

# Hill Country Tamils of Sri Lanka Towards Meaningful Citizenship



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## Towards Meaningful Citizenship

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# Contents

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<b>1. Introduction</b>	<b>03</b>
<b>2. Methodology</b>	<b>05</b>
2.1 Secondary Research	05
2.2 Primary Research	06
<b>3. Statelessness and Development</b>	<b>08</b>
3.1 Defining Statelessness and Meaningful Citizenship	08
3.2 Statelessness and the Sustainable Development Agenda	10
<b>4. The Hill Country Tamils of Sri Lanka</b>	<b>12</b>
4.1 The Plantation, the State, and the Union	14
<i>Hill Country Tamils and the Plantation</i>	14
<i>Hill Country Tamils and the State</i>	14
<i>Hill Country Tamils and the Union</i>	16
4.2 Drivers of Disadvantage	18
<i>Distancing of the State</i>	18
<i>Dependency on the Plantation Company</i>	19
<i>Brokerage of Trade Unions</i>	20
<b>5. 'Leaving No One Behind': Towards Meaningful Citizenship</b>	<b>21</b>
5.1 Cross-cutting Issues	22
<i>Goal 10: Reduced Inequalities</i>	22
<i>Goal 5: Gender Equality</i>	24
<i>Goal 16: Peace, Justice and Strong Institutions</i>	25
5.2 Socioeconomic Issues	26
<i>Goal 3: Good Health and Well-being</i>	27
<i>Goal 4: Quality Education</i>	28
<b>Conclusion</b>	<b>30</b>
<b>Endnotes</b>	<b>32</b>
<b>Annex 1: Methodology</b>	<b>36</b>

# 1. Introduction

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**S**tatelessness is a global phenomenon that has deprived numerous individuals and communities of dignity, rights and sustainable development, leaving stateless persons and communities further behind with each passing generation.<sup>1</sup> The legacy of statelessness remains part of Sri Lanka's post-independence history: a large population of Tamils residing in the 'Hill Country' was deprived of their citizenship in 1948 and continues to suffer structural discrimination and disadvantage today. This study attempts to tell the developmental and human rights story of this community by examining the enduring effects of their statelessness.

Sri Lanka is often considered a 'success story' in addressing statelessness, as it eventually granted citizenship to over 90,000 stateless persons through the enactment of the Grant of Citizenship to Persons of Indian Origin Act, No. 35 of 2003 (GCPIO Act). The main beneficiaries of this legal reform project were from the Hill Country Tamil community, consisting mainly of descendants of immigrants from India who were brought to work on Sri Lanka's coffee, tea and rubber plantations between 1837 and 1939. The community is identified in various ways: as 'Indian Tamils', 'Indian Origin Tamils', or 'plantation Tamils'. Members of the community typically identify themselves as *Malaiyaha* Tamils (Hill Country Tamils).<sup>2</sup> Hill Country Tamils have histor-

ically lived on Sri Lanka's tea plantations, where they have worked as a permanent plantation labour force. When Sri Lanka gained independence from Britain in 1948, Hill Country Tamils were denied citizenship in the new state. Amidst domestic political campaigns and pressure from the Indian government for a resolution, members of the Hill Country Tamil community had their citizenship restored through successive rounds of diplomatic agreements, political negotiations and law reform between the 1960s and the early 2000s.

Despite positive law reform, Hill Country Tamils remain one of the most discriminated against and economically, socially and politically marginalised communities in the country. By many developmental indicators, this community is the 'furthest behind' in Sri Lanka. This study argues that the persistent marginalisation and underdevelopment experienced by the Hill Country Tamil community stems from long-standing structural discrimination, of which their deprivation of nationality was a central feature. The study attempts to examine this structural discrimination using the lens of statelessness. It will explore how the Hill Country Tamils' statelessness intersected with more long-standing conditions of marginalisation and vulnerability engendered by the plantation system. In this context, the mere granting of 'formal citizenship'

## **Despite positive law reform, Hill Country Tamils remain one of the most discriminated against and economically, socially and politically marginalised communities in the country.**

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to the community is inadequate to address and overcome the legacy of statelessness. A rights-based development approach requires active measures to address the structural discrimination and marginalisation faced by the community. This requires development actors to actively consult the Hill Country Tamil population, to ensure that any development action plans address the real needs of the community as articulated by the community. It also demands transparency and ultimately accountability of development

actors to the community. In the absence of this, 'formal citizenship' alone falls short of translating into the enjoyment of the full benefits of citizenship in a meaningful manner.

A failure to understand the long-term impact of statelessness and the ongoing structural discrimination endured by the Hill Country Tamils can further the marginalisation of the community's needs and interests. This study aims to contribute towards a deeper understanding of the developmental challenges faced by the community and the importance of ensuring that when stateless persons and communities are granted a nationality, it must be an effective and meaningful one.<sup>3</sup> ♦

# 2. Methodology

**T**his study adopted a qualitative research design, involving a combination of primary and secondary research. The study set out to explore: (1) the impact of legal reform on the status and access to rights of people that have experienced statelessness, (2) Hill Country Tamils' experiences and perceptions of citizen-

ship and development, and (3) the roles and perceptions of other stakeholders working in development and advocacy for the community. Figure 1 below outlines the overall methodology adopted. More detailed information is provided in Annex 1.



Figure 1: Methodology

## 2.1 Secondary Research

The research team undertook a review of existing literature on statelessness and citizenship of

the Hill Country Tamil community over the first eight weeks of the study. The purpose of the review was to gain an understanding of the history of statelessness in the country, legal and policy

interventions on the issue, and the current political and socio-economic status of persons who have experienced statelessness. The literature review covered:

- i. Policy documents, socio-economic data and other relevant publications issued by the Sri Lankan government and other sources.
- ii. Existing primary and secondary research on statelessness and stateless communities in Sri Lanka.
- iii. Legislation, including the Grant of Citizenship to Persons of Indian Origin Act, No. 35 of 2003, the Grant of Citizenship to Persons of Indian Origin (Amendment) Act No. 6 of 2009 and the National Minimum Wage of Workers Act, No. 3 of 2016.
- iv. Independent studies, reports by non-governmental and civil society actors, and media reports.

After an initial literature review, a workshop was held in Colombo where the research team presented research findings, brainstormed approaches to field research, and developed interview guidelines. The workshop included a discussion with a civil society actor working closely with the Hill Country Tamil community, and mock interviews to test field research approaches.

## 2.2 Primary Research

Primary research involved key informant interviews (KIIs) in Colombo, and field research in Hatton (Nuwara Eliya District) and Badulla.

### *Key informant interviews*

The research team conducted interviews in Colombo with development actors, trade union representatives, academics, political actors, government actors and civil society representatives.

### *Field research*

The team carried out two field visits, to the Nuwara Eliya and Badulla Districts (see figure 2).

These districts have the largest populations of Hill Country Tamils in the country, representing approximately 53.5% of the population in Nuwara Eliya and 18.9% of the population in Badulla.<sup>4</sup>

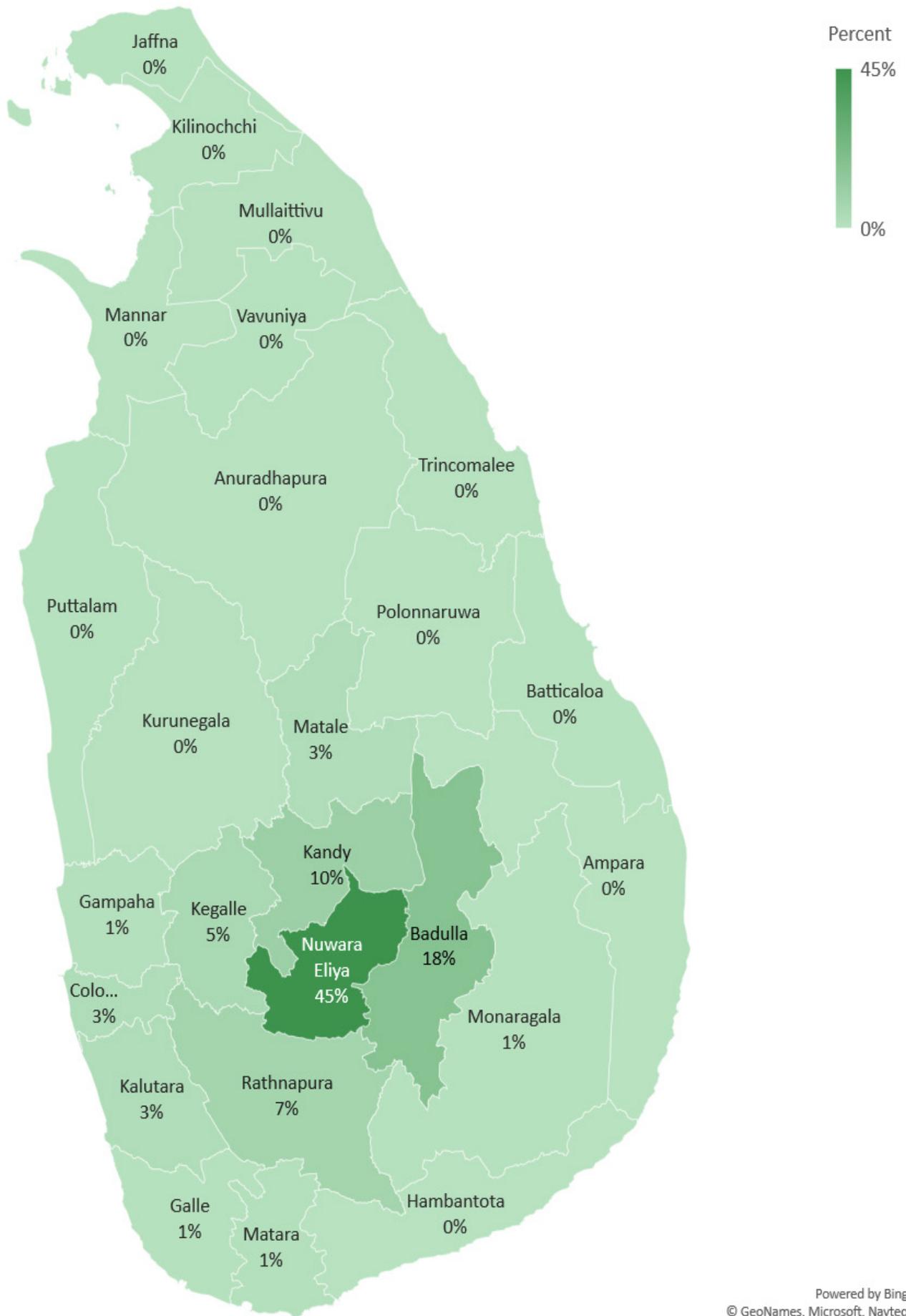
The team met with a total of 50 persons (in individual interviews and focus group discussions). This sample included (i) members of the Hill Country Tamil community living and working on tea plantations; (ii) members of the community residing on plantations but not employed by plantation companies; (iii) members of civil society organisations based in the two districts that work on issues relating to the community; and (iv) persons involved in service delivery within the community. The sample of interviewees was compiled via the 'snowball sampling' method. This method involves primary data sources nominating other potential primary sources to be used in research.<sup>5</sup>

*In Hatton:* The research team conducted a total of 15 interviews. The team met Hill Country Tamils engaged in various professions including tea pluckers, child development officers, pre-school teachers, trade union members and civil society actors.

*In Badulla:* The research team conducted a total of 16 interviews and focus group discussions (FGDs). The team visited an estate hospital and a school situated within a plantation.<sup>6</sup>

The interviews were semi-structured. They were conducted in the language of choice (mostly Tamil) and based on a discussion guide comprising a set of open-ended questions. The format of the interviews aimed to encourage interviewees to relate their experiences, understanding and views in-depth. Conversations spanned between thirty minutes to over two hours, and anonymity of all interviewees was guaranteed. The interviews were conducted in diverse settings, including in plantation 'line rooms',<sup>7</sup> in places of employment (e.g. in the middle of plantations, and at tea factories) and at locations outside the plantations (such as in local civil society organisations).

Figure 2: Distribution of Indian Tamil Population by District, 2012



# 3. Statelessness & Development

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## 3.1 Defining Statelessness and Meaningful Citizenship

**T**o understand why statelessness presents a profound challenge for development, it is important to acknowledge the close (and contested) links between citizenship and individual rights and well-being. Membership in a society is tied to a range of social, economic and political goods, with substantial consequences for the lives of individuals and communities. Societies today are typically organised as states; thus the idea of citizenship is typically tied to the idea of a state. Meaningful citizenship reflects several benefits to the 'citizen'. These benefits can be identified in terms of legal status, political voice, economic welfare, and a sense of community. First, citizenship as a legal status identifies an individual as a member of a state in terms of a formal legal framework. Formal citizenship offers people secure residence in a state's territory (including the right to not be expelled or deported) and can establish a relatively strong claim to rights and entitlements guaranteed by that state to its citizens. Second, citizenship denotes a political relationship, whereby a citizen has a 'voice' in

effecting political action and is a stakeholder in institutions that develop law and policy. Third, citizenship can be a gateway to enhanced economic welfare and security. Citizenship often offers people access to economic institutions (such as education and public services) and can strengthen people's participation in development. Finally, citizenship relates closely to ideas of community and identity. It can enhance people's sense of belonging, and their ability to share in the heritage of a society. Taken together, these features of citizenship can institutionalise a range of social, economic and political goods that promote the well-being of individuals and groups.

By contrast, statelessness fosters conditions of marginalisation and insecurity. The 1954 United Nations Convention Relating to the Status of Stateless Persons defines a stateless person as someone 'who is not considered as a national by any State under operation of its law'.<sup>8</sup> Accordingly, a person who is not recognised as a citizen of the states with which he or she has relevant ties – either because the legal framework explicitly excludes the person, or because the competent authorities of the state implement

(or fail to implement) the law so as to deny nationality – is stateless. Identifying statelessness is therefore a mixed question of both fact and law.<sup>9</sup>

Statelessness presents enormous challenges to human rights. Advances in international law on a range of civil, political, economic and social rights have established an obligation on the part of all states to protect the human rights of all persons, regardless of their membership in a state or lack thereof. The ability to claim most civil, political, economic and social rights is no longer contingent on possessing a nationality. However, some key rights are still contingent on citizenship. Further, while citizenship is not the basis of individual rights, its deprivation presents a serious challenge to accessing rights and accessing justice when denied.<sup>10</sup>

There are many widely recognised causes of statelessness. These include nationality laws that are discriminatory (on the basis of race, gender, religion, disability and other grounds), state succession, lack of documentation, poor administrative procedures, conflicts in laws and the inheritance of statelessness. Each cause reveals some form of discrimination.<sup>11</sup> So strong is the link between statelessness and discrimination, that 'statelessness cannot be eradicated unless discriminatory societal attitudes which view some people as less worthy of inclusion than others are comprehensively tackled'.<sup>12</sup> Statelessness is therefore associated with structural barriers to development, in the form of systems, rules and practices that disadvantage and disempower communities. It can foster conditions of social, economic and political marginalisation that can compound over time and across generations. In the terminology of the Sustainable Development Agenda, stateless persons are among the furthest 'left behind'.

Law reform to grant stateless persons formal legal citizenship status is an important step towards addressing underdevelopment faced

## **Formal citizenship status alone is inadequate in addressing the obstacles to rights and development that these communities face or rectifying the historical marginalisation and disadvantage they endured.**

by stateless communities. However, formal citizenship status alone is inadequate in addressing the obstacles to rights and development that these communities face, or rectifying the historical marginalisation and disadvantage they endured. The more deep-rooted, structural barriers to their inclusion often persist despite law reform. These structural barriers include continued discrimination, social stigma, poverty, and political isolation. These constraints can create conditions in which access to rights, development and justice is stratified between communities enjoying a longer history of formal citizenship, and communities that have more recently gained formal citizenship. With no other options, stateless communities can come to rely on non-state structures to meet their needs and represent their interests. When these structures are exploitative they may perpetuate conditions associated with statelessness even after that community gains formal citizenship. Therefore, formal citizenship status does not necessarily enable communities deemed to be 'formerly stateless' to experience meaningful citizenship. These communities can continue to lack a political voice, economic security, and the ability to fully exercise their rights and access justice.

Addressing the development challenges created by prolonged statelessness thus entails moving beyond legal reforms to grant formal citizenship; the structural disadvantages faced by these communities must be addressed to ensure they gain meaningful citizenship, and the benefits associated with it. This requires a range of actors, including development actors to speak directly with and understand the needs of such communities, and directly cater to these needs through their planning and the imple-

mentation of these plans. Transparency and accountability to such communities, and a commitment to dismantling structural discrimination are essential, if sustainable development for the furthest left behind, is to be achieved.

### 3.2 Statelessness and the Sustainable Development Agenda

The 2030 Agenda for Sustainable Development sets out a rights-based plan of action to eradicate poverty and advance sustainable development in the economic, social and environmental spheres. It pledges that 'no one will be left behind' and promises to 'reach the furthest behind first'.<sup>13</sup> The Agenda sets 17 Sustainable Development Goals (SDGs) and 169 targets to be met by 2030. In contrast to the Millennium Development Goals (2000-2015), the Sustainable Development Agenda acknowledges the importance of addressing structural discrimination and can complement rights-based approaches to promoting development.<sup>14</sup>

All 17 of the Sustainable Development Goals (SDGs) are in some way relevant to the stateless: their achievement will benefit stateless persons and communities, while the continued existence of statelessness can also impede progress towards the SDGs. However, as elaborated below, the link with statelessness is stronger for some SDGs than others.

One of the most revolutionary aspects of the SDGs, is that they go beyond the 'standard' delivery of development aid, to require the scrutiny and reform of discriminatory and exclusionary legal and societal structures:

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Notably, the SDGs mark the first time that countries have recognised the centrality of justice to sustainable development. The previous attempt to coordinate development across all nations through the MDGs failed to address structural injustice and inequality, thereby ignoring crucial root causes of persistent poverty, instability, and underdevelopment. It is axiomatic now that sustainable development can only be realised when people are able to be their own agents of development, but this is a fairly recent revelation.<sup>15</sup>

While many of the SDG targets across the different goals require (or depend upon) structural change in some form or other, there are three Goals which stand out in terms of what they set out to achieve and the relevance to statelessness. SDG 5 (Gender Equality), 10 (Reduced Inequalities) and 16 (Peace, Justice and Strong Institutions) require states to address structural inequalities and discrimination, striking at the root causes of statelessness.

All three Goals and their targets are strongly aligned with existing human rights. They address some of the root causes of statelessness (discrimination, lack of documentation etc.) and key factors which further disadvantage the stateless. Furthermore, they provide important avenues for structural and institutional change, which can create a more conducive environment to confront and effectively address statelessness, and to ensure fairer and more equal treatment of stateless people.

Other SDGs address key areas where stateless people are more likely to be disadvantaged,

and where concerted effort is needed to ensure that development programming reaches them. These include SDG 1 (no poverty), 2 (Zero Hunger), 3 (Good Health and Wellbeing), 4 (Quality Education), 6 (Clean Water and Sanitation), 8 (Decent

Work and Economic Growth) and 11 (Sustainable Cities and Communities).

Importantly, the aspiration to **leave no one behind** and to **reach the furthest behind first**, requires development actors to move beyond merely quantitative approaches aimed at demonstrating aggregate gains, to also identify the specific challenges and vulnerabilities faced by disadvantaged groups, and ensure that

these are addressed. This would require finding creative and sustainable ways to incentivise states to ensure that stateless persons and other similarly disadvantaged and marginalised groups are included, consulted, reached and empowered to exercise their rights in relation to development. For statelessness to be effectively addressed, sustained collaboration between development, human rights and statelessness actors is needed.♦



Figure 3: Statelessness and the SDGs

## 4. The Hill Country Tamils of Sri Lanka



*There is a large, beautiful tea tree at the Royal Botanical Gardens in Peradeniya, Kandy. This tea tree has been allowed to grow with little pruning, stands majestic and tall, but reaps no economic benefits. Unlike this tea tree, the Hill Country Tamils are kept 'pruned' and only allowed to 'grow' to an extent. If they were not pruned, they may have stood tall and reaped no benefits for their colonial masters, estates and the state.*

- Rev. Fr. Andrew Devadason

*Church of Ceylon and Estate Community Solidarity*

**S**ri Lanka's main experience of statelessness primarily relates to the Hill Country Tamil community. This community is distinguished from the 'Sri Lankan' Tamil community, which settled in the country many centuries earlier. The majority of the Hill Country Tamil population still reside on Sri Lanka's tea plantations. Sri Lanka's national census currently defines the plantation sector to be 'all plantations which are 20 acres or more in extent and with ten or more resident labourers'. Between 1911 and 2001, between 77% and 81% of the plantation population consisted of Hill Country Tamils. As per the most recent census data in 2012, the population consisted of approximately 902,000 persons, of which around 72% reside in the Nuwara Eliya and Badulla districts.

A series of legal reforms have resulted in Sri Lanka's Hill Country Tamils being granted formal citizenship status (see figure 4). However, the Hill Country Tamils remain one of the most economically, socially and politically marginalised communities in the country. The experience of the Hill Country Tamils illustrates the limits of formal citizenship status as a means of ensuring full access to the rights and benefits that derive from citizenship. For communities that were stateless, the granting of citizenship status on its own does not necessarily address the structural disadvantage and discrimination that are intrinsic to statelessness. This is because practices and institutions that promote the marginalisation of stateless communities are likely to persist despite the granting of formal citizenship status. In

## Together, these drivers perpetuate many of the conditions associated with statelessness and have prevented the Hill Country Tamils from experiencing meaningful citizenship.

the case of the Hill Country Tamils, three drivers of structural disadvantage can be identified.

The first is the distancing of the state, exemplified by the prolonged exclusion of the Hill Country Tamils from governance structures, welfare institutions, and public services. This exclusion was a consequence of systemic discrimination by the state against the Hill Country Tamils. This distancing also relates to the 'absence' of the state within the plantations, and the plantation companies' taking over of many functions that are carried out by state elsewhere.

The second driver is dependency on the plantation companies that fulfil a range of everyday functions and needs on the tea plantations (where most Hill Country Tamils live). For instance, plantation companies provide rudimentary healthcare, sanitation services, and housing for the plantation's resident communities. Such dependency also creates and sustains unequal bargaining power between employer and employee.

The third driver is the brokerage by plantation trade unions. Politically affiliated trade unions are the primary units of political and labour representation for the Hill Country Tamils. Plantation trade unions' political power stems from their entrenched role as brokers between the Hill Country Tamil community on the one hand, and the state and the plantation company on the other. Brokerage by unions perpetuates disadvantage, as it furthers the community's dependency—on the plantation company and the unions themselves—without necessarily expanding access to rights. Plantation trade unions are thus incentivised to maintain the status quo rather than enable the Hill Country Tamils to transcend their status.

These three drivers are closely linked, and often mutually reinforcing. For instance, the community's exclusion from the state fostered their dependency on the plantation company to fulfil basic needs and functions. This in

turn reinforces the distancing of the state, as it is the plantation company rather than the state that carries out 'state-like' functions on the tea plantations. The community's dependency on the plantation company entrenches the brokerage role of trade unions, which bargain with the company for basic welfare improvements for those living and working on the plantations.

Together, these drivers perpetuate many of the conditions associated with statelessness and have prevented the Hill Country Tamils from experiencing meaningful citizenship. The distancing of the state, dependency on the plantation company, and brokerage by plantation trade unions were characteristic conditions of the Hill Country Tamils' statelessness. These conditions have persisted despite the community being granted citizenship status, with important consequences for the Hill Country Tamils' experience of citizenship. These drivers of disadvantage have compromised the Hill Country Tamils' ability to enjoy the social, economic and political goods that are tied to meaningful citizenship. Meaningful citizenship for the Hill Country Tamils would thus entail addressing the entrenched practices and institutions that currently perpetuate distancing of the state, dependency on the plantation company and brokerage by plantation trade unions.

The next section briefly outlines the Hill Country Tamils' historical ties to the plantation, the state and plantation trade unions. It then goes on to discuss how the distancing of the state, dependency on plantation companies and brokerage of plantation trade unions currently perpetuate structural disadvantage faced by the community.

## 4.1 The Plantation, the State, and the Union

### *Hill Country Tamils and the Plantation*

Sri Lanka (Ceylon at the time) was a British colony from 1796 to 1948. Migration into the plantation labour force was organised via the *kangany* system. *Kanganies* were labour recruiters who exercised substantial power and control over immigrant workers.<sup>16</sup> It has been argued that labour recruitment via *kanganies* fostered 'informal bondage' between the workers and the *kangany*.<sup>17</sup> *Kanganies* were typically given cash advances to meet their costs in bringing back workers to the tea plantations and would receive a premium for each worker recruited. Each recruited workers' share of the cost advance would then be deducted from their wage, which was paid to them through the *kangany*. On the plantation, the *kanganies* served as middlemen between the planters and the workers, allocated work and distributed food rations.

The conditions of labour and employment on the plantations have been described as 'semi-feudal', characterised by low wages, long hours, and poor working and living conditions.<sup>18</sup> Workers' indebtedness to *kanganies* also created conditions of dependency and exploitation.<sup>19</sup> Labour relations were governed by 'Master and Servant Laws'. These laws introduced criminal sanctions on workers for neglect of duty, misconduct, and quitting without the required one month's notice.<sup>20</sup> On the part of employers, non-payment of wages was recognised as an offence. Employers were also required to provide workers with food, lodging, and medical care. While this legal framework ostensibly helped protect some workers' interests, it was 'iniquitous in practice'.<sup>21</sup> Workers were rarely able to exercise their rights under the laws, with the employer-friendly disposition of judges and officials and other factors limiting the protection of workers interests. For instance, magistrates and Justices of the Peace were often planters themselves or otherwise associated with planters. Plantation labour was deemed 'free' in theory, in that workers were bound only by short-term

verbal contracts. However, workers were in practice tied to plantations by both legal and non-legal means, including debt bondage and the rigid hierarchies of control within the *kangany* system. *Kanganies'* control over workers declined over time, as workers became a permanent (rather than migratory) labour force, and due to certain labour law reforms. For instance, the *tundu* system, where *kanganies* could transfer their work gangs between plantations was abolished in 1921. The Minimum Wages Ordinance of 1927 required that wages are paid directly to workers. Currently, the *kanganies'* role is limited to supervising workers in the field as part of the plantation management hierarchy.

### *Hill Country Tamils and the State*

By the mid-nineteenth century, the colonial government introduced legislation and other measures relating to the welfare of workers on the plantations to facilitate a residential labour force.<sup>22</sup> Transportation, shelter and basic medical care were introduced, with plantation companies bearing some of the costs (often with reluctance).<sup>23</sup> The government introduced rudimentary medical facilities to mitigate high death rates of the Hill Country Tamil community, and eventually took over the administration of plantation health care. Laws requiring planters to provide welfare-related facilities were introduced by the 1880s.<sup>24</sup> These measures often drew resistance from planters, who viewed the costs borne for the provision of medical facilities as an unfair burden. Increased government intervention in the lives of the plantation's workers gave rise to an interplay between the state and the plantation, as the two institutions assumed a range of functions over welfare and administration. Plantations were brought under the expanding educational facilities provided by the Ceylonese government, but implementation of education policy was left to plantation companies. This resulted in relatively few Hill Country Tamils enrolling in schools.<sup>25</sup> Under Ordinance No. 1 of 1895, plantations (as opposed to the state) were required to record all births and deaths on the plantation.<sup>26</sup> Plantation companies thus took on a key state function on behalf of this community.

### *Being made stateless*

As Ceylon moved towards independence, political identities and representation were shaped along ethnic and class lines. The island's majority community is Sinhalese, who account for over 70% of country's population. 'Sri Lankan Tamils', who live or originate primarily from the northern and eastern regions of the country constitute the largest minority community.<sup>27</sup> Beginning in 1911, Hill Country Tamils have been officially classified as 'Indian Tamil', a category reserved for those who are unable to trace their ancestry to a traditionally Tamil-speaking district in the country.

The Donoughmore Commission for Constitutional Reform (1927), and the Donoughmore Constitution of Ceylon (1931) introduced universal suffrage. However, the Constitution contained a narrow definition for Ceylonese citizens – as those persons 'domiciled in Ceylon and having a domicile of origin'.<sup>28</sup> This definition effectively excluded many Hill Country Tamils from claiming citizenship.<sup>29</sup> The Soulbury Constitution (1947) allowed a British subject residing in Sri Lanka for five years or more to vote. At the general election of 1947, the Hill Country Tamils were able to elect seven out of a total of 90 members to Parliament. The lead-up to Ceylon's independence in 1948 saw the entrenchment of majoritarian Sinhala-Buddhist nationalism, alongside strong anti-Indian and anti-Tamil sen-

**Increased government intervention in the lives of the plantation's workers gave rise to an interplay between the state and the plantation, as the two institutions assumed a range of functions over welfare and administration.**

timent.<sup>30</sup> In this context of increasing hostility towards Indian immigrants and workers, representatives of the majority community resisted the plans of the colonial administration to extend voting rights to Hill Country Tamils. For instance, in 1940, legislator and future prime minister S.W.R.D Bandaranaike argued that 'Indian' Tamils would need to give up their 'privileges' under the labour laws and the Medical Wants Ordinance in order to qualify for the vote.<sup>31</sup>

On gaining independence from the British in 1948, Sri Lanka's legislature enacted the Ceylon Citizenship Act, No. 18 of 1948. Accordingly, citizenship could be acquired only by right of descent or by registration, under certain special circumstances.<sup>32</sup> Citizenship by descent was based on paternal ancestry, with different criteria based on place and date of birth (before or after the legislation was passed). Persons born outside of Sri Lanka had to prove a longer line of paternal ancestry than those born in Sri Lanka. Citizenship by registration imposed several conditions such as evidence of either parent being a citizen of Sri Lanka and the necessity of other documentary evidence. Furthermore, Regulations issued under the Act stipulated that registration must be supported by three citizens by descent who must be acquainted intimately with the person applying for citizenship. As a result, due to their shorter history in Sri Lanka, lack of proof of ancestors' birth and other documentation-related challenges, the Hill Country Tamil community was indirectly discriminated against by the Act and deprived of citizenship.<sup>33</sup>

The Citizenship Act was followed by the Ceylon Parliamentary Elections (Amendment) Act, No. 48 of 1949, which made citizenship status a prerequisite for voting in elections. The effect of these laws was the disenfranchisement and disqualification of close to a million Hill Country Tamils from Sri Lankan citizenship.<sup>34</sup> The denial of their citizenship further cemented the characterisation of Hill Country Tamils as 'outsiders', despite the community's own roots in and attachments to Sri Lanka.

### *Hill Country Tamils and the Union*

Trade unions first emerged on plantations during the late 1920s. Early trade union activity on the plantations was constrained by trespass laws that prevented outsiders from entering the plantation premises.<sup>35</sup> The All Ceylon Estate Labour Federation was established in 1931 by Natesa Aiyar, a south Indian activist involved in trade union politics in Ceylon. The Lanka Sama Samaja Party (LSSP), a leftist political party active in national politics, established a union for plantation workers in 1940 called the All Ceylon Plantation Workers Union. There was increased labour unrest on the plantation, including several strikes and instances of violence against protesting workers.<sup>36</sup> A collective agreement between trade unions and plantation companies recognising the rights of workers to unionise was then signed in July 1940. Several plantation trade unions emerged thereafter.<sup>37</sup> Politically affiliated trade unions have thus historically been the primary vehicles for political mobilisation and representation in the Hill Country Tamil

community.

The largest union representing Hill Country Tamils is the Ceylon Workers Congress (CWC), which emerged in 1950 to protest the citizenship laws that rendered the community stateless. Citizenship for Hill Country Tamils formed the centre of the CWC's campaigns, and the party primarily mobilised its voters on a platform of addressing ethnic discrimination. Other smaller unions and political parties active in the Hill Country Tamils community include the Lanka Jathika Estate Workers Union (affiliated to the United National Party) and the Up-Country People's Front. Large political unions like the CWC relied on Hill Country Tamils as an electoral constituency that could ensure a pathway to national political power. Grants of citizenship and voting rights to the Hill Country Tamils helped consolidate the community into a voting bloc that is concentrated geographically in the plantation regions and with distinct political concerns (such as citizenship, housing, and wages).

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# TIMELINE OF LEGAL REFORM

1948

## Citizenship Act, No. 18 of 1948

Passed on 15th November 1948 and withheld citizenship from the Indian Tamil Community

1949

## Ceylon (Parliamentary Elections) Amendment Act, No. 48 of 1949

Stipulated citizenship as a requirement to vote. Indian Tamils, not considered citizens as per the 1948 and 1949 Acts, were disenfranchised

## Indian and Pakistani Residents Citizenship Act No. 3 of 1949

Provided for citizenship by registration for Indians and Pakistanis residing in Sri Lanka for a certain number of years. However, it required proof of residence, and other stringent conditions

In practice, almost all applications were rejected on technical and often insubstantial grounds

900,000 remained stateless

1954

## Indo-Ceylon Agreement of 1954 (Nehru-Kotelawala Pact)

Indian and Sri Lankan citizenship were granted to a certain number of persons

Due to difficult conditions established by the Sri Lankan government, only 3,013 out of 49,145 applicants were granted citizenship

1964

## Indo-Ceylon Agreement of 1964 (Sirima-Shastri Pact)

Any person to whom the Agreement of 1964 applied to, could make an application to be granted citizenship of Sri Lanka, by registration

The 1964 and 1974 agreements aimed to end statelessness for 975,000 people



## Indo-Ceylon Agreement of 1974 (Sirima-Indira Pact)

Intended to grant Indian citizenship to some and repatriate the rest of the Hill Country Tamil community to India

1974

However, provisions of the Act facilitating the 1964 Agreement were different to the initially discussed conditions, which resulted in

Problems in application

Forceful repatriation of persons back to India

The window to apply for citizenship (under both agreements) expiring in 1981

This left a portion of the Indian Tamil population stateless because they had not applied for Indian citizenship but were also denied Sri Lankan citizenship

1986

## Grant of Citizenship to Stateless Persons Act, No. 5 of 1986

To grant citizenship to specific persons, including persons who were to be granted citizenship through the 1964 and 1974 Agreements, and their descendants



This Act was passed due to increasing tensions between the Tamils in the North and East, and the fear that Hill Country Tamils would join the militancy in the North and massive repatriation in the previous decades resulting in labour shortages in the plantations

1988

## Grant of Citizenship to Stateless Persons (Special Provisions) Act, 1988

To grant Sri Lankan citizenship to all Hill Country Tamils who had not applied for Indian citizenship under previous agreements

2003

## Grant of Citizenship to Persons of Indian Origin Act, No. 35 of 2003

Grants citizenship to all persons who have been permanent residents of Sri Lanka since 30 October 1964 or is a descendant of a person who has been a permanent resident of Sri Lanka

2009

## Grant of Citizenship to Persons of Indian Origin (Amendment) Act, No. 6 of 2009

To provide citizenship for up-country Tamils who were 'compelled to leave' Sri Lanka due to the armed conflict and were mostly living in refugee camps in India

Figure 4: Timeline

## 4.2 Drivers of Disadvantage

### *Distancing of the State*

Structural state discrimination against the Hill Country Tamils is a key driver of the community's marginalisation. Systemic discrimination, amidst the mobilisation of majoritarian (Sinhala-Buddhist) nationalism, formed the backdrop to the Hill Country Tamils' disenfranchisement in 1948. The majoritarian nationalist nature of the Sri Lankan state enables general structural discrimination against ethnic and religious minorities, including the Hill Country Tamils. However, what sets the Hill Country Tamils' experience of discrimination apart from that of other ethnic minorities in Sri Lanka is the pronounced 'distancing' of the state from this community. This stems from a prolonged exclusion of the Hill Country Tamils from state institutions, creating the conditions for the Hill Country Tamils' lives to be governed primarily by the plantation company. The Hill Country Tamils' disenfranchisement entrenched the community's exclusion from access to political power, welfare institutions, and public services that were available to other Sri Lankans, (including other minority groups). For instance, stateless Hill Country Tamils were unable to benefit from state-facilitated avenues for mobility available to Sri Lanka's rural communities, such as grants of land and public sector employment. This exclusion facilitated the long-term deprivation and inequality that the Hill Country Tamils continue to face.

The distancing of the state is also reflected in discriminatory institutional practices. Due to ambiguities in legislation, the Hill Country Tamils were considered to be excluded from certain local government services. Specifically, section 33 of the Pradeshiya Sabhas Act, No. 15 of 1987 was interpreted as an impediment to extending certain public services by Pradeshiya Sabhas (the small units of local government) into the 'private' property of plantation companies.<sup>38</sup> The apparent exclu-

sion of the Hill Country Tamils from Pradeshiya Sabaha services has been cited as a barrier to service delivery on the plantations.<sup>39</sup> However, a closer reading of section 33 of the Pradeshiya Sabhas Act indicates that it did not pose an impediment to local government service delivery on the plantations. Section 33 provided for local government bodies to maintain roads and extend such services to the plantation sector, provided that this was deemed to be in the public interest and was requested by the plantation companies.<sup>40</sup> In 2018, however, section 33 of the Pradeshiya Sabha Act was amended to explicitly include 'plantation regions' within the jurisdiction of the Pradeshiya Sabhas.<sup>41</sup> The amended section provides that Pradeshiya Sabhas may, upon the adoption of a special resolution, and in consultation with the administrative authority of the relevant estate, utilise the Pradeshiya Sabha Fund to facilitate plantation regions with roads, wells and other common amenities necessary for the welfare of the residents of those regions.

In Sri Lanka, weaknesses in service delivery are not unique to the plantation regions. However, the Hill Country Tamils' experience is set apart by their high levels of reliance on politically affiliated trade unions to resolve everyday problems. In the context of uneven local service delivery, the Hill Country Tamils' local political representatives derive substantial power from their ability to 'fix' service delivery problems through negotiation with the government and the plantation company. Party-unions active in the plantation regions thus act as 'brokers' managing a wide range of every day needs on the plantations that are inadequately met by the state and the plantation company (such as better housing, sanitation and roads). The distancing of the state thus

**The absconding of the state experienced by the Hill Country Tamils is especially pronounced as it is the plantation company that effectively assumed 'quasi-governmental' functions in its place.**

works to increase the community's dependency on the plantation company and the brokerage power of the unions.

The absconding of the state experienced by the Hill Country Tamils is especially pronounced as it is the plantation company that effectively assumed 'quasi-governmental' functions in its place. In many respects, the dependency on the plantation company emerges from the 'absence' of the state experienced by the Hill Country Tamils. One interview, **Gita**,<sup>42</sup> discussed her difficulties in accessing postal services and the plantation's role in providing this service:

*On our estate, we have only one address and one postman. The postman isn't from the government, he is a man from the estate. The estate manager picks a man to collect letters from the post office. The man leaves his estate work to do this, but he gets paid anyway because he is running around doing postal work. He collects the letters and gives it to the estate manager, not to the people directly. After that, the estate manager sends the letters to the people. But this happens inconsistently: sometimes the letters come to us, sometimes they don't. I received my acceptance letter from the College of Education one month late.*

\*\*\*

The distancing of the state, and the associated dependency on the plantation company to perform certain basic functions, undermines a core feature of meaningful citizenship: that citizens have effective and meaningful ties to a state. In the case of the Hill Country Tamils, advancing meaningful citizenship would thus entail addressing the distancing of the state from the community, and the unresolved systemic discrimination that underlies this phenomenon.

### **Dependency on the Plantation Company**

A tea plantation is a sprawling commercial property, often with several hundred acres of tea fields. Most Hill Country Tamils still live on the

plantations, where everyday management and administration is carried out by privately-managed plantation companies. The community's dependency on plantation companies is related to the community's longer history of exclusion from state institutions, and the blurring of boundaries between state and non-state functions on the plantation. These functions include the provision of important welfare services, such as education and healthcare. This has often been brought about by negotiating with plantation companies, or the introduction of legal obligations on companies to provide services that the state provided elsewhere. Plantation companies have played a significant role in delivering healthcare and education in the past, such as by employing Estate Medical Assistants (EMAs) and managing dispensaries and schools. The quality of such services provided by the companies, has often been of a very poor standard. The plantation company also participated in certain administrative functions which are exclusively vested in state institutions elsewhere. For instance, plantation companies granted 'birth cards' to resident workers' children, who typically lacked other birth registration documents.

Perhaps the community is most dependent on plantation companies in relation to housing and infrastructure. Plantation workers live in 'line room' housing provided by the plantation company. These are small, single-storey structures built adjoining one another in rows (hence the term lines). Each line house usually consists of one or two rooms with a small kitchen, and typically houses a single family. Line rooms are provided in exchange for employment on the plantation, and workers do not own the line rooms they live in. The communities living on the plantations also rely on the plantation company to service many everyday needs related to shelter that are met via state infrastructure elsewhere, such as water and sanitation facilities.

In this context, plantation companies have been characterised as playing the role of 'a non-democratic, quasi-governmental service provider' with respect to Hill Country Tamils.<sup>43</sup>

The assumption of 'public' functions by privately-managed companies reinforced the distancing of the state from the Hill Country Tamils, and deepened their unequal relationship with the plantation companies. The state refraining from fully extending infrastructure and services entrenches the community's dependency on the plantation company; this dependency in turn reinforced the distancing of the state.

### **Brokerage of Trade Unions**

Political party trade unions perform at least three key functions with respect to Hill Country Tamils: electoral representation, distribution of patronage benefits, and mediation between resident workers and plantation management. These functions have helped entrench the party-union hierarchy as a key economic, social and political institution in relation to Hill Country Tamils. The party-union hierarchy extends from the national level (in Parliament) to the plantation-level. Political bargaining at the national level took place primarily through trading support in Parliament or securing legislative reforms. Like other political parties in Sri Lanka with access to national political power, the plantation party-union distributes patronage benefits to its constituency, in the form of access to jobs, housing, and loans.

The unions' brokerage role is most prominent at the plantation level. Unions in the plantations have been described as 'service organisations', where 'officials primarily do things for workers',<sup>44</sup> Each division of the plantation is represented by a *thalaivar*, or foreman, who is the lowest-level union representative on the plantation. The Hill Country Tamils rely on the *thalaivar* to help navigate routine problems relating to work and life on the plantations, such as securing leave, resolving disputes, and improving the conditions of their line rooms. These everyday problems

often require negotiating with the plantation management. *Thalaivars* thus draw their power from their role as brokers between the workers and the plantation management. Hill Country Tamils living on the plantation seek union membership (which often also entails party membership) as a pre-emptive strategy to ensure representation if they ever face such problems. Party-union membership within the community is thus instrumental. Hill Country Tamils can either renew or change their membership in a union biannually. Twice a year, the plantation management tallies union membership for each union operating on the plantation, and arranges for the respective unions' membership fees to be deducted from each workers' monthly wages and paid to the unions. Unions are able to ensure a steady income from membership fees through this arrangement with plantation companies. The CWC for instance collected approximately LKR 77 million over a one-year period from membership fees.<sup>45</sup> During elections, the plantation-level *thalaivars* also serve as political organisers, canvassing support for their respective parties from the plantation's residents.

Like in most Sri Lankan trade unions, plantation union leaders are not elected by their membership. The Hill Country Tamils have viewed unions with cynicism and frustration.<sup>46</sup> Hill Country Tamils who are dissatisfied with their unions can leave and join other unions that they feel will better address their problems on the plantation. This mode of political participation could generate competition and incentivise parties to better address Hill Country Tamil concerns. However, it also creates incentives for party-unions to maintain the status quo, where the Hill Country Tamils are highly dependent on the union bargaining to meet basic needs. Brokerage by party-unions also maintains the distancing of the state from the community. ♦

# 5. “Leaving No One behind”: Towards Meaningful Citizenship

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**A** core focus of the Sustainable Development Agenda is leave no one behind, and to reach the furthest behind first. The SDGs thus pay special attention to groups and communities facing structural disadvantage and exclusion. Communities that have experienced statelessness are one such group. Overcoming statelessness, and the discrimination inherent in statelessness, is therefore central to achieving sustainable development.<sup>47</sup>

The structural discrimination faced by the Hill Country Tamils and their resultant statelessness has significantly undermined the community's access to socio-economic welfare, equality, and justice. The continued disadvantage and discrimination faced by the Hill Country Tamils illustrates the inadequacy of granting formal citizenship alone in addressing the legacy of statelessness and promoting meaningful citizenship. Meaningful citizenship is linked closely to certain goods that promote security, partic-

ipation and well-being. These include stronger protection of rights, political voice and economic security and dismantling structural discrimination and historical disadvantage. Recognising and addressing these challenges and promoting access to these goods is thus crucial to advancing meaningful citizenship for the Hill Country Tamils, and other communities that have endured statelessness.

Meaningful citizenship for this community cannot be achieved without respecting, protecting, promoting and fulfilling their human rights, as articulated under international law and the Constitution of Sri Lanka. Human rights must be mainstreamed into all action targeting the community, its wellbeing and development. In this regard, the SDGs provide a useful framework for promoting meaningful citizenship for the Hill Country Tamils. The SDGs deal with both 'traditional' socio-economic issues relating to development (such as education, health, and hun-

## For communities that have been stateless, addressing structural discrimination and exclusion is often necessary to achieve progress on socio-economic development.

ger) and issues relating to structural exclusion and discrimination (such as inequality, gender discrimination and weak institutions). The SDGs that deal with structural issues are of cross-cutting relevance to those aimed at addressing socio-economic issues. For communities that have been stateless, addressing structural discrimination and exclusion is often necessary to achieve progress on socio-economic development. In the case of the Hill Country Tamils, achieving meaningful citizenship would entail making progress on both fronts.

This section discusses the challenges faced by Hill Country Tamils in experiencing meaningful citizenship in terms of these two categories of SDGs:

1. SDGs that deal with cross-cutting, structural issues: goal 10 (reduced inequalities), goal 5 (gender inequality), and goal 16 (peace, justice and strong institutions)
2. SDGs that deal with socio-economic issues: goal 3 (good health and well-being), goal 4 (quality education)

It also discusses how, in relation to each SDG, the three drivers of disadvantage identified above (distancing of the state, dependency on the plantation company, and brokerage of trade unions) limit the Hill Country Tamils' ability to access the goods associated with meaningful citizenship.

### 5.1 Cross-cutting Issues

#### Goal 10: Reduced Inequalities

Existing data on poverty in Sri Lanka is disaggregated into urban, rural and plantation sectors. Income poverty in the plantation sector has decreased significantly over time.<sup>48</sup> However,

er, poverty in the plantation sector remains higher than in the urban and rural sectors. Average household income in the plantation sector in 2016 was LKR 34,804, just over half the average national income of LKR 62,237.<sup>49</sup> Similarly, average

per capita income among plantation households stood at LKR 8,566 compared to a national average of LKR 16,377.<sup>50</sup> As at 2016, 70.8% of the plantation sector population fell within the lowest quintile of wealth, and only 0.8% of the population were situated in the highest wealth quintile.<sup>51</sup> Most members of the community interviewed during field visits viewed their incomes as inadequate to sustain a decent standard of living. Some relied on supplemental income from livelihoods outside the plantations to support their families. For instance, **Rani's** family relies both on her wages from plucking tea leaves on the plantation and income from her husband, who left the plantation in search of work elsewhere.

*Rani studied in school in a Tamil medium until her O-levels. Her school did not have facilities for A-Level exams then; although it does now. She moved to Hatton after she married.*

*Rani has two children, and currently works on the estate as a field worker. Her husband worked on the estate earlier. But their combined income of LKR 10,000 wasn't enough to support their family, so he left to seek work in Batticaloa (in the Eastern Province). He has been working at a private company there for over three years and sends money home monthly, which she uses to manage the household expenses. She finds it very difficult to balance her work and home life. There is no one to watch her children while she's at work, as her mother in law also must work to supplement their income. Her husband sends nearly all of his income back home to pay for their living expenses.*

There is a tension between the community's perceptions of their economic conditions and

how plantation companies perceive these conditions. During interviews carried out for this study, representatives of plantation companies identified 'free' land and housing, 'free' medical facilities, 'free' water and sanitation as among the 'fringe benefits' offered to plantation workers as part of their employment. Plantation management viewed wage agreements, guaranteed days of work and the package of welfare benefits tied to employment on the plantation as providing workers a particularly secure form of employment. However, Hill Country Tamils working on the plantations viewed plucking 'norms' as demanding and their wages as inadequate. Sridevi described her plucking norms and wages as follows:

*We have to pick 18kg a day, for 22 days a month. The usual rate is 500 rupees for 18kg or less. If we take extra 2kg, we can leave by noon that day. If we pluck an average 22kg per day, then we get a little more money; 25 rupees per kilo is the 'over-kilo' rate. But sometimes we fall sick, and so we can't work on those days. So the usual daily rate is 500 rupees because there won't be 18kg every day. But the pay is still not enough to cover family expenses. Even if you work all the days, after we pay for flour, tea leaves, dhobi fees, barber fees, kovil (Hindu temple) fees, there's very little left to collect. Usually if we don't buy anything, we can collect 20,000 rupees, but if we buy things then we only get 10,000 rupees.*

Hill Country Tamil youth living on the plantations are increasingly seeking employment outside the plantation. But they often face challenges in accessing secure and decent work. These challenges include lack of skills, discrimination and social stigma attached to plantation work.<sup>52</sup> **Santhoshini** is currently pursuing higher education and identified stigma as a barrier to securing employment outside the plantations.

*We have problems finding jobs outside. Sometimes there is discrimination - when you go for an interview, they ask 'Are you from the estate?' Many people go abroad, both men and women, to find work.*

\*\*\*

Many Hill Country Tamils' remain dependent on the plantation company to provide them with basic facilities. Housing is a particularly acute source of dependency on the plantation company. This dependency can generate high levels of economic insecurity and contribute to non-monetary forms of poverty. For instance, estate-sector households are less likely to have drinking water, sanitary facilities or electricity.<sup>53</sup>

**Devi** and her family live in a line house with no bathroom and depend on their neighbours' facilities.

*Our house has two sections, with one room where my husband, my three sons and I sleep. We do not have a bathroom of our own, so we currently use our neighbour's one. We have been asking the estate manager for a bathroom of our own for a while now, but it doesn't seem likely to happen.*

\*\*\*

Members of the community also perceived the conditions of their housing as signifying the plantation companies' lack of regard for their well-being. Many perceived a requirement that at least one occupant of a line house must work for the plantation company, as a way of 'forcing' them to continue work for the companies, even if there were better economic prospects elsewhere. However, this perception was contested by plantation company representatives, who maintained that welfare benefits were extended to families living on the plantation regardless of whether family members worked on the plantations. **Akshara** is a university student active in several community initiatives and undertakes part-time work at a private company. Her father currently works on the plantations and her

family lives in a line house which is in a state of disrepair.

*We live in a line house, and we are currently trying to improve it by upgrading and re-pairing certain sections. We needed privacy, specifically another room, so we built a separating wall within the house. What we get as a line house is simply a hall and a kitchen. You cannot really call it a kitchen either. Most often you'll be cooking, with a bed next to you. There is not enough space.*

*The house is not actually ours; it belongs to the estate. It is common for extended family to live in these houses, so there is limited space. If any house becomes vacant, we cannot just claim the house. We must apply for it, and generally receive a reply only two months after. When applying, there are certain conditions to follow, and we must prove that we are part of the estate.*

*Our roof leaks, especially during rainy weather. The leaks damage the sides of the house. However, until the management has a re-roofing programme, we cannot mend the top of the roof. People with a relatively higher income can cover up certain areas of the roof, from underneath, to stop leakage. But not all can afford these sheets. The re-roofing programme is conducted once every 40 years.*

\*\*\*

Trade union brokerage could be leveraged to mitigate some aspects of poverty through distribution of patronage benefits. Some scholars have attributed the emergence of a 'middle-class' (within the plantations) to the patronage benefits enjoyed by the trade union leadership.<sup>54</sup> For instance, it was apparent in field research that union functionaries were likely to have greater access to the government's new housing programme, which involved a grant of land and a house to families living on the plantations. Interviewees indicated that political parties in government often prioritised

their party functionaries when allocating houses in the housing project.

### **Goal 5: Gender Equality**

Women represent a majority of the plantation labour force. Women workers in tea plantations are said to represent the largest unionised sector in the country.<sup>55</sup> A study carried out in 2009 found that approximately 96% of resident plantation women claimed to be members of a political party.<sup>56</sup> However, they are underrepresented in positions of authority in plantation companies and in trade unions. Union structures are typically male-dominated, and women rarely occupy leadership positions.

Political campaigning by the unions has focused primarily on issues relating to wages, collective bargaining and voting rights, and not on issues that are often of special relevance to women and gendered societal roles, such as working hours, childcare, and sexual harassment.<sup>57</sup> Cultural norms within Hill Country Tamil society discourage women's participation in public life. Thus while women are recognised as wage-earners in the private sphere of their homes, they access very little decision-making power in the public sphere, which is seen as a male domain. Hill Country Tamil women's participation in unions is also constrained by the dual burden they bear – of managing both their daily work on the plantation and domestic care work, such as looking after their children and families. **Chitra** wishes there were more female politicians to approach in the plantation sector. However, even willing participants are unlikely to step forward due to societal pressures.

*Most in our society do not like it when women participate in politics and campaign for elections. We are all estate workers and within this community of estate workers, people do not like women participating in such things. There are women who would like to participate in politics and political campaigns. But these women think twice before doing so. Their immediate family*

*and relatives will not like a woman stepping forward to participate in such matters. The men will not allow women to participate in these activities. They say that a woman's duty is to earn and to look after the family.*

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**Sridevi** serves as a thalaivi on her estate and has been a member of the CWC for thirteen years. She participates in union activity alongside her daily work as a tea plucker.

*As women, we were always inside the estate. Women stay on the estate all the time, they never come out. They work from 8am to 4pm, and if the estate managers ask to do more work—like work in the estate bungalow—they stay till 6pm. So, women are always on the estate. We used to be scared to come out of the estate, to even take the bus, to speak up. I joined the CWC as a member, then became the estate thalaivi because I can speak well. As a thalaivi, I deal with lots of problems people have. I come out of the estate regularly. If you don't go to work plucking tea for three days, you have to provide a medical certificate. But because I'm a thalaivi and have to go for meetings, I can inform the estate manager and the supervisor and go for union meetings. But if they object, then I will also have problems.*

\*\*\*

Unions rarely concern themselves with the challenges faced by Hill Country Tamil women. The unions' brokerage mode of representation, coupled with deep-rooted discrimination against women, limits Hill Country Tamil women's ability to represent their interests or engage in political action through party-unions. By preventing Hill Country Tamil women from exercising a political voice, these conditions compromise their ability to experience meaningful citizenship. **Rukmani** in the Hatton district expressed her desire for more women leaders on the plantation that one

could approach and discuss ongoing problems with.

*If women participated in such campaigns and were elected, it would be easier for us to tell our grievances to them. When men come around, they come and promise to take care of everything. But after that they are not to be seen. They promise everything on earth, and once they are elected they never sight this place. If it is a woman representative, at least then we can approach them and demand answers for the promises made.*

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### **Goal 16: Peace, Justice and Strong Institutions**

The prolonged distancing of the state from the Hill Country Tamils contributed to uneven service delivery to the community. Political actors from the Hill Country Tamil and civil society actors have argued that administrative discrimination against the community has fostered their exclusion from government service delivery.<sup>58</sup> The extension of administrative services in the Hill Country Tamil areas has been described as disproportionately low, as a relatively small number of *Grama Niladhari* offices are assigned to cater to a large number of Hill Country Tamils.<sup>59</sup> Moreover, a major barrier to greater inclusion of the Hill Country Tamils is language-based discrimination by government institutions. Government institutions often lack facilities in Tamil. Many identified the lack of Tamil-speaking officials to be a major impediment to service delivery. **Ranjini** discussed alternative methods taken to overcome the language barrier.

*The government agents speak in Sinhala, so it is hard for us to communicate with them. Therefore, it is only the chief occupant of the house who usually visits the government bodies to speak about our grievances.*

*Usually, it is the men in the house who can speak in Sinhala. If there is someone who does not know Sinhala, we take a neighbour or someone else who knows Sinhala to go talk to them. It is difficult to converse in Sinhala. However, now our children study Sinhala and people are learning to converse more in Sinhala.*

\*\*\*

Hill Country Tamils often rely on intermediaries, such as *thalaivars* or estate managers, to help them deal with government institutions. Two key areas in which the lack of facilities in Tamil generated problems for the Hill Country Tamils were securing identification documents and in EPF and ETF payments.<sup>60</sup> For instance, many interviewees related instances of being unable to access their funds due to errors in documentation resulting from poor communication across languages. Errors in identification documents also create problems when Hill Country Tamils attempt to secure school admission, seek employment outside the plantations or access other government services.<sup>61</sup>

Others sought to independently address the problems in service delivery that they routinely experience. **Akshara** and **Santhoshini** are two friends, residing but not working on the plantations. Currently pursuing their higher studies in politics, they work at a leasing company and work part-time at an NGO. In addition, they are active members of councils and committees that aim to empower and help organise community related affairs. One key issue their community faced was the lack of an effective postal address system. Both girls took the initiative to collect details of all the families living in their community. Next, they gave every road a name and every house a number. All the details were then tabulated and launched at a meeting with the community as well as other key representatives including community leaders, estate management staff and trade union leaders. This initiative was a success and now postal delivery does not have any such issues in that area.

## 5.2 Socioeconomic Issues

The Hill Country Tamils' disenfranchisement had substantial consequences for the community's socioeconomic welfare. This section discusses two areas: education and health, where the community's disenfranchisement contributed to large disparities in welfare. The SDGs relevant to the two themes discussed here are goal 3 (good health and well-being), and goal 4 (quality education), alongside SDGs on equality and justice (goals 5, 10 and 16). In both areas, the community's deprivation of citizenship cemented the distancing of the state, and high levels of dependency on the plantation company to fill gaps in healthcare and education. The gradual state take-over of education and healthcare - thereby 'closing' the distancing of the state to some extent and reducing dependency on plantation companies - has contributed to substantial improvements in both areas. However, disparities continue to exist in terms of education and health, between the Hill Country Tamils and other communities in Sri Lanka

Plantation companies continue to provide certain welfare facilities to plantation workers. Representatives of the Plantation Human Development Trust (PHDT) identified their provision of welfare from birth to death as denoting the special care and commitment on the part of the companies to their workers well-being. For instance, they identified the plantations as being the 'only' workplaces that provide childcare facilities, child development centres, maternity care (such as food supplements), and dispensaries for workers. The provision of such facilities to the Hill Country Tamils situates the community as beneficiaries of privately organised welfare, offered as part of plantation companies' 'bargain' with their workers. By contrast, the extension of welfare services to communities outside the plantation is typically through government institutions, with welfare viewed as among the key entitlements of citizens. The continued provision of socio-economic welfare by plantation companies thus underscores the distancing of

the state from the Hill Country Tamils and their corresponding dependence on the companies.

**Goal 3: Good Health and Well-being**

The Hill Country Tamils have historically experienced high levels of dependency on plantation companies to provide basic healthcare facilities. Hill Country Tamils' loss of citizenship has had significant bearing on their ability to benefit from public healthcare services. Existing literature has noted that prior to 1948, the plantation population in fact demonstrated better healthcare indicators in comparison to the rest of Sri Lanka's rural population.<sup>62</sup> After 1948, responsibility for the community's welfare was left largely to private plantation companies, which marked the beginning of serious lags in health improvements for the Hill Country Tamils. Plantations employed Estate Medical Assistants (EMAs), and managed plantation hospitals, maternity services and dispensaries within the boundaries of the plantation. Plantations also often provided childcare services in the form of crèches, staffed by plantation employees. In the meantime, public healthcare provision, particularly for rural Sri Lanka, began to see substantial improvements in the post-independence years, which plantation-managed healthcare services failed to match.<sup>63</sup> Marked variations between national healthcare indicators and those of the Hill Country Tamil population have been directly attributed to their loss of citizenship in 1948, and thereafter to initiatives to restore citizenship beginning in the 1980s.<sup>64</sup>

Beginning in the early 1990s, successive Sri Lankan governments have gradually taken over the management of plantation hospitals and maternity facilities. Many Hill Country Tamils today routinely make use of state healthcare services. **Devi**, a mother of three children living in the upper levels of the estate, welcomed the availability of state healthcare services on the estates.

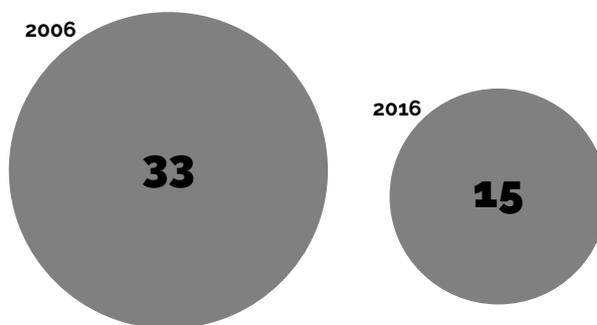
The mid-wife will use the estate-provided transport to come and see expecting

mothers. She's not from the estate, but from the government. She usually provides vitamins, Thriposha during her monthly visits. She comes and looks after the children and makes sure that they are well.

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Many plantations still maintain basic health facilities (such as dispensaries and child development centres) and employ EMAs. These facilities continue to serve as frontline curative care services for the community. Health standards in the community have improved over the years. Stunting in Nuwara Eliya has reduced from 41% in 2006/07 to 32% in 2016, and from 33% to 21% in Badulla. Mortality rates in the plantation sector reduced from 33 to 15 deaths per 1,000 live births, from 2006 to 2016. However, there remain large disparities in national health indicators between plantation populations and the rest of the country. For instance, the plantation community still features the highest levels of malnutrition and maternal mortality.<sup>65</sup>

**Mortality rates in the plantation sector\***



\*Deaths per 1,000 live births

Those living on plantations face several barriers to accessing healthcare services. Among these barriers is the lack of roads and transport facilities, particularly at the higher elevations of the plantations. According to **Viji**, who visits the hospital once every month, she receives good care at the hospital, and does not experience any language barriers during treatment. But what she finds the most difficult is traveling to the hospital. Viji currently lives in the upper level of the plantation. To make her way to the town,

she needs to arrange for a vehicle that can take her from the top of the hill, where she lives, to the hospital. The journey costs her Rs. 1,500 (USD 8.40).

Similar barriers were noted a decade ago, with reference to women's access to healthcare in particular. In 2006/7, 77% of married women living in plantations aged 15-49 reported having at least one serious problem in accessing health-care facilities, compared to 47.3% of women nationally. The problem of distance and transport was among the most frequently cited barriers to accessing hospitals.<sup>66</sup> The distance from Devi's house to the government hospital in town is 12 km, on a bad road. **Devi** prefers to go to the estate dispensary nearby rather than the hospital located further away. The Estate Medical Assistant (EMA) is their usual option for first aid.

*The usual mode of transport to access medical services is by catching a ride on the lorry. Even if you're in labour, if you want to travel to the hospital you have to use the lorry. The roads are also very bad.*

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### Goal 4: Quality Education

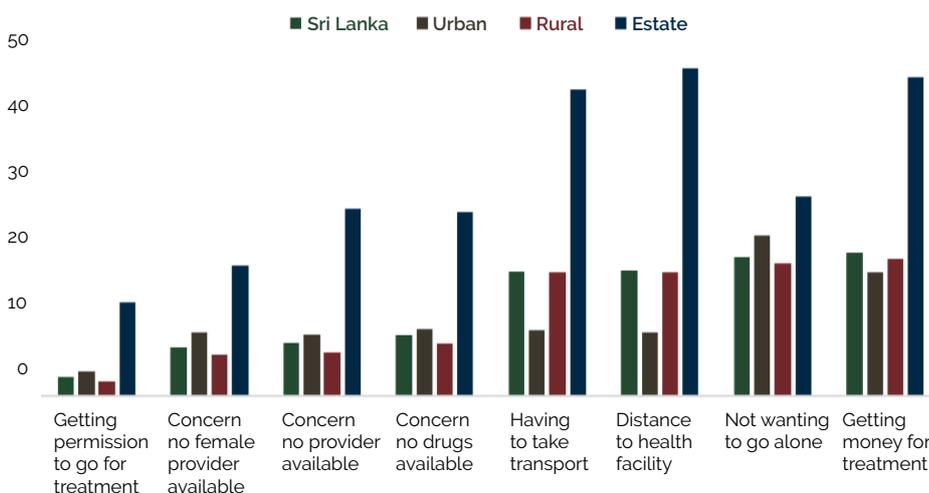
Like healthcare provision, plantation companies initially provided basic education facilities for the children of workers living on their plantations. By 1948, there were 968 plantation schools, established in terms of colonial government ordinances introduced in the early 20th century.<sup>67</sup> For instance, plantation companies began to provide primary school facilities on the plantations in terms of the Education Ordinance of 1920. In 1945, a national policy of free education from kindergarten to university came into effect. This was followed by the passage of the Education Ordinance of 1947, which provided for state takeover of education facilities in plantations.<sup>68</sup> The Hill Country Tamils' uncertain citizenship status meant that the community was unable to benefit from the new free education policies.<sup>69</sup> State take-over of plantation schools made limited progress till the 1970s, when plantations were nationalised. State intervention in plantation education facilities subsequently increased, with the majority of plantation schools coming under the state's purview.<sup>70</sup> The gradual resolution of the Hill Country Tamils' citizenship

status beginning in this period has been identified contributing to stronger demands for education services from within the community.<sup>71</sup>

There have been substantial improvements over time in education services available to Hill Country Tamils. Excluding the war-affected Northern and Eastern Provinces, the Nuwara Eliya District (where over half of the Hill Country Tamil community resides) achieved the

most significant growth in number of government schools, and the second highest growth in

**Percentage of married women age 15-49 who reported they have serious problems in accessing health care for themselves (2006/7)**



Source: Demographic and Health Survey 2006/7

### Disparities in net enrolment rates

Net enrolment (%)	Urban	Rural	Plantation
Primary (grades 1-5)	95.9	95.3	93.1
Junior secondary (grades 6-9)	92.3	93.3	83.5
Upper secondary (grades 10-11)	86.2	81.4	53.8
Collegiate (grades 12-13)	45.8	39.7	12.8

Source: World Bank Group, 2014<sup>72</sup>

Table 1

number of students between 2003 and 2017.<sup>73</sup> But in the context of the long-term distancing of the state from the community, the plantation sector continues to lag behind Sri Lanka's urban and rural sectors in terms of educational attainment. Living on plantations is associated with a reduction in the probability of pre-schooling by more than 36 percentage points for children aged four, relative to living in urban areas.<sup>74</sup> In 2015, 12% of the plantation sector children aged five years and above had never been to school, while nearly 97% of the population in the urban or rural sector had some form of formal education.<sup>75</sup>

A majority of schools established on plantations are primary schools (up to grade 5). Primary school enrolment for children of this community is comparable to that of the urban and rural sectors. However, at higher levels of education, disparities in enrolment begin to widen (see table 1). Gender disparities in education are also more pronounced in the plantation sector compared to rural and urban Sri Lanka.<sup>76</sup> The story of **Chitra**, one of the Hill Country Tamil workers interviewed during field visits exemplifies this disparity.

*Chitra, who lives on an estate in Hatton, grew up in a small family, with her parents and brother. Her father worked on the plantation, but her mother was too ill to do so. After completing Grade 10 at school, she stopped studying and began work as a tea-plucker. Her brother, however, continued his studies and now works as a teacher.*

*Chitra has been married for ten years and has five children. Her children study at the estate school, which*

*is fifteen minutes away from her line-house. Chitra recalled that when she visits her brother and his children in town, she sometimes notices how different her brother's children were, especially in terms of how they are able to attend better schools. She intimated that she wished she had studied more herself. She also stated that she preferred for her children to study in the English medium, but that it is more expensive than going to the plantation school close by. Finally, she mentioned that if her husband and her can save Rs. 250,000 (USD 1,400), they would consider moving to Hatton Town.*

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Many members of the community expressed hope for their children to be educated. But the quality and accessibility of education facilities were identified as a major barrier to these aspirations. For instance, many identified the lack of teachers for Advanced Level subjects as a major obstacle to students' continuing with their education. Families wanting to have their children complete schooling would often need to send their children to schools in nearby towns, incurring additional expenses for transport. ♦

## 6. Conclusion

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**S**ri Lanka is often considered a success story in addressing statelessness due to legal reforms that granted citizenship status to the Hill Country Tamils. Yet, over a decade since citizenship status was extended to all Hill Country Tamils, the community remains deprived of many social, economic and political goods that meaningful citizenship is meant to offer. The status of the Hill Country Tamils in Sri Lanka demonstrates that granting formal citizenship to stateless communities alone is inadequate in addressing the structural discrimination and historical marginalisation inherent to statelessness. Statelessness fosters further insecurity and disadvantage, and can leave communities vulnerable to new forms of exploitation. In the case of the Hill Country Tamils, statelessness entrenched the three drivers of disadvantage identified in this report: distancing of the state, dependency on the plantation company, and brokerage by plantation trade unions. These structural drivers of disadvantage have persisted despite granting the Hill Country Tamils formal citizenship status. In many respects, they have reproduced the conditions associated with the Hill Country Tamils' statelessness, and currently deprive the community from experiencing the full benefits of citizenship (such as stronger protection of rights, political voice, and economic security). The persistence

of these conditions despite positive law reform signals that development planning thus far has not adequately addressed the unique structural disadvantage experienced by the Hill Country Tamils. The ambition of the SDG framework to leave no one behind, and to reach the furthest behind first, envisages actions that overcome structural disadvantage experienced by marginalised communities. This study has accordingly concluded that offering the Hill Country Tamil community a path to sustainable development—particularly in relation to SDG 10 (reduced inequalities), SDG 5 (gender equality) and SDG 16 (peace, justice and strong institutions)—requires approaches that aim to transform these drivers of disadvantage. Only through such transformation, can the community transcend the legacy of statelessness and experience meaningful citizenship.

Such transformation will not be possible unless development actors change the way they operate, and prioritise a rights-based approach to development. Such an approach would see development actors engaging in direct and meaningful consultation with the community; limiting dependency on the usual interlocutors such as the union, and the plantation companies; tailoring development programming to meet the needs of the community; and addressing head

on, the structural discrimination and drivers of disadvantage faced by the community.

This study also highlighted how Hill Country Tamils have sought to overcome these barriers. Many advocated for greater inclusion, respect for their basic rights, and recognition of their community as equal members of wider society. Some took the initiative to advance positive change and improvements in their communities. For instance, Akshara and Santhoshini moved to fix the deficiencies in postal services on their estate by initiating a project to assign addresses

to each line house. Hill Country Tamil women sought to enter and have their voices heard in structures such as trade unions, which had historically excluded them. Thus, despite their long-term marginalisation, many Hill Country Tamils remain resilient, dynamic and keen to engage in development action that would improve their lives. To promote inclusive development, it is therefore imperative that development initiatives are consultative, transparent and accountable to the Hill Country Tamil community. ♦

# Endnotes

- 1 A core focus of the 2030 Agenda for Sustainable Development is to ensure that the Agenda's goals and targets are inclusive, and that no one is left behind.
- 2 See Sivamohan Sumathy, 'Gendered Fictions: Media and Making of the Malaiyaha Identity in Sri Lanka', *The Sri Lanka Journal of the International Humanities* Vol. XXXVIII (2012), p. 4. Hill Country refers to the central highlands of Sri Lanka, consisting of mountainous regions where many of Sri Lanka's tea plantations are located. The largest ethnic groups in Sri Lanka are the Sinhalese (74.9%), Sri Lankan Tamils (11.2%), Sri Lanka Moor (9.3%), and Indian Tamils (4.1%).
- 3 Chapter 4: Unpacking Statelessness by Amal de Chickera and Laura van Waas, *Understanding Statelessness*, Edited by Tendayi Bloom, Katherine Tonkiss, Phillip Cole, 2017.
- 4 Department of Census and Statistics, *Census of Population and Housing (2012)*.
- 5 The SAGE Encyclopaedia of Social Science Research Methods, Lewis-Beck, Bryman and Liao (2004).
- 6 The terms 'estate' and 'plantation' are often used interchangeably when referring to area that encompasses the tea factory, plantations, the 'line room' residences where the community lives, and other structures (such as hospitals, schools and places of worship).
- 7 These are small, single-storey structures built adjoining one another in rows. Each line house usually consists of one or two rooms with a small kitchen, and typically houses a single family.
- 8 Article 1, United Nations Convention Relating to the Status of Stateless Persons.
- 9 UN High Commissioner for Refugees (UNHCR), *Handbook on Protection of Stateless Persons*, 30 June 2014, Para 23.
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- 11 *ibid*, pp. 23–27.
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- 16 Daniel Bass, *Everyday Ethnicity in Sri Lanka* (2013), p.35.
- 17 Roland Wenzlhuemer, *From Coffee to Tea Cultivation in Ceylon, 1880-1900: An Economic and Social History* (2007).

- 18 Valli Kanapathipillai, *Citizenship and Statelessness in Sri Lanka: The Case of the Tamil Estate Workers* (2009).
- 19 Patrick Peebles, *The Plantation Tamils of Ceylon* (2001), 43.
- 20 Wenzlhuemer, *From Coffee to Tea Cultivation in Ceylon, 1880-1900: An Economic and Social History*.
- 21 Michael Roberts, 'The Master Servant Laws of 1841 and the 1860s and Immigrant Labour in Ceylon' (1965).
- 22 Wenzlhuemer, *From Coffee to Tea Cultivation in Ceylon, 1880-1900: An Economic and Social History*.
- 23 Peebles, *The Plantation Tamils of Ceylon*, 91.
- 24 *ibid*, 142.
- 25 *ibid*, 99-100.
- 26 *ibid*, 51.
- 27 Hill Country Tamils are distinct from 'Sri Lankan Tamils', set apart by their more recent origins in India and their unique relationship with the plantation economy in the central highlands. The differences between the two communities are also based on caste, as Hill Country Tamils are often associated with lower castes than Northern Tamils. Caste identity formed a key basis of social and labour relations on the plantations, and low-caste status has historically been a key factor behind the Hill Country Tamils' stigmatisation.
- 28 Rebecca Wolozin, 'Citizenship Issues and Issuing Citizenship: A Case Study of Sri Lanka's Citizenship Laws in a Global Context', *Asian-Pacific Law & Policy Journal* Vol. 16:1.
- 29 The pre-independence years saw the emergence of left political movements such as trade unions to represent the Hill Country Tamils' interests, particularly in relation to citizenship and voting rights. Voter registration of Hill Country Tamils increased from 100,000 voters in 1931 to 225,000 in 1941. Two representatives from the community were elected in 1931 and 1936.
- 30 Nira Wickramasinghe, *Sri Lanka in the Modern Age: A History* (2014), pp.127-146.
- 31 Peebles, *The Plantation Tamils of Ceylon*.
- 32 Section 2, Ceylon Citizenship Act, No. 18 of 1948.
- 33 Luwie Ganeshathasan and Asanga Welikala, 'Report on Citizenship Law: Sri Lanka' (2017); Yogeswary Vijayapalan, 'Endless Inequality: The Rights of the Plantation Tamils in Sri Lanka' (2014).
- 34 Nira Wickramasinghe, *Sri Lanka in the Modern Age: A History*, 181.
- 35 A. P. Kanapathipillai, *The Epic of Tea: Politics in the Plantations of Sri Lanka*, p.44.
- 36 *ibid*.
- 37 These included the Democratic Workers Congress, the National Union of Workers, the Ceylon Plantation Workers Union (affiliated to the Communist Party).
- 38 This has been traced to the 1924 Village Councils Ordinance, which defined the Indian plantation labour population as 'excepted persons'. The exclusion of the Hill Country Tamils from local government services was thereafter upheld in subsequent legislation dealing with local government (specifically in the Development Council Act, No. 38 of 1980, and the Pradeshiya Sabha Act, No. 15 of 1987). See Institute for Social Development, Background Note: Proposed Amendment to the Pradeshiya Sabhas Act No.15 of 1987 (January 2014). Available at: <https://www.isdkandy.org/pdfs/Background%20Note.pdf>.
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- 44 Janaka Biyanwila, *Trade Unions in Sri Lanka under Globalisation: Reinventing Worker Solidarity* (August 2003).
- 45 Selvaraja Rajasegar, 'RTI reveals annual trade union membership fees collected from plantation workers', *Groundviews*. Available at: <https://groundviews.org/2019/04/05/rti-reveals-annual-trade-union-membership-fees-collected-from-plantation-workers/>.
- 46 Bass, pp.111-115.
- 47 Institute on Statelessness and Inclusion, 'Statelessness, Human Rights and the Sustainable Development Agenda' (February 2017).
- 48 World Bank, 'Ending Poverty and Promoting Shared Prosperity: Systematic Country Diagnostic' (October 2015). The poverty headcount for the plantation sector decreased substantially (by 64.4%) from 32% in 2006/07 to 11.4% in 2009/10. The District of Nuwara Eliya showed a more pronounced fall in poverty index, from 33.8% in 2006/07 to 7.6% in 2009/10.
- 49 Department of Census and Statistics, *Household Income and Expenditure Survey (2016)*, Chapter 2, available at: [http://www.statistics.gov.lk/HIES/HIES2016/HIES2016\\_FinalReport.pdf](http://www.statistics.gov.lk/HIES/HIES2016/HIES2016_FinalReport.pdf).
- 50 *ibid.*
- 51 Department of Census and Statistics, *Demographic and Health Survey (2016)*, Chapter 2, available at: [http://www.statistics.gov.lk/social/DHS\\_2016a/Chapter2.pdf](http://www.statistics.gov.lk/social/DHS_2016a/Chapter2.pdf); and *Demographic and Health Survey 2006-07*, available at: <http://www.statistics.gov.lk/social/DHS%20200607%20FinalReport.pdf>.
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- 53 World Bank (October 2015), p.98.
- 54 Jayadeva Unyangoda, 'Working and Outcomes of Democracy in Sri Lanka', ICES. Available at: <http://www.democracy-asia.org/qa/srilanka/Jayadeva%20Uyangoda.pdf>.
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- 57 Bass, pp.111-115.
- 58 A. Lawrence, *Malaiyaha Tamils: Power sharing and local democracy in Sri Lanka* (2011).
- 59 *ibid.* *Grama Niladharis* are the lowest sub-unit of Sri Lanka's decentralized local administrative system.
- 60 The Employees Provident Fund and the Employees Trust Fund are contributory wage saving schemes applicable to employees in Sri Lanka's formal sector.

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- 73 Department of Census and Statistics, *School Census* (2017).
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- 76 Priyanka Jayawardena, 'Can People in Sri Lanka's Plantation Sector Break Away from Poor Nutrition: What Causes Malnutrition and How It Can Be Tackled', Institute for Policy Studies (September 2014). Available at: <http://www.ips.lk/wp-content/uploads/2017/02/Can-People-in-SL-Plantation-Sector-Break-Away.pdf>; Demographic and Health Survey (2016), available at: [http://www.statistics.gov.lk/social/DHS\\_2016a/Chapter2.pdf](http://www.statistics.gov.lk/social/DHS_2016a/Chapter2.pdf).

# Annex 1: Methodology

Research was guided by the following questions:

## ***A. Questions pertaining to the effect of legal reform on the 'formerly stateless' community.***

- i. Have legal reforms influenced or improved the 'formerly stateless' community's standards of living?
- ii. How have legislative enactments affected the community's ability to enjoy rights and benefits of citizenship?
- iii. What is the procedure for obtaining citizenship in terms of the Act passed in 2003?
- iv. What challenges do stateless persons face in gaining citizenship under the Act?

## ***B. Questions to understand the existing perceptions and needs of the 'formerly stateless' community.***

- a) What is the extent of problems currently faced due to the political disenfranchisement originally faced by the community?
- b) What are the socio-economic needs of the community?
- c) How did the community perceive receiving citizenship?

## ***C. Questions related to other stakeholders (e.g. government actors, employers, development actors).***

- a) How do these stakeholders perceive the former stateless community?
- b) What is the extent of work undertaken by the government and development actors in identifying and addressing the needs of the 'formerly stateless' community?
- c) What role do plantation sector companies play in terms of the socio-economic and political conditions within the 'formerly stateless' community?
- d) What changes are needed within the existing law and policy frameworks to address the needs and secure the rights of the community?
- e) What other reforms are needed to effectively address the needs and secure the rights of the community?

## **Primary Research**

### ***Key informant interviews (KIIs)***

KIIs with stakeholders in Colombo included:

- Central government officials and agencies e.g. Ministry of Hill Country New Villages, Infrastructure and Community Development;
- Members of Parliament (MPs) representing the plantation community e.g. MP M. Thilakarajah representing the Nuwara Eliya District;
- Labour and employment institutions e.g. The Plantation Human Development Trust (PHDT, a tripartite entity consisting of the government, regional plantation companies and plantation trade unions); and

- Development Partners and related organisations e.g. United Nations High Commissioner for Refugees (UNHCR), United Nations Development Programme (UNDP), and United Nations Human Settlement Programme (UN-Habitat), and the International Labour Organisation (ILO).
- Trade Unions e.g. Lanka Jathika Estate Workers Union

### Field Research

Field research was conducted with the following interviewees. Additional information on the interviewees is provided in the table below.

Area	Details of interviewees	Number of interviewees
Nuwara Eliya District		
Dunkeld Estate, Hatton	Working on the estate (mainly as tea pluckers).	3
	Retired. Previously worked on the estate.	2
Penn Vimochana Gnanodayam (PWG), Hatton (NGO for women of the Hill Country Tamil Community)	Representatives of the NGO, PWG. Lived on the estate during their childhood.	2
	Field workers on the estate	1
	Teacher at the child development centres (also known as crèches and are run by the estate management).	1
	Teacher at a pre-school (run by an NGO).	1
	Workers on the estate (mainly as tea pluckers).	3
Bogawantalawa	Grama Sevaka officer.	1
	Workers on the estate (mainly as tea pluckers).	2
	Working on an estate (also is a 'Thalaivar', leader of a group of employees working at the estate who is responsible for coordinating with the estate management).	1
	Retired, previously worked on an estate.	1
Dick-Oya	Employed by a trade union.	1
	Representative at Christchurch and Estate Community Development Mission.	1
Dick-Oya	Representatives of World Vision.	2
Kotagala	Researcher, writer and political activist.	1
Badulla District		
Uva Shakti Foundation	Representative of Uva Shakti Foundation and civil society activist.	1
	Working at the Uva Shakti Foundation.	3
	Working at a Pradeshiya Sabha.	1
	Working on an estate (either engaged in plucking tea or in other types of jobs such as weeding and spraying).	2
	Students at university (involved in part-time work and welfare work aimed specifically towards uplifting the Hill Tamil community).	2
Spring Valley Estate, Badulla	Working on the estate (as a tea plucker).	1
	Vice Principal of a school.	1
Passara	Estate Medical Assistant (EMA)	1
	Women currently living on the estate.	4
	Young person currently seeking employment.	1
	Working on an estate (either engaged in plucking tea or in other types of jobs such as weeding and spraying).	3
	Previously worked on an estate. Stopped working after marriage.	1
	Retired. Previously worked on an estate.	2
Kahagalla Estate, Haputale	Trade union leader. Not employed on an estate.	1
	Working on the estate (mainly as a tea plucker)	2
	Estate Superintendent	1

**Table 2**

**STATELESSNESS** is a phenomenon that has deprived numerous individuals of their dignity, rights and sustainable development. In Sri Lanka, a large population of Tamils residing in the Hill Country was deprived of their citizenship in 1948. Between the 1960s and early 2000s members of the Hill Country Tamil community had their citizenship restored. Despite positive law reform, this community still remains one of the most marginalised communities in Sri Lanka. This report argues that the persistent marginalisation experienced by this community stems from long-standing structural discrimination, of which deprivation of nationality was a central feature. The study examines this structural discrimination using the lens of statelessness. The study aims to contribute towards a deeper understanding of the developmental challenges faced by the community, and the importance of ensuring that the granting of citizenship is effective, and meaningful.

**The Institute on Statelessness and Inclusion (ISI)** is the first and the only human rights NGO dedicated to working on statelessness at the global level. Its mission is to promote inclusive societies by realising and protecting everyone's right to a nationality.

**Verité Research** is an independent think tank that provides strategic analysis for Asia in the areas of economics, politics, law and media.