR THIS TITLE DOES NOT PORTRAY THE WHOLE SUBJECT MATTER

Ever since the plantations were created they have been managed as closed institutions, totally preventing outside intervention or possibilities for external interferences. Tamil-speaking workers were brought from India and settled inside the estates. All the workers needs were supplied by the estates. Every estate was considered a kingdom of its own. There were hardly any opportunities for the workers to interact with their village counterparts who were Sinhala-speaking.

Since independence, the situation has been changing gradually, partly due to the influence of the left Trade Unions who were trying to forge an alliance of the entire working class across the ethnic or linguistic boundaries and partly due to the ethno-nationalist political influence in the society.

Estates were created in the midst of the existing villages or around the villages by utilising the unused lands taken over to the control of the colonial government through various acts. This has invariably created difficulties for future village expansion which became necessary for sustaining village economies, on which the village population were dependent for their livelihood. Therefore, land is not only a crucial issue; it is also a highly sensitive issue in determining the relationship between the estate and village.

Until the estates were owned by the foreign nationals and managed by private companies, workers were facing oppression and exploitation as the working class. But, since the nationalisation of the estates in 1972 and 1974, the Tamil workers began to face a dual oppression as working class and a marginalised and excluded ethnic community. The nationalisation process was given ethnic colouring by the party in power by describing it as an attempt to return the land to the legitimate owners (Sinhalese) living in the plantation areas. This nationalist move helped to consolidate the decades old perception that the village peasant had to suffer economically because of the presence of IOT workers in the estates. This move also raised the expectation for land among the village peasants. There were incidents of forced displacement of the estate workers that went unnoticed or neglected by all. The workers were forcibly evicted in a number of estates in order to distribute the estate land to the supporters of the ruling party. The workers who were resisting this forced eviction were violently attacked on several occasions in the mid-1970s.

2.1 Anti-Tamil Violence and Repression

All available evidence, including the pattern of the anti-Tamil attacks, indicates that until mid-1960s, Sinhala nationalist forces maintained a noted distinction between the Sri

Lankan Tamils and IOTs. During the first all-Island attack against Tamils in 1958, the attackers were only looking for the "Jaffna Tamils" and generally they did not harm the IOTs in most of the southern provinces. But this situation has changed over the years. Intensification of communal politics, crystallisation of the conflict between the Sri Lankan Tamils and the government, and wide spread anti-Tamil propaganda by the Sinhala nationalist political and communal forces have created a mindset which considers all Tamils as common enemies, and this was witnessed in all anti-Tamil pogroms since August 1977 and other anti Tamil violence occurred in the plantation areas where the majority among the victims were estate residents as well as the IOTs living in the plantation areas.

Since 1977, there were several incidents of violent attacks that the estate residents faced in the country. In 1981 and 1983 the violence targeted the lives and properties owned by Tamils living out side the North and East. 1983 was the worst kind of anti-Tamil violence the country has experienced. The majority of the victims were IOTs.

With the enactment of the Prevention of Terrorism Act and the proclamation of the Emergency Regulations in 1979, the attempt to militarise the ethnic conflict took a new turn. This repressive move of the governments in power has provided necessary inspiration for Tamil militant youths to justify their decision to launch armed resistance to state repression. With all the events culminating in the 1983 anti-Tamil violence, the necessary environment had been created to unleash state repression against Tamils indiscriminately. The Tamil youth among the IOTs were regular victims in the hands of state law enforcement authorities. Since the elected Parliamentary member of the IOT community supported the enact-

ment of the PTA in the Parliament, the Trade Union he was leading could not make any intervention to resist this repression. Therefore, it was left to community organisations and some NGOs to take initiatives to intervene the issues.

The communal tension in the plantation area remains very high. This tension is fuelled by interested communal forces for their political and ideological gains. Several incidents of inter-personal conflict involving persons belong to two different ethnic groups (Sinhalese and Tamils) flared up into communal clashes, inflicting damages to other members of the communities. Quiet often, the law enforcement authorities' behaviour in such situations has found to be partisan, favouring offenders among majority communities. Therefore, maintaining law and order has become a major issue in the plantation areas.

The attitude of the governments in power and its programme on national security during the post-1983 phase would have created a healthy alliance between the Northeast Tamil militants and estate youths through a common goal of fighting against a common enemy, the state repression. Despite the continuous and intensified anti-Tamil repression of the state and continuous attempts made by several Tamil militant groups to create the links, there were only a handful of youth who showed interest in such an alliance. This shows the political and cultural distance between the two Tamil-speaking communities. But, this reality has never been recognised either by the Sinhala political and nationalist leaderships or the law enforcement institutions of the state. Hence, IOTs are forced to face ethnically-oriented repression and discriminations; youth were facing indiscriminate threats, intimidation, arrest, detention and torture in the hands of the law enforcement authorities continuously. The Ceasefire agreement

has brought a temporary halt to these atrocities for the moment.

2.2 Estate-Village Coexistence

The necessity of the estate–village integration has been a subject of discourse since 1972. But, nothing is done to look into the issues in a meaningful manner. Utilisation of land for village expansion without victimising estate residents and denying their aspiration for land ownership, strengthening economic cooperation on a mutual manner with out pushing the estate residents to a subordinate position are some of the important aspects that could strengthen coexistence between the estate and villages which is necessary for ensuring the human security of the estate residents. The government appointed a high powered Steering Committee on Estate-Village Integration in 1978 consisting of a team of eight members nominated from bureaucratic, planning and academic communities to study and advise the government on estate-village integration. But, the Committee did not do anything to fulfil the purpose for which they were appointed. This is an area that needs elaborate and intensive research and informed policy decisions without further delay.

2.3 Language

Marc Cousineau, a highly respected scholar specialising in language law and its implementation in Canada, has observed that 'Language is about culture. Language is about identity. So to deny language is to deny who you are.'

The 16th amendment to the Constitution stipulates that Sinhala and Tamil shall be the languages of administration throughout the island. This proposition is taken one step further in that it is applied in a selective manner by geographical area. Sinhala shall be used for the transactions of all business and by public institutions of all the provinces of Sri Lanka other than the Northern and Eastern provinces where Tamil shall be used. The plantation sector does not fall in either the Northern or Eastern Province. There are districts where IOT constitute a part (if not a significant one) of the population. For example Nuwara Eliya district has an IOT population of 51.3% and in Badulla district a population of 18.2 % (Taken from the Census of Population and Housing – 2001).

However, there is a provision under Article 22 of the Constitution by which the President may declare a Divisional Secretary(DS) area as bilingual if she considers this DS area to have a significant population of a language speaking group other than the language in which official records are being maintained. During the constitutional reform discussions in the year 2000, there was a general consensus that if in a given Divisional Secretariat more than 10% of the people use a language other than the one used for keeping records, these Divisional Secretariats should be made bilingual and records must be kept in both languages. Once these divisions are made bilingual then Tamil and Sinhala Grama Sevakas, Registrars of Marriages and Deaths, as well as DS officials can be appointed according to the population composition of the DS areas.

The decision to declare a DS area as bilingual is left to the discretionary power of the President and she has so far declared 29 DS areas where records should be kept in both languages. There are however about 100 DSs where bilingualism should be introduced if the 10% provision is implemented.

The main constitutional provision of Tamil and Sinhala being official languages throughout the country loses meaning when it is only through the discretionary power of the President that it can be implemented in areas other than the North and East. Although all these pronounce-

An entire life within these narrow confines

ments fall far behind the recognition of the 'parity of status' of both languages, very little has been done to ensure full implementation of the language policy despite the two institutions, the Official Language Commission and the Department of Official Languages created to effect the implementation. Therefore, there is an urgent need for civil society intervention to ensure implementation.

A person is compelled to use the official language for all purposes such as marriage, death registers, in obtaining birth certificates. Thus, when the official language is different to one's own, it is in effect denying one's language rights. As stated by the above quotation, language is an important basis for identity, so when the right to ones language is continuously denied, it affects one's identity. These realities are especially pertinent to the life of IOTs, who predominantly live in the areas where language rights are not met.

2.4 Education

Sri Lanka has a long tradition of prioritising education. The modern national education system was established in 1869

and the Department of Public Instruction was formed at that time, later evolving into the Ministry of Education. Colonial education was elitist in nature, but was later transformed to become more egalitarian. The visionary ideas of C.W.W. Kannangara coupled with timely education reforms initiated by his successors after the colonial period resulted in a remarkable expansion of education in the country. The policies that were recommended by the Special Committee on Education set up in 1943, known as the Kannangara Reforms, were adopted. The continuation of such educational policies and reforms by successive governments has helped Sri Lanka to record the relatively higher achievements compared to other developing countries (Little, 1999), as demonstrated by educational indicators such as literacy rate, school enrolment rate, accessibility, and teacher-pupil ratio.

Today the national education system is comprised of 9829 schools where about 4 million pupils are taught by 191,182 teachers. There are 17 national colleges of education, about 100 Teachers' Training Centres and four universities with faculties and departments to professionally train teachers. The higher education system consists of 13 universities and five postgraduate institutes where about 50,000 students are taught by 3500 lecturers. There is also a wide network of vocational, technical and professional education institutes run by government and private agencies. The government's annual expenditure on education is Rs. 44.568 million, representing 2.86 percent of the GDP and 6.85 percent of total government expenditure (MOE, 2003).

However, all these remarkable achievements and their resultant benefits have not proportionately embraced plantation sector children due to a host of factors. The school avoidance rate in the estate sector is the highest in the island, at 12.7 %. Overall literacy rate in the plantation sector stands at 76.9 % according to statistics from 1996/97 whereas the literacy rate in the urban sector stands at 94.5 %. The reasons for this marked difference are both internal and external, in that it could be said that the disenfranchisement of the IOTs and the non-commitment of the government are two of the most important reasons for the relative backwardness of plantation education. The table below gives a clear indication of the gap in the level of edu-

Table 3

Educational Achievements [%] 1996/1997

Achievement Level	Urban Sector %	Rural Sector%	Estate Sector%
No Schooling	5.9	7.9	23.9
Up to Primary	23.9	27.9	48.0
Up to Secondary	34.8	36.4	20.8
Up to GCE O/L	29.6	20.5	3.5
Up to GCE A/L	18.4	18.3	1.2

Source: *Palm Foundation Interim Plan, Jan.-Dec. 2004*

cation among the urban, rural and the plantation sectors.

The resurgence of political influence in the IOT community began in 1977. Since then the government has begun to show interest and commitment in the educational development in the Plantation Sector. Two major development foundations, Swedish International Development Agency (SIDA) and German Technical Zone (GTZ) have deployed considerable inputs into plantation education. SIDA spent Rs. 1055.36 million to develop 436 schools, while GTZ constructed the Sripada College of Education which unfortunately has never been allowed to achieve its objectives due to various administrative problems. The development of plantation education is hindered by a number of problems and issues, some of which are set out below.

2.4.1 Shortage of Teachers

Teacher shortage is a perennial problem for Tamil-medium education in general and more so in the plantation sector. There was a shortage of 10121 teachers as of the end of May, 2003, while the number of excess teachers in Sinhala-medium schools is 6704 (Progress in Education 2003).

The total number of teachers of IOTs in 2002 is as follows:

Male	:	1775
Female	:	2760
Total	:	**4535**

The number of IOT teachers shows the relative backwardness of the community. Based on ethnic population, a conservative estimate puts the number of teachers at around 10,000–12,000. The plantation community is about 7% of the population. Even estimating one percent less or 6% of the national teacher cadre, as the optimum number, shortages of teachers by prov-

ince are given below:

Sabaragamuwa	:	455
Uva	:	538
Central	:	1973
Southern	:	74
Total	:	**3040**

The total will of course rise if the shortages in the Northwest province are added.

2.4.2 Professional Capacity of Plantation Tamil Teachers

The quality of the teaching-learning processes in the class room depends on the quality of teachers, which is in turn is affected by the following factors:

- The qualifications of the teachers at the time of recruitment;

- The quality of resource persons at teacher training institutions;

- The opportunities available for continuing teacher education.

Plantation area teachers are at a disadvantage, in terms of all the above factors. Most plantation teachers were recruited with only GCE (O/L or A/L) qualification and initial teacher preparation that is available is hardly satisfactory. The opportunities for plantation teachers to continue their professional development are comparatively minimal.

2.4.3 In-Service Advisors

In Service Advisors (ISA) play an important role in facilitating classroom processes for teachers to achieve greater effectiveness. While there is a 9% shortage for ISAs in Sinhala-medium education, the shortage in the Tamil medium is 51%.

The shortage of ISAs in the relevant provinces is given below:

Central	:	75
Uva	:	33
Sabaragamuwa	:	49
Total	:	**157**

Shortage of ISAs seriously affect professional development of teachers and therefore has a negative impact on the classroom environment.

2.4.4 Principals

There are about 800 schools in the plantation areas and principals play a pivotal role in managing these schools. There should be at least 1200 qualified and graded principals for effective management of plantation schools. The computation of 1200 is made on the basis that some schools need more than one in the Principal category. There are schools which need even three or four in the Principal Grade, depending on student population. The following table shows the number of principals of IOTs in the Principal Grade.

Sri Lanka Principals Service Grade 1	62
Sri Lanka Principals Service Grade 2.1	244
Sri Lanka Principals Service Grade 2.2	102
Sri Lanka Principals Service Grade 3	116
Total:	**524**

The above list shows that plantation schools are managed by either performing principals or non-plantation personnel because the number is well below the required 1200. As the Principal's function had to be performed, some teacher is requested to take over the duties of the Principal. It should be noted that some plantation schools have Sinhala principals, which is against the policy of the Ministry of Education.

According to information given by Educational Department officers this situation is mostly found in the Kalutara, Kurunegala districts and in a few other places. The total number is about 10.

2.4.5   Education Officers

The national cadre for Sri Lanka Educational Administrative Service (SLEAS) officers is as follows:

SLEAS Class I	:	200
SLEAS Class II	:	300
SLEAS Class III	:	1783
Total	:	**2283**

The number of Class I officers in the Plantation Tamil sector is nil; in fact, at present there are only two Tamil medium Class I officers in the country. The estimated number of vacancies for SLEAS officers in the plantation education sector is at around 120. The available numbers of SLEAS Officer of Indian Origin are as follows:

SLEAS Class II	:	8
Class III	:	15
Total	:	**23**

The insufficient number of SLEAS officers in the plantation Tamil educational sector has been creating considerable impediments for educational development. The term Plantation Educational Sector is used by the Ministry of Education in respect of Tamil schools in the Plantation areas. Almost all the Tamils referred to are IOTs.

2.4.6 University Entrance

Participation in tertiary education, particularly in university education, is a standard indicator of the educational achievement of any community. The percentage enrolment of plantation Tamil students in universities has been less than 1% every year since 1950s. As the percent-

age of IOTs in the total population is estimated as 7, the total number of IOT students in the university should be about 3000 but the actual number is about 300-350. The number of IOT students matriculating at universities has increased, but the percentage has not shown any significant increase, compared to the Muslim community which had a share of less than 1% in the 1950s; but at present comprise about 5% of the total university population. This indicates the fact that educational advancement is an urgent need of the IOT community. New investments must be brought in to develop and strengthen the schools, especially those aimed at Advanced Level students. The appalling shortage of teachers, educational officers and infrastructural facilities must be overcome.

2.5 Housing and Land Ownership

Plantation workers have no legal ownership of the land or housing in which they live. Housing conditions in plantations throughout the world are generally considered to be poor and unsanitary. In 1950 the International Labour Organisation (ILO) confirmed that inferior and defective housing conditions in terms of sanitation, water supply, garbage disposal, drainage and indoor pollution were the main causes for disease and poor health among plantation workers. Studies have shown that one quarter of the diseases suffered by these workers can be easily averted by simple improvements to their housing environment.

Most countries where there are plantations have explicitly recognised the need to make improvements to housing and sanitation and have introduced various schemes. In Mauritius, for example, land within the estate were sold to workers at a nominal price and financial assistance was given for the construction of houses. In Mexico a worker housing fund was established through the collection of a production levy.

Ownership for workers based on long-term residence has been generally accepted as a necessary policy by most countries. Indian-origin workers who settled in the plantations of Malaysia during the same period as the Sri Lankan migration were also housed in barrack-type line rooms, but now these buildings have been demolished and the workers families are living in decent cottages. In Sri Lanka, by contrast, more than 80% of the workers are still living in barrack-type lines.

On Sri Lankan plantations there are around 214,381 houses of the line room type of which 104,556 (49%) are back-to-back on line rooms and 108,825 (51%) are single lines. Other types of accommodation account for a little over 100 units. The majority of these houses are scattered throughout the plantation area at widely dispersed locations where the provision of basic adequate living facilities and power services is difficult.

The donor-assisted programmes of the past several years aimed at improving the living standards of the plantation population have mainly focused on health and sanitation facilities. Though these programs have shown some results, experience has proven that meaningful welfare programmes cannot be successfully implemented if it is not integrated with a comprehensive housing development programme.

In 1972 the Land Reform Commission nationalised the plantations and brought their management under two state corporations, the Sri Lanka State Plantation Corporation (SLSPC) and the Janatha Estates Development Board (JEDB). Both organisations carried out programmes to replace line rooms with cottages through a conversion process. In addition, there was also a re-roofing programme. However, the scale of these programmes was insufficient to have any meaningful impact on the housing situation as a whole.

The privatisation of plantations in 1992 brought major changes with regard to housing provisions. The cabinet decision made on 12th June 1991 states that "to revitalise and modernise the plantation sector the government in 1992 commenced privatisation of state owned companies". In the process the government recognised the need to modernise and improve the living and working conditions of the labour force to maintain stability in the sector. The government also adopted the development of "estate settlements" as a formal policy. Estate settlements consist of privately or co-operatively held housing units on lands belonging to the householders or co-operatives. These settlements were expected to eventually be integrated into the administration system of local governments.

The Plantation Housing and Social Welfare Trust (PHSWT) was established under the Companies Act of 1992, for the purpose of coordinating and facilitating all housing and social welfare programmes in the plantation sector. The recurrent costs of the PHSWT are financed by the

Table 4

Estate Housing Programme

No. of units commenced in	1999	2,996
No. of units commenced in	2000	1,670
No. of units completed in	1999	1,230
No. of units completed in	2000	1,514
Disbursements (Rs.Mn) in	1999	29
Disbursements (Rs.Mn) in	2000	38

Source: Central Bank Annual Report, 2000

plantation companies. (Sri Lanka State of the Economy 2000, Institute of Policy Studies)

PHSWT provides housing facilities to plantation sector employees under the Plantation Development Support Programme (PDSP). PDSP has two components: new housing package and the housing upgrading package. The amount granted under the new housing package is Rs.64,400 while Rs.31,000 is granted under the upgrading package. The programme is supported by the Plantation Reform project funded by the ADB. During 2000, 1,603 new housing units were completed and 682 units were upgraded under the PDSP. 7,133 new housing units and 507 upgraded units were under construction at the end of 2000. PDSP also provides water and sanitation facilities, health and welfare facilities and other supporting services in the existing settlements. (Central Bank Annual Report 2000).

Under the Self Help housing programme 16,225 houses had been completed by the end of 2004, covering a population of 81,125. The total population to be covered is 921,135.

Out of 485 estates managed by Companies Housing Co-operatives have been registered in 325 estates. Membership is open to all those residing in the estates. However it has been found that only those who have been included in new housing programmes are eligible to obtain membership. In the new housing programmes it is compulsory to be a member. As new housing programmes are slow most of the householders may not be members of the co-operative. The 325 Housing Co-operatives have been categorised as A, B and C depending on successful functioning. Estate superintendents have reported that a large number of Housing Co-operatives are not functional although the situation appears to be gradually improving.

It has been reported that some of the donor agencies who are supporting housing programmes have asked for better and clearer basis for ownership after fully paying the instalments. The idea of being tied to a co-operative even after making full payment appears

to create concern to the beneficiaries. They are asking for the same arrangement as is in practice outside the estates. The donor agencies have recognised this concern and are inquiring whether a more satisfactory formula cannot be developed.

In 1999 two acts were enacted in Parliament to facilitate the process of house ownership to help householders.

(1). Enactment of Act No.02 to amend the Apartment ownership Law No.11 of 1973 to enable the occupants in government owned apartments to become owners.

(2). Enactment No.30 to amend National Housing Development Authority (NHDA) Act No. 17 of 1979 to make provision in the principal Act to regularise unauthorised occupants in government owned housing units by accepting them as legal occupants and offering absolute ownership.

The concern expressed by donor agencies is understandable as the house is built on the basis of a repayable loan. Under the housing programme implemented in the plantations a worker will be able to build his house by obtaining a long-term loan. In normal instances when the complete loan is paid ownership will be transferred to the beneficiary. However, in the plantations this is not so. The house is expected to be owned on behalf of the beneficiary by the co-operatives. The beneficiary can sell the house only to the co-operative. Since the co-operatives are not functioning well and in any case it would be not be proper that the person who has fully paid for the house should not get right of absolute ownership. This has given rise to disquiet among beneficiaries.

A re-roofing and upgrading scheme has been carried out under a programme imple-
mented by the Plantation Sector Development unit of the Ministry of Plantation Industries with support from the Asian Development Bank (ADB) and the Japanese Bank of International Cooperation (JBIC). Under this programme the total population that has been covered is 304,345.

The re-roofing and upgrading programme is totally contrary to the concept of new housing which aims at bringing about a radical change from the ill effects of line room living.

In 2003 the Ministry of Housing introduced a new concept to build houses in the plantations. Arguing that there was considerable reluctance on the part of plantation management to release land for housing, the Ministry stated that they were trying to maximise the use of the infrastructure by replacing old line rooms and erecting new buildings on the same locations as the existing line rooms. The Ministry said that this method of construction, attaching units together, reduced the area needed for housing. While under the Human Welfare Trust House-Building Programme houses were built on 7 perches to 10 perches of land, under the new scheme the area needed has been brought down to 2 perches.

The new scheme has come under severe criticism on the following grounds:

1. The workers were compelled to accept houses on 2 perches of land contrary to the agreement of 7 to 10 perches;

2. The houses were uncomfortable and unduly expensive;

3. The loan payment amount was high.

It is not clear whether the scheme will be continued. Meanwhile it has been stated that no company has refused to provide land for housing.

New houses on seven or more perches in clusters with other infrastructural facilities and un-

Table 5
Vital Statistics: Estate Sector and All Island

	Infant Mortality Rate per 1000 live birthsEstate Sector[b]	Neo Natal Mortality RateAll Island [a] Maternal Mortality	Rate [per 10,000 live births]Estate Sector[b]	All Island
1985	49.6	24.2	36.0	16.2
1990	38.6	19.5	25.5	…
1992	27.9	17.9	20.7	13.0
1995	28.5	16.5	19.9	12.5
1997	24.0	15.9	16.1	…

Sources: [a] Ministry of Health, Annual Health Bulletin 1998 [b] Plantation Housing and Social Welfare Trust, Health Bulletin Estate Sector 1995-1997

ambiguous transfer of ownership are essential for creating a sense of security and stability for the workers. It is felt that more funds for housing can be negotiated.

2.6 Health

Health security is vital to human security. Illness, disability and avoidable death are crucial pervasive threats to human security. Health is a psycho-social factor and not merely an absence of disease. It is rather a state of physical, mental and social well-being.

Good health is essential for human dignity and security. It helps people to pursue social opportunities with confidence about the future, improve their lives and achieve social mobility. However, in spite of all this, only 53.7 % of the estate population has access to medical facilities and 11.7% to hospital facilities. Due to these reasons as well as ignorance, the physical quality of life of the estate workers remains extremely low, when compared to the overall Sri Lankan statistics. Much of this is due to the origins of the plantation management structure and its subsequent evolution.

The nutritional status of individuals, which is one indicator of the overall quality of life, is invariably linked to the living and working environments. This is because food is linked to buying power and cash economy. Moreover, low wages, poverty and the high cost of food affect the quantity and quality of food available to poor families. The status of the individuals is also an issue as those who are at the lower end of a status hierarchy tend to receive low priority in food, nutrition and health care. In many developing countries, women and children receive low priority in food allocation and in the distribution of foods of high nutritional content.

Although the nutritional level in terms of calories consumed is high in the estate sector, certain other factors, such as the climatic conditions, the nature and type of manual work demand a higher intake of calories. When considering these aspects, it can be concluded that although plantation workers consume more calories than the others, compared to the work they do, their consumption rate is insufficient. Women in the estate sector are the worst affected in this regard, in that they consume less

Table 6

Comparison of Nutritional Status of Children [2000]

Background Characteristic	Stunted	Wasted	Underweight
Sector –			
Colombo metro	7.2	10.3	17.0
Rural	10.8	15.2	26.9
Estate	30.9	·13.7	43.2
Sex - Male	9.3	15.9	26.7
Female	14.3	11.6	26.6
Child's age in months : 3-5	3.9	1.3	0.6
6-11	5.7	10.3	20.2
12-23	16.2	18.2	28.8
24-36	12.5	14.8	34.8

Source: Sri Lanka Demographic and Health Survey, 2000

food than the men although they spend more time involved in manual work in the field as well as at home. This is shown to be a contributory factor of maternal and child mortality in the plantation sector, which incidentally are much higher than the national average.

Moreover, as a result of being exposed to harsh climatic conditions and the nutrition level being very low, plantation workers are easily susceptible to diseases. In addition, the percentage of women giving birth to underweight babies is also higher in this sector and research reports indicate that this pattern of low weight continues throughout childhood in most cases. In some instances, stunting and wasting have also been observed.

With regard to the nutritional deficiency status in the estates, the following four groups are particularly vulnerable:

- Infants below the age of 5
- School going children
- Pregnant women
- Lactating women

Excessive usage of the agro-chemicals and chemical fertilizers in the field and its impact on workers also aggravate this situation. Un-protective usage of agro-chemical and the application of chemical fertilizers is another area of occupational health hazards. In summary, the reasons for the health problems and poor nutritional conditions of plantation workers could be categorised in to the following four areas:

1. **Occupational Reasons:**
   - Poor working conditions
   - Poor working pattern
   - Bad climatic condition
   - Unprotected use of agro-chemicals and chemical fertilizers

2. Living Environment:

- Bad housing with insufficient space and no proper ventilation
- Poor sanitary conditions
- Polluted drinking water
- Unhygienic environment

3. Economic Reasons:

- Insufficient income
- Insufficient food intake
- Improper medical care
- Lack of protection from environmental impacts

4. Lack of knowledge:

- Lack of awareness of hygiene
- Lack of awareness of nutrition
- Lack of knowledge on disease and preventive methods
- Lack of community's collective initiatives to health care

When the estates were nationalised in the early 1970s, the Social Welfare Division was formed to provide social welfare services to the workers communities. These activities were supervised by the two state management agencies entrusted to manage the estates. When estate management was privatized in 1992, the Plantation Social Welfare Trust was formed as a public trust under the Ministry of Plantation Industries to provide better welfare services on primary health care, sanitation, mother and child care and to improve housing. These improved interventions have definitely brought improvements on the status of health and nutrition. But, there is a lot to be done to improve the conditions to reach the national average indicators.

A decision was taken to integrate the estate health sector into the main stream some time ago and 50 estate based hospitals were taken over by the Department of Health Services as a result. However, the implementation of this decision has been very slow and needs to be quickened to provide proper health care services equal to the national standards.

2.7 Water, Sanitation and Environmental Health

An important factor contributing to the high morbidity due to diarrhoeal diseases is the lack of access to safe drinking water and sanitary facilities. Given that one of the United Nations Millennium Development goals is to provide safe drinking water to all, it is pertinent to examine the source of drinking water of the estate workers. Water supply is one of the responsibilities of the Plantation HDT and managed with the participation of the community members. The water committee members consist of workers and staff of the estate and this has been a

Table 7

Sources of drinking water across sectors

	Colombo metro %	Other urban %	Rural %	Estate %
Protected well	16	23	58	10
Tube well	2	6	5	3
Main line	82	67	11	12

Source: *Sri Lanka Demographic and Health Survey, 2000*

fairly successful programme with 737,486 persons being covered leaving a balance of 186,649.

Looking at the overall picture, a national survey conducted in 2000, indicates that 47.2% of households get their water from protected wells, 4.8% from tube wells and 23.4% from main pipelines. These are the three sources considered to provide safe drinking water and thus 75.4% of all households in the country have access to safe drinking water. However, this percentage is shown to vary drastically across sectors-only 25 % of households in the estate sector have access to any form of safe drinking water compared to the other sectors. The table below gives a true picture of the situation.

Furthermore, considering the percentage of houses obtaining water from unprotected sources such as rivers, streams, tanks and unprotected wells, the estate sector is shown to rank the highest. . This indicates the need for many improvements to be made to make safe drinking water more easily accessible to the estate residents

As regards sanitary conditions, another cause for concern is the means of waste disposal. An environmentally feasible waste disposal system is important to ensure proper sanitation and to prevent water and air borne disease. Moreover, recent data reveal that almost 94% of all households in Sri Lanka have access to some kind of toilet with the percentage of houses without any access to toilet facilities being 6%. However, sector wise classification indicates that 28% of households in the estate sector do not have access to any kind of toilet. Although, substantial progress has been achieved in the construction of self help latrines covering 604, 680 persons in the estate sector, a balance of 396,135 people are left without this facility. [Detailed statistics are given in the table below] This lack of proper sanitation facilities has become a primarily cause for ill health and diseases in the plantation sector.

Almost every estate provides housing, water supply, primary medical and sanitary services to the workers, which are among the most basic of requirements. But, as the data suggests, the quality of these services is far from satisfactory and unfortunately, these services continue to remain primitive.

Table 8

Households by type of latrine

	Colombo metro %	Other urban%	Rural%	Estate %
Water seal	87	87	73	36
Pour flush	10	5	6	30
Pit	2	3	16	6
None		5	5	28

Source: *Sri Lanka Demographic and Health Survey, 2000*

2.8 Family Planning and Reproductive Health

Forced sterilisation with political motivation has become a major issue in the estate sector. The IOT community believes that this type of family-planning system is a tool aimed at reducing the IOT population. According to the 2000 census, the IOT population has come down to 5.2%, from 5.6% in the previous census.

According to reports, some plantation Tamil women have undergone sterilisation (LRT) without proper awareness. More than 50% of married women in the Nuwara Eliya District plantations uhave undergone to LRT, as compared to fewer than 25% of women nationwide (figures available in Sri Lanka Health Demographic Survey Reports, Health Department/Ministry of Health). According to an estate Welfare Officer, the estate medical team has been usually targeting women between the ages of 30 to 42 years, but there have been cases where women aged 18 to 22 years have also undergone LRT. Of the women who have undergone LRT, some women have done so willingly, in consideration of the economic situation of the family. However, there have been others, who have gone through this procedure due to pressure from the medical teams (midwife and welfare officer). Plantation women are often transported from estate clinics to LRT facilities by lorry, sometimes 12 to 30 women at a time, leading to a feeling of dehumanisation. In government hospitals, IOT women are discriminated against by the hospital staff, just as in government departments and banks. In many estate clinics, midwives threaten the women who have multiple pregnancies with loss of employment. Most of the midwives in the estate sector are Sinhala-speaking, leading to communication difficulties for Tamil women.

Family planning is an important aspect for long term family welfare. But, the decision should not be imposed by outsiders. What is needed is proper counselling that will lead towards informed decisions by the people themselves. Some initiatives have been taken to improve reproductive health but these have been totally inadequate.

Table 9

Female literacy in Sri Lanka by age and sector [1989]

Age group	Urban %	Rural %	Estate %	Total %
14-19 years	90.6	79.3	72.2	81.9
20-24	95.3	81.1	57.6	83.5
25-34	89.5	84.4	66.1	83.9
35-44	86.9	79.2	53.8	78.6
45-54	86.6	62.8	38.7	68.1
55-64	71.2	51.4	21.4	56.6
Over 65	52.6	36.7	14.3	40.1
Total	85.4	73.1	54.3	75.1

Source: *National Association for Total Education [1989]*

2.9   Gender-based issues

Women constitute 53% of the labour force in the plantations and they consist of the largest group of organised women in Sri Lanka. The story of the plantation women workers is an illustration of the triple oppression of a group of women based on race, class and gender in a patriarchal society. Traditionally, women in the plantations are subjected to institutionalised discrimination and oppression. Denial of equality arose from the feudal cultural practice of their patriarchal Tamil society. The system in the plantations also helped to propagate the situation as these workers live on estates which are enclaves - each with line rooms (living quarters), a dispensary, school and *crèche.* This enclave nature of the plantation does not permit socialisation outside of the estate. The women are socialised to obey, to serve and to be the property of the male members of their family. This ideology then socialised women to be subjects to males at all levels -daughter to father, sister to brother, wife to husband and mother to son in the social unit of the family and to males in the work place. This patriarchal society existent in India in the 1880s was brought to Sri Lanka with the plantation workers and it is found to be prevalent even today approximately 125 years later.

As far as women in the plantation sector are concerned, majority of them are work in the estates. Women usually work long hours in the field even during the rainy season when the temperature is very low in the high and mid tea growing areas. Most of them are not in a position to invest in warm clothing and therefore, they are constantly exposed to the chilly and damp weather conditions. As a result, bronchitis, pneumonia, pleurisy and asthma are seen as the most common respiratory diseases among the women estate workers. Furthermore, women workers are subject to walk long distances to their work

places and to climb hills without protected feet. This results in repetitive trauma to toes. Backaches and development of utero-vaginal problems also are commonly seen among the women workers in the tea estates. Carrying the leaf basket all the time and climbing the hills with it has been identified as primary reason for this problem. The low maternal mortality figures or long-life expectancy of women in Sri Lanka do not hold true for women in this sector.

2.10 Education and Literacy

Education is another major asset that has been less available to estate women than to the urban and rural population. In the patriarchal plantation society, education was seen as a potential threat to a stable labour force and the managers and owners tended to discourage female education. Although compulsory education was introduced in the plantation sector in 1907, it was never enforced as a rule. Furthermore, plantation schools remained disadvantaged in their isolation from mainstream development and parents also saw no value in the education of girls - the number of female university graduates from this sector is less than 10. This can be attributed to the fact that women in the plantations are trained to take on traditional roles as women while they are still infants. As such, the estate sector women record the lowest literacy rate in a country which is credited with having the highest literacy rate in Asia.

2.11 Wage system

As a result of the said low rates in literacy and education, coupled with ignorance until the late 1970s and early 1980s, it was extremely easy to dominate estate women in every aspect. Even in the case of salary anomalies between men and women, the latter tended to accept the ideology that men must be paid more for equal work. However 1984 the equal

pay for equal work scheme was introduced to the estate sector. The wage problems however still exist as payment is on a daily basis. Today a worker earns a little more than Rs. 60 (US$1.30) per day. Hardship is experienced when women are not permitted to work if they arrive late, paid significantly less if they fail to reach the daily norm of 15kgs of tea leaves, receive diminishing returns for 'over kilos' or additional output and are unable to find work for the stipulated 6 days of the week. All these issues apart, estate women are most often the sole 'breadwinners', whose wages are needed to ensure family survival. Therefore in most cases, women's wages are subsumed as family wages and used for maintenance but it does not result in upward mobility.

2.11.1 Control of Resources and Ensuing Economic Hardships

As women work longer hours than men, they earn more and are more stable wage earners than men and their contribution to the family income in crucial. But the majority of estate women have no control over their earnings as in practice they are prevented from making the decision on how to spend their own earnings. Rachel Kurian's study *The Position of Women Workers in the Plantation Sector in Sri Lanka* [1982] estimated that 90% of husbands in the plantation sector collected the wages of the wives. Since the plantation management perceives women as family labour units and not as independent wage earners, men are allowed to receive the women's wages and even their maternity benefits, which are invariably spent on alcohol. This causes numerous problems to the women as the primary nurturers of the family are expected to provide food for the whole family. Therefore, when the men spend their total income on alcohol, it is the women who have to cope with the ensuing problems pertaining to loss of income, such as hunger of children and its effect on their education. Therefore, women continue to be the most powerless segment within the estate life

2.12 Alcoholism and Domestic Violence

Violence against women is endemic to all societies. Every woman is at risk of being a victim of violence. It is the most potent manifestation of male power that is mediated though sexual ideologies, gender relations and domestic structures. In the specific context of estates, violence against women and children are precipitated by several factors. Patriarchal values, economic hardship, alcoholism, the unemployment of male youth, the isolation of the estate communities, extended family living in nuclear family space, male sexuality and the vulnerability of female children. Violence is seen as an outlet for masculine power, male sexual aggression, economic powerlessness and the pent up aggression is squarely directed on the women. The problem is exacerbated by local taverns in the towns and the brewing of illicit liquor (*kasippu*) inside the estate premises.

Domestic violence as a sequel to alcoholism is perceived by estate women to be almost a norm. According to a study by Kurian it was reported that 75% of the women in estates admit to being battered regularly. The men exercised their patriarchal 'rights' in consonance with their concept of women as 'private property'. Domestic violence on the estates varies from slaps to more severe beatings which have serious consequences. Violence can be triggered by a meal that is not cooked on time, sexual jealousy or a wife's complaining of the husband's spendthrift ways or drinking habits and irregular work patterns. Women's tolerance of violence in many cases emerges both from internalised norms and from the threat of even more male violence.

2.13   Women and Trade Unions

Ensuring equality and equal participation of women in development poses many different problems. Despite the recognition of equal rights for women in international instruments, they are by and large undermined by the culturally sanctioned inequalities or through actions involving short-term gains at the expense of long-term freedom and equality. The structure of the labour force and wages, education and political participation are some of the other areas of inequality and exploitation faced by the women.

The Women's Charter prepared by the government several years ago illustrates the need and the process for gender equality. But, this has made no impact in the plantation sector so far. Women's dual role of working in the field as full time manual workers and taking the major burden in their family responsibilities is keeping them away from any other involvements that could influence their own progress. Although the majority of them are members of trade unions, none of the trade unions have recognised their equal participation at the decision making level. They remain token participants from the estate level committees onwards. The workers are organised into trade unions. Their membership fees are deducted by the office, but many women do not know the name of the trade union to which they belong. Even otherwise, trade union action for women does not go beyond creating a women's committee and doing some minimal work through them. Times and days selected for trade union activity also very often suits the male, rather than the female worker. These structural situations too contribute to sustain gender subordination and exploitation.

RECOMMENDATIONS

3.1 Health, Water, Sanitation and Family Planning:

Health is a basic human right of every citizen. Every one has the right to the highest attainable standards of physical, mental and environmental health. Adequate food, environmentally feasible and safe working environment, liveable wage, freedom from threats, fear and intimidation etc closely related to health. The Article 25 of the Universal Declaration of Human Rights states that "every one has the rights to a standard of living adequate for the health and well-being of himself/herself and his/her family, including food, clothing, housing and medical care and necessary social service and the right to security in the event of unemployment, sickness, disability, widowhood, old age."

The constitution of Sri Lanka, however, does not provide for the acceptance of health as a fundamental right for all citizens. But, successive governments have followed a welfare practice to provide free and comprehensive, preventive, curative and rehabilitative health care. Accessibility to these provisions has been kept away for the estate communities for decades.

Some initiatives have been taken to integrate the plantation health delivery services with the national health services. Some very little has been done in this direction. Further, the creation of the Plantation Human Development Trust and entrusting the delivery of health and social welfare services to this Trust has brought marginal improvement in the health situation.

It is important to formulate an action plan that will lead towards integrating estate health care into the main stream and to ensure the equal rights including the equal access for the state health care services and to achieve the national standards of health indicators.

3.1.1 Alcoholism

Alcoholism can be traced to the tensions and depressions caused by poor and overcrowded housing, lack of proper sanitation and the despondency created by oppressive working conditions. Lack of the culture of leisure or opportunities or facilities to spend the free time in a creative and useful manner for estate residents too influence them to consume alcohol.

There are some estates where this social menace has been successfully handled. If the correct conditions are created, chronic alcoholism can be minimised.

There are organisations, like FORUT and even the PDP, who are involved in this work together with trade unions, NGOs and management.

It is also realised that policing and punishing by raids on the producers of illegal alcohol or unauthorised sellers of alcohol will not bring expected results. An integrated approach couples with education and motivation, providing alternative opportunities to spend their free time and to build their community culture and life together with proper policing can improve the situation. Therefore, it is important to formulate proper strategies and activities by involving all stakeholders in this respect.

3.2 Recognition of Rights and Integration into the Mainstream

IOTs constitute an important segment of the Sri Lankan population. They continue to constitute an important contribution to the economy of the country. They should not be considered a segregated community and allowed to be at the receiving end of discriminatory treatment. Everything will have to be done to recognise their right to equality and equal participation at all levels of decision making. Equality at the political level cannot be achieved without achieving socio-economic equality.

Although there is some development that has taken place in the form of creating a special Ministry to address social development issues, due to politicisation of the process, expected improvement could not be achieved. Therefore, there is a need to work out a clear policy direction and options that can facilitate a process of realising the rights and to integrate them into the mainstream. Standards set out by various UN bodies and regional instruments must be the basis for the preparation of the policies.

Since the country is moving towards a decisive crossroads in transforming the ethnic conflict, the issues of IOTs must be placed as an important aspect in the attempt to find a lasting solution to the ethnic conflict. In order to promote human security, the following could be effective:

- An in-depth study on the socio-economic and political problems faced by the IOTs, with recommendations that can lead towards the elimination of all forms of discriminations and to promote coexistence is an urgent necessity to promote informed discourse towards realisation of their rights and development.

The following issues are particularly important, and should be incorporated into the above:

- Land ownership – Considering the sensitivity on this issue, it is important to formulate a solution that could strengthen coexistence among other communities in a mutually beneficiary manner without creating new conflicts.

- Socio, economic and cultural development - Considering the current backwardness due to decades of segregation and discrimination, formulating recommenda tions on institutional and constitutional mechanisms to promote affirmative action through a positively discriminatory process to ensure socio, economic and cultural development with in a reasonable time frame. Areas of education, technical education, vocational training, micro credit facilities, housing etc particularly important areas that need urgent attention.

- Formulation of recommendations for constitutional, legislative and institutional reforms to recognise equality and equal participation of the IOT at all decision making levels.

- Preparation of an action plan for civil society organisations to promote mutual understanding and coexistence.

3.3 Law & Order/ Community Policing

The law and order situation has to be addressed at both policy and community levels.

i. Structural and Policy Level:

- Structural changes have to be made to ensure that all law enforcement

institutions and persons respect diversity and pluralism of the society and the rule of law. Appropriate mechanisms and procedures are needed to be placed at the national and regional levels.

- The constitution of police must reflect the national and regional ethnic ratio. Civilian policing cannot be effectively implemented with out the participation of the members of the communities and ability to understand the cultural sensitivity of each community.

- Appropriate procedures and mechanisms are needed to take immediate and effective measures against the officials who violate the rule of law and the human rights of the citizens.

ii. **Community level:**

- Consultation with the Inspector General of Police (IGP) to convene a conference with all police officers, civil defence committees and peace committees in the plantation areas to discuss issues of human security and examine the ways in which the police can engage in community policing and promoting co-existence.

- The peace committee and the civil defence committees established under the police department, but presently ineffective, need be rejuvenated. They should be operational as citizen-based security networks working in close association with the police in the plantation areas.

- Macro-level policy planning to ensure the recruitment of police personnel on an ethnically representative basis, Tamil language instruction for all police personnel and adequate on-the-job

training for police aimed at improving proactive policing skills.

- Sensitising the police personnel working in the plantation areas to the culture, language and religious beliefs of the plantation communities' communication and improving the mediation skills of the police personnel working in these areas to form a community-sensitive police force. For this purpose, special training for police personnel in the plantation areas is imperative.

3.4 Developing Early Warning and Early Response Mechanisms

The following activities towards the establishment of an early warning and early response mechanism should be carried out.

1. Citizen-based early warning and early response networks need be developed in the plantation areas. The involvement of local civil society is a vital component in this process.

2. Education of local civil society organisations on the necessity of early warning to prevent conflict.

3. Formation of Early Response Committees among local level NGOs and CBOs

4. Training of Early Response Committee members on monitoring conflict at the micro level and reporting to a central information repository from where Early Warning indicators will be generated through analysis.

5. Peace committees, civil defence communities, and police should be integral parts of the early warning and early response networks.

6. Incorporation of community development programmes into early response mechanisms for the transformation of structural violence.

3.5 Education

Education as a Fundamental Right: Ensuring universal education without any form of discrimination in opportunities and resources

Education is a human right and an essential tool for achieving the goals of equality. The Amman Affirmation of 1996 states that the "education is empowerment. It is the key to establishing and reinforcing democracy, to development, which is both sustainable and humane and to peace founded upon mutual respect and social justice. Indeed in a world in which creativity and knowledge play an ever greater role, the right to educate is nothing less than the right to participate in the life of the modern world."

Ensuring universal education without any form of discrimination in relation to opportunities, access and allocation of resources has been accepted as not only a commitment but, also an obligation of the state. Educational development initiatives must be based on the universal policies advocated by the UNESCO Declaration on "Education for All" and the (UN) Millennium Development Goals for Education (Universal Primary Education in 2015). Considering the decades of socioeconomic and political segregation of the IOT estate communities, it is imperative to advocate an affirmative action towards an accelerated phase on educational development among the estate residents in order to achieve socioeconomic equality within the reasonable time frame.

It is necessary to conduct research to assess the current status and the future need for educational development in order to plan out future strategies in an informed manner. Convening a National Conference after the study with the participation of all stakeholders can be a legitimate forum to formulate alternative policies and prepare a National Action Plan for Educational Development in the Plantation Sector.

An expert team should be appointed to study the present pattern of technical and vocational education provided through government tertiary educational institutes and the Vocational Training Authority and a policy be formulated along with action plan to ensure such technical education and vocational trainings are extended to estate youths to learn in their own mother tongue without any discrimination.

3.6 Language

According to the 2001 census, there are over 96 DS divisions in which more than 12.5% of the population is Tamil-speaking outside the North and East. There are also many DS divisions in the North and East where more than 12.5% of the population is Sinhala-speaking. All these DS divisions should be declared as bilingual areas and official records should be maintained in both languages, as per the consensus arrived at during the constitutional discussions of 2000 that all DS division having more than 10% of their population speaking the minority language, then the division should be made bilingual and records kept in both languages.

At present 29 DS divisions have been declared bilingual, but in most of these divisions the necessary Tamil officers have not been appointed.

Implementing the present language provision to declare any DS area as bilingual at the discretion of the president would deny the language right of those minorities consisting of less than 10% in a DS area. 'Parity of Status' for

both languages has been the acceptable position since 1930s in all discourses on language usages. Therefore, the language law, regulations and institutions needed to be reformed to ensure equal status for both Sinhala and Tamil languages through out the country.

Reforming and implementation of proper language policy cannot be addressed at the regional level alone. It has to be addressed at the national level first and followed at the district levels. The peace negotiation process can be a forum to address this issue. Until the ultimate solution is found, the following recommendations are proposed towards proper implementation of the existing language policy:

- The present Language Commission, which is only answerable to the cabinet, should be further strengthened by creating it through a constitutional provision and making it to answerable to Parliament.

- An effective civil society monitoring mechanism must be set up to monitor the implementation of language act and the performance of the Commission of official languages and the Department of Official Languages. Initiating legal actions to the state officials violating language regulations in their day-to-day work as a mean to promote proper implementation of the language law.

- Formulating and implementing a Languages Audit in the government institutions in order to ensure continuous civil society monitoring of the implementation in the Hill Country.

- Creation of a strong civil lobby to campaign for proper implementation of language policy.

- Ensure the ability to work and communicate in Tamil in all state administrative and security institutions (especially all Police stations) situated in the plantation areas.

- Establishment of a Language Coordinator in the Police Department for monitoring the implementation of the State Language Policy.

3.7 Gender Sensitivity

The world has recognised that the human rights of women and girl children are "an inalienable, integral and indivisible part of universal human rights. (Vienna Declaration and Programme of Action) Far-reaching governmental commitments to ensuring the human rights of women have been made at each of the recent world conferences as well as in all the declarations adopted by the UN and its regional instruments. Women in the plantation face three categories of problems.

- Class and ethnic discriminations as a community of marginalised ethnic group and class.

- Discrimination and occupational health hazards faced in their working environment.

- Discrimination and violence in the work place and family life.

Therefore, the following recommendations are made towards initiatives to promote equality and dignity.

a. Plantation management system, recruitment, promotions etc need revision to ensure gender sensitive process and equal participation of women.

b. Communities need education and mobilisation to respect women's rights, to recognise their equal status, to treat their female children free of any form

of discrimination and to prevent and abolish all stereotyped concept of the roles of men and women at all levels and in all forms in their communities.

c. Women need to be mobilised through education and training to promote their leadership and capacity to take decisions affecting their life in the working and family environments.

d. Ensuring occupational health safety methods to safeguard women from occupational health hazards.

e. Women leadership needs to be recognised and allowed to be participated while taking decisions related to work and estate management.

f. Trade unions must recognise the women's right to equal participation in all decision making processes and the constitution and procedures need to be changed to recognise this right.

g. The proposed draft bill on women must include provisions to safeguard the rights and interest of plantation women, who constitute large percentage of working women in a single sector.

h. A long-term action plan must be prepared by the civil society and implemented in collaboration with the state institutions throughout the country towards the realisation of the dignity and equality of women in the estate life.

i. Effective steps must be taken to ensure community-based prevention of all domestic violence on women and the effective implementation of the laws enacted to prevent violence against women.

3.8 Right to Obtain Civil Documents

National Identity Cards

Plantation Tamil people have undergone immense suffering because of their lack of National Identity Cards (NIC) in the past. The authorities would take three to four years to issue the NIC to the estate residents. Due to various interventions, vast changes have been made at the Department of the Registrar of Persons to ensure timely delivery of NIC for the estate population. A separate section is functioning to issue the NIC for estate residents. There are still, however, issues of the communities' capacity to apply properly through the estate management. These aspects need to be addressed in order to obtain NIC without unreasonable delay. The workers inability to produce documentary evidence of their birth etc is causing delay in obtaining the NICs on time. Therefore, despite the arrangements made with increased capacity at the department, many more estate workers were unable to benefit. A lobby should be formed to raise these issues.

Birth Certificates

When a child is born on an estate the Estate Medical Assistant (EMA), on behalf of the manager of the estate, registers the birth and the records are sent to the District Medical Officer (DMO) for official registration. The DMO in turn sends these records to the District Register. It has been the responsibility of the estate management to communicate the records on estate books to the Registrar of Birth and obtain a birth certificate for each newborn child. Though births are generally registered on the estate the practice of obtaining birth certificates for all children has not been followed either systematically or efficiently on all estates. Due to the double-entry system that is used only in the es-

tate sector, there is always a delay in registering a birth. The other problem is the tendency to lose documents during transmission between authorities. In addition, on occasions of transfer of ownership or management, the books containing birth records have been lost or destroyed in some estates.

Considering all these difficulties, the government has taken the decision to introduce several procedures to obtain birth certificates by reforming the procedure to the extent of issuing birth certificates with probable dates if the exact date of birth could not be proved. But, lack of awareness and language skills, estate communities are unable to make use of these opportunities to obtain their birth certificates. Therefore, community members need to be trained on these procedures and empowered to use the opportunities to claim their right to utilise the state services. Organised interventions of NGOs or community groups can resolve this issue.

3.9 The Right to Equality and Equal Participation

Equal public participation cannot be ensured simply by increasing representation in the elected bodies. The majoritarian decision-making system of governance in Sri Lanka continues to advocate political and economical exclusion of all minority communities. The issues of full and equal participation in public life are human rights issues. Human rights norms and standards guarantee every person's human rights to non-discrimination in all aspects of political, economic, social and cultural life, and to full and equal participation in decision-making and access to power at all levels.

Therefore, the constitutional and administrative structures need reform and an appropriate institutional mechanism is needed to facilitate, promote and ensure public participation.

Recognising and ensuring universality and indivisibility of human rights, diversity and pluralism, accountability, inclusion and participation and the rule of law are inevitable in democratic governance in any plural society. Therefore, an appropriate constitutional and institutional mechanism needed to be formulated and placed. Managing differences is one of the crucial responsibilities in governance. Empowering local and provincial government institutions with capacities to ensure diversity and pluralism will bring effective improvements.

FOCUS GROUP MEETINGS DATA

Deraniyagala, 10 January 2004

Participants:

Fifteen participants were expected but only seven came. The group included three teachers, three NGO representatives and one priest.

Mr. A.S.Chandrabose and Mr.V.Vishan were present from FCT.

Discussion:

The discussion lasted for nearly three hours. Initially we explained the scope and objective of the project. With only seven participants we were able to ask each person to relate his experience and express his views.

All the participants were unanimous that there was widespread discrimination in all areas. Any attempt to oppose the discrimination was met with threats and sometimes even with physical violence.

Example 1

At the annual festival of the Merianman temple, Mal Oya Estate, a tavern owner came to the place and started abusing a customer of his who had not settled his debts. The organizers went and pleaded with the tavern owner saying that a religious festival was going on and that it would be bad for an incident to take place. They suggested that he collect the dues from his customer after the festival. But he would

not listen and started abusing everybody. The festival was disturbed. Disturbance at Hindu religious festivals or any social event such as above was a common feature against the Tamils.

Liquor sales both legal and illegal is done by Sinhala Mudalalis. Estate Tamil Workers buy liquor from them. The mudalalis supply liquor on credit. Liquor is supplied even when there are unpaid dues. One of the participants reported that he was aware of a worker who is indebted to the tavern mudalali for over 4000 rupees.

Alcohol is one of the important means of dominating over the estate population. When illicit liquor sales are reported to the police there is little response.

Example 2

During 1987 when the JVP was very active in this area the Noori Estate and Henfold Tea Estate factories were set on fire. As a result 60 and 80 workers respectively lost their jobs. Only in Sapumalkanda Estate is there a tea factory is functioning in this area.

Due to this incident as well as similar threatening situations during JVP activities workers found it difficult to move about and were constantly in an unsettled condition.

Example 3

In this area there are a number of illegal settlements by Singhalese villagers. Once the settlement is established the Tamils in the area

are harassed and in one instance (Iluketenne Middle Division) 50 families lost their residence and fields to a place called Lassanagama about seven kilometers from Deraniyagala.

Example 4

In Lassanagama there are 150 Tamil students who have to travel to Deraniyagala Kathiresan Tamil Maha Vidiyalayam which is seven kilometers away. Bus drivers and the conductors often refuse to take in Tamil students. Even when they get in they often have to stand and give their seats to Sinhalese students. When the bus driver sees a number of Tamil students waiting for the bus in a particular spot he stops the bus far away so the students have to run. Such incidents were also reported from Udayankanda and Haligoda, Liamede and Panbegamuwa.

KANDAPOLA,
17 January 2004

Focus group meeting organized at Methodist Tamil Vidyalayam, Kandapola. Participants included four representatives of NGOs, five teachers from St Xavier, Nuwara Eliya and Punduloya TMV , two Estate Committee Leaders (trade union leaders) from Kandapola estate, and two community leaders from Haueliya. Several issues were highlighted in the meeting, which lasted three and a half hours.

Mr. R. Shangar, teacher, Panmure TMV, Hatton, and Miss Jeevarany, visiting academic, OUSL, Nawala, coordinated the meeting.

The participants were asked to freely express what obstacles they face in terms of violence and threats. They highlighted problems they face not only with the estate management but also with the authorities like police, hospital staff, and the Office of the Registrar. They noted

that there are few Tamil-speaking staff available at these critical services, and that those Tamils who do work there often pretend to be Sinhalese and are sometimes worse than Sinhalese staff when dealing with Tamil public issues.

Tension arises during the annual festivals of Hindu temples, at athletic competitions, and during other social events. It is a custom of the estate workers of Boralanda estate to celebrate an annual Hindu festival in March, and villagers from Borlanda often come to this festival and create disturbances. Youth from the village sometimes harrass Tamils girls during the festivals particularly during the nocturnal procession of Swami. Villagers always disavow this type of behavior but there is no improvement. In 1998, the situation became serious when a quarrel between Sinhalese and Tamil estate workers developed, and Tamil workers were attacked with the collusion of the police. This completely disrupted the annual festival of the Hindu temple at Boralanda. Police refured to record the complaints made by the temple committee. In this situation the Tamil estate workers suspended the annual festival from 1998 onwards.

Several of the participants stated that such incidents are common in the district of Nuwara Eliya, not only at annual Hindu festivals but also atsports events like soccer and cricket tournaments.

The Blue Bird soccer team of Nuwara Eliya was defeated by the estate soccer team of Kandapola in 1999. It was considered a landmark achievement of Kandapola area Tamil youth in the history of soccer tournament in Nuwara Eliya. However the organizers denied the winner's prize. Though events like these are organized with huge amounts of money with the stated intention of building harmony between the communities, they can sometimes be counterproductive. It may be noted that in Nuwara

Eliya annual soccer tournament continues but participation of estate Tamil youth is insignificant.

Some of Tamils in the estate are engaged in vegetable cultivation in Punduloya, and have come into possession of a vehicle for the transportation of their produce to the nearest market. Since they do not have the parking facilities at their residence they sought permission to park their vehicle near the urban council office, but officers at the urban council violently opposed the parking of such vehicles and prohibited it from 2000 onwards. Only villagers are now allowed to park vehicles there.

Matugama

Professor S. Sandrasegaram of the University of Colombo conducted the meeting at Matugama Town. He met for two hours with five people at the town and met three individuals separately in order to get a clear picture of incidents against Tamils in this area.

Tamils are not allowed to purchase property, such as shops in Matugama. The IOT who had business before 1983 left the place due to the riots. Some of them returned after the peace process began but could not re-engage in their trade or business. Tamil schools in Matugama suffer from a severe shortage of teachers. When the hiring of more Tamil teachers is urged, the authorities insist that this can be done only on the condition that for every Tamil teacher a Sinhala teacher has also to be appointed, even though the Sinhala schools have adequate numbers of teachers. In many places Tamil-medium classes are conducted in the afternoon in Sinhala schools, but they are not allowed to use the school resources for their classes.

Discrimination of this nature is common. Generally it is difficult to have Tamil leaders at public meetings. Even before the ethnic conflict, and to a greater extent once it had intensi-

fied, severe restrictions were placed on visits by relatives and friends. Every house was required to display the names of the residents in a plaque on the outside wall, so in effect visitors had great difficulty in staying overnight.

Balangoda

Twelve participants, including seven teachers, three NGO representatives, one Samudri Officer, one religious worker.

Mr. A.S. Chandrabose, Mr. V.Vishan, Mr. S.Sankar, and Ms. Jeewarani were present from FCT. Mr. P.P.Devaraj was also present.

Discussions

Discussions were held in two sessions, totalling around four hours of intense discussions.

Dethenegala is part of Balangoda Group. This estate and the surrounding areas were subject to serious ethnic violence in 1981 and 1983. In 1983 several persons had hidden in the nearby jungle and escaped to Bogawantalawa, which lies on the other side of a hill.

Mr. A.S. Chandrabose explained the purpose of the meeting. At the end of his presentation participants asked several questions. Every participant spoke and contributed to the discussion. Below is an extract of some of the issues that emerged during the discussions.

During 1983 riots, the principal of the Tamil school in Pinnawala was hunted by some attackers. He fled to the Dethenegala School. As this man was tall, it was difficult to disguise him, but finally they dressed him like an estate *kangany* and sent him down a path not frequented by villagers to the jungle, from where he could try to reach Bogowantalawa. Unfortunately he was discovered, and his attackers caught him and threatened to set him on fire.

Fortunately for him the police had come to the superintendent's bungalow and the principal of Dethenagala school pleaded with them to help. The police were able to rescue the man, and the next day he escaped to Bogawantalawa.

Several incidents such as this occurred in 1983 and 1986.

During year 2000 a cadet camp was held and about 150 children, Sinhalese but with several Tamil children in the group as well, were lost in the jungle and for about 12 hours they could not be found.

Rumors that the children had been taken by the LTTE began to circulate, and the whole area was disturbed. Preparations were made to attack Tamil houses and line rooms.

Early in the morning Prime Minister Ratnasiri Wickramanayake arranged for a helicopter to survey the area. Finally the children were discovered safe and a major incident was averted.

Rumours about the LTTE coming to the area were deliberately spread, creating tension and fear among Tamil workers. Whenever these were report of serious armed clashes with the LTTE, rumours spread and Tamils in the estates had to live in fear.

There is a large liquor sales centre on the main road which runs through Balangoda Group. Participants related several incidents where Tamil estate workers become the targets of ridicule and attack there, usually over payment of debts. The liquor salesmen often voluntarily offer credit.

In Balangoda Group there was a labour dispute. After all negotiatious failed, the workers went to the factory and sat down to perform peaceful *satiyagraha*. The superintendant responded by enlisting village *mudalalis* to threaten the workers and break the protest.

An instance was also related where one village *mudalali* prevented a worker from sending his son to school, forcing him to work for the *mudalali* instead. It was stated that there were several such occurrences.

One school principal related how funds that had already been slated for his school had been diverted and never reached the school (the speaker requested anonymity).

Kahawatte

Participants:

Leaders of the six divisions of Pelmadulla Estate, some estate staff and NGO representatives.

The general situation Kahawatte area, as well as the specific incidents that occurred in Nedagana Division of Pelmadulla Group and Porononwa Estate, Kahawatte Division, were discussed.

Generally estate workers in the Kahawatte are a neglected group. There is a shortage of teachers in the schools and little other development has taken place. There are some educated young men and women who have not bean able to get jobs. Some have worked as volunteer teachers with hardly any remuneration. The water supply situation in Pelmadulla Group is poor and several estates are without power supply. Although no major incidents have taken place, from time there are acts of discrimination and use of violence by some villages.

FACT FINDING MISSION OBSERVATIONS

From the time of the general election in 2004 there have been sporadic incidents of violence and threats in several plantation areas. There have been attacks on Tamil plantation workers and residents in urban areas near plantations. Attacks, lootings and killings have taken place.

Organized gangs of village thugs have entered the plantations and engaged in organized violence. The failure of the police to take swift action and the discrimination against the victims of the violence have created an environment that encourages a deterioration of ethnic relations even in areas where there was relative peace.

Two teams from FCT visited Kandapola, Millakanda, Ingiriya, Hatton, and Kahawatha, spoke to those affected and carried out an assessment of the situation. We set out below a summary of the areas visited.

Kandapola

IOT Plantation workers Verasamy Jayaram, 44, from the Court Lodge Estate, and Alagan Wimalnadan, 26, of the Park Estate were victims of a police shooting in Kandapola on 28 April, 2004. In addition, around twenty Tamils were admitted to the government hospital in Nuwara Eliya and residence of Tamils and Sinhalese were destroyed. Although the main culprits were certain Sinhala thugs, only Tamil youths were arrested and detained by the police. It is only after the visit of the Prime Minister that normalcy was restored.

Pitakanda Estate, Mawathugama

Veeran Mahalingam, 50, was arrested and taken into custody by the Kegalle Police on 14 May, 2004, for interrogation relative to the suspected burglary of timber. On 15 May at 3 pm, 2004 Kegalle Police officers went to Ambanpitiya Estate, met the relatives of the above, S. Sthivel and E. Casan of No. 4 Division, Ambanpitiya Estate, Galigamuwa Kegalla, and brought them to Kegalle Police station where they were informed that Veeran Mahalingam had committed suicide by hanging inside the police cell around 11.00 am on 15 May, 2004. However, they found the deceased inside the police vehicle with a white sarong around his neck.

Sri Pada College of Education, Patana

There had been complaints of corruption and maladministration by the teacher trainees and request for an impartial inquiry that was ignored by the state authorities. As a result, the college was closed indefinitely. The teacher-trainees organized a protest procession demanding an inquiry and re-opening of the college on 28 May, 2004.

The police blocked the procession from advancing to Hatton Town. The marchers tried

to proceed but the police charged them with batons. The injured fled crying and screaming, and some fell into the river and ditches. Segaran was bleeding from a severe blow to the head by the police and Wimal of Diagama was seriously injured. In addition ten other teacher-trainees were injured.

The police or the armed forces cannot prevent peaceful marches, processions or demonstrations. The teacher-trainees of Sri Pada College had made innumerable complaints with proof of corruption that had not brought the desired effect. Disgusted by this, the teacher-trainees organized this march requesting for an inquiry on corruption in a peaceful manner.

Sri Pada College was established with the financial assistance of GTZ Germany for the benefit of the plantation community. The attack on the march was one more attempt to prevent the functioning of this institution.
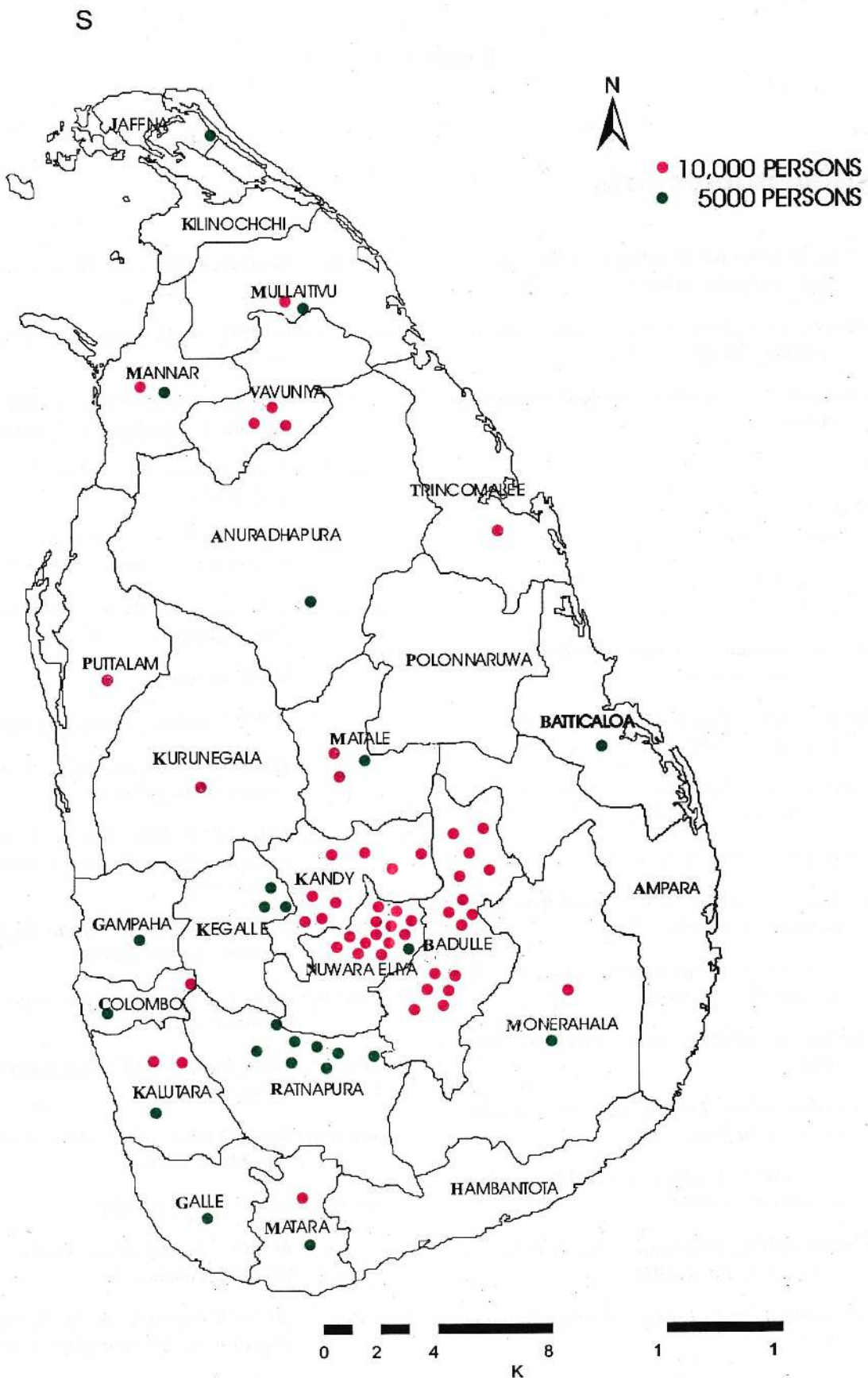
Millakande Esate, Bulathsinghala

Sinhala youths entered the Millakande Estate, Bulathsinhala and attacked the IOT in the estate. More than 100 line rooms including personal belongings were destroyed and around ten line rooms were burned. Twenty people were seriously wounded. The thugs entered the hospital and again attacked the wounded in the presence of police officers. This was considered to be a well-planned racially-motivated attack on the minority Tamils in the plantations.

The provocation for the attack was stated taking place at a wedding house the previous day. However, the incident had been amicably resolved by the estate youths. Unexpectedly the next morning, the 31 May 2004, thugs entered the estate in large numbers and started attacking Tamils and destroying their property. The thugs harassed women and damaged private property. The estate youths reported to us most of the thugs are basically from the same area and have close association with them.

The thugs also threatened the press reporters and members of fact-finding missions. Security personnel were partial and were seen inciting and encouraging attacks on Tamils. Police officers abused their power and engaged in human rights violations of the affected Tamils.

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● 10,000 PERSONS
● 5000 PERSONS

JAFFNA

KILINOCHCHI

MULLAITIVU

MANNAR

VAVUNIYA

ANURADHAPURA

TRINCOMALEE

PUTTALAM

POLONNARUWA

BATTICALOA

KURUNEGALA

MATALE

KANDY

AMPARA

GAMPAHA

KEGALLE

BADULLE

COLOMBO

NUWARA ELIYA

MONERAHALA

KALUTARA

RATNAPURA

GALLE

MATARA

HAMBANTOTA

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FCE

The **Foundation for Co-existence** (FCE) is a non-profit organization based in Sri Lanka working to promote co-existence through human security.

Our aim is:

- To further the peaceful transformation of the country by way of Human Security. Targeting social attitudes and institutions, we endeavour to create a culture of Peace in a society where continuous violence has become functional in resolving conflicts. We believe that empowered and enlightened individuals will transform the society.

Our work:

- Enhances the capacities of communities that lead to prevent conflict by means of discourse.
- Emplaces the mechanisms enabling these communities to resolve their own disputes and to look forward to a better future.
- Remains neutral in all areas, thus seeking to identify and predicate the common ground.