

BETTER MUST COME: CITIZENSHIP AND BELONGING AFTER  
STATELESSNESS

by

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For the Up-country.

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## **Abstract**

In light of the UNHCR's global #IBELONG Campaign to end statelessness by 2024, this paper examines the benefits of citizenship acquisition among Sri Lanka's previously stateless Up-country Tamil population. From 1948 until 2003, the Up-country Tamil population was stateless and excluded from the Sri Lankan political process, though with the 2003 grant of citizenship Sri Lanka was celebrated as an example of what it means to successfully end statelessness. Using a liberal theory of citizenship extended by the Rancièrian concept of dissensus, and based on qualitative interviews and questionnaire surveys conducted in Sri Lanka between July and August 2016, this paper identifies three potential shortcomings of citizenship acquisition that clash with the promise of the #IBELONG Campaign and the narrative of Sri Lanka's success in ending statelessness: a rural rights deficit, a potential rights deficit among Up-country Tamil women, and a shared absence of belonging despite the acquisition of citizenship.

### **List of Abbreviations and Symbols Used**

CWC	Ceylon Workers' Congress
EMAs	Estate Medical Assistants
LSSP	Lanka Sama Samaja Party
MDGs	Millennium Development Goals
SDSA	State of Democracy in South Asia
SLFP	Sri Lanka Freedom Party
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioner for Refugees
USD	United States Dollar
நன்றி	Thank you in Tamil.

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## Chapter One - Introduction

Despite the claim that “all human beings are born free and equal in dignity and rights” (United Nations, 2007, p. 3), and that “everyone is entitled to all the rights and freedoms set forth” (UN, 2007, p. 3) in the *Universal Declaration of Human Rights*, it remains that the responsibility to extend said rights is that of the state (Armstrong, 2006). However, for those who are “not considered as a national by any State under the operation of its law” (UN, 2010, p. 3), that is the stateless, preclusion from having such rights honoured is a constant given their alienation from the very state system within which one must be to procure their rights, hence the Arendtian adage that the possession of a nationality is quite simply the “right to have rights” (Arendt, 1973, p. 296). Grounded in this logic, it would then follow that having acquired citizenship, the previously stateless would be entitled to the entire gamut of human rights guaranteed by the state. To determine whether this is so, an investigation of the substantive benefits of citizenship among previously stateless persons is instructive, and an investigation of the experiences of the previously stateless Up-country Tamils of Sri Lanka presents as an opportunity to acquire this information.

In short, with the introduction of the *Grant of Citizenship to Persons of Indian Origin Act No. 35* by the Sri Lankan parliament in October 2003, Sri Lanka’s long stateless Up-country Tamil population was granted citizenship *en masse* (Chaudhury, 2016; Jegathesan, 2015; Neubert, 2015; Sivapragasam, 2011; Wolozin, 2014). Nevertheless, many in this community feel as though the acquisition of citizenship has been of little benefit given that enduring marginalization and discrimination coalesce to preclude them from claiming the rights of citizenship pertaining to healthcare, education, employment, and political participation (Chaudhury, 2016; Jegathesan, 2015; Sivapragasm, 2011; Wolozin, 2014).

In view of the above, this thesis will address this population's lack of access and entitlement to basic human rights despite their recently acquired citizenship, namely: the right to health care; education, employment, and political participation. This is significant because the grant of citizenship to this population, and to stateless persons generally, is viewed as having remedied their predicament, but enduring discrimination renders their citizenship largely nominal and masks their continued marginalization.

However, the principle goal of this research project, and the reason why a case study on a once formally stateless population has been pursued, is to interrogate and critique the United Nations High Commissioner for Refugee's (UNHCR) global *#IBELONG Campaign* to end statelessness by 2024 (UNHCR, 2014a), and comment on what it means to *end statelessness*, whether it is appropriate to claim that it has ended in a given context, and if it is realistic to realize this goal by 2024. It may very well be that ethnic, linguistic, or religious minorities across the globe are without full, effective citizenship for any number of reasons, but such individuals and groups who are nonetheless recognized as the nationals of their respective state ultimately belong to the state system within which one must be to procure their rights. This is not to suggest that the plight of such individuals and groups does not warrant our attention, but those without full citizenship rights are not stateless given that they have a legal identity before the state and thus *all states* whereas the stateless are precluded from advancing rights claims given that they, legally speaking, neither exist within or belong to that same state system. Further, when considering the stark realities that stateless persons face, there is great danger in speaking as though, or indirectly establishing that, a certain population without the full rights of citizenship is stateless in the event that such knowledge is used to justify continued neglect or even formal

denationalization, not to mention that such groups are not the intended beneficiaries of the *#IBELONG Campaign*, the very impetus for this project.

Beyond focus on the *#IBELONG Campaign*, this research project will also unearth the rights deficit experienced by Sri Lanka's Up-country Tamil population mentioned above and highlight and address the ongoing discrimination levied at this group, making it appear in the western scholarly, if not public sphere. To this end, the following research question has been formulated: *What are the substantive benefits of citizenship acquisition among the previously stateless and historically marginalized Up-country Tamils of Sri Lanka?* In response to this question, I argue that recently acquired Sri Lankan citizenship among previously stateless persons is largely nominal, operating to mask the continued marginalization of this population and deflect attention from an enduring human rights deficit believed to have been resolved.

This thesis is structured as follows: the remainder of Chapter One outlines the rationale and scope of this study before introducing the conceptual framework and methods used. Chapter Two provides an overview of both statelessness generally and the UNHCR *#IBELONG* campaign to end statelessness by 2024, and then proceeds to chart the historical experience of Sri Lanka's Up-country Tamil population from the nineteenth century forward. The aggregate findings of the questionnaire surveys and interviews conducted to determine whether the acquisition of citizenship has provided for increased access and entitlement to healthcare, education, employment, and political participation are analyzed in Chapter Three. Chapter Four provides an analysis of the aggregate findings before discussing major themes that arise out of said findings. Chapter Five examines the historical experience of Sri Lanka's Up-country Tamil population in view of the major themes identified, draws a tentative conclusion from this research and what it can tell us about other previously stateless groups and ending statelessness

generally, and makes a call for comparative research that can better grasp the situation of previously stateless persons beyond one context.

## **1.1 Methodology**

### *1.1.1 Rationale*

This research is important for two reasons. First, I will be able to highlight the ongoing discrimination perpetrated on Sri Lanka's previously stateless Up-country Tamils. In so doing, I will show that the acquisition of citizenship does not necessarily provide the previously stateless with the benefits that formal recognition from the state is assumed to provide. Second, and of equal importance, on 4 November 2014, the UNHCR launched the ten-year global campaign to end statelessness, an issue that, according to the UNHCR, "can be resolved in a single moment" (UNHCR, 2014a, p. 20). My research will temper this claim and contribute a measure of nuance to the broader discussion of bringing about this phenomenon's global resolution. In other words, this campaign presents a rare opportunity for researchers to both seize global attention on what is otherwise a rather obscure issue (Kingston, 2013), and inform the broader global strategy devised to resolve it.

Secondly, apart from being captivated by the social, legal, and philosophical implications of what it means to be stateless, and how this issue immediately brings to the fore a central problem with how the world has been organized from the time of the *Treaty of Westphalia* onward, my interest in this topic also stems from broader theoretical discussions of global, transnational, and post-national citizenship. I am of the belief that many of these conversations are hastily pursued and border on gross misrepresentations of the world in which we live insofar as we are still confronted with those that are either without citizenship or with citizenship that is at best precarious, and that such conversations altogether forego important matters that have yet

to be resolved. In particular, those who proclaim that we are entering, or have entered, an era of post-national citizenship have perhaps conflated their theoretical ambitions with reality, at once pushing the estimated ten million stateless persons worldwide (UNHCR, 2014a) further into the shadows while abandoning the emancipatory impulse of the social sciences within the same breath.

### 1.1.2 *Scope*

The scope of this study can be said to be both broad and narrow. For one, it is broad in that it seeks to understand and address the experience of citizenship among a population that numbers over one million. Still, this study seeks to assess access and entitlement to only four specific human rights at the expense of many others, and for that reason it is rather narrow in its scope. Moreover, and as further elucidated below under *Methods*, I interviewed a total of only thirty individuals meaning that the data aggregated through the research process will not be representative of the entire population in question, but will provide only a limited window on the experiences of previously stateless persons. Though a wider pool of interviewees would have been preferable, and would undoubtedly provide me with more information from which to draw findings and conclusions, the time and resources at my disposal were such that a total of thirty interviews had to suffice.

It must also be noted that because Sri Lanka's Up-country Tamils are a majority Hindu population, "caste has provided an element of continuity in the social organization among plantation workers" (Balasundaram, Chandrabose, & Sivapragasam, 2009, p. 78) from the time of their relocation from Southern India in the early nineteenth century onward. In short, the majority of the Up-country Tamil population belong to the three depressed caste communities in

Southern India: the *Pallan* (menial workers), *Parayan* (drummers), and *Chakkiliyan* (sanitary workers) (Silva & Thanges, 2009). Historically, the division of labour within plantations was divided along caste lines, with the three depressed castes making up 75% of the labour force while higher caste groups took on supervisory and managerial positions within the plantations (Balasundaram et al., 2009). However, because of the Indo-Ceylon Agreements reached in 1964 and 1974 that saw many Up-country Tamils return to India (discussed further in Chapter Two), by the 1980s the caste composition of this population had been altered such that the three depressed castes constituted more than 80% of the Up-country Tamil demographic, a development that was instrumental in eroding caste based discrimination among this population (Balasundaram et al., 2009). Despite this erosion of caste based discrimination, Up-country Tamil political leadership is still dominated by higher caste groups, yet ethnographic research undertaken by Balasundaram et al. (2009) has revealed that the importance of caste continues to decline. For instance, many of those consulted were unaware of the caste identities of others except for those to whom they were directly related; neither the worship of deities nor access to the estate *kovil* (temple) was delineated by caste; inter-caste marriages were found to be increasingly common; young men who had worked in Colombo were found to disregard caste altogether; and it was determined that “caste has never been an important determinate of access to water, health services and other amenities in the estates” (Balasundaram et al., 2009, p. 85)

Clearly, issues of caste are having a diminished effect on the prevailing social hierarchies among the Up-country Tamil population at large, though this is not reason enough to overlook caste. Rather, it is because Sri Lanka is home to “three parallel and more or less independent caste systems” (Silva, Thanges, & Sivapragasam, 2009, p. 1), namely Sinhala, Sri Lanka Tamil, and Indian Tamil or Up-country Tamil, that issues of caste will not be included in my analysis. In

other words, caste largely structures intra-communal social relations in Sri Lanka, and because my focus is on the substantive benefits of citizenship among a historically marginalized population in the Sinhala-dominated Sri Lankan nation state, and given that Up-country Tamil statelessness and its subsequent resolution are the products of Sinhala/Up-country Tamil relations, I am more concerned with how inter-communal relations at a much broader societal level have shaped the experiences of citizenship in the Up-country.

### 1.1.3 *Conceptual Framework*

The object of analysis animating this study is *the previously stateless person*, that is, the stateless person who has acquired citizenship in a given state and is henceforth recognized as a citizen of that state, thereby remedying for one that predicament confronting all stateless persons alike: the absence of any legal identity to which no formal recognition by *any* state is owed. For this reason, it is citizenship, meaning the “passive and active membership of individuals in a nation-state with universalistic rights and obligations at a specified level of equality” (Janoski & Gran, 2002, p. 13) that serves as the core concept in this study’s conceptual framework, for there would be no object of analysis were it not for this very concept. Still, citizenship is an all too vast concept encompassing no less than twenty distinct theoretical approaches, including but not limited to theories of republican, radical democratic, sexual, and ecological citizenship (Isin & Turner, 2002; Somers, 2008, p. 27), such that “the scope of this field now certainly goes well beyond the mastery of any scholar” (Isin & Turner, 2002, p. 2). With that said, a thoroughgoing literature review of all citizenship theories is beyond the purview of this paper, but because this study seeks to explore the degree to which *the previously stateless person*, or individual, has access to four specific rights, and given that “liberal theory, whether of citizenship or of anything

else, begins with the individual” (Schuck, p. 132), for the moment a liberal theory of citizenship is both adopted and explored.

At its foundation, a liberal theory of citizenship takes as a first principle the claim “that all human beings have rights by virtue of their humanity: such rights are consequentially universal” (Kabeer, 2004, p. 2). Further, liberal citizenship honours, and more importantly, guarantees other key tenets of liberal theory, namely: the primacy of individual liberty and freedom from state interference; the protection of freedom of inquiry, speech, and worship; a suspicion of state predation; the restriction of state interference to areas of activity in which individuals’ actions may affect others; and a rebuttable presumption in favour of privacy, markets, and other forms of private ordering (Schuck, 2002, p. 134). In short then, a liberal theory of citizenship places the individual at the centre of the moral universe and guarantees him or her a set of individual rights that function to secure individual autonomy whereby the individual is free to develop their interests and fulfill their potential unencumbered by other individuals, the community, or the state (Faulks, 2000, p. 56). With the primacy of the individual recognized, and the guarantee of individual rights and the attendant autonomy provided by these rights secured, a liberal theory of citizenship posits that we, as individuals, are simply left to “shape our own lives by the choices we make” (Faulks, 2000, p. 58).

Yet, it is important to recognize that a liberal understanding of citizenship is not without its criticisms, the most prominent of which being those waged by proponents of republican or communitarian conceptions of citizenship. Proponents of the republican theory of citizenship take citizenship not as a status entitling one to a set of individual rights, but as an *ethos*, a way of life that demands commitment to the common good and an active participation in public affairs wherein personal interests come second to those of the community (Dagger, 2002; Walzer,



1988). For republicans, it is not the individual rights or immunities advanced by liberal theory, but civic virtue and the fostering and expression thereof that is foundational to the concept of citizenship (Dagger, 2002; Janoski & Gran, 2002). Elsewhere, advocates of a communitarian theory of citizenship view citizenship as rooted in a “culturally defined community” (Delanty, 2002, p. 159), at once dismissing liberal individualism as that from which citizenship emanates. Like republicans, communitarians view participation in the political community as central to citizenship, but unlike their republican counterparts, citizenship is also understood as the preservation of identity, “therefore citizenship is always specific to a particular community” (Delanty, 2002, p. 163). Clearly, such an understanding of citizenship is in direct conflict with the notion of universalism central to liberal theory.

At the level of theory, these three conceptions of citizenship are seemingly irreconcilable. However, human social life does not unfold on an abstract theoretical plane, therefore it would be folly to presume or expect any society to fit readily into any one of these three classifications when “in reality there simply have never been *any* purely ‘liberal,’ ‘republican,’” (Smith, 2002, p. 110, emphasis in original) or communitarian modern states. Rather, modern citizenship is best understood as an admixture of liberal ideas of individual rights, republican ideas of civic virtue, and communitarian ideas of membership and attachment (Kymlicka, 2005; Smith, 2002). Moreover, because citizenship is by its very nature relational, the liberal claim to universality only has purchase in the context of membership in a political body (Somers, 2008). In other words, these three schools of thought, or rather the individual and the community, are not in strict opposition, for it is the latter which recognizes the former (Faulks, 2000).

Even so, it is not entirely clear which theory of citizenship is best suited for this study. Yet, if for a moment, we bring the stateless into focus, whether they are the stateless Bidoons of

Kuwait, the stateless Rohingya of Myanmar, or those stateless persons of Haitian descent living in the Dominican Republic, what unites these disparate groups is that each constitutes a community, and that all are excluded from an entitlement to individual rights given that they are without citizenship. For this reason, a theory of citizenship that champions the liberal notion of individual rights is chosen for this study, for access and entitlement to individual rights is *why* citizenship matters to the stateless and previously stateless. Still, such an understanding of citizenship does not disavow the importance of community for either the individual or citizenship as a concept, but underscores the importance of individual rights to those who have long been without citizenship.

Nevertheless, a theory of citizenship that champions liberal individual rights remains incomplete, for liberal theory views rights as guaranteed by the state and allocated to those under its authority wherein they are passively enjoyed by those fortunate enough to have been brought within the state's fold (Faulks, 2000; Isin & Turner, 2002; Walzer, 1988). In this way, rights are bestowed upon individuals from on high, with the individual portrayed as a passive recipient of rights as opposed to an active political agent engaged in the political process. Yet, as T. H. Marshall (1950) reminds us, citizenship "is stimulated both by the struggle to win those rights and by their enjoyment when won" (p. 41). It is the first half of this statement that is instructive, for Marshall (1950) acknowledges that citizenship rights are also secured from below through the struggle for their attainment, and in so doing tacitly suggests that these rights are not entirely the product of state beneficence, but can result from citizen engagement. In contributing to the notion of struggle advanced by Marshall (1950), Lister (2003) states that the content of citizenship rights is never fixed but remains the object of political struggle, and that as an ideal, "citizenship provides a potent weapon in the hands of disadvantaged and oppressed groups of

insiders” (p. 5) to not only gain new rights, but give substance to those rights that have already been secured. Thus, citizenship can also be conceived of *as struggle*, as a site of contestation or negotiation, as “the invention and creation of new rights, which emerge from specific struggles and their concrete practices” (Dagnino, 1998, p. 50), given that those excluded from their entitlement to the rights they are guaranteed by virtue of their citizenship organize and mobilize to demand the rights they are entitled to (Arendt, 1973; Kabeer, 2004; Marshall, 1950; Nyamu-Musembi, 2004; Walton-Roberts, 2015; Walzer, 1988). Of course, in no struggle is victory assured, and each struggle will be shaped by its respective cultural, political, and historical context (Barbalet, 1988; Lister, 2003), but conceiving of citizenship *as struggle* completes the aforementioned gap in liberal theory, and does so without displacing the purchase of individual rights.

To better establish theorizing citizenship *as struggle* so as to elaborate how it is individual rights are secured, the concept of *dissensus* as developed by French philosopher Jacques Rancière will be adopted to buttress the theory of citizenship used in this study. Dissensus, as it is advanced by Rancière, is not a theory but rather a conceptual tool, and one that can be deployed to intervene “into always particular situations, specific instances in which ideas are ‘at work’” (Bowman & Stamp, 2011, p. xii). For this very reason, dissensus can be applied to all manner of social settings marked by tension, for it is a conceptual tool that is necessarily malleable, and when harnessed accordingly, can be attuned to both account for and yield to the specificities of a given context, including that of Up-country Sri Lanka. By dissensus, Rancière (2004) means “a division put in the ‘common sense’: a dispute about what is given, about the frame within which we see something as given” (p. 304). As an explanation of what this means when applied to human social life, Rancière (2004) returns to eighteenth century revolutionary

France and calls upon the example of Olympe de Gouges who proclaimed “that if women are entitled to go to the scaffold, they are entitled to go to the assembly” (p. 303).

In short, Olympe de Gouges was both a woman and French citizen, and in principle was to be recognized as equal in rights to all other French citizens according to the prescriptions of the *Declaration of the Rights of Man and of the Citizen*. Despite this guarantee, women were believed to belong only to the private, domestic sphere whereas the public, political sphere was the domain of men – this social arrangement was a *given* and thought of as necessary to prevent the activities, feelings, and interests of domestic life from corrupting the purported purity of political life (Rancière, 2004). As such, women could neither vote nor be elected as they were outside the sphere of political life. However, when Olympe de Gouges issued the above statement in response to her death sentence on charges of sedition, she removed the barrier between the domestic and political sphere, bringing to bear on the latter a dispute about what is given – a dissensus – for if “under the guillotine, [women] were as equal, so to speak, ‘as men,’ they had the right to the whole of equality, including equal participation to political life” (Rancière, 2004, p. 304). In so doing, it was demonstrated that women were deprived of the rights they had, for it was established in the Declaration that all were equal in rights, yet it was also demonstrated that women *had* the rights that were denied to them by virtue of the public action undertaken by Olympe de Gouges. In summary, Olympe de Gouges acted as a subject that did not have the rights that she had and had the rights that she had not (Rancière, 2004).

Following from the above example, rights can be said to belong to individuals “when they can do something with them to construct a dissensus against the denial of rights they suffer” (Rancière, 2004, pp. 305-306), that is, to dispute the social consensus that sees one’s rights denied. This means that there is no binary of *having rights* and *not having rights* whereby

individuals passively accept whether their rights are observed or not, but that individuals secure the rights that are theirs through their struggle to first show that they have been denied the very rights they are owed, whereupon those same rights that have been denied are then enacted once secured. However, this is only possible if, as Rancière suggests, we move beyond viewing rights as being possessed by a definite subject. According to Rancière (2004), “the subject of rights is the...process of subjectivization, that bridges the interval between two forms of the existence of those rights” (p. 302). The first form is written rights; the “inscriptions of the community as free and equal” (Rancière, 2004, p. 302). The second form are “the rights of those who make something of that inscription, who decide not only to ‘use’ their rights but also to build such and such a case for the verification of the power of the inscription” (Rancière, 2004, p. 303). However, it must be noted that the inscription affords moral justification for the subject to seek verification, for the mere existence of the inscription allows the subject to assume equality as she proceeds. Though the construction of a dissensus against the denial of rights may be met with charges of recalcitrance, the subject is in fact proceeding “from the point of view of equality, asserting equality, assuming equality as a given, working out from equality, trying to see how productive it can be and thus maximizing all possible liberty and equality” (Rancière, 1995, pp. 51-52) when disputing the given so as to verify the power of the inscription. In this way, the subject of rights is not a definite rights holder but the actor who inhabits the interstitial field of contestation created by pitting the inscription of rights against the awaited verification of said rights as premised on equality. If the rights that are under contestation are not verified, it shall be established that the subject in question does not have the rights she has, thereby evincing “the contradictions of a social order which presupposes equality but simultaneously disavows it” (Rancière, 2010, p. 9). Conversely, the verification of said rights shall establish that the subject

has the rights she has not, whereby dissensus sees the prevailing social consensus – the given – reimagined to include as free and equal the once excluded, with the rights that were heretofore denied now free to be claimed and enacted.

This concept has been chosen to complement a theory of citizenship that champions individual rights to illuminate the strategies that previously stateless persons deploy to negotiate social environments that render their rights largely unavailable, thereby acknowledging the agency of these individuals as active political agents who can mobilize to secure that which has been guaranteed to them. However, it must be understood that dissensus does not only find its expression in the verbose expositions of figures like Olympe de Gouges, but may be quietly manifested in those moments that are historically insignificant, and it is these very instances that will command the focus of the pages that follow. Yet, this concept is not without its imperfections, for when advancing his claim that rights belong to those who are able to do something with them, Rancière (2004) states that among the rightless, “there are always people among them” (p. 306) who do just that. It must be noted that this phrase tacitly implies that there are people among the *them* – the rightless – who do not do this, and therefore remain rightless or without the rights they have. Bearing this in mind, the use of this concept may reveal that certain individuals are, at the moment of analysis, incapable of seizing their rights despite constitutional guarantees, thereby highlighting the shortcomings of what it means to either acquire citizenship or end statelessness.

Having established that the conceptual framework to be used in this study is comprised of a theory of citizenship that champions liberal individual rights but recognizes citizenship as struggle by way of dissensus, those who are incapable of seizing their rights for now remain beyond the parameters of analysis. However, and as established Chapter 2, the only recourse

stateless persons have for the denial of rights they suffer is an appeal to human rights given that no state is obliged to extend rights to those who are not nationals or representatives of a sovereign polity. Yet, this appeal is largely empty because there is no supranational body that provides the mechanisms through which these rights can be realized (Faulks, 2000). Rather, human rights must be institutionalized within specific political, legal, and state formations to be realized, whereupon they are rationalized and practically enforced as citizenship rights (Held, 1995; Howard-Hassman, 2015; Marshall, 1950; Roche, 2002; Somers, 2008; Stammers, 2004). Because of this, it is prudent to analyze the benefits of citizenship, or lack thereof, through a framework that gauges whether a previously stateless person has access or entitlement to the human rights they are guaranteed, for it is the acquisition of citizenship that fills this rights void and holds the citizenship regime of Sri Lanka to a common international standard.

For this reason, the third component of the conceptual framework to be used in this study and the one with which the below analysis will commence, is a human rights analytical framework grounded in the notions of access and entitlement given that such an analysis will reveal if this population's rights are observed, and if certain segments of this population are better able to secure the rights they have been guaranteed more so than others. Simply put, access is to be understood as "the right or opportunity to benefit from or use a system or service." (Oxford English Dictionary, para. 3, 2017a). Likewise, entitlement is to be understood quite simply as meaning "a legal right or just claim to do, receive, or possess something" (OED, para. 1, 2017b). Though this approach may seem uninvolved, it will allow for an assessment of whether recently ordained citizens have either access or entitlement to the human rights that are said to be theirs by virtue of their citizenship, it will reveal who among this population has secured said access or entitlement, and of particular importance, will afford those incapable of

seizing their rights either by constitutional guarantee or through the construction of a dissensus a central place in the analysis below. A normative understanding of human rights is henceforth adopted because it is the concept of human rights that animates discussions and appraisals of injustice at the international scale, and for which an expansive body of international law has been developed. Further, Sri Lanka's membership in the United Nations is enough to warrant an investigation of their human rights practices by contrasting how things are with how they *ought* to be (United Nations, 2016).

#### 1.1.4 *Methods*

To begin, four plantations were visited for the purpose of this study, two of which were urban and another two rural. The urban plantations were within the immediate proximity of an urban centre, while rural plantations were located at least forty-five minutes by transport to the closest urban centre. The names of both the plantations visited and the people interviewed have been altered in an effort to protect the identity of all whom agreed to partake in this study.

In sum, semi-structured interviews, questionnaire surveys, and the application of the human rights analytical framework constitute the research methods used in this study. Semi-structured interviews were chosen to ensure that I adhered to the interview schedule devised, to make certain that the issue of access and entitlement to the four rights that constitute the focus of this study were addressed, and to provide interviewees with the freedom to develop and voice their own thoughts and concerns about such matters (Willis, 2006). As well, this approach enabled me to tailor questions to the interviewee and provide me with the freedom to move on to other questions if it appeared that the interviewee was uncomfortable with particular subject matter, or when a question had been rendered redundant based on previous responses (Willis,



2006). The interviewees selected for this study were fifteen women and fifteen men, all of whom identified as Up-country Tamil.

To broaden the scope of the data collected, structured questionnaire surveys were conducted in each location as a means to ascertain a more expansive range of factual information from a representative sample of this population (Simon, 2006). Because this population is a relatively homogenous and geographically concentrated population, random sampling was employed (Simon, 2006). The combination of quantitative and qualitative methods was deployed so as to *put a human face* on the statistics generated by the structured questionnaire surveys. The questionnaire survey respondents selected for this study were fifty women and fifty men, all of whom identified as Up-country Tamil. Lastly, to overcome any language barrier between myself and those that had agreed to partake, I was accompanied by a research assistant fluent in both Tamil and English when conducting these interviews and surveys, all of which were undertaken between 25 July and 25 August 2016.

The human rights analytical framework was employed to analyze the data generated from the above research methods for the purpose of identifying the extent to which access and entitlement to the four human rights indicators used in this study had increased, and whether particular segments of this population had an increased rights entitlement in the years following the acquisition of citizenship as compared with others. Beyond these methods, I was reliant on a mix of primary documents, secondary research sources, grey literature, and news media to acquire the data needed to complete this project.

These combined methods allowed me to address directly this study's central research question. Structured questionnaire surveys generated the quantitative data needed to analyze the

level of access and entitlement this population has to the four rights in question, and semi-structured interviews provided the qualitative data needed to highlight why and how it is previously stateless persons are denied the rights that are said to be theirs, along with the strategies interviewees deployed to access their rights in hostile social environments. In this way, the methods maintained the centrality of liberal individual rights to the concept of citizenship, revealed if and how previously stateless persons construct a dissensus against the denial of rights they suffer, and provided for an analysis of Sri Lanka's human rights practices as they pertain to previously stateless persons – the very reason why it is citizenship is of such vital importance to the stateless.

## Chapter Two – Key Concepts and Historical Context

### 2.1 On Statelessness

As the title suggests, the focus of this work is citizenship and belonging after statelessness. However, to appreciate the significance of citizenship in this context, it is imperative that an explanation of what statelessness is and why it matters foreground all that follows.

Simply put, “the term ‘stateless person’ means a person who is not considered as a national by any State under the operation of its law” (United Nations, 2010, p. 6). In other words, an individual is without the recognition of *any* one nation-state before the law, and as such is deprived of all the entitlements that membership in any one nation-state may entail. Crucially, it is because nationality is a prerequisite for accessing political and judicial processes and for claiming economic, social, and cultural rights that statelessness is of such grave concern, for without a nationality an individual cannot: secure employment; receive medical care; register a marriage; access legal protection; travel, own property; obtain an education; or register births or deaths (Weissbrodt, 2008).

In the first instance, Article 15 of the *Universal Declaration of Human Rights* protects all persons from statelessness in its guarantee that “(1) Everyone has the right to a nationality;” and “(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality” (United Nations, 2007). Still, human rights entail corresponding obligations in order to be operationalized, and when commenting on the right to a nationality Freeman (2013) contends that it is “an empty right, because there is no corresponding obligation” (p. 382). The granting of citizenship falls under the discretionary power of the state, and because no state is

obliged to grant citizenship to an individual who is not already recognized as such, the right to a nationality is without the requisite obligation needed for its operation. In this way, once an individual is rendered stateless the responsibility to provide citizenship falls on no particular state, and while one may have the right to a nationality, all states are equally exempt from having to be *the state* to provide it. Further, human rights are contingent on one's political status as a citizen, and as Arendt (1973) tells us, "a man who is nothing but a man" (p. 300) loses that which makes it possible for others to treat him as such. Staples (2012) provides a concise summary of Arendt's contention through her assertion that "possessing a nationality is essential for full participation in society and a prerequisite for the enjoyment for the full range of human rights" (p. 3). Following this logic, nationality is fundamentally "the right to have rights" (van Waas, 2008, p. 217; Weissbrodt, 2008, p. 81). Though this may seem a rather obscure issue to contend with (Kingston, 2013), approximately ten million people are so afflicted globally (United Nations High Commissioner for Refugees, 2017). Yet, before discussing how this situation can nonetheless be remedied despite the frailties of the right to a nationality, we must first understand how it is the stateless are brought into being.

The causes of statelessness are many, and to account for every possible scenario wherein a person may be rendered stateless is beyond the scope of this paper. Still, there are four major mechanisms through which statelessness can occur: state succession; gendered citizenship laws; discrimination and arbitrary deprivation; and technical causes. First, state succession is one of the most common causes of statelessness and refers to either the unification or dissolution of a state, the transfer of territory from one state to another, or to the separation of a part of a state (van Waas, 2008; Weissbrodt, 2008). In these situations, individuals may be rendered stateless if they are unable to acquire citizenship under new legislation or administrative procedures, or if

previously applicable laws and practices are reinterpreted so as to corrupt what was once deemed an effective link between an individual and the state (Blitz & Lynch, 2011).

Second, gendered citizenship laws, often anchored in the principle of *jus sanguinis*, or citizenship by blood relationship, are another major source of statelessness (Weissbrodt, 2008). In some countries *jus sanguinis* citizenship is patrilineal, and were a woman to have children with a stateless man or a man of her own nationality but out of wedlock, her children are born stateless (Weissbrodt, 2008). As well, in those countries where dependent nationality is practiced a woman's citizenship is linked to that of her husband, and if divorced or widowed, she is subsequently rendered stateless (Weissbrodt, 2008). Further, conflicts between the domestic legislation of two states expose women to a heightened risk of statelessness if the automatic loss of citizenship accompanies a woman's marriage to a non-national who is from a country that does not automatically confer citizenship upon marriage (van Waas, 2008). Again, if this woman is later divorced or widowed, she will be made stateless. However, in the event that she does manage to have her former citizenship restored, it is possible that her children will be deemed stateless if patrilineal *jus sanguinis* citizenship laws are in effect, creating the potential for statelessness to be passed on from one generation to the next until the prevailing citizenship laws are amended (Weissbrodt, 2008).

Third, discrimination and the arbitrary deprivation of citizenship refers to those instances where the state either withholds or withdraws citizenship "on the basis of a distinction that is deemed unreasonable or untenable" (van Waas, 2008, p. 95) such as ethnicity or religious affiliation, or where the implementation of law creates situations of statelessness (Blitz & Lynch, 2011). Examples of arbitrary deprivation include discriminatory laws that target certain populations, the taking of a census of only certain populations, and onerous provisions that

effectively preclude particular populations from securing their rights to citizenship (Blitz & Lynch, 2011). As well, the principle of *jus sanguinis* can make it difficult for minority groups to establish an effective link with the state, potentially resulting in the arbitrary deprivation of citizenship in a given state despite it being one's place of birth and state of habitual residence (Blitz & Lynch, 2011).

Finally, statelessness can result from technical causes whereby individual acts, the operation of law, or conflicts between the domestic legislation of two states deprive an individual of his or her citizenship (van Waas, 2008). If an individual was to renounce his or her citizenship without first securing citizenship by naturalization of another state, statelessness would result (van Waas, 2008). Partly related to this, some countries revoke the citizenship of those who live abroad whether or not the individual in question has indeed secured citizenship in the new host state, creating the potential for this person to be rendered stateless (van Waas, 2008). Lastly, the individual deprivation of citizenship can occur if an individual is deemed to have changed allegiance, acted in a way deemed counter to the national interest, acquired citizenship by way of fraud or misrepresentation, or served a prison sentence within a certain period of time after being naturalized as a citizen (van Waas, 2008).

Conversely, the many causes of statelessness far outstrip the remedies available, guided as they are by both the 1954 *Convention relating to the Status of Stateless Persons* and the 1961 *Convention on the Reduction of Statelessness*. The 1954 Convention affords those who are legally recognized as stateless persons certain protections by provisioning an inventory of rights and benefits to be enjoyed, thereby minimizing the ill-effects of statelessness (van Waas, 2008; Weissbrodt, 2008). Moving past minimization, the 1961 Convention was designed to prevent new situations of statelessness from occurring by prohibiting states from withdrawing nationality

in those cases where statelessness would result, and by obliging states to grant citizenship to those persons who would otherwise be stateless (van Waas, 2008). Taken together, these Conventions structure the international legal framework for resolving statelessness through the twin goals of protection and prevention. However, the 1954 and 1961 Conventions only have 23 and five signatories respectively, giving little international reach to either of these instruments (United Nations Treaty Collection, 2017a; UNTC, 2017b). Moreover, the international legal framework does not provide for the harmonization of identifying who qualifies as a stateless person such that the implementation and enforcement of existing protection and prevention standards are largely pursued in isolation (van Waas, 2008). Nevertheless, at least twelve states have implemented Statelessness Determination Procedures to better identify, protect, and facilitate the naturalization of stateless persons, but these efforts are overshadowed by the remaining 184 states that have yet to implement such a mechanism (United Nations High Commissioner for Refugees, 2016). Beyond these collective efforts to resolve statelessness, on 4 November 2014 the United Nations High Commissioner for Refugees (UNHCR) launched its *#IBELONG Campaign to End Statelessness* globally by 2024, and it is to this campaign we now turn.

## **2.2 The #IBELONG Campaign**

In summary, the *#IBELONG Campaign* aims to “resolve existing situations of statelessness, prevent new cases of statelessness from emerging, and better identify and protect stateless persons” (UNHCR, 2014b, p. 4) by 2024. To this end, a *Global Action Plan* has been designed to meet this goal, and is comprised of *10 key Actions*: resolve existing major situations of statelessness; ensure no child is born stateless; remove gender discrimination from nationality laws; prevent denial, loss or deprivation of nationality on discriminatory grounds; prevent

statelessness in cases of state succession; grant protection status to stateless migrants and facilitate their naturalization; ensure birth registration for the prevention of statelessness; issue nationality documentation to those with entitlement to it; accede to the UN Statelessness Conventions; and improve quantitative and qualitative data on stateless populations (UNHCR, 2014b). Not only are these *Actions* guided by an eight-part overall strategy, each *Action* has milestones to be reached by 2017 and 2020, and an ultimate goal to be met by 2024. In support of these measures, the UNHCR’s budget for resolving statelessness was quintupled between 2009 and 2014, a special mechanism was created to provide increased funding for particularly promising and important projects, and more than 20 specialists have been deployed globally to work with governments and relevant organizations to address this issue (UNHCR, 2014a). To accomplish the *Actions*, countries are encouraged to develop and implement *National Action Plans* that “set out detailed strategies to complete selected Actions and indicate detailed country-level goals and milestones” (UNHCR, 2014b, p. 5), with progress on these *Plans* assessed by the UNHCR in two-year intervals. The *Campaign* is further complemented by quarterly *Campaign Updates*, a series of *Good Practices Papers* to aid governments, civil society, the UNHCR and other international organisations implement the *Global Action Plan*, and an *Open Letter to End Statelessness* on the *Campaign’s* website, which boasts 88,000 supporters as of February 2017 including Angelina Jolie, Desmond Tutu, and Madeleine Albright (UNHCR, 2015a; UNHCR, 2017). With respect to *Campaign* content, the *Campaign’s* inaugural report states that “stateless people want nothing more than to come in from the cold — to belong” (UNHCR, 2014a, p. 16), and although “it is unclear how many of the humanitarian emergencies [the UNHCR is] working in today can be resolved in the near future” (UNHCR, 2015a, p. 3), the *Campaign* is guided by the belief that statelessness can be resolved for at least 10 million people who are currently



without a nationality within 10 years. In fact, the *#IBELONG Campaign* claims that statelessness “can be resolved in a single moment” (UNHCR, 2014a, p. 20). Yet, the legal resolution of statelessness may or may not translate into that which the stateless desire most — belonging — and it is the chasm between citizenship and belonging, or rather, the assumption that the former necessarily entails the latter, that this *Campaign* has left unaddressed.

Fortunately, recent events in Sri Lanka present a unique opportunity to appraise citizenship and belonging after statelessness, for the 2003 *Grant of Citizenship to Persons of Indian Origin Act No. 35* and the subsequent (*Amendment*) *Act No. 6* of 2009 saw the country’s long stateless Up-country Tamil population acquire citizenship *en masse* (Vijayapalan, 2014). Not unlike the optimism expressed in the *#IBELONG Campaign*, these developments have been hailed as a success, and Sri Lanka has been heralded as a shining example of what it means to end statelessness (Focus on Protection, 2004; Perera, 2007; UNHCR, 2004; UNHCR 2015b). However, before any interrogation of citizenship and belonging after statelessness can be pursued, an understanding of the Sri Lankan context is in order.

### **2. 3 The Up-country Tamils and Sri Lanka: An Historical Overview**

Sri Lanka is an island situated in the Indian Ocean, separated from the Indian subcontinent by a mere 36 kilometre stretch of the Palk Strait (Nadesan, 1993). At approximately 435 kilometres long and 225 kilometres wide, the island can be divided between three major regions: the central highlands; the plains; and the coastal region (Kanapathipillai, 2009; Samarasinghe & Samarasinghe, 1998). The island can be further divided between the wet zone and the dry zone, with a narrow strip of the western, southern, and central regions constituting

the former, and the remainder of the island constituting the latter (Kanapathipillai, 2009; Samarasinghe & Samarasinghe, 1998).

The population of Sri Lanka is enumerated along ethnic lines. According to the *Census of Population and Housing of Sri Lanka, 2012*, nine ethnic groups comprise the country's population, presented here in descending order by population percentage: Sinhalese; Sri Lanka Tamil; Sri Lanka Moor, Indian Tamil; Malay; Burgher; Other, Sri Lanka Chetty, and Bharatha. The Sinhalese and Sri Lanka Tamils are the country's dominant ethnic groups, representing 74.9 percent and 11.1 percent of the total population respectively. The next largest groups are the Sri Lanka Moors (9.2 percent) and the Indian Tamils (4.1 percent), with all other groups representing the remaining 0.7 percent of the population (Department of Census and Statistics, 2015a). Generally speaking, the Sinhalese occupy the western, southern, and north central regions of the island, whereas the Sri Lanka Tamils predominantly reside in the country's north and east. The Sri Lanka Moors live in the eastern, central, and western regions of the country, while the Indian Tamils are largely concentrated in the central region where most of Sri Lanka's tea plantations are located. Finally, the Malay, Burgher, Sri Lanka Chetty, and Bharatha communities are mostly found in the western region and the capital of Colombo (DCS, 2015a). Of course, it should be noted that these ethnic and geographic divisions are not fixed, and are presented only to provide an overview of how the Sri Lankan state classifies the population.

The recorded history of Sri Lanka stretches back nearly three millennia (Samarasinghe & Samarasinghe, 1998), though the proceeding historical overview will begin with the colonial period for it is beyond the scope of this paper to address the island's history in its entirety, and it is the arrival of European powers to Sri Lanka that ultimately precipitated the mass relocation of the Up-country Tamils from south India to Sri Lanka.

### 2.3.1 *The Colonial Period*

In 1505, a fleet led by Portugal's Lourenco de Almeida landed in Colombo, thus marking the advent of Sri Lanka's colonial history (Arasaratnam, 1964). At the time of arrival, three sovereign kingdoms held power across the island, that of Kotte near present-day Colombo, the Kingdom of Kandy in present-day Kandy, and the Jaffna Kingdom which ruled over the Tamil speaking areas of the island's north and east (Ahmed, 1996). It is with the Kotte Kingdom that the Portuguese first developed relations, and by the end of the sixteenth century they had established rule over both Kotte and Jaffna, while Kandy repelled all Portuguese attempts to assert its control over the throne (Samarasinghe & Samarasinghe, 1998). Concerned primarily with control of the island's export trade in spices, Portugal's presence on the island remained until 1658 when, after a series of battles spanning twenty years, the Dutch seized power (Samarasinghe & Samarasinghe, 1998). Much like the Portuguese, the Dutch wrested control of the island's export trade in spices, and were likewise unable to subjugate the Kandyan Kingdom (Samarasinghe & Samarasinghe, 1998). Due to events in Europe, namely France's capture of Holland in 1795 and the subsequent exile of Holland's William V of Orange to England, Dutch colonies were surrendered to Britain for safekeeping in 1796 (Vijayapalan, 2014). Finally, with the 25 March 1802 *Treaty of Amiens* ending hostilities between Britain and France, Ceylon<sup>1</sup> was confirmed as a British Crown colony (Vijayapalan, 2014).

By 1815, the British had done what their colonial predecessors had not and defeated the Kandyan Kingdom, thereby extending their presence across the whole of the Ceylon

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<sup>1</sup> For purposes of historical accuracy, Ceylon will henceforth be used when speaking of the pre-1972 period, whereas Sri Lanka will be used when speaking of the post-1972 period after the country's name had been officially changed from Ceylon to Sri Lanka.

(Vijayapalan, 2014). Shortly thereafter, the 1823 Colebrook-Cameron Commission put forth a number of recommendations pertaining to the administration of the island, and with the establishment of the first Legislative Council in 1833 a unitary state structure had been emplaced (Kanapathipillai, 2009; Vijayapalan, 2014). Of particular note is that the British divided Ceylonese members of the Legislative Council by ethnic category rather than differences of class, caste, or religion, establishing the primacy of ethnicity, a divide and rule tactic deployed by the British elsewhere such as South Africa, Palestine, India, and Canada, in the island's politics as suggested by the 2012 Census above (Bass, 2015; Kanapathipillai, 2009). Mirroring these developments was the view from the Colonial Office that the large-scale cultivation of commercial crops presented as "an important option for Ceylon" (Jayawardena & Kurian, 2015, p. 18), and plantation agriculture was soon introduced to the island's central region (Fries & Bibin, 1984; Sivapragasam, 2011). The growing of coffee in Ceylon for export had been experimented with as early as 1824, and due to a decline in the export of West Indian coffee to Britain resulting from the 1833 abolition of slavery in the colonies along with a reduction on the duty on Ceylon coffee in 1835 (Nadesan, 1993), the potential promise of commercial coffee production was pursued by British planters with alacrity.

There is no record of the area under coffee production from the 1830s through the 1840s, but the rapid expansion of this industry can be gleaned by comparing the sale of crown lands with the production of coffee in kilograms. Between 1831 and 1835, an estimated 1,222,762 kilograms of coffee had been produced, whereas an estimated 6,175,482 kilograms was produced between 1841 and 1845 (Nadesan, 1993). Yet, from 1837 to 1845 a combined total of 288,504 acres of crown land had been sold (Nadesan, 1993), thus it can be surmised that much of this land was used for the commercial cultivation of coffee given the staggering increase in the

amount produced and the land that would be needed to cultivate such output. This period also saw the enactment of the *Crown Land Encroachment Ordinance No. 12* of 1840 which rendered all forests, wastelands, and uncultivated or unoccupied lands to be property of the Crown so as to “attract foreign capital and to permit the Crown to sell forest land to prospective planters” (Vijayapalan, 2014, p. 14). Having reached record exports exceeding 50,802,345 kilograms by 1870 (Rajaratnam, 1961), king coffee had assumed the throne of plantation agriculture in Ceylon by the mid-nineteenth century.

It is not the meteoric rise of this export crop that should seize our attention any further, rather it is the demand for labour that commercial coffee cultivation created, and it is at this juncture that the Up-country Tamils emerge in the story of Sri Lanka. However, as Peebles (2001) reminds us, the construction of Up-country Tamil history “is a palimpsest of interpretations, in which several distinct points of view have been added on top of each other without effectively refuting many of the misconceptions of previous studies” (p. 18). For this reason, the account of Up-country Tamil history provided herein should not be read as conclusive, though care will be taken to present as accurate an historical overview as possible, particularly with respect to the nineteenth century for which only limited information is available.

As previously noted, the growth of commercial coffee cultivation necessitated a labour force, and many authors state that planters responded to this demand by first employing indigenous Sinhala labour (Fries & Bibin, 1984; Jayawardena & Kurian, 2015; Kanapathippilai, 2009; Kanapathypillai, 2011; Nadesan, 1993; Roberts, 1966; Thomas, 1954). However, the spread of plantation agriculture is believed to have done little to interrupt land ties among the Sinhala peasantry, and traditional economic activities were preferred over the harsh labour

regimes encountered on plantations (Jayawardena & Kurian, 2015; Kanapathipillai, 2009). The failure to secure Sinhala labour prompted planters to look to southern India, specifically what was then known as the Madras Presidency and now as the Indian state of Tamil Nadu, to recruit the requisite labour supply (Jayawardena & Kurian, 2015). The systematic recruitment of labour is said to have begun in 1839 (Nadesan, 1993; Sivapragasam, 2011; Vijayapalan, 2014), and various population figures chronicling the nineteenth century increase of the Up-country Tamil population are provided in the literature (Fries & Bibin, 1984; Kanapathypillai, 2011; Lawrence, 2011; Vijayapalan, 2014). Further, there is near-consensus in the literature that migration was circular until *hemileia vastatrix* had devastated the island's coffee plantations in the 1880s (Vijayapalan, 2014), causing planters to pursue the commercial cultivation of tea which required a resident rather than seasonal labour force (Fries & Bibin, 1984; Jayawardena & Kurian, 2015; Kanapathipillai, 2009; Kanapathypillai, 2011; Lawrence, 2011; Nadesan, 1993; Roberts, 1966).

Yet, as Peebles (2001) argues, misrepresentation and inaccuracy plague the conventional historical account presented above. First, Peebles (2001) states “that there is little evidence that planters attempted and failed to hire a Sinhalese plantation labour force,” and that “[i]t is only after a homogenously Tamil labour force emerged that planters emphasized the unsuitability of the Sinhalese for plantation work” (p. 30). Further, 1839 is the year the Government of Ceylon began counting the number of travellers moving between India and Ceylon, not the year that recruitment began. In fact, the recruitment in India of labour was outlawed between 1839 and 1847, meaning that the plantation labour force created in the 1830s and 1840s was comprised of Tamil labourers *already* in Ceylon who had relocated of their own volition, not to mention that “the presence of people of south Indian origin is a continuous feature of the island's history” (p. 24) and not a mid-nineteenth century aberration. Second, attempts to quantify the nineteenth

century population of what would one day be the Up-country Tamil community are largely fruitless, for not only did the actual number of labourers go unrecorded until 1868, the available population figures have been determined by analyzing net passenger traffic between India and Ceylon. Lastly, as both Peebles (2001) and Bass (2015) argue, the rapid expansion and scale of Ceylon's coffee plantations before 1885, and the attendant maintenance thereof, would have required a permanent labour force during the coffee era, suggesting that this community was resident long before the final decades of the nineteenth century. Ultimately, Peebles (2001) work demonstrates that there was a resident (Up-country) Tamil population in Ceylon's central region from at least the 1830s onward, that calls of how many or how few of these people were resident are altogether trivial, and that the charge of circulatory migration denies the nineteenth century presence in Ceylon of this community and serves only to emphasize their collective foreignness.

Nevertheless, the nineteenth century was a period of intermittent drought and famine, debt, landlessness, and increasing population pressures in Madras Presidency whereby peasants had little option but to choose between debt bondage and starvation in Madras or work on Ceylon's coffee or tea plantations to survive, inducing many to relocate to Ceylon either independently or through recruitment (Jayawardena & Kurian, 2015; Nadesan, 1993; Roberts, 1966; Vijayapalan, 2014).

The recruitment of Tamil labour was facilitated by a *kangany*, from the Tamil word for supervisor, hired by a respective planter to travel from south India to the plantation districts of central Ceylon with labour gangs that had been procured in Madras (Lawrence, 2011; Vijayapalan, 2014). Yet, unlike indentured Indian labour working on the plantations of Fiji and Mauritius, *kanganies* recruited what was ostensibly *free labour*, and workers could leave a plantation on a month's notice (Jayawardena and Kurian, 2015; Vijayapalan, 2014). In short, a

planter would advance money to a *kangany* to clear the existing debts of those he had recruited and to provide for the labourers throughout their journey to Ceylon (Nadesan, 1993). However, these advances were incurred by the labourer meaning that “every plantation worker began his or her work life already in debt” (Jayawardena & Kurian, 2015, p. 33) to both the *kangany* and the estate<sup>2</sup> for which they worked. *Kanganies* were often male, of higher caste than those they recruited, and later appeared on the plantation as foremen, creditors, and proprietors of estate shops which sold essential goods to labourers at inflated prices (Jayawardena & Kurian, 2015). As well, the authority of the *kangany* over the workers and his role of overseeing all the financial affairs of his labour gang gave rise to an epidemic of arrears in wages, non-payment, fraud, and extortion (Jayawardena & Kurian, 2015; Lawrence, 2011). Added to this was the enactment of the *Service Contracts Ordinance No. 5* of 1841 and the *Master and Servants Ordinance No. 11* of 1865 which together criminalized a leave of employment short of one month’s notice or without reasonable cause, drunkenness, disobedience, insolence, and other misconduct however loosely defined, and those found guilty of such offences would be fined, imprisoned, and ordered to return to their employer (Jayawardena & Kurian, 2015; Peebles, 2001). What is more, the *tundu* system employed on plantations until 1921 required workers to obtain a discharge ticket from their employer before they could either leave the plantation or seek employment on another plantation (Jayawardena & Kurian, 2015; Vijayapalan, 2014), further binding Tamil labourers to their *kangany* and the estate. In sum, a confluence of surveillance, soft social mechanisms, legal and extra-legal, and economic and extra-economic coercion gave rise to a method of labour control on Ceylonese plantations not unlike that of the earlier slave plantations of the New World (Jayawardena & Kurian, 2015; Peebles, 2001; Shanmugaratnam, 1997). In this way, the Up-

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<sup>2</sup> Moving forward, the terms estate and plantation will be used interchangeably.



country Tamil experience as one of captive labour had crystalized before the dawn of the twentieth century, and has more or less endured to the present day.

The first major political development pertaining to the citizenship and franchise of the Up-country Tamil population came with the *Ceylon (Legislative Council) Order in Council of 1923* (Vijayapalan, 2014). Enacted on the heels of the 1921 Imperial Conference where, at the proposal of India, it was resolved that the rights to citizenship of British Indians domiciled in other parts of the Empire should be recognized, this Order provided for limited suffrage, though the conditions of franchise were much too stringent for the Up-country Tamil population. Even so, there was provision for Indian interests to be represented in the Legislature, and two Indian representatives were nominated in October 1924 (Vijayapalan, 2014). Although franchise remained beyond the grasp of the Up-country Tamils who now constituted one-sixth of Ceylon's population (Peebles, 2001), this Order in Council had nonetheless given this population political and legal rights on par with the indigenous population (Kanapathipillai, 2009).

The next major event in the checkered chronology of Up-country Tamil citizenship and franchise was the Donoughmore Commission appointed by the British Secretary of State for the Colonies in August 1927 to appraise the constitution and propose reforms (Vijayapalan, 2014). Based on the recommendations of the Commission presented in 1928, the Colonial Office decreed that franchise be given to all adults over 21 years of age, and through the enactment of the 1931 Donoughmore Constitution Ceylon became the first country in Asia to enjoy universal suffrage (Jayarwardena & Kurian, 2015). However, the extension of franchise to the Up-country Tamil population aroused nationalist anxieties among the Sinhala political elite, and fears that this "Indian menace" (Nadesan, 1993, p. 129) would dilute or "swamp" (p. 129) the central region electorate and override the interests of those purported to be Ceylon's rightful inhabitants

took root (Bass, 2015; Jayawardena & Kurian, 2015; Peebles, 2001; Vijayapalan, 2014). Up-country Tamil franchise became the central issue in the new State Council created by the Donoughmore Constitution, and to assuage Sinhala anxieties, the conditions of franchise were further restricted than they had been originally (Peebles, 2001). Beyond having to establish five years of uninterrupted residence in Ceylon to convey an “abiding interest” (Vijayapalan, 2014, p. 29) in the country, Up-country Tamils had to show proof of domicile in Ceylon or acquire a certificate of permanent settlement, and in so doing renounce Indian protection (Peebles, 2001). Despite the difficulties in proving domicile, in obtaining a certificate of settlement and the potential admission of un-domiciled status this could entail, or the reluctance to forego Indian protection, 100,000 Up-country Tamils had registered to vote in the State Council election of June 1931, 145,000 registered for the second State Council election in 1936, and the 1941 electoral register recorded 225,000 Up-country Tamil voters (Vijayapalan, 2014).

### 2.3.2 *After Independence*

Again, on 5 July 1944, a Commission on Constitutional Reform was appointed by the British Secretary of State for the Colonies which led to the adoption of the Soulbury Constitution on 14 October 1947 (Vijayapalan, 2014). Then, on 4 February 1948, an independent Ceylon came into being (Ahmed, 1996). Three years prior in talks between the country’s future Prime Minister D. S. Senanayake and the British government, it had been agreed that the question of citizenship would be determined by the government of an independent Ceylon (Kanapathypillai, 2011), and on 15 November 1948 the *Citizenship Act No. 18* was enacted (Vijayapalan, 2014). Although the Soulbury Constitution had stipulated “that no law could be enacted, that was discriminatory to one community, or that is not applicable to other communities” (Devaraj, 2010, p. 101), the 1948 Act targeted exclusively the Up-country Tamil community insofar as

citizenship by descent was automatically granted to the country's Sinhala, Ceylon Tamil, Ceylon Moor, Burgher, and Malay communities while Up-country Tamils were required to prove descent (Fries & Bibin, 1984; Jayawardena & Kurian, 2015; Lawrence, 2011). Specifically, citizenship by descent would be conferred if one could prove that his or her father, or paternal grandfather and great-grandfather had been born in Ceylon, yet birth registration had only been undertaken as of 1895 meaning that only few persons in Ceylon could provide their father's birth certificate, let alone that of their grandfather or great-grandfather (Jayawardena & Kurian, 2015). Failing this, citizenship by registration could be sought, though the costs involved coupled with the need for proficiency in English and Sinhala to complete the process made this a burdensome if not unrealistic option for a largely impoverished and illiterate demographic (Fries & Bibin, 1984; Vijayapalan, 2014). In all, approximately 800,000 Up-country Tamils had been deprived of citizenship under the operation of this Act (Vijayapalan, 2014).

Immediately following the 1948 Act, Parliament enacted the *Indian and Pakistani Residents (Citizenship) Act No. 3* of 1949 which provided for citizenship by registration if one had proof of residence for at least ten years if unmarried, divorced, or widowed, and seven years if married (Fries & Bibin, 1984; Vijayapalan, 2014). However, the onerous conditions of the Act, a total of eight different application forms to choose from depending on the personal circumstances of a prospective applicant, a 1952 Amendment requiring applicants to have "an assured income of a reasonable amount" (Vijayapalan, 2014, p. 63), and the fact that all forms were in English made completion of this process a near insurmountable task. As well, a clause in the 1948 Act stipulated that citizens by registration could be stripped of their citizenship for a variety of offences effectively creating two tiers of citizenship in Ceylon, and the Ceylon Indian Congress mobilized the Up-country Tamils to boycott the 1949 Act for this very reason (Fries &

Bibin, 1984; Nadesan, 1993). However, the ill-fated boycott was abandoned as of May 1950, and a torrent of hurriedly completed application forms were submitted by the closing date of 4 August 1951 (Nadesan, 1993; Vijayapalan, 2014). In total, 237,000 application forms representing 825,000 Up-country Tamils were submitted, and by the time investigations into claims had been completed in 1963, only 140,000 had been granted citizenship with a remaining 900,000 persons rendered stateless under the operation of either the 1948 or 1949 Acts (Fries & Bibin, 1984; Vijayapalan, 2014).

Lastly, the *Ceylon (Parliamentary Elections) (Amendment) Act No. 48* of 1949 stipulated that only a citizen of Ceylon could have his or her name entered in the electoral register, thereby disenfranchising the many Up-Country Tamils who had lost their citizenship under the 1948 and 1949 Citizenship Acts (Vijayapalan, 2014). In the general election of 1947, the Up-country Tamil vote had elected seven of 90 representatives to Parliament, yet in the 1952 election, only 8,000 of the estimated 850,000 Up-country Tamils constituting ten percent of Ceylon's total population could vote, and not one representative was returned (Kanapathipillai, 2009; Nadesan, 1993; Vijayapalan, 2014). Henceforth, the Up-country Tamil community was effectively excluded from the national political process.

Several attempts to resolve the issue of statelessness were pursued in both the 20<sup>th</sup> and 21<sup>st</sup> centuries, listed here in chronological order: the Indo-Ceylon Agreement of 1954 (Nehru-Kotelawala Pact); the Indo-Ceylon Agreement of 1964 (Sirima-Shastri Pact); the Indo-Ceylon Agreement of 1974; the Grant of Citizenship to Stateless Persons 1986; and the Grant of Citizenship to Persons of Indian Origin Act of 2003. The 1954 Agreement between Indian Prime Minister Jawaharlal Nehru and Ceylon Prime Minister John Kotelawala was reached in January 1954 (Vijayapalan, 2014). The Government of Ceylon was of the view that all who had been

denied citizenship would automatically become Indian citizens, whereas the Government of India required that these individuals comply with Article 8 of the Indian Constitution for citizenship to be conferred (Fries & Bibin, 1984; Kanapathipillai, 2009). This, along with other differences in interpretation, rendered the agreement a dead letter by year's end.

On 30 October 1964, Indian Prime Minister Lal Bahadur Shastri and Ceylon Prime Minister Sirimavo Bandaranaike reached an agreement concerning the status and future of the stateless Up-country Tamil population (Nadesan, 1993). Out of an approximate 975,000 persons, India was to accept 525,000 persons and their natural increase, while Ceylon was to grant citizenship to 300,000 persons along with their natural increase, and the fate of the remaining 150,000 persons was to be decided upon at a later date (Nadesan, 1993; Vijayapalan, 2014). Implementation of this agreement commenced in November 1967, and by June 1970 when the deadline to submit an application for citizenship in either country had passed, only 70,879 persons had received Indian citizenship, only 13,733 had been expatriated to India, while only 8,519 had been registered as citizens of Ceylon (Kanapathipillai, 2009). This led to the enactment of an Amendment in 1971 that rendered the grant of Ceylon citizenship to be contingent on the physical expatriation of Up-country Tamils to India, and not just the conferral of Indian citizenship so as to ensure the 4:7 ratio agreed upon in 1964 was observed (Vijayapalan, 2014). As a result, the number of expatriations rose from 1971 onward, and by the end of 1974, 191,571 persons had been expatriated (Kanapathipillai, 2009; Vijayapalan, 2014).

The enactment of the First Republican Constitution on 22 May 1972 saw Ceylon renamed Sri Lanka, and 2 years later the third major agreement to resolve the issue of statelessness was reached between Indian Prime Minister Indira Gandhi and Sri Lankan Prime Minister Sirimavo Bandaranaike (Vijayapalan, 2014). This agreement addressed specifically the

remaining 150,000 stateless persons who were not included in the 1964 agreement, and it was decided that India and Sri Lanka would receive 75,000 of these persons each *only after* the initial 525,000 and 300,000 persons had been dealt with accordingly (Vijayapalan, 2014). Despite these renewed efforts, by 1980 at least 500,000 Up-country Tamils remained stateless, and by 1986, at least 356,258 persons plus their natural increase were still without citizenship (Nadesan, 1993).

Given that Up-country Tamil statelessness had yet to be adequately resolved, on 18 February 1986 the *Grant of Citizenship to Stateless Persons Act No. 5* of 1986 was enacted (Vijayapalan, 2014). This act was to confer Sri Lankan citizenship on the total numbers agreed to in both the 1964 and 1974 agreements (375,000) plus an additional 94,000 persons who had failed to apply for Indian citizenship as was expected with respect to these two agreements, wherein only 506,000 persons out of a total 600,000 had applied (Vijayapalan, 2014). Yet, and in keeping with previous attempts to bring an end to Up-country Tamil statelessness, 231,849 persons were still without citizenship by the end of October 1988, prompting Parliament to enact the *Grant of Citizenship to Stateless Persons (Special Provisions) Act No. 39* on 11 November 1988 (Nadesan, 1993). Unlike its predecessors, the 1988 Act conferred citizenship on all *eligible* persons of Indian origin by operation of law as opposed to acquisition through application and registration (Jayawardena & Kurian, 2015).

By 2003, it had become apparent that a key shortfall of the 1988 Act was that citizenship was conferred only on those who were eligible, yet because only 337,000 of the 422,000 granted Indian citizenship had been expatriated, there remained a population of 84,000 persons plus their natural increase who were legally resident in Sri Lanka but without the rights accrued to either a citizen of India or Sri Lanka (Vijayapalan, 2014). This *de facto* stateless Up-country Tamil population prompted Parliament to enact the *Grant of Citizenship to Persons of Indian Origin*

*Act No. 35* on 11 November 2003 to extend citizenship to this very group, though unlike the 1988 Act, one did not become a citizen by operation of law (Vijayapalan, 2014). To remedy this, an Amendment was then enacted on 18 February 2009 providing for citizenship to be acquired by operation of law, and with that the issue of statelessness among the Up-country Tamils of Sri Lanka had been brought to a close (Vijayapalan, 2014). Though, and as will be elucidated in the pages that follow, the acquisition of citizenship did not necessarily remedy the many rights deficits akin to being stateless, and while it would be absurd to in any way condemn this landmark development, caution must guide any celebration of these matters.

## Chapter Three – Findings

In the following chapter, the aggregate findings of the questionnaire surveys and interviews conducted to determine whether the acquisition of citizenship among Sri Lanka's Up-Country Tamil population has brought with it substantive benefit by way of increased access and entitlement to healthcare, education, employment, and political participation are presented. An explanation of the historical relationship between this population and the four indicators chosen for this study are first provided so that the findings presented thereafter can be understood in context. Questionnaire survey results and interview findings follow the discussion of these four indicators. Finally, a brief discussion of belonging is provided, and the findings of the few questions designed to capture whether those who partook in this study conceive of themselves as belonging to Sri Lanka are presented.

### 3.1 Context

#### 3.1.1 Healthcare

*“Before 2003, when I went to the hospital to obtain medicine for myself or my children, the services were good. Since this time, the treatments have improved, and the doctors are friendlier and much easier to speak with about our problems. The service is excellent.”*

(Sukumaran, 53 M, Nuwara Eliya)

*“Those who are poor, still they live like that – either before or after citizenship. Those who have the money, they can improve their health, but for the poor, nothing changes.”*

(Kumuthavalli, 28 F, Passara)

Generally speaking, Sri Lanka is recognized as having achieved a relatively high health status given its level of Gross Domestic Product per capita, with health indicators comparable to those of developed countries (Jayawardena & Kurian, 2015; Karunathilake, 2012). At least at an all-island level, government investment in health has enabled Sri Lanka to make considerable progress in human development, and the country currently records the highest level of human



development among the eight countries that comprise the South Asian Association for Regional Cooperation (Jayawardena & Kurian, 2015; Karunathilake, 2012; United Nations Development Programme, 2012; UNDP 2016). In keeping with these accomplishments, Sri Lanka was also recognized as an early achiever in the Millennium Development Goals (MDGs) of under-five mortality, the universal provision of reproductive health services, tuberculosis prevalence and death rates, and sanitation (Gunatilaka, Wan, & Chatterjee, 2009). Though these accomplishments are indeed deserving of some celebration, not all communities are entitled to an equal share in these advances.

As compared with all other demographic groups, it is Sri Lanka's Up-country Tamil population that registers the poorest health outcomes (UNDP, 2012). However, this state of affairs is largely the result of this population having to rely on healthcare provided by one's respective estate, that is, healthcare provided by the private, for-profit tea plantation that one happens to either work for or reside within. Of particular note, this medical scheme is not integrated into the national health system, and because of this inferior healthcare services prevail (Kanapathypillai, 2011; Lawrence, 2011). The medical care that is available on estates is provided by Estate Medical Assistants (EMAs) employed by plantation management who often have no medical training (Lawrence, 2011; Vijayapalan, 2014). Hospitals, which are usually simple drug dispensaries overseen by EMAs, are also found on Estates but are often inadequately equipped, and offer only the most basic of treatments (de Fontgalland, 2004; Vijayapalan, 2014). In fact, the lack of medical training among EMAs in concert with the ubiquitous yet ill-equipped plantation dispensary has occasioned some in the Up-country Tamil community to label EMAs as "Panadol doctors" (personal communication, July 6, 2016), capable of providing nothing more than this common analgesic as panacea for all manner of illness and affliction.

Worrying as this may seem, further historical context is needed if the findings presented below are to be appreciated accordingly, for the healthcare crisis in the Up-country can be traced back to the mid-nineteenth century when the island's burgeoning coffee industry was just beginning to find its footing. The health and well-being of this community was first thrust into the spotlight because of a piece published in the 1 October 1849 edition of the *Colombo Observer* where it was reported that between 1837 and 1848, an estimated 70,000 to 90,000, or 25 to 30 percent, of all Tamil labourers in the Up-country had died (Nadesan, 1993; Peebles, 2001; Vijayapalan, 2014). As outlined in Chapter 2, population figures from this period are plagued with inaccuracy, so these numbers may or may not be entirely accurate, but they nonetheless suggest that indifference to the health and well-being of this population is a mainstay of their historical experience. Then, in 1857, the Government of Ceylon established an immigrant labour commission, and as part of this began to provide rudimentary medical care to Tamil labourers at the expense of planters. Even so, there should be no illusion that this endeavour was animated by benevolence or concern for the welfare of plantation labour, rather, it was a means of sustaining British commercial interests and securing the requisite labour supply needed to do so. Despite these measures, in 1859 a 25 percent mortality rate among this population was again recorded in A.M. Ferguson's *Ceylon: Summary of Useful Information*, and the question of this population's health and well-being was renewed as a matter of debate (Peebles, 2001). The following decade saw the enactment of the *Master and Servant Ordinance No. 11* of 1865, and for the first-time plantation labourers were afforded lodging, food, and medical care in cases of illness at the expense of the estate (Vijayapalan, 2014). However, this scheme quickly failed as planters and the Government of Ceylon clashed over who was responsible for incurring the costs (Vijayapalan, 2014). Five years later, Dr. W. G. Van Dort

issued a report claiming that between 1843 and 1867, nearly 25 percent of the Tamil labour force had died, while another report mirroring these claims was issued by then Principal Medical Officer and Inspector General of Hospitals, stating that the mortality rate among Tamil labourers was “exactly double that of all other races” (Ceylon Administration Report – 1870, as cited in Nadesan, 1993, p. 41). Mounting pressure to address the issue of inflated mortality among Tamil labourers from both the Colonial Office and India prompted the enactment of the *Medical Aid Ordinance No. 14* of 1872 to meet the medical requirements of the coffee districts, but much like its predecessor this too was quick to fail (Nadesan, 1993; Peebles, 2001; Vijayapalan, 2014). By the early 1890s mortality rates among the Up-country Tamil population were still at least double those of all other demographic groups, moving the Government of Ceylon to appoint the District Hospitals Mortality Commission (Nadesan, 1993; Vijayapalan, 2014). The publication of the Commission’s findings in 1893 lead to the creation of estate dispensaries (Peebles, 2001), and it is this very medical scheme that has more or less endured to the present.

Based on the above, it is evident that the healthcare crisis in the Up-country stretches back at least 168 years. Be that as it may, it would be incorrect to portray the current situation as one of absolute misery and despair given that progress in a number of health indicators has been made in recent years. According to the UNDP (2012), infant mortality in the estate sector has dropped from 19.1 per 1000 live births in 2000 to 16.1 in 2007; institutional births have risen from 60.8 percent to 95 percent between 1985 and 2000; and low birth weight has fallen from 42 percent in 1985 to 14.5 percent by 2000. Unfortunately, these are the most recent statistics and will remain so until the results of the *Demographic and Household Survey* undertaken in May 2016 can be compared and contrasted with those of the *Demographic and Household Survey 2006-07* (The DHS Program, 2017). Notwithstanding this gap in statistical analysis, this

progressive trend does hold promise, and it is on this note that we now turn to the aggregate findings of the interviews and questionnaire surveys conducted to determine whether the acquisition of citizenship has brought with it increased access to government healthcare services beyond the estate.

### 3.1.2 Education

*“Since 2003 [the education system] has developed. The major change is from 2007 to 2016: teachers from outside these regions have been brought in, and children are generally performing better in the Grade 5 Exam. Families are also sending their children outside of the Estate to pursue their studies. As well, one of my daughters was recently accepted to the Teacher’s Training College.”*

(Kamalendren, 52 M, Nuwara Eliya)

*“When I was young, my family faced many financial problems, and there was the high cost of transport, so because of that I was unable to attend town schools. The same reasons are also preventing my children from going to school outside the Estate today.”*

(Annamalai, 40 M, Dickoya)

Similar to its achievements in health, Sri Lanka is recognized for its considerable success in education as compared with many other low-income nations for such things as near universal adult literacy, universal primary school enrolment, and gender parity in school enrolment, the latter two of which earning Sri Lanka recognition as an early achiever of these MDGs (Cole, 2016; Gunatilaka, Wan, & Chatterjee, 2009; UNDP, 2012). Yet, and not unlike access to health services, not all communities are entitled to an equal share in these educational advances.

As compared with all other demographic groups, it is again Sri Lanka’s Up-country Tamil population the registers the poorest educational outcomes (UNDP, 2012). This situation is largely attributable to this population’s continued reliance on estate schools, an arrangement unique to the Up-country. Though estate schools were brought under the purview of the national education system between 1977 and 1980 (Nadesan, 1993), prior to which they were the

responsibility of estate management, many are characterized by the Ministry of Education as having a lack of safe buildings, well-equipped classrooms, and appropriate learning materials (United Nations Children's Fund Sri Lanka, 2013). Further, plantation areas are disadvantaged with respect to secondary education, with 68.5 percent of schools only offering primary instruction, and where secondary education is available it is marked by an overall paucity of teachers capable of teaching science and mathematics (Chandrabose & Sivapragasam, 2011; UNICEF Sri Lanka, 2013).

However, to better understand the current situation along with the findings presented below, it is prudent to first return to the nineteenth century, for it is in this era that the disparity in outcomes cited above is rooted. Formal educational instruction among the communities that would one day become Sri Lanka's Up-country Tamil population began with plantation line-schools in the mid-nineteenth century (Vijayapalan, 2014). Established by *Kanganies*, line-schools were held in line-rooms at the end of the work day and pupils would typically read and recite Tamil verses, adopting the popular moral precepts contained therein (Little, 1999; Vijayapalan, 2014). According to Little (1999), these schools served the dual purpose of conserving the labour community insofar as they forestalled social disintegration, yet also served to reproduce the prevailing social hierarchy within plantations by limiting the potential intellectual capacities of those occupying the bottom rungs of the social order, the labourers. This is all the more apparent when considering that *other* schools were established within plantations to provide instruction in reading, writing, arithmetic, and English to the children of *Kanganies* and other estate staff (Little, 1999). Apart from this two-tiered estate school system were schools established under the auspices of the Anglican mission in Ceylon, though not only were these too divided along social and economic lines, the schools provided for the children of staff and

*kanganies* were now located outside of the plantations whereas those for the children of labourers remained within, thereby instituting “a spacial-social differentiation which continues to the present day” (Little, 1999, p. 106). Despite the Deputy of Public Instruction suggesting as early as 1869 that the colonial government should concern itself with the education of plantation labour, education remained the province of individual *kanganies* and missions until the dawn of the twentieth century when the Government of Ceylon, at the behest of the Secretary of State for the Colonies, began to show limited interest in these matters (Nadesan, 1993; Vijayapalan, 2014).

A 1904 report and subsequent Commission appointed by the colonial government in 1905 concerning education in plantation communities lead to the enactment of the *Rural Schools Ordinance No. 8* of 1907 which marked the first legislation providing for the provision of estate education (Little, 1999; Nadesan, 1993; Vijayapalan, 2014). However, whereas Village School Committees were allocated funds for the establishment and maintenance of rural schools generally, clauses within the Ordinance placed the burden of provision for estate schools on estate superintendents, such that another two-tiered education system was created (Little, 1999; Vijayapalan, 2014). The next milestone concerning the education of plantation communities came with the enactment of the *Education Ordinance No. 1* of 1920 whereby school attendance was made compulsory, the employment of children between the ages of six and ten years before 10 am was outlawed, and the appointment of competent teachers was incumbent upon estate superintendents (Little, 1999). In practice, this Ordinance went largely unenforced and many schools remained “‘cattle sheds’ run by unqualified teachers” (Jayawardena & Kurian, 2015, p. 78), but between 1904 and 1939 the number of registered estate schools had nonetheless blossomed from 43 to 820, creating a generation of youth who were now better equipped to

confront the injustices of the plantation system (Kanapathypillai, 2011; Little, 1999; Nadesan, 1993). Perhaps due to the initial presence of the Up-country Tamil population in Ceylon's body politic immediately following independence, the *Education (Amendment) Ordinance No. 26* of 1947 was enacted to bring all estate school within the purview of the national education system, but given the swift disenfranchisement and denationalization of the Up-country Tamil population before the decade's end, this Ordinance was never enforced (Little, 1999; Nadesan, 1993; Vijayapalan, 2014). From 1948 onward, a general neglect of these schools on the part of the state was matched by a decline in the actual number of schools in operation, and this remained the status quo for nearly three decades until civil unrest in the Up-country prompted the reigning Sri Lankan Freedom Party (SLFP) to integrate 377 schools into the national system in the run-up to the 1977 general election (Nadesan, 1993). Unfortunately for the SLFP, the United National Party claimed victory, and by 1980 had completed the task of integration (Nadesan, 1993). From hereon, it is generally accepted that significant progress has been made with respect to the provision of education in estate schools (Devaraj, 2010; Jayarwardena & Kurian, 2015; Kanapathypillai, 2011; Lawrence, 2011; Vasanthakumary & Arularasi, 2015).

Clearly, education in the estates is mired in a history of indifference and neglect, and though the estate school system is now aligned with the national education system, this demographic continues to underperform in comparison to both their rural and urban counterparts. However, such a perspective entirely overlooks the great strides in literacy that have been made in plantation areas over the past few decades. For the years 1986-1987, total literacy rates in the estates registered at 68.5 percent, with women at 58.1 percent and men at 80 percent (World Bank, 2007). Yet by the years 2003-2004, total literacy rates had risen to 81.3 percent, with women at 74.7 percent and men at 81.3 percent (World Bank, 2007). Even so, of the 25,000

students admitted to Sri Lanka's universities in 2014, Up-country Tamil students constituted less than 1 percent of this cohort (Jayawardena & Kurian, 2015). Thus, it is with these inconstant indicators in mind that we now turn to the aggregate findings of the interviews and questionnaire surveys conducted to determine whether the acquisition of citizenship has brought with it increased access to government schools beyond the estate.

### 3.1.3 *Employment*

*"I've been working for 20 years at the Post Office, and of course there have been good and bad times, but overall it has been a great experience and I'm now able to live a comfortable life. Two of my sons working outside the estate both enjoy their work. The one working inside the estate is also happy with his work, and the estate has provided him land to build a house."*

(Subramaniam, 59 M, Nanu Oya)

*"In those days [prior to the acquisition of citizenship] there were no opportunities for formal work outside of the Estate. Today, for those who are educated this is possible, but not for someone like me."*

(Kumar, 57 M, Nanu Oya)

Unlike the archetypal stateless person unable to secure employment as discussed at the beginning of Chapter 2, it is labour, and by extension employment in the plantations, that has typified the historical experience of the Up-country Tamil population. Hence, an enquiry into whether this population has been able to secure employment either before or after the 2003 grant of citizenship proves inconsequential.

When compared with both the urban and rural sectors of the Sri Lankan labour force, it is the estate sector that registers the highest labour force participation rate at 63.1 percent, whereas the urban and rural sectors register 48.6 and 54.4 percent respectively (DCS, 2016). Moreover, it is the estate sector that again registers the highest employment to population ratio at 60.9 percent, with the urban and rural sectors trailing at 46.4 and 51.8 percent respectively (DCS, 2016). Despite these figures, from the years 1990/1991 through to 2012, the estate sector has



consistently registered the highest poverty headcount in the Household Income and Expenditure Survey, and when compared with all other demographic groups, it is the Up-country Tamil population that registers the smallest middle class at 10 percent of its population, with Sri Lanka's Sinhala demographic leading at 22 percent (DCS, 2015b; Gunasekara, 2015; World Bank, 2007). Clearly then, something is amiss given the inverse correlation between labour force participation and poverty when the above macroeconomic indicators are considered. Yet, because the estate sector labour force is quite obviously employed in this very sector, it is here that an explanation can likely be found.

Plantation labourers are daily wage-labourers, meaning that a day without work is a day without income, and since 1996 wages are determined through a biennial collective agreement between the CWC, the Lanka *Jathika* Estate Workers' Union, and the Joint Plantation Trade Unions Centre representing workers, and the Employers' Federation of Ceylon representing employers (Chandrabose & Sivapragasam, 2011). Although demands for a daily wage of Rs. 1000 were made in the months prior to the signing of the 2016 Collective Agreement (Menon, 2017), as of October 2016 workers are paid a standard wage of Rs.500, and a further Price Share Supplement of Rs. 30, making for a total guaranteed daily wage of Rs. 530 (USD \$3.49) (Aravinda, 2016). As well, a new attendance incentive of Rs. 60 is available to those who maintain a minimum 75 percent attendance rate for the days of work offered each month, and an additional productivity incentive of Rs. 140 is provided to those who procure the estate norm, making for a total daily wage of Rs. 730 (USD \$4.80) (Aravinda, 2016). Added to this is an additional Rs. 25 for each kilogram of leaf harvested above the estate norm, such that a conservative estimate would place the daily wage at Rs. 755 (USD \$4.97) (Aravinda, 2016). Statistically speaking, estates offer an average of 25.65 days of work to labourers each month,

yet the monthly average of days worked by women and men is only 18.65 and 10.8 respectively, meaning that both the attendance and Rs. 140 productivity incentive are *on average* unreachable, and for many the daily wage remains at Rs. 530 (Chandrabose & Sivapragasam, 2011). As well, it should be understood that the number of workdays offered varies considerably from estate to estate, as residents of Passara were quick to mention that they had been without work, and thus without income, for some 40 days (personal communication, August 10, 2016). Returning to the broader discussion at hand, the most recent Labour Force Surveys place these levels of remuneration in context, and though this information has only been recorded since 2014, it is the estate sector that records the lowest mean and median household income for two years running (DCS, 2015c; DCS, 2016). Evidently, the wage at which plantation workers are able to sell their labour keeps this community in the lowest income bracket, at least at the sectoral level, and such low and inconstant remuneration is likely responsible for the continued exodus of labour from this sector, with the numbers of labourers in this sector dwindling from 1980 onward (Gunetilleke, Kurupu, & Goonasekera, 2008). Thus, it is in view of this macroeconomic circumstance that we now turn to the aggregate findings of the interviews and questionnaire surveys conducted to determine whether the acquisition of citizenship has brought with it increased access to formal employment beyond the estate.

#### 3.1.4 Political Participation

*“I was a youth member of the CWC youth congress in this Estate around 1985. I helped to campaign for citizenship rights. I went house to house and educated the people on citizenship, and the benefits of citizenship, and recruited other youth. It was a great experience for me, because without citizenship we cannot do anything – we cannot get any services – so I was proud to campaign for this right. Now there is much more Up-country Tamil representation in Parliament, and here more peoples are voting.”*

(Chitambaram, 57 M, Nanu Oya)

*“I don’t bother with politics. In my home I am the eldest daughter, my mother and father I have to look after them, so I am very busy. As well I have 2 babies, and my husband is working in Colombo, so I have a lot of responsibility. I haven’t voted because of the same reasons.”*

(Kokila 28 F, Dickoya)

Through the enactment of the 1931 Donoughmore Constitution Ceylon became the first country in Asia to enjoy universal suffrage (Jayarwardena & Kurian, 2015), and notwithstanding the twenty-five year long civil war between the Sri Lankan state and the Liberation Tamil Tigers of Eelam, the democratic tradition is otherwise deeply entrenched in the country’s political process. According to the State of Democracy in South Asia (SDSA), a comparative tool designed to assess democracy and its functioning in Bangladesh, India, Nepal, Pakistan and Sri Lanka, 92 percent of Sri Lankans consider democracy as “suitable for them” (International Institute for Democracy and Electoral Assistance, 2008, p. 3), whereas the regional average is 88 percent. Along with India, Sri Lanka also registered the strongest levels of support for democracy in the region and reported the highest number of *strong democrats*: “those who support democratic government by elected representatives while strongly rejecting non-democratic alternatives” (Uyangoda and Peiris, 2009, p. 68). Further, 57 percent of Sri Lankans are able to articulate what democracy means to them as compared with the regional average of 47 percent, more Sri Lankans have trust in democratic institutions than those who do not, and in keeping with the regional averages, 65 percent of Sri Lankans are of the opinion that their vote does indeed make a difference, and 60 percent consider elections to be “held with relative fairness” (International IDEA, 2008, p. 13). In this way, Sri Lankan democracy and the support thereof appears to be either above or on par with the regional averages as determined by the SDSA, yet when demographic considerations enter the equation some disparities do emerge.

According to the disaggregated data on the Up-country Tamil population, 62.4 percent appreciated the “relevance of democracy” (Uyangoda, 2012, p. 109) whereas the national average was 72.8 percent. As well, only 45.2 percent believed their vote could actually change governments as compared with the national average of 72.5 percent, and only 38.2 percent were satisfied with the overall performance of democracy, the lowest among all demographic groups (Uyangoda, 2012). However, these findings are not ahistorical, and just as healthcare, education, and employment necessitated contextualization, so too does the relationship between this demographic and the wider political process if both the above SDSA findings and those presented below are to be properly understood.

1931 marks the entry of Up-country Tamils into the mainstream of Ceylon’s political process, and with 100,000 Up-country Tamils having registered to vote in the State Council elections in June of that year, two Up-Country Tamil representatives were elected to the State Council (Lawrence, 2011; Vijayapalan, 2014). Five years later, some 145,000 Up-country Tamil voters returned two Up-country Tamil representatives to the State Council (Jayawardena & Kurian, 2015; Vijayapalan, 2014). While the exercise of franchise and the election of two Up-country Tamil representatives are not to be overlooked, other significant political developments paralleled these events. Also in 1931, the All-Ceylon Indian Estate Labour Federation was formed under the stewardship of journalist and political activist Natesa Aiyar (Nadesan, 1993). Not only had Aiyar formed the first plantation trade union, by using this platform to decry breaches of the Minimum Wage Ordinance increasingly reported by plantation labourers, for the first time a major battle was waged against the Minister of Labour and Executive Committee for Labour on an issue of critical importance to the Up-country Tamil population (Jayawardena & Kurian, 2015). Then in 1935, Ceylon’s first socialist party, the Lanka Sama Samaja Party

(LSSP), was formed and quickly took up the cause of plantation labour thereby providing this community another avenue of political influence (Jayawardena & Kurian, 2015). Important as this may be, it was not until the Bracegirdle Affair of 1936 that this bond was solidified.

Arriving in Ceylon in 1936, Mark Anthony Bracegirdle was originally a trainee planter but soon abandoned his post in the hills north of Kandy, and perhaps given his previous membership in the Sydney Communist League, proceeded to join the LSSP, write for its journal, and speak publicly at its meetings (Jayawardena & Kurian, 2015; Nadesan, 1993). Drawing increasingly larger crowds of plantation labour throughout 1936 and 1937, Bracegirdle publicly condemned both the planters and the British, thereby breaking “the unwritten rule of colonialism” (de Silva in Jayawardena & Kurian, 2015, p. 132) and earning for himself a deportation order (Jayawardena & Kurian, 2015; Nadesan, 1993). By framing the deportation order as an attack on constitutional liberties writ large, the LSSP won the support of all ministers, the majority of state councillors, and much of the populace, thrusting both the LSSP and the plight of plantation labour into the national spotlight and linking *the left* with plantation labour issues (Jayawardena & Kurian, 2015). Finally, on the recommendation of future Indian Prime Minister Jawaharlal Nehru who had visited Ceylon in 1939, the Ceylon Indian Congress (later renamed the Ceylon Workers’ Congress) was formed to protect the rights of Indians and those of Indian descent in the country (Jayawardena & Kurian, 2015). Unfortunately, this rising chorus of political participation was altogether silenced by the citizenship and elections acts passed in 1948 and 1949, and save the sporadic strike actions undertaken by plantation labourers in the intervening years, Sri Lanka’s Up-country Tamil population would remain effectively silenced until the few who had franchise were able to elect Savumiamorthy Thondaman to parliament in the 1977 general election (Vijayapalan, 2014).

From 1977 onward Up-country Tamil representatives have been elected to parliament, and the current number of said representatives in the country's 15th Parliament stands at eight, two of whom have been appointed as Cabinet Ministers (Jayawardena & Kurian, 2015; Lawrence, 2011; Ramakrishnan, 2017). Even so, the manner by which electorates are demarcated are said to keep Up-country Tamils from holding power at the local, divisional, and district level in areas where this population constitutes the majority (Devaraj, 2010; Kanapathypillai, 2011; Lawrence, 2011). Thus, it is in view of the beleaguered historical relationship between this community and the wider political process that we now turn to the aggregate findings of the interviews and questionnaire surveys conducted to determine whether the acquisition of citizenship has brought with it increased access to political participation.

## **3.2 Questionnaire Survey Results**

### *3.2.1 Healthcare*

Overall, the majority of questionnaire survey respondents indicated that they did have access to government healthcare services beyond the estate prior to the 2003 grant of citizenship, with a near equal representation of women and men indicating that this was so (Figure 1). Likewise, the majority of questionnaire survey respondents indicated that access to government healthcare services has improved since the 2003 grant of citizenship, with a near equal representation of women and men again indicating that this was so (Figure 3). Still, far fewer rurally located respondents had access to government healthcare services beyond the estate prior to 2003 (Figure 2), and the lack of reported improvement is marginally more commonplace in rural areas (Figure 4).

**Prior to the 2003 grant of citizenship, were you able to access government healthcare services beyond the estate?**

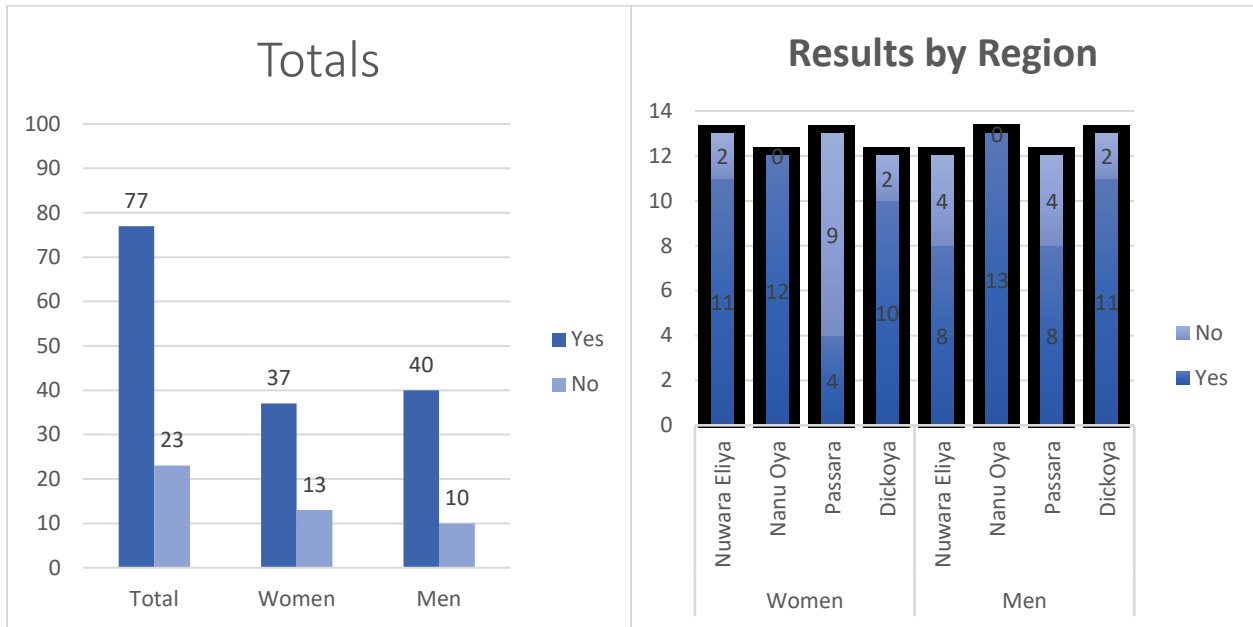


Figure 1

Figure 2

**Would you say your access to government healthcare services beyond the estate has improved as a result of the 2003 grant of citizenship?**

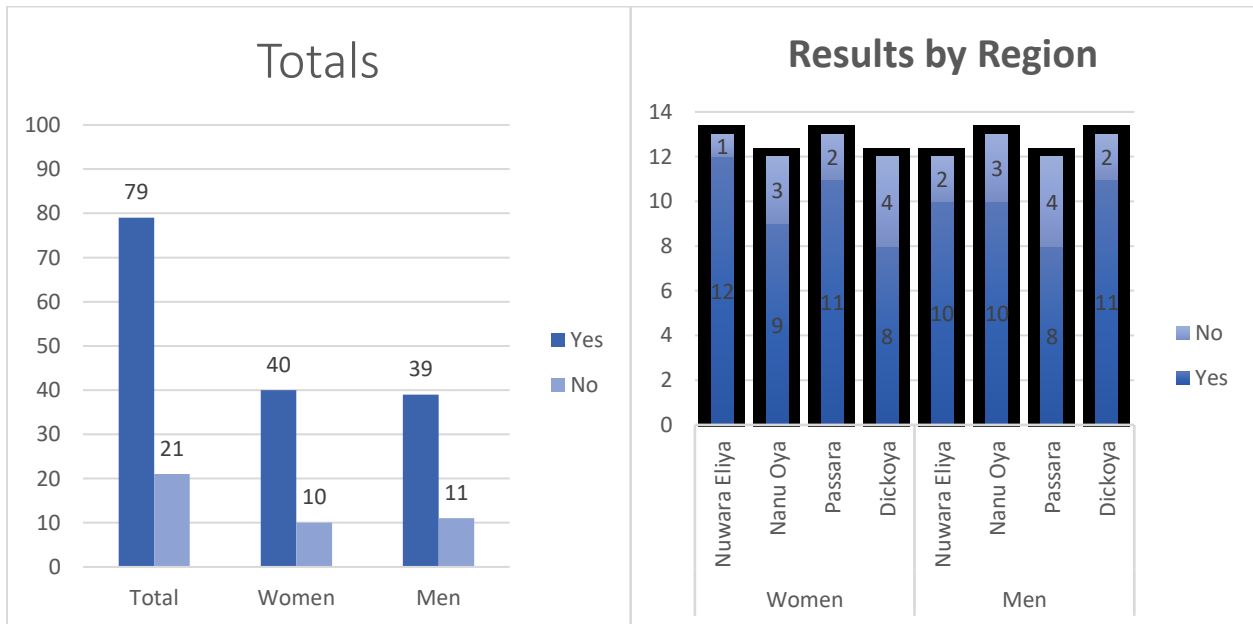


Figure 3

Figure 4

**Prior to the 2003 grant of citizenship, were you able to access government school outside the estate?**

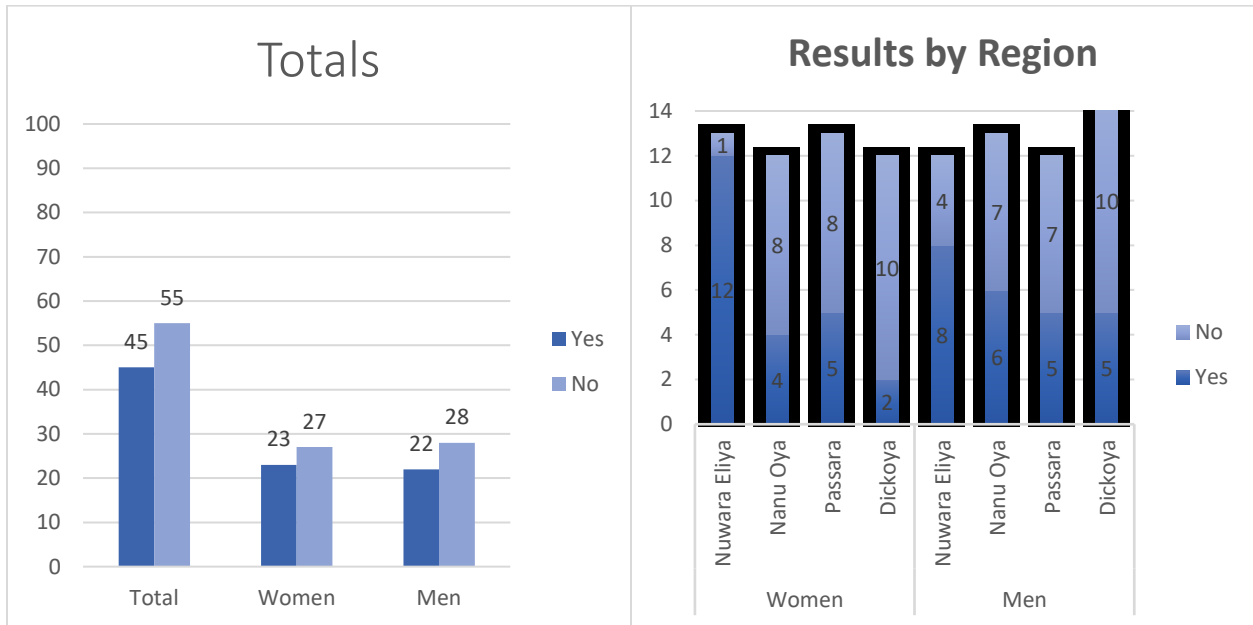


Figure 5

Figure 6

**Would you say your access to government school outside the estate has improved as a result of the 2003 grant of citizenship?**

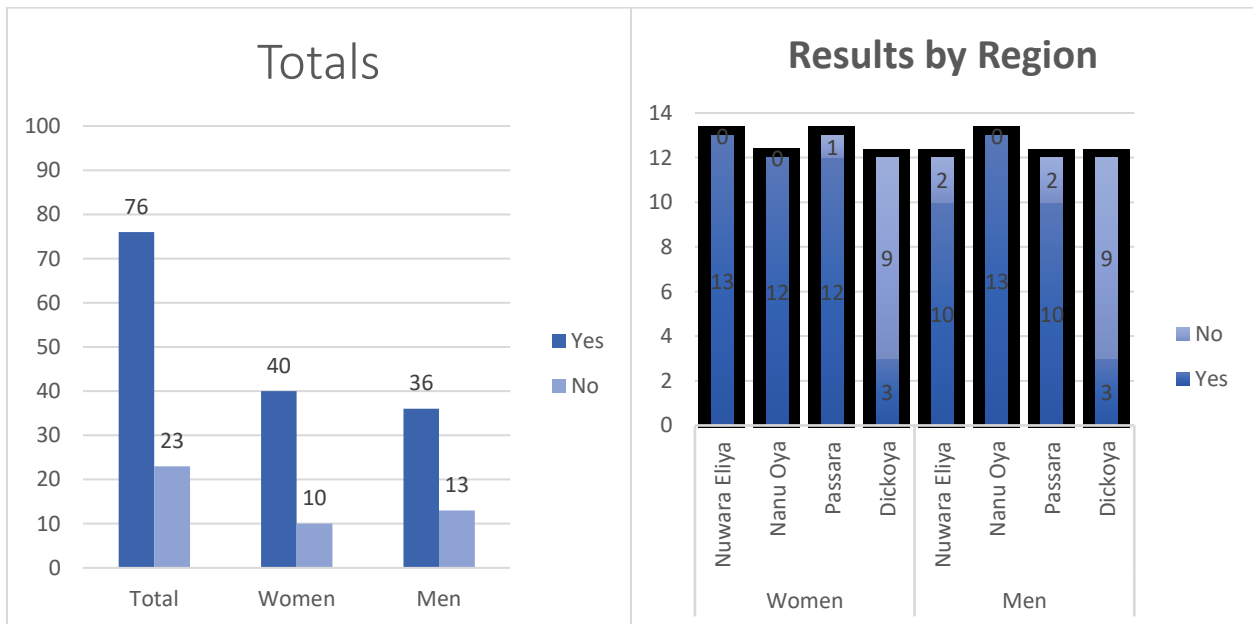


Figure 7

Figure 8



### *3.2.2 Education*

Overall, the majority of questionnaire survey respondents indicated that they did not have access schools outside their respective estate prior to the 2003 grant of citizenship, with a near equal representation of women and men indicating that this was so (Figure 5). This problem was particularly acute in rural regions (Figure 6). In contrast, the majority of questionnaire survey respondents indicated that access to schools outside one's respective estate had improved since the 2003 grant of citizenship, with women predominating in this response (Figure 7). However, more than three-quarters (18/23) of those who responded "no" when asked whether access to schools outside the estate had improved since 2003 are from Dickoya, indicating a serious lack of access to public education in this community despite their recently acquired citizenship (Figure 8). It should be noted that 1 male respondent from Dickoya declined from answering the latter of the above two questions.

### *3.2.3 Employment*

Of those who did respond, the majority of survey respondents reported being unable to secure formal employment outside of one's respective estate prior to the 2003 grant of citizenship, with men predominating in this response (Figure 9). Urban respondents were more successful in securing such employment, and women were either equally represented or fared better in doing so (Figure 10). More than half of all survey respondents indicated that access to formal employment outside of one's respective estate has improved since 2003 (Figure 11). Access has improved more for urban rather than rural respondents, and for women (Figure 12). The majority of rural respondents have indicated that access to such opportunities has not improved, and of particular concern, Dickoya is again substantially overrepresented in these

**Prior to the 2003 grant of citizenship, were you able to secure employment in the formal sector outside the estate?**

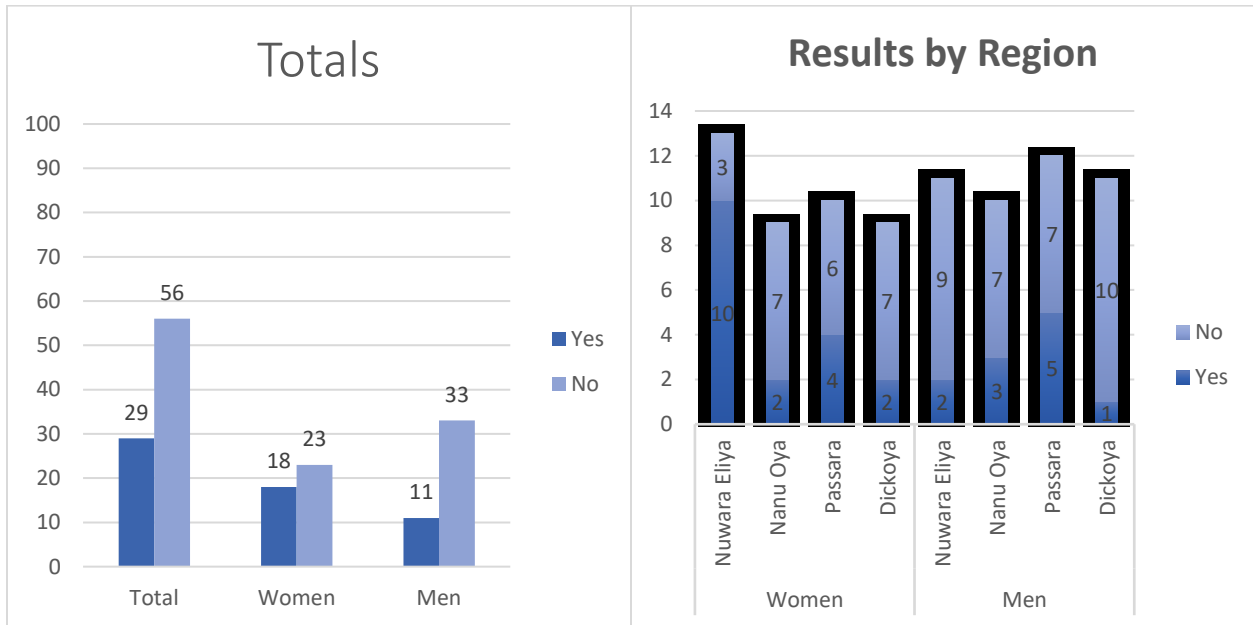


Figure 9

Figure 10

**Would you say your access to employment in the formal sector outside the estate has improved as a result of the 2003 grant of citizenship?**

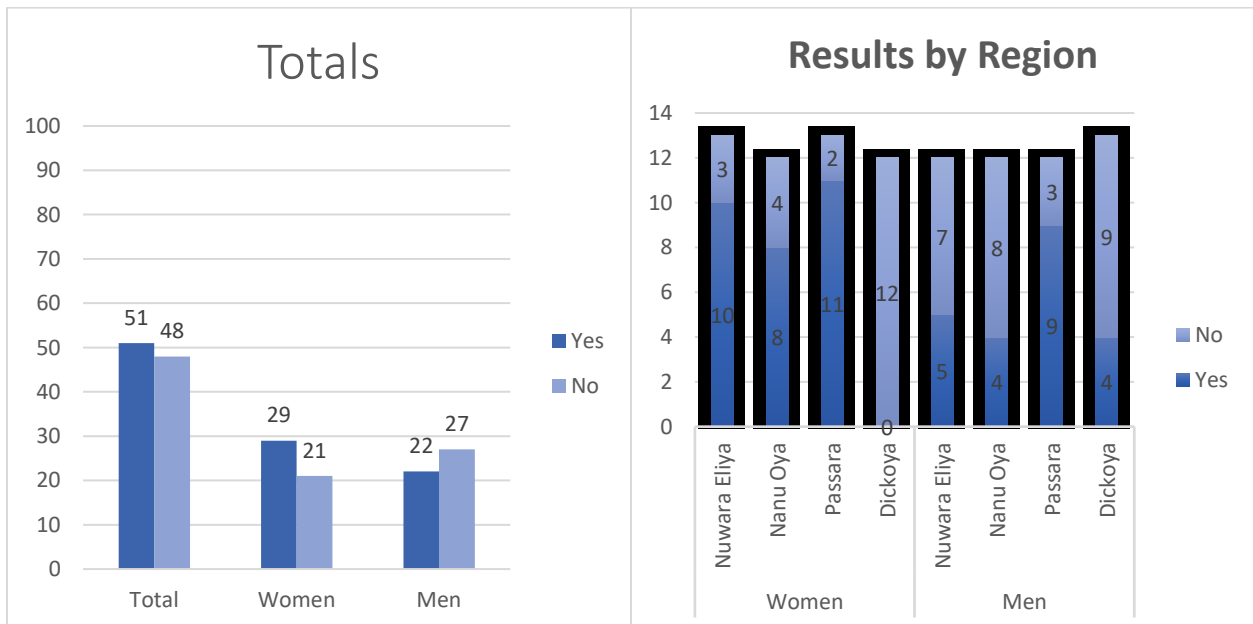


Figure 11

Figure 12

**Prior to the 2003 grant of citizenship, were you able to participate in the local, municipal, provincial, or national political process?**

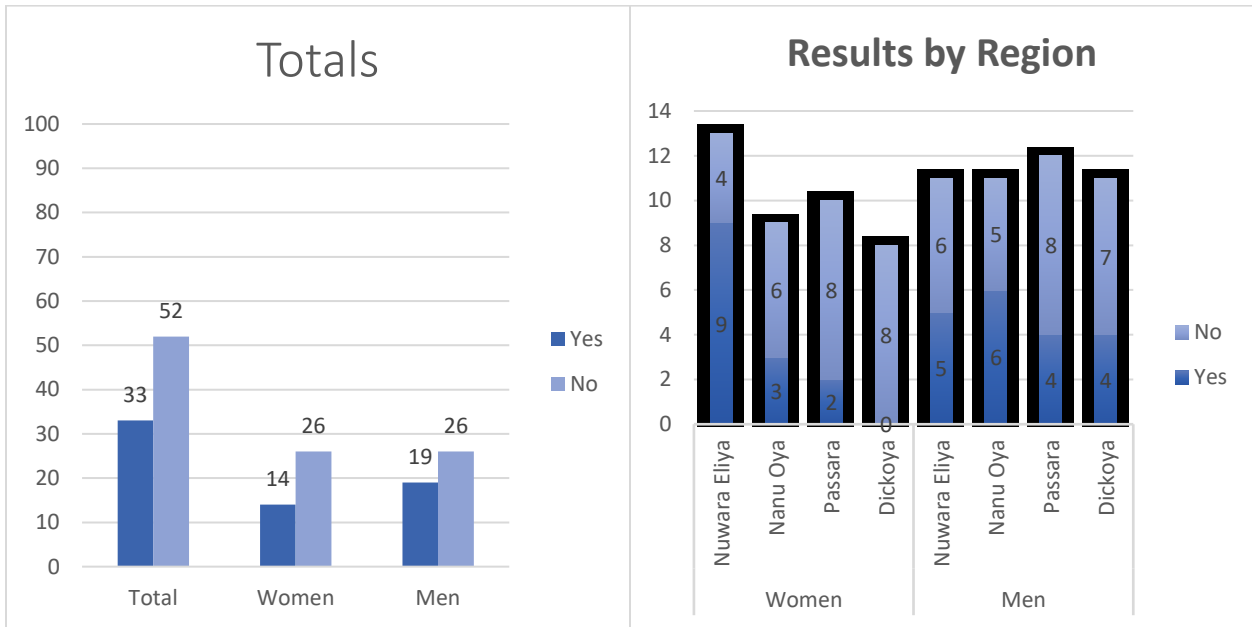


Figure 13

Figure 14

**Would you say your ability to participate in the local, municipal, provincial, or national political process has improved as a result of the 2003 grant of citizenship?**

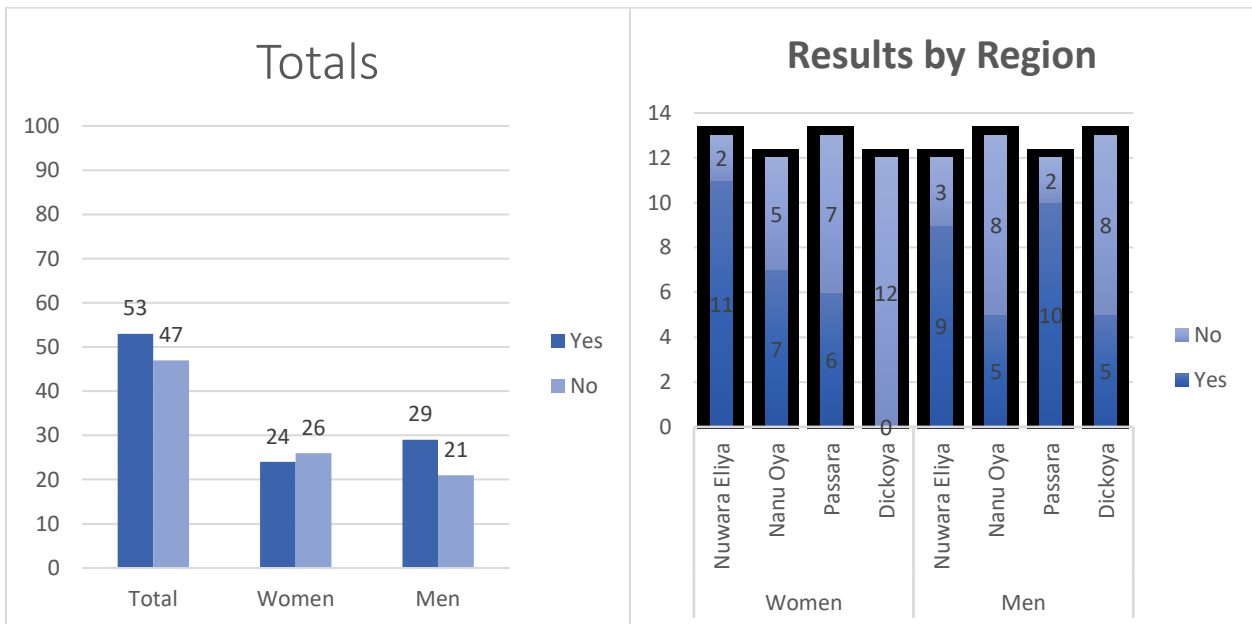


Figure 15

Figure 16

findings with only four male respondents indicating that access has indeed improved (Figure 12). It should be noted that one male respondent from Nanu Oya declined from answering the latter of the two above questions.

#### 3.2.4 *Political Participation*

The majority of survey respondent indicated that prior to the 2003 grant of citizenship they were unable to participate in any manner of the political process (Figure 13). Of those who could participate, men predominate. Moreover, of those who could participate, more than half are located in an urban locale whereas well over half of all rural respondents have indicated that they were unable to participate (Figure 14). Lastly, Nuwara Eliya is the only estate where more than half of all respondents indicated they were able to participate (Figure 14). Just over half of all survey respondents have indicated that their ability to participate in some manner of the political process has improved since 2003 (Figure 15). Of those that have reported this, men predominate. As well, urban respondents account for the majority of those who have reported an improvement (Figure 16). In sum, women are overrepresented in reporting that the ability to partake in the political process has not improved, and it should be noted that less than half of Passara's female respondents and *none* of Dickoya's female respondents indicated any improvement (Figure 16).

### **3.3 Interview Findings**

#### 3.3.1 *Access and Entitlement prior to 2003*

Overall, the majority of interviewees (28/30) indicated that they did have access to government healthcare services beyond the estate prior to the 2003 grant of citizenship. Among those who did respond, the majority of interviewees (21/28) reported having easy access to government healthcare services, with a near equal representation of women and men (10 W and 11 M) reporting this so as to suggest that there was no gendered division in terms of physical

access. Even so, a minority of those claiming to have easy access (5/21) indicated that the lack of Tamil proficiency among medical staff rendered their experience difficult. Of those for whom access was difficult (1 W and 4 M), 4/5 reported distance and the associated prohibitive travel costs as a key factor, 2/5 reported both distance and language barriers as key factors, and the remaining interviewee cited civil war-era checkpoints as the reason for difficult access to healthcare services beyond the estate. It is only rurally located women who reported that they were unable to access government healthcare services prior to 2003, and both identified distance and the associated prohibitive travel costs as the key reason why they were unable to access to government healthcare services.

In terms of education, the majority of interviewees (16/30) indicated that they did not have access to schools outside their respective estate prior to the 2003 grant of citizenship, with women predominating in this response (10 W and 6 M). Further, it should be noted that nearly all (8/10) rurally located interviewees reported that they were unable to access non-estate schools prior to 2003. Among those who could respond, the majority of interviewees (9/14) explicitly reported that their experience attending schools beyond the estate prior to 2003 was indeed positive. Four of the remaining five interviewees provided the same feedback but with some reservation, and one interviewee offered only explicit criticism of her experience in non-estate schools. Among those who did not have access to schools beyond the estate prior to 2003, the majority of interviewees (14/16) identified poverty as the key reason why they were unable to attend schools located outside the plantation. However, the two interviewees who did not mention financial problems nonetheless indicated that the school was too far to attend, perhaps suggesting that the finances needed to pay for transport were unavailable such that poverty prevented all interviewees from accessing schools outside of the plantation. Finally, though in

addition to poverty, women's unpaid labour emerged as a factor in preventing one interviewee from attending a non-estate school.

Among those who were able to respond to questions about employment, the majority of interviewees (14/23) indicated that they did not have access to formal employment outside of one's respective estate prior to the 2003 grant of citizenship, with men predominating in this response (3 W and 11 M). Likewise, of those who indicated that they had access to formal employment outside the estate, women predominate (6 W and 3 M). Further, access to formal employment outside the estate is greater for those interviewees living in an urban locale (seven) versus a rural locale (two). Agricultural work followed by work in garment factories are the two types of formal employment most readily available to those who had access to formal employment outside the estate. Of those who had access to such employment, more than half (5/9) report having a positive experience. It should be noted that none (3/9) who mentioned agricultural work characterized this experience as positive, and that one of two who mentioned garment factory work left her post within two months due to gender-based workplace discrimination. Networking through family and friends are the most common methods of securing such employment. Among those who did not have access to formal employment outside one's respective estate prior to 2003, anxiety about life outside the estate coupled with a self-perceived non-entitlement to life outside the estate was identified as the primary reason why interviewees (4/14) chose not to pursue such opportunities. However, were the three interviewees who deemed estate work to be the most secure employment option collapsed into the previous indicator, a sum total of 7/14 interviewees may be said to view life outside the estate as unrealistic. Added to this could be the three interviewees who cited "no opportunities" for work outside the estate as reason for not pursuing such employment, meaning that 10/14 interviewees

have no access or entitlement to work, and life, beyond the estate. A further two interviewees who cite their lack of education as preventative factors to securing employment again brings this number higher, suggesting that the social structures in place act to keep many from this population confined to the estate. Only rurally located interviewees have cited transport as preventative to securing employment outside the estate, suggesting that those living in rural locales face a very real physical barrier to such opportunities.

Among those who were able to respond to questions about political participation, the majority of interviewees (12/23) indicated that they were unable to participate in any aspect of the political process prior to the 2003 grant of citizenship. Further, the ability to participate is greater for those interviewees living in an urban locale (nine) versus a rural locale (two). It should be noted that Kanchana, 33 F from Nanu Oya, responded from a place of resignation when discussing her lack of participation in the political process:

We are not rich, so I don't participate. I didn't even think of going. If we want to go and participate, then for that we need money for the bus, so because of that we can't think of going. And even if we do participate, we're not going to gain anything from it. (personal communication, August 5, 2016).

Among those who could respond, trade unionism was the most common type of political participation reported, with just over half (6/11) of those who were able to participate, and only men, citing this mode of involvement. As well, the majority of those able to participate (6/11) report their involvement in the political process as a negative experience, and now see no benefit from participating or prefer not to involve themselves any further. Of the three women who were able to participate in some manner of the political process, two saw no benefit from participating, and the third preferred to no longer get involved. Only two interviewees explicitly state that their participation in the political process was a positive experience, yet only one person to report a

positive experience did not receive some manner of direct material or social benefit due to their involvement. Among those who were unable to participate in the political process prior to 2003, the preference not to participate was identified as the key reason why interviewees did not participate, signalling a definite alienation from the political process among this community as a whole. Second to this, “no opportunity” was identified as another key reason interviewees were unable to participate, further cementing the previous point. It should be noted that all women (five) stated that they were either not interested or provided no opportunity to participate. Although only mentioned by 2/12 interviewees, a lack of awareness regarding political matters as reason for non-participation is only mentioned by those interviewees who are rurally located. Transport problems are again only mentioned by a rurally located interviewee, further establishing that this element of the broader community faces very real physical barriers to healthcare, education, employment, and franchise entitlements. Although only mentioned once, women’s unpaid labour is cited as a reason for non-participation, which is surprising given that her husband works as a union representative.

### *3.3.2 Access and Entitlement since 2003*

When asked whether access to government healthcare services beyond the estate has improved since the 2003 grant of citizenship, the majority of interviewees (27/30) indicated that access has improved, with a near equal representation of women and men (14 W and 13 M) reporting this so as to suggest that there was no gendered division in terms of physical access. Those who did not indicate so have nonetheless given evidence of improvements, or of a decrease in barriers to access, in their responses. The majority of interviewees (25/30) indicated that their experiences using government healthcare services beyond the estate since 2003 has been a largely positive experience, with women predominating in this response (14 W and 11



M). Infrastructural development in the healthcare sector was the leading factor as to why interviewees perceived their access to have been improved since 2003. Of the remaining five interviewees, three were unable to comment due to a lack of experience using these services, one chose to abstain, and one interviewee explicitly stated it has been an unpleasant experience due to overcrowding, long wait-times, and the limited availability of staff. However, two of the three who were unable to comment due to a lack of experience responded from a place of resignation when discussing personal access to healthcare services, one of whom was Kumuthuvalli quoted at the beginning of this chapter. The other was her neighbour, Anandan, 53 M, who remarked “We are living in isolation. For this reason we don’t know how to go to town and buy medicines or other things. We stay in this place only, because we don’t know of any changes” (personal communication, August 10, 2016). Though the words of two individuals do not indicate a trend, their lack of experience using healthcare services beyond the estate are perhaps motivated by a self-perceived sense of non-entitlement to a world outside the estate, and hence should not be overlooked.

When asked whether access to government schools outside the estate has improved since the 2003 grant of citizenship, the majority of interviewees (18/30) indicated that access has improved, with an equal representation of women and men reporting this so as to suggest that there was no gendered division in terms of physical access. Of the remaining 12 interviewees who indicated that access has not improved, seven (4 W and 3 M) were also unable to access schools prior to 2003, meaning that nearly a quarter of those interviewed are entirely reliant on estate schools. Four (1 W and 3 M) of the remaining five interviewees have had access to non-estate schools all along, and one reported that a non-estate school was the only available school during his youth. However, it should be noted that of the 16 interviewees who did not have

access to schools outside the estate prior to 2003, nine have indicated that access has indeed improved. Among those who did respond, the majority of interviewees (15/16) explicitly reported that their experience attending non-estate schools since 2003 was indeed positive. Infrastructural development was the leading factor as to why interviewees perceived their access to non-estate schools to have been improved since 2003. The remaining interviewee stated that attending non-estate schools is possible but difficult due to household food insecurity and the physical demand the journey to school places on children who routinely go without breakfast. Among those indicating that they do not have access to non-estate schools, all interviewees (7/7) identified poverty as the key reason why they were unable to attend schools located outside the plantation, four of whom are rural. Lastly, though in addition to poverty, discrimination emerged as a factor in preventing one rurally located interviewee from attending a non-estate school, and this should be viewed in recognition of the enduring discrimination encountered in rural government hospitals outlined in the previous paragraph.

When asked whether access to formal employment outside the estate has improved since the 2003 grant of citizenship, the majority of interviewees (17/29) indicated that access has not improved, with a near equal representation of women and men indicating that this was so (8 W and 9 M). The majority (7/12) of those reporting an improvement in access or entitlement to formal employment outside of the Estate since 2003 were already able to secure such employment prior to the grant of citizenship, suggesting that little has changed for those who were unable to access said employment prior to 2003. Among those who did respond, the majority of interviewees (8/12) explicitly reported that working in the formal sector outside the estate was a positive experience, with an equal measure of women and men represented (4 W and 4 M). However, three of the remaining four interviewees had no experience working outside

the estate despite indicating that access had indeed improved, meaning that access to employment outside the estate has not improved for 20/29 interviewees rather than the above reported number of 17/29. As well, another interviewee is prevented from leaving the estate by her husband, further outlining the degree to which access has not improved, and how some women in this population are deprived of their basic entitlements. Among those indicating that they do not have access to formal employment outside the estate, the choice not to pursue employment opportunities outside the estate is the leading reason (5/17) as to why access to formal employment is said not to have improved in the post-2003 era, with one's lack of education (4/17) and "no opportunities" (4/17) tied for second as the other major reasons why access to such opportunities are said not to have improved. One's lack of education, "no opportunities," and the self-imposed sense that one is not entitled to life beyond the estate all point to much larger systemic issues of isolation among this population. The claim of "no opportunities" predominates for those interviewees who are rurally located, and it is only in rural regions where transport issues prevent interviewees from seeking employment. Lastly, gender discrimination was again provided as reason for not pursuing such opportunities, whereby the demands of unpaid labour and the absence of permission to leave the estate from a male head of household deprived three interviewees of their basic entitlement to gainful employment.

When asked whether access to the political process has improved since the 2003 grant of citizenship, the majority of interviewees (16/30) indicated that access has improved, with men predominating in this response (6 W and 10 M). Among this 16, only two rural interviewees report an improvement in political participation, one of whom was too young to participate prior to 2003, suggesting that rural communities have been neglected in the post-2003 era. Of the 12 interviewees who were unable to participate prior to 2003, six have reported an improvement in

access and entitlement to participation, while seven of the 11 interviewees who were able to participate prior to 2003 have also reported an improvement. The three remaining interviewees were too young to participate in the pre-2003 era but have nonetheless reported an improvement in access to participation in the political process. Still, less than half (3/7) of those interviewees who were too young to participate prior to 2003 have seen an improvement in access and entitlement to political participation. Overall, access and entitlement to political participation has mostly improved for those who were already able to participate (7/16), all of whom are men. A perceived increased opportunity to become involved in the political process was the leading factor as to why interviewees perceived their access to have been improved since 2003, yet of the seven interviewees who reported this, 6 (4 W and 2 M) have chosen not to participate, or are otherwise unable to participate, with the demands of unpaid labour given as reason for this by three of these four women. Thus, it can be said that for 20/30 rather than 14/30 interviewees the ability to participate in the political process has *not* improved since an additional six interviewees are for one reason or another alienated from the political process, meaning 13/15 women and 7/15 men have little political voice in the post-2003 era. Correcting for this, greater government attention and increased union involvement become the leading improvements in political participation. Of those who were able to comment on their experience, the vast majority (7/9) report that their participation in the political process has been a positive experience. Among the initial 14 interviewees (9 W and 5 M) who reported no improvement in access and entitlement to political participation, the preference not to participate is the leading reason for the reported lack of improvement, with the distrust of politicians as the second leading reason. It should be noted that six of the seven who held a preference not to participate were women, and when combined with those women who stated that access had improved but chose not to participate, a total of

11/15 female interviewees have chosen not to participate, and are in some respect alienated from the political process. Further, nearly half of all women interviewed (7/15) cited unpaid labour as reason not to participate. Finally, rurally located interviewees constitute the majority (8/14) of those who report no improvement in access, and when considering that one of the two who has reported otherwise is a self-appointed, in-estate activist, participation in the political process remains alien to nearly all (9/10) rurally located interviewees.

### *3.3.3 Other Options: Healthcare, Education, and Employment*

When asked whether healthcare services other than those provided by the government beyond the estate were available, the majority of interviewees (27/30) indicated that they did have access to such services. Among those who could respond, both the EMA and private sector healthcare services were available to the majority of interviewees (21/27), with either one of these services available to the remaining six interviewees. More than half (13/25) of those to whom the EMA is available levied some manner of criticism at these services, with poor drug availability and staff availability being the primary points of contention. Further, and only among rural interviewees, the EMA was a constant target of criticism, so much so that inquiring as to how these services were used elicited laughter and provoked one interviewee to declare that they were “good for nothing” (personal communication, August 9, 2016). As well, it must be noted that the three interviewees who indicated that healthcare services other than those provided by the government were not available are all rurally based, suggesting that the one’s options for healthcare provision in the more rural parts of the Up-country are quite limited.

When asked whether non-estate schools other than those provided by the government were available, the majority of interviewees (23/30) indicated that they did have access to such

schools. Among those who could respond, private educational services were available to the majority of interviewees (22/23), with the remaining interviewee reporting that a church-run school was available. Although the majority of these interviewees (13/23) reported making use of these services, the prohibitive cost of access was identified as the primary reason people chose not to avail themselves of these services (9/23). However, in view of these nine interviewees who are financially prohibited from accessing educational services other than those within the estate, and the remaining 7/30 who indicate that no such option exists for them, it can be said that more than half of all interviewees (16/30) do not have access to educational services other than those provided by the government within the estate, suggesting that the educational opportunities for this population are quite limited.

When asked whether opportunities to work in the informal sector outside of the estate were available, half of all interviewees (15/30) indicated that they did have access to such opportunities, with men predominating in this response (5 W and 10 M). However, the majority of these opportunities (12/15) are to be found in urban locales. With respect to the 14 interviewees who were unable to secure formal employment prior to 2003, 12/14 of these same interviewees have indicated that informal employment opportunities are available. Likewise, with respect to the 17 interviewees who were unable to secure formal employment after 2003, 11/17 have indicated that informal employment opportunities are available, suggesting that informal employment is the primary option available for those seeking employment outside the estate. However, the majority of interviewees (9/15) indicated that they have not pursued opportunities to secure such employment, again suggesting the presence of a lack of self-entitlement to a life beyond the estate. The most common form of informal employment is agricultural work, in which the majority (5/6) of those who have indeed pursued informal

employment have worked, thereby suggesting that this population is limited to such work both within and outside of the estate.

### 3.3.4 *Hostility and Discrimination*

When asked how one has coped with encountering any hostility or discrimination when accessing government healthcare services, the majority of interviewees (19/30) indicated that no hostility or discrimination was encountered when using government healthcare facilities either before or after the 2003 grant of citizenship, with men predominating in this response (7 W and 12 M). Those who reported encountering hostility or discrimination prior to 2003 have indicated that these obstacles no longer exist, meaning that an increased majority of interviewees (25/30) either have not or do not experience hostility or discrimination in the post-citizenship era, although this majority may be slightly undermined given that three interviewees highlighted their knowledge of Sinhala as a means of avoiding discrimination. Still, a minority (5/30) report enduring hostility and discrimination, three of whom are rurally located. The lack of Tamil language availability is the primary means by which people feel they have been discriminated against, and communicating via a third party fluent in both Tamil and Sinhala is the primary means by which people negotiate this language barrier. However, when accounting for the two individuals with no experience in accessing government healthcare services discussed above, and the report from one rurally based interviewee that no hostility or discrimination has been encountered *because* of their knowledge of Sinhala, more than half (6/10) of all rurally based interviewees are subject to some manner of enduring hostility or discrimination when accessing these services.

When asked how one has coped with encountering any hostility or discrimination when accessing non-estate schools, the majority of interviewees (19/30) indicated that no hostility or discrimination was encountered when accessing non-estate schools either before or after the 2003 grant of citizenship, with a near equal representation of women and men reporting this as so (9 W and 10 M). The one interviewee who reported encountering hostility or discrimination prior to 2003 has indicated that the conditions needed for such encounters to persist no longer exist, meaning that an increased majority of interviewees (20/30) either have not or do not experience hostility or discrimination in the post-citizenship era. Still, a minority (3/30) report enduring hostility and discrimination, two of whom are rurally located. Class and ethnic-based discrimination are the primary avenues by which people feel they have been discriminated against, though resignation is the primary response to such encounters, with relocation given as the only other method of negotiation. However, when accounting for the seven individuals unable to comment because they have no experience in accessing non-estate schools, one third of all interviewees, half of whom are rurally located, are subject to some manner of hostility or discrimination be it explicit or systemic.

When asked how one has coped with encountering any hostility or discrimination when accessing or seeking to access formal employment outside of the estate, the majority of interviewees (18/30) indicated that no hostility or discrimination was encountered either before or after the 2003 grant of citizenship, with women predominating in this response (11 W and 7 M). 10 interviewees (3 W and 7 M) more than half of whom (6/10) were rurally located, were unable to comment due to a complete lack of experience in trying to secure work in the formal sector outside of the estate, again pointing to larger systemic issues that prevent this population and those living in a rural locale from establishing a life beyond the estate. Only one interviewee



reported enduring hostility and discrimination due to ethnicity when attending job interviews, though resignation was how this individual chose to respond in this circumstance. The remaining interviewee is the same young woman who earlier reported gender-based workplace discrimination when working at a garment factory, and based on this experience has since elected to no longer seek formal employment outside of the estate.

When asked how one has coped with encountering any hostility or discrimination when engaging the political process, all interviewees who were able to respond (26/26) indicated having never once encountered any form of hostility or discrimination. Three of the remaining four interviewees, all of whom are rurally located, had no experience of political engagement to speak of, further substantiating physical isolation as a key factor in this community's overall rights deficit and suggesting that systemic rather than explicit discrimination is what prevents this community from engaging the political process. The remaining interviewee, who is also rurally located, chose not to vote despite the opportunity to do so.

### **3.4 Belonging**

*“They at last gave us citizenship – that’s the benefit. After citizenship we are no longer scared of anything, like, we can get jobs. We have citizenship in this country, so we can do anything.”*  
(Shanmuganadhar, M 57, Nuwara Eliya)

*“The Estate people have little power and live in poverty. But other people are developing, and developing, and developing. People in the Estate are getting poorer and poorer, but everyone outside is getting rich. There is no equality among the Estate people and the outside communities.”*

(Parimalaganthy, 27 F, Nuwara Eliya)

Belonging, “a person's membership in, and acceptance by, a group or society” (OED, 2017c), is difficult to appraise. The challenge of trying to qualify and quantify belonging owes to its intangible nature. Belonging is not static, nor is it a good to be kept, rather, it is something that is

constantly negotiated, and is reified only through the words and actions of one's peers, friends, and loved ones, and by the degree to which one finds oneself reflected in the prevailing dominant culture. Though this explanation is not beyond the realm of comprehension, it does not easily provide for the undertaking of annual United Nations Human Belonging Index whereupon social scientists can measure how belonging has waxed and waned throughout the years. However, this does not mean that it is beyond the scope of enquiry, for not only is belonging an essential component of human social life, it implicitly shapes the historical experience of groups that have at one time not belonged, such as the Up-country Tamils of Sri Lanka, and it is with this endonym — Up-country Tamil — that a discussion of belonging in the Sri Lankan context can commence.

Up-country Tamil is an anglicized version of *Malayaha* (hill; mountain) Tamil, a term that came into public use beginning in the 1960s (Bass, 2013; Lawrence, 2011). Until this time, no shortage of exonyms had been ascribed to this community, such as Malabars, Kandyan Tamils, Ceylon Tamils, Indian Tamils, Estate Tamils, Plantation Tamils, and Tamils of Recent Indian Origin (Bass, 2013; Kanapathipillai 2009; Lawrence, 2011, Peebles, 2001). According to Peebles (2001), the reason for this was the lack of leadership needed among this community to articulate their ethnic consciousness, thus this group's identity was imposed from without. In particular, the 1911 Census saw this community officially labeled as Indian Tamil, thereby forging a new identity for this group as alien and creating a "fundamental break in the demographic history of Ceylon" (Peebles, 2001, p. 24) such that the path to historical assimilation was closed. However, by the mid-twentieth century interaction with other ethnic communities, exposure to anti-Tamil aggression, a resurgent Tamil nationalism spearheaded by the *Dravida Munnetra Kazhagam* in neighbouring India, and a Sinhala cultural renaissance precipitated greater awareness among

plantation workers of their identity as a unique Tamil community in Sri Lanka, and *Malayaha* or Up-country Tamil took hold (Bass, 2013; Jayawardena & Kurian, 2015; Lawrence, 2011). Soon, a number of publications, youth movements, and organizations emerged in the Up-country incorporating some variation of *Malayaha* in their name, and by the 1990s *Malayaha* Tamil became the most common appellation for this community in the Tamil language, though its adoption in English has not kept pace (Bass, 2013; Lawrence, 2011). What must be understood is that the adoption of *Malayaha* is of unparalleled significance, for it is an identity concept that has emerged from *within* Up-country Tamil society and “is integral to their historical consciousness and self-understanding as a community” (Lawrence, 2011, p. 14). The genesis of *Malayaha* Tamil as an ethnic identity spatially and symbolically links this population to Sri Lanka and “accords them an authentic group identity as a distinct nationality in multiethnic Sri Lanka” (Uyangoda, 2012, p. 141). In other words, the deployment of *Malayaha* Tamil establishes irrevocably that this population belongs *to* Sri Lanka, and that Up-country Tamils are *Ilankai Makkal*, people of Sri Lanka (Kanapathipillai 2009).

In this way, it is without question that there is a robust sense of belonging among this community. Still, it must be acknowledged that the Sri Lanka they belong to has been shaped, and continues to be informed by, a non-negligible Sinhala Buddhist ethno-nationalist current (Deshapriya, 2001; Zuhair, 2016). Hence the question of belonging remains unsettled, and though it is again difficult to capture the extent to which persons and populations feel as though they belong, because people simply perceive themselves to either belong or not belong to a given group or society, an appraisal of belonging can nonetheless be pursued. In an effort to determine the extent of belonging among this population, questionnaire survey respondents and

**Overall, would you say your community has benefitted from the 2003 grant of citizenship?**

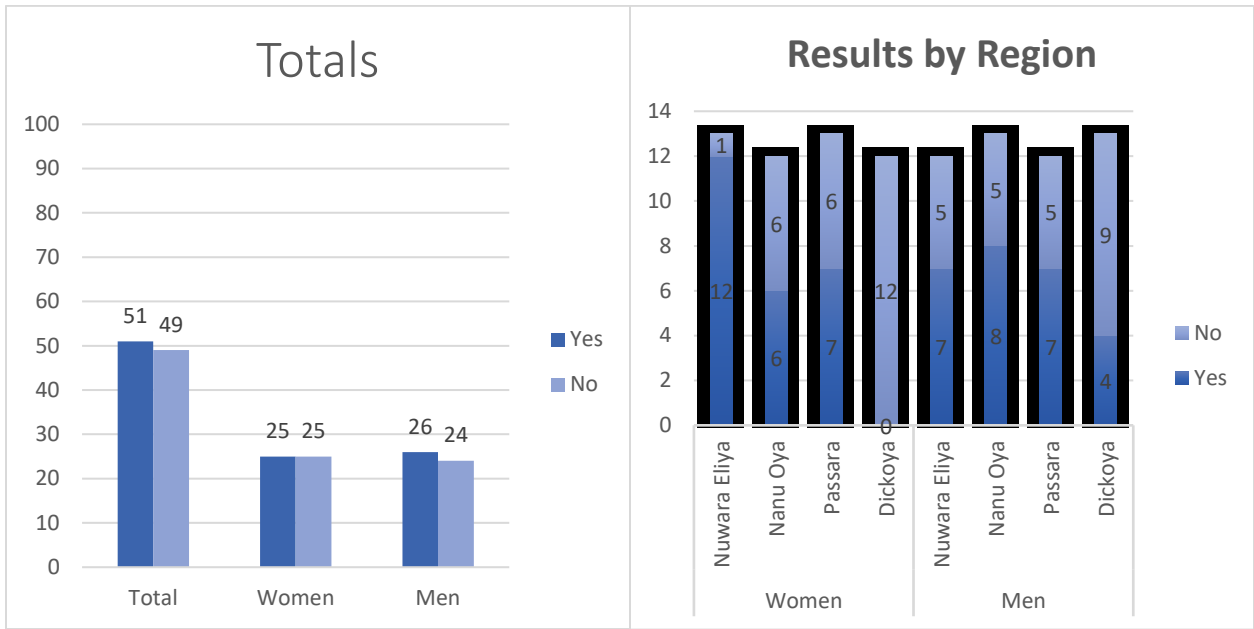


Figure 17

Figure 18

**Would you say your community has achieved equality with the majority of Sri Lankan citizens as a result of the 2003 grant of citizenship?**

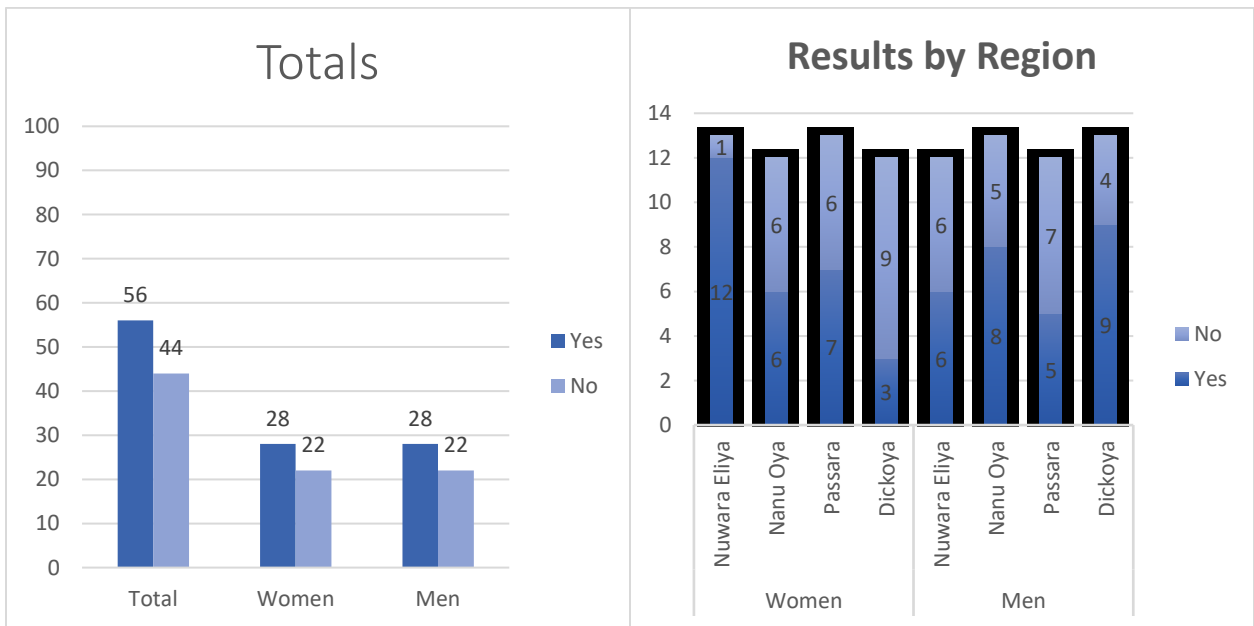


Figure 19

Figure 20

interviewees were asked: whether the acquisition of Sri Lankan citizenship, and by extension formal recognition as people of Sri Lanka, was of benefit *in toto*; whether they perceived themselves to be the equals of the majority population; and what the foremost challenge confronting this community was.

#### 3.4.1 *Questionnaire Survey Results:*

Just over half of all survey respondents have indicated that the acquisition of citizenship has been of benefit, with a near equal representation of women and men indicating that this was so (Figure 17). Further, the majority of respondents who indicated that citizenship has been of benefit are from urban locales. Conversely, the majority of respondents who saw citizenship as bringing with it no benefit are from rural locales (Figure 18). It should be noted that half of the women from Nanu Oya, and *all women* from Dickoya deem the acquisition of citizenship to be of no benefit (Figure 18).

Slightly more than half of all survey respondents have indicated that the Up-country Tamil community has indeed achieved equality with the majority population in wake of the 2003 grant of citizenship, with women and men equally represented (Figure 19). Like the above findings, the majority of respondents who perceive equality to have been achieved are from urban locales. Conversely, and although women and men are again equally represented, the majority of those respondents who do not perceive equality to have been achieved are from rural locales, with over half of all respondents from Passara and Dickoya having indicated this (Figure 20).

#### 3.4.2 *Interview Findings*

The majority of interviewees (19/30) see no benefit from the 2003 grant of citizenship apart from receiving citizenship and the legal identity before the state this provides. More than half of

all women and men are of this opinion (8 W and 11 M), with men slightly overrepresented. The leading reason provided for this sentiment is some variation of the general belief that nothing has changed, that nothing has been provided by the government in wake of the grant of citizenship, that interviewees are not aware of any benefits, and that the government continues to neglect this community. Of the remaining 11 interviewees, six believed the grant of citizenship to be of partial benefit only, and government neglect was provided as reason for such ambivalence. The remaining five interviewees explicitly stated that the grant of citizenship was of benefit, with each interviewee providing a different reason for this response. However, if the response of “partial” is added to those who did not explicitly say “yes,” 25/30 do not view the grant of citizenship positively.

When asked whether the Up-country Tamil population has achieved equality with the majority population following the 2003 grant of citizenship, the majority of interviewees (19/30) do not view their community as having achieved such equality, with a near equal representation of women and men indicating that this was so (9 W and 10 M). The leading reason provided as to why interviewees are of this opinion is that the Sinhala majority are still very much perceived as the dominant ethnic group at the expense of the Up-country Tamil community, wherein the needs and wants of the former take precedent over those of the latter. Of the 11 remaining interviewees, two were unable to comment because they had no experience to reflect upon, again suggesting the presence of a lack of self-entitlement to a life beyond the estate. The remaining nine interviewees explicitly stated that their community had achieved equality with the majority population, with a belief that Sri Lankans were now united provided as the leading reason for this response.

Finally, when asked about the foremost challenge confronting the Up-country Tamil population, and what interviewees believed could be done to overcome said challenge, the nexus of poverty-low-income-lack of job opportunities was the most commonly cited challenge highlighted among those who were able to respond (14/29). Securing employment other than that provided by the estate (4/14) and increased government support for the Up-country Tamil community alongside increased parliamentary representation (4/14) were the most common responses provided as to how this challenge may be overcome.

## Chapter Four – Analysis & Discussion

### 4.1 Analysis

Based on the findings presented in Chapter Four, it can be postulated that access and entitlement to healthcare, education, and employment among Sri Lanka's previously stateless Up-country Tamil population has improved as a result of the 2003 grant of citizenship. Though not everyone consulted shared these views, the majority of questionnaire survey respondents and interviewees have reported a general improvement in access and entitlement with respect to these three indicators. In contrast, 50.7 percent of all those consulted indicated that access and entitlement to political participation has *not* improved in the wake of citizenship, yet this makes for a non-negligible 49.2 percent of respondents and interviewees who believe it has. Evidently, the acquisition of citizenship has brought with it substantive benefit, but when the above findings are disaggregated it is made apparent that not all of those consulted have an equal share in these benefits.

When accounting for the responses of the urban versus rural population, it is rural respondents and interviewees who are overrepresented in reporting a lack of improvement in access and entitlement following the 2003 grant of citizenship. For instance, among the 23 survey respondents who indicated that access to government schools outside the estate had not improved since 2003, 21 are rurally located, of whom 18 are from Dickoya. As well, among the seven interviewees who reported never having such access, four are rural. Further, more than half of the survey respondents who indicated that access to formal employment outside the estate had not improved are again rural, with seven of 10 rural interviewees supporting this claim by either stating that no such opportunity exists, or that the prohibitive cost of transport prevents them from pursuing such opportunities. Of the 47 survey respondents who indicated that the



ability to participate in the political process had not improved, 29 are rurally based in addition to a further nine out of 10 rural interviewees who for one reason or another alienated from the political process. As well, it is rural respondents that comprise the majority of those who see the acquisition of citizenship as non-beneficial, and perceive themselves not as the equals of the majority population. For these reasons, and despite the general improvement in access and entitlement to each indicator under investigation, there exists a rural rights deficit in the Up-country.

Much like the urban-rural divide, the benefits of citizenship are further divided along gendered lines. Although more men than women reported that access to employment outside the estate had not improved, *all* female respondents from Dickoya indicated that this was so. Added to this is the one female interviewee who reported increased access to non-estate employment but was nonetheless prevented from pursuing these opportunities by her husband, and three others who reported that access had not improved because they were either not permitted to leave the estate, or that the demands of unpaid labour would not allow for such employment. Of the 47 survey respondents who indicated that the ability to participate in the political process had not improved, the majority are women. Added to this are the nine interviewees who indicated that the ability to participate in the political process had not improved along with the four interviewees who reported that their ability to partake had improved but that unpaid labour or the choice not to participate precluded them from doing so, such that 13 of the 15 women interviewed can be said to have little political voice. Further, of this 13, 11 have elected not to participate, with seven of these women citing unpaid labour as the reason for this. Finally, and although an equal measure of female respondents indicated that they saw their community as equals with the majority population, *all* women from Dickoya again indicated that they did not

perceive themselves as such. For these reasons, some of which apply only to women, and despite the general improvement in access and entitlement to three of the four indicators under investigation, there may be evidence of a perception among women of wanting more political involvement.

Beyond the urban-rural, male-female divide, analysis of the above findings reveals three more findings, the first of which is a self-perceived non-entitlement to life outside or beyond the estate coupled with an absent sense of equality. To be sure, only a minority of those consulted conveyed such sentiment, but because it is said that “stateless people want nothing more than to come in from the cold — to belong” (UNHCR, 2014b, p. 16), any indication that some among the previously stateless have yet to come in from the cold warrants attention. With respect to healthcare, two interviewees from Passara quoted in Chapter Three were unable to speak of their experience using the healthcare system because they had never attempted to use these services. Kumuthuvalli claimed that for the poor nothing will change, hence there is no sense in seeking medical assistance other than what is available in the estate, whereas Anandan declared that he and his family stay within the estate because they know not of the world beyond the estate. As for employment, five of the 17 interviewees who reported that access and entitlement had not improved had chosen not to pursue employment opportunities outside the estate, again suggesting the presence of a self-imposed sense that one is not entitled to life beyond the estate. Added to this are the nine interviewees who indicated that informal employment beyond the estate was indeed available but elected not to pursue such opportunities. Further, among the 14 interviewees who indicated that their ability to participate in the political process had not improved in the post-2003 era, seven had simply chosen not to participate. While these findings are in no way representative of the majority of those consulted, they are underpinned by the 44

survey respondents and 19 interviewees who do not perceive equality with the majority population to have been achieved, not to mention the two interviewees who were unable to comment because they had no experience of life outside the estate. Thus, whether it is the four who have expressly stated that they have no place outside the estate or the limited few who have elected not to involve themselves with matters beyond the estate, the boundaries of the estate seem to delimit the choices and opportunities of a significant few.

Analysis of the above findings also brings another finding into focus: the acquisition of citizenship as non-beneficial in these early stages. Of the 100 respondents surveyed, 49 view the acquisition of citizenship as bringing with it no substantive benefit beyond the legal identity before the state it provides. When this number is coupled with the 19 of 30 interviewees who share this view, 52.3 percent of all those consulted deem the acquisition of citizenship to be non-beneficial. This finding does appear to conflict with the general improvement in access and entitlement to healthcare, education, and employment reported elsewhere, though such conflict is not reason enough to overlook or dismiss how people qualify their experience of citizenship. This finding does not mean that the acquisition of citizenship was held to be detrimental, for no one who viewed it as being non-beneficial suggested this, rather, it challenges the notion that statelessness “can be resolved in a single moment” (UNHCR, 2014b, p. 20), and establishes that declarations of Sri Lanka’s success in ending statelessness were made in haste.

Lastly, because this population is one that has been historically marginalized, discussion of discrimination, or the absence thereof, is inescapable. In view of the significant few who harbor a sense of non-entitlement to a life beyond the estate, the 63 who do not view the Up-country Tamil population as having achieved equality with the majority population, and the 68 who deem the acquisition of citizenship as non-beneficial, to surmise that this population faces enduring

discrimination would not be altogether unfounded. However, based on the findings presented in Chapter Three, it is only a minority of interviewees who report encountering such discrimination. With respect to healthcare, the five interviewees who reported discrimination cited the lack of Tamil language availability as reason for this, though all were able to negotiate this by communicating with medical staff via a third party fluent in both Tamil and Sinhala, or by locating bilingual staff. As for education, three interviewees reported encountering discrimination, and though one relocated to another school to avoid any further hostility, resignation was the response of the two remaining interviewees. Encounters with ethnic and gender based discrimination when pursuing employment beyond the estate were reported by two interviewees, and again resignation was the chosen method of negotiation. On a positive note, none who were able to respond reported encountering discrimination when engaging the political process. However, three interviewees had no experience engaging the political process to speak of, and when accounting for the two who have never used the healthcare system, the seven who have never attended a non-estate school, and the 10 who have never pursued employment opportunities in the formal sector outside of the estate, it appears the issue of systemic or institutional discrimination outweighs that of interpersonal discrimination. Of particular note, when considering explicit and institutional racism in tandem, resignation in the face of adversity is the primary response of those who have been met with this obstacle, and though this does not mean that the individuals under discussion are without agency, the concept of dissensus is nonetheless heavily undermined.

## **4.2 Discussion**

### *4.2.1 The Rural Rights Deficit*

The rural rights deficit outlined above is underpinned by three interconnected variables that operate to reinforce one another: poverty, the physical isolation that comes with residing in enclave-like plantations which either precludes the regular presence of Up-country Tamils from public spaces beyond the estate or intercourse with the majority population, and political alienation. Among interviewees, it is poverty that precludes them from access to non-estate schools because the finances needed to cover the costs of transportation to said schools are unavailable. However, it is because these communities are so remote that the cost of transportation is so high. Of course, an increase in household income would provide the finances needed to meet such costs, but opportunities to secure formal employment outside the estate either do not exist, or the cost of transportation to pursue such opportunities and by extension increase household income prohibits people from doing so, and thus the inability to pursue non-estate education remains. In short, poverty and physical isolation combine to limit one's options in the fields of education and employment, and in this way the right to education and the right to work are never fully realized. Additionally, alienation from the political process, which is itself indicative of a political rights deficit, marks the more rural regions of the Up-country, and because of this there is little opportunity for rural Up-country Tamil citizenry to voice their concerns on matters of education and employment and challenge the reigning rights deficit.

Because the right to education, employment, and political participation are without full realization in the more rural regions of the Up-country, recently acquired Sri Lankan citizenship is largely nominal with respect to these rights insofar as legal recognition before the state has brought with it little substantive benefit in terms of access and entitlement to education, employment and political participation in the 14 years on from having acquired citizenship. Still, it must be acknowledged that this rural rights deficit is anchored in a larger historical process if

not only to convey that this deficit is not mere speculation. Originally, it was *the city* from which emerged oath-based citizenship based on equal rights (Woods, 2006). At the same time, the traditional social formations that prevailed in rural areas were very much the antithesis of this emergent citizenship, characterized as they were in both Europe and European colonies by entrenched social hierarchies rather than principles of equality (Woods, 2006). These areas were also marked by the economic dominance of agriculture and the concentration of land ownership and tied labour forces wherein rights were afforded to only a few, such as employers or landowners, and not the collective (Woods, 2006). From the nineteenth onward, Sri Lanka's Up-country has reflected the conditions just described, and though citizenship has recently afforded Up-country Tamils individual rights, the persistence of rural social formations sees this demographic socially excluded and without the rights they have.

#### 4.2.2 *The Rights Deficit and Women*

Much like those living in the more rural regions of the Up-country, women too are affected by poverty, the physical isolation that comes with residing in enclave-like plantations which either precludes the regular presence of Up-country Tamils from public spaces beyond the estate or regular intercourse with non-estate populations, and political alienation. However, so as not to belabour discussion of these three variables, the focus here will be on that which makes a unique contribution to the women's rights deficit: social reproduction. Social reproduction refers to "the process involved in maintaining and producing people, specifically the labouring population, and their labour power on a daily and generational basis" (Bezanson & Luxton, p. 3, 2006). Such reproduction includes "the provision of food, clothing, shelter, basic safety, and health care, along with the development and transmission of knowledge, social values, and cultural practices and the construction of individual and collective identities" (Bezanson &

Luxton, p. 3, 2006). However, it is particularly through women's unpaid domestic labour that the process of social reproduction is sustained (Luxton, 2006), and generally among the plantations it is women who perform "most of the (unpaid) care work within the household" (Kurian & Jayawardena, 2015, p. 247). To be clear, unpaid domestic labour includes the unpaid care work women perform in the home, including but not limited to caring for children and for the sick and disabled, as well as "cooking, washing, cleaning, toileting, bathing, feeding, comforting, training for daily living, shopping and planning for domestic consumption and care" (Armstrong & Armstrong, 2004, p. 5). Among female interviewees, unpaid care work was provided as reason for not pursuing formal employment outside of the estate. As well, nearly half of all the women interviewed cited unpaid care work as reason not to participate in the political process. What is imperative to understand is that such labour has been imposed upon women and is "generally viewed as the 'natural' duty of women" (Kurian & Jayawardena, 2015, p. 251), or in other words it appears natural that women perform such labour, so much so that this social arrangement largely goes unquestioned. However, this labour has not been imposed in the sense that women are ordered to perform such tasks, rather, the expectation that women undertake care work is recreated daily and shaped within social relationships, processes, and structures that women themselves partake in (Armstrong & Armstrong, 2004). Still, these relationships, processes, and structures are shot through with power about "whose preferences, ways of acting, and ideals prevail in daily practices" (Armstrong & Armstrong, 2004, p. 10), which are more often than not those of men, and this is why the unspoken expectation that women undertake such labour persists.

Still, this expectation is by no means an ahistorical or natural phenomenon, and to better understand how this gendered division of labour arose it is imperative to return to the nineteenth

century. It is believed that few women relocated to Ceylon during the coffee era, but by the time tea had replaced coffee as the commercial export crop of choice in the latter half of the nineteenth century, women constituted at least fifty percent of the plantation labour force (Kurian & Jayawardena, 2015). Although women performed and continue to perform the most vital element of plantation labour, the very plucking of tea upon which the plantation economy rests, they were nonetheless incorporated into an institution that from the fifteenth century onward has been based on the model of the extended patriarchal households of colonial Portugal and Spain, the plantation (Kurian & Jayawardena, 2015). For this reason, “as meriting their role in the patriarchal househol[d]” (Kurian & Jayawardena, 2015, p. 252), women occupied the lowest rung of the plantation hierarchy. The subordination of women within the plantation labour regime was further entrenched and justified by the transposition to Ceylon of nineteenth century British social norms that viewed women as inferior to men for reasons of physical and moral weakness, and hence not suited to the public sphere of politics and education but only to the private sphere of family care (Kurian & Jayawardena, 2015). When combined, the logic of the extended household inherent in the institution of the plantation coupled with Victorian era attitudes about women meant that women in the plantations were, owing to their purported inferiority, paid less than half of their male counterparts and thus lowered the cost of production while planters and the colonial state were able to further subsidize “some of the costs of reproduction through women’s unpaid care work in the household” (Kurian & Jayawardena, p. 245, 2015). Additionally, caste and religious practices were “assimilated, appropriated and manipulated” (Silva & Thanges, 2009, p. 25) by both planters and the colonial state to domesticate the plantation labour force and further reinforce female subordination, and once the strictures of the plantation system, Victorian era attitudes, and corrupted religious practices were



both internalized and subsequently recreated, a strict gendered division of labour “embedding male authority in the structures of plantation life” (Kurian & Jayawardena, 2015, p. 256) and legitimizing the expectation that women perform the bulk of unpaid care work was henceforth established.

For women who also engage in waged labour such as the women interviewed in this study, unpaid care work also represents a “second shift” (Hochschild, 2003, p. 4). There is nothing intrinsically wrong with women or men performing such labour, as it is not left wholly unto women to perform, but if in some instances this second shift operates to preclude women from exploring or pursuing employment opportunities, from engaging the political process, and ultimately from claiming the rights they have, the demands of unpaid care work are concomitant with what may be a potential rights deficit regarding women's access and entitlement to gainful employment and political participation in the Up-country. As Kurian and Jayawardena (2015) note, women in the plantations continue to work longer days than men yet remain responsible for household chores, childcare, and care for the elderly and sick, leaving “little time for leisure or political work” (p. 269), but it is precisely because of this lack of political engagement that policies that would ease the burdens of such women go unpursued (Meyer, 2000, p. 7). Added to this is the acquiescence on issues of gender inequality from plantation management, trade unions, and political parties representing the interests of the Up-country Tamil population such that “women specific concerns that directly influence [women's] citizenship and democratic rights, such as domestic violence and double-burden of work are given little priority” (Kurian & Jayawardena, 2015, p. 270) in mainstream political discourse. Granted, it is only a minority of all women interviewed that cite unpaid care work as reason not to seek employment beyond the estate or engage the political process, but the limited evidence

gathered does nonetheless suggest the presence of what may be a potential rights deficit with respect to women's access and entitlement to gainful employment and political participation due to unpaid care work, and that some women may be without the rights they have.

#### 4.2.3 *Belonging in Place*

As the interviews have revealed, at least four of those consulted are of the view that they have no place outside the estate, and that another significant few have elected not to involve themselves with matters beyond their respective estate, suggesting that the plantation boundary limits the choices and opportunities available to some or that others do not feel as though they are welcome in the world beyond the estate. In Chapter Three it was established that this population, the *Malayaha* or Up-country Tamils, belong *to* Sri Lanka, but this does not reveal fully what such belonging entails, for belonging *to* does not provide for an understanding of the *when*, *how*, or *where* of such belonging, or why some of those consulted perceive of themselves as *not* belonging to Sri Lanka despite the recent emergence of Up-country Tamil as a distinct nationality in multiethnic Sri Lanka.

As stated by Mee and Wright (2009), “belonging connects matter to place, through various practices of boundary making and inhabitation which signal that a particular collection of objects, animals, plants, germs, people, practices, performances, or ideas is meant ‘to be’ in a place” (p. 772). This understanding of belonging is in keeping with the Up-country Tamils as belonging *to* Sri Lanka, and specifically the Up-country, given that this region of the country has been self-identified as *their* place and one that spatially and symbolically links this population to Sri Lanka. Further, there is no one way of belonging as it is possible “to belong in many different ways at many different scales” (Mee & Wright, 2009, p. 277). For this reason, the Up-country

Tamil population can again be said to belong to the Up-country and to one another as a group. However, it is precisely because there are different ways and scales of belonging that some do not belong to a world beyond the estate. Put differently, belonging may be realized in one's immediate family and community, school or religious community, and gender or age group, but when scaled up to more impersonal spaces and places this same sense of belonging is not necessarily reproduced, particularly for those who have been constructed to be members of other ethnic collectivities and long considered not to belong to the nation state community (Yuval-Davis, 2007), such as the Up-country Tamil population. For interviewees who expressed that they had no place in the spaces beyond the estate, and for those who otherwise opt not to involve themselves in matters outside the estate, it may very well be that a legacy of isolation and discrimination has produced a common sense understanding of the plantation as the place *where* one belongs, or conversely, that such belonging is presumed not to be found outside the estate, all of which is again underpinned by the 44 survey respondents and 19 interviewees who do not perceive equality with the majority population to have been achieved.

#### 4.2.4 *De Facto* Citizenship

Based on the evidence gathered from what is a rather small sample size, and although it is only a minority who harbor a sense of not belonging, the majority of all those consulted in this study deem the acquisition of citizenship as non-beneficial and in so doing underscore that the legal conferment of citizenship should not be taken as panacea for the many encumbrances that befall the stateless. It is true that the acquisition of a legal identity before the state, and thus all states, is invaluable when considering the many and varied degradations that statelessness can invite, but the act of conferment and the provision of rights and entitlements are not one in the same. The fact the Sri Lanka's Up-country Tamil population continue to register the lowest

health and educational outcomes, the highest poverty headcount, and are recorded as being the least satisfied with the overall performance of democracy goes a long way in explaining why citizenship has been deemed non-beneficial, not to mention that the majority of those interviewed simply viewed citizenship as providing nothing of benefit. Unfortunately, the literature on how previously stateless groups view the acquisition of citizenship has yet to be fully developed, and it is only the situation of the previously stateless Urdu-speakers of Bangladesh that this study may be compared with as many in this community ascribe little value to citizenship given that there too, a legacy of discrimination and marginalization largely operates to prevent this community from securing the rights of citizenship that are said to be theirs and which they are owed (Hussain, 2009; Kelley, 2010; Redclift, 2013, Southwick, 2011). Nevertheless, the findings presented herein challenge the reigning narrative of ending statelessness in Sri Lanka as a tale of success, and are instructive for the global *#IBELONG Campaign* to end statelessness by 2024.

#### 4.2.5 *Seeking Dissensus*

As stated above, it is only a minority of interviewees who noted that they encountered either explicit or institutional discrimination, yet for those who did resignation in the face of adversity was their primary response. People's actions or the lack thereof, and the manner by which they exercise their agency is conditioned by the cultural contexts and social structures they inhabit meaning that the specific form agency takes will vary in different times and places (Bass, 2013; Ortner, 2006), though it is never entirely absent. However, as Bass (2013) argues, the Up-country Tamil population is acutely aware of how "hegemonic social and political systems allow them little leverage or voice in affairs beyond their immediate surroundings" (p. 99), and for this reason inaction or what has otherwise been referred to as resignation "is often the result of a

pragmatic decision to avoid conflict when their efforts would not likely lead to tangible results” (p. 100). Still, it is imperative to view resignation and resistance not as antithetical but as “being a continuum of one activity” (Munro, 1993, p. 10), for resignation is not indicative of an absence of agency but does signal that the “coincidence of forces and factors that will enable change to occur” (Bass, 2013, p. 99) have yet to emerge and that inaction or resignation is the most profitable course of action for the time being. Ultimately, the inaction, accommodation, or resignation observed among some respondents is a strategized response to the discrimination some have encountered, be it explicit or institutional, though this particular method of negotiation is but one of many options pursued by respondents in the given historical moment.

Be that as it may, it must be understood that out of a sum total of only 30 interviews, inaction, accommodation, or resignation was only observed among a minority, and given that the Up-country Tamil population numbers nearly one million (Department of Census and Statistics, 2015a), it would be irresponsible to state with authority that resignation is how this population *as a whole* responds to discrimination. As well, the short time spent with each interviewee along with how interview questions were structured may not have allowed for methods of negotiating discrimination apart from direct confrontation to emerge in the responses provided by those consulted, and for this reason the claim that resignation is the primary response to discrimination advanced above should not be read as conclusive. As Scott (1989) reminds us, “much of the politics of subordinate groups falls into the category of everyday forms of resistance” (pp. 5-6) which include such acts as “foot dragging, dissimulation, false compliance, feigned ignorance, desertion, pilfering, smuggling, poaching, arson, slander, sabotage, surreptitious assault and murder, anonymous threats, and so on” (p. 6). Such resistance is decidedly clandestine and unlikely to do more than marginally affect the various forms of exploitation that subordinate

groups encounter (Scott, 1985), though it is precisely because of “the nature of the acts themselves and the self-interested muteness of the antagonists” (Scott, 1985, p 36) that social scientists preoccupied with direct threats to power, myself included, are unable to uncover the forms of everyday resistance surreptitiously deployed to advance the interests of subordinate groups or to thwart the claims of those who dominate the exercise of power (Scott, 1989). What is more, the absence of direct confrontation or organized social movements to challenge prevailing power hierarchies may be wrongfully observed by researchers as quiescence or submission, thereby overlooking “the slow, grinding, quiet struggle” (Scott, 1985, p. 37) against exploitation that relies on public displays of submission as a necessary tactic in those circumstances where open defiance is either impossible or entails mortal danger (Scott, 1989). For these reasons, this study may not have captured the fine grained totality of the methods used to respond to discrimination by those consulted, such that resignation in the face of adversity is only a provisional finding.

Although resignation may not be the whole of the story when considering that everyday forms of resistance may have been left unaccounted for, it nonetheless has important implications for the concept of dissensus and raises the question of whether this concept has much purchase when applied to real-world scenarios. Again, rights belong to individuals “when they can do something with them to construct a dissensus against the denial of rights they suffer” (Rancière, 2004, pp. 305-306), that is, to dispute the social consensus that sees one’s rights denied. Yet, if we return once more to the issue of discrimination and how it precludes some from accessing non-estate schools and employment while convincing others that they are not entitled to non-estate healthcare, education, and employment, or to participation in the political process while recalling that such discrimination goes unchallenged, it is clear that these

individuals do not have the rights they have as guaranteed to them by the “inscriptions of the community as free and equal” (Rancière, 2004, p. 302). Granted, all those who reported encountering discrimination when accessing healthcare services beyond the estate overcame this by using a bilingual third party. Even so, the given was *not* reimagined by way of dissensus to now include as free and equal the once excluded, with the rights that were heretofore denied now free to be claimed and enacted if and when the bilingual third party is absent. Beyond discrimination and all that it entails, both the rural rights deficit and the women’s rights deficit see many more to be without the rights they have and brings in to full view “the contradictions of a social order which presupposes equality but simultaneously disavows it” (Rancière, 2010, p. 9). And again, this study has produced little to no evidence of rural respondents and women mobilizing to secure that which has been guaranteed to them by way of dissensus meaning that at the moment of analysis, many were unable to seize their rights despite constitutional guarantees.

As a conceptual tool, dissensus can be deployed to intervene “into always particular situations, specific instances in which ideas are ‘at work’” (Bowman & Stamp, 2011, p. xii), though what is sought may not always be found, and what could happen may not always unfold. Dissensus has utility as a concept in that it provides a radical rethinking of rights in their entirety, but as Kesby (2012) tells us “a politics of dissensus relies upon discourse and action” (pp. 131-132), yet people are not necessarily willing or able to “engage in polemical discourse and enact the equality and rights which have been denied” (p. 132). For those who have not taken such action, such as those discussed in this section, the acquisition of Sri Lankan citizenship is little else than a hollow inscription of equality and will remain as a site of either dormant or active struggle, contestation, and negotiation for as long as these individuals remain without the rights they have.

## Chapter Five – Conclusion

On 15 November 1948, Sri Lanka's Up-country Tamil population was rendered stateless, though because the realization of one's human rights are contingent on one's political status as a citizen, this population had effectively lost the right to have rights. Specifically, because nationality is a prerequisite for accessing political and judicial processes and for claiming economic, social, and cultural rights, statelessness is a matter of unparalleled concern for those who have been rendered as such. Fortunately, some fifty-five years later on 11 November 2003 this situation was finally resolved, thereby remedying that predicament confronting all stateless persons alike: the absence of any legal identity to which no formal recognition by *any* state is owed, and all that this entails. For this reason, it would not be unjustified to presume that this population would be entitled to the entire gamut of human rights guaranteed by the state, yet for Sri Lanka's previously stateless Up-country Tamils, recently acquired Sri Lankan citizenship is largely nominal, operating to mask the continued marginalization of this population and deflect attention from an enduring human rights deficit believed to have been resolved. Though it would be absurd to in any way condemn the conferment of citizenship to this once stateless population, unfettered celebration of this landmark development alongside declarations of ending statelessness in Sri Lanka as a success are perhaps as equally absurd given that such ceremony obscures the day-to-day realities confronted by many in this community, making statelessness and citizenship in the Up-country a twice-told tale. Granted, it was found that there has been a general improvement in either access or entitlement to healthcare, education, and employment in wake of the 2003 grant of citizenship, but much like the reported success of ending statelessness in Sri Lanka, this too is a rather narrow conclusion to draw and risks concealing the ongoing human rights deficit in the Up-country twice over.



With respect to those located in the more rural parts of the Up-country, the rights to education, employment, and political participation remain unfulfilled. It is true that this situation is underpinned by the interplay of poverty, isolation, and political alienation and not a product of direct discrimination, though it would be altogether incorrect to conclude that this rights deficit is the product of natural forces. Rather, the legacy of educational neglect, the ascription of this population as *plantation workers*, and a history of institutionalized disenfranchisement — all of which are informed by an undercurrent of Sinhala Buddhist ethno-nationalism — sustain this rural rights deficit. In other words, there is no single perpetrator to be held accountable for this situation, for it is institutional forces that render recently acquired citizenship to be at best second class, but this is not reason to avoid seeking redress.

Women too are at risk of what may be a potential rights deficit with respect to access and entitlement to gainful employment and political participation. Much like those living in the more rural regions of the Up-country, many of whom are also women, the tripartite burden of poverty, isolation, and political alienation unite to potentially undermine women's access and entitlement to these particular rights. However, there is a fourth burden that sees these very rights go unfulfilled: women's unpaid care work. Because of the unspoken expectation for women to attend to children, the sick, and the elderly, the imposed responsibility to ensure that one's household is kept in order, and finally the need to contribute to household income by way of waged work on the plantation, some women may shoulder an undue work load that provides little opportunity for them to explore employment opportunities beyond the plantation or involve themselves with the political process. Importantly, it is the unfulfillment of political rights that is most pressing, as this precludes policies that would perhaps ease the burden of women from entering the political sphere. And again, just as institutional forces maintain the rural rights

deficit, it is the institutionalization of women's subordination that underpins what may be a potential rights deficit with respect to access and entitlement to gainful employment and political participation.

Beyond these rights deficits, a sense of belonging in wake of citizenship is in disrepair, buttressed as it is by the belief that recently acquired citizenship is of no benefit and that many perceive of themselves not as the equals of the majority population. Though it was only a minority that expressed such sentiment, some within this population harbor a self-imposed sense of non-entitlement to life beyond the plantation. Of course, that this is self-imposed is not to suggest these individuals arrived at such an understanding of the world in isolation, but that a legacy of discrimination beginning in the early nineteenth century coupled with fifty-five years of this population as a much-maligned stateless Sri Lankan labour force are revealed in the words and actions of certain individuals. For this reason, it can be said that belonging has not followed from the conferment of citizenship, or that the latter does not nor should be understood as necessarily entailing the former. However, when this express sense of not belonging is placed in view of the many who deem the acquisition of citizenship as bringing with it no substantive benefit along with the general sense that this population are not the equals of the majority population, the assumption that citizenship provides for belonging is further corrupted.

Looking now to dissensus, we see that this concept has little purchase in the context of Up-country Sri Lanka. In some respect, this is positive insofar as it suggests that people are not without the rights they have, or that their rights have in fact been fulfilled. In contrast, for those who continue to encounter discrimination, be it interpersonal or systemic, no indication of a dissensus being waged against the denial of rights they suffer was identified, suggesting that at the moment of analysis there are some who are without the rights they have and that the

conferment of Sri Lankan citizenship is little else than a hollow inscription or guarantee of equal rights. However, it is because of this very finding that dissensus maintains some utility as a conceptual tool as it allows one to avoid identifying any group as altogether rightless or without agency, for when agency is understood as a continuum of one activity ranging from resignation to resistance, dissensus can be deployed to acknowledge and preserve the agency of those in question irrespective of how that agency is expressed. Furthermore, it is important to recall that everyday forms of resistance may evade detection by researchers, and that labelling what is perceived to be quiescence as inaction, accommodation, or resignation may altogether overlook clandestine though no less important acts of resistance that for one reason or another remain imperceptible from the vantage point of the researcher. Still, and despite this acknowledgement, it is this concept's reliance on express action and discourse that gives it little application in the context of Up-country Sri Lanka beyond the sobering observations it has provided.

Globally speaking, the findings presented herein are instructive for the UNHCR's *#IBELONG Campaign* to end statelessness by 2024. That there continues to exist a rural rights deficit coupled with evidence suggesting that some women may be at a deficit with respect to access and entitlement to gainful employment and political participation in Up-country Sri Lanka more than a decade after this issue was finally resolved, and that the majority of those consulted in what was a fairly limited sample size view the acquisition of citizenship as bringing with it no substantive benefit, this global campaign could very well be in danger of authoring a twice-told tale the world over. The euphoria surrounding this campaign and the subsequent jubilation that ensues when a stateless population has been granted citizenship are warranted, but when the media campaigns, public service announcements, international consultants, funding for such endeavours, and attention paid a given stateless population return to the ether little may have

changed for said population apart from the possession of identification documents and the opportunity to pay taxes. In principle, this campaign must be pursued, but if little support, guidance, and attention follow in the months, years, and decades after a population has been provided citizenship, it should not be expected that these previously stateless persons will have the same rights and entitlements that their compatriots have come to take for granted, or that these same people will naturally begin to belong. With these potential shortcomings in mind, the *#IBELONG Campaign* may deliver previously stateless communities and populations further in to the shadows upon the receipt of citizenship when the act of conferment is celebrated and memorialized at the expense of true substantive change in the lives of those who as we are told want “nothing more than to come in from the cold — to belong” (UNHCR, 2014a, p. 16), the (previously) stateless.

Moving forward, there is a need for more expansive research to be conducted on the benefits of citizenship or the lack thereof among this population. For one, only those living on plantations were consulted in this study, excluding a sizeable demographic of Up-country Tamils whose experiences of citizenship have not been reflected in these pages. As well, the questions designed to capture how this population has engaged the political process in the years following citizenship were perhaps too broad and either did not allow or overlooked activities that were nonetheless political but outside the scope of analysis and thus remained unnoticed. In a more general sense, there is need now to conduct comparative research on the experiences of citizenship among previously stateless persons beyond the Sri Lankan context, namely the previously stateless Urdu-speakers of Bangladesh, the many of Thailand’s hill tribes long without citizenship, and the Makonde, the most recent tribe to be formally recognized as citizens by the government of Kenya. Such research will allow for a more holistic understanding of the

experiences of previously stateless groups, provide for the identification of both regional and international trends, and allow for countries to learn from one another's experiences both before and after citizenship has been provided. Lastly, such research will provide the requisite evidence to appraise the *#IBELONG Campaign* at a global level and inform future efforts to end statelessness such that the initial act of conferment is understood to be as equally important as the substance of citizenship and belonging thereafter.

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