

LST REVIEW

Volume 23 Issue 299 September 2012



MEGA DEVELOPMENT IN HAMBANTOTA

EDUCATION NEEDS OF THE PLANTATION COMMUNITY

LAW & SOCIETY TRUST

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ISSN 1391-5770

Editor's Note

This Issue of the *LST Review* contains two papers contributed by the Economic, Social and Cultural Rights Programme of the Law & Society Trust which focuses on crucial questions of social justice. Both papers are based on empirical research conducted by the researchers in the relevant parts of the country.

The first paper by *Miyuru Gunasinghe* examines the context, process and problems in regard to the initiation of mega-development projects in the Hambantota District. The critique encompasses primary questions in regard to the suitability and sustainability of these projects and most importantly, embarks on a concise discussion of the manner in which land acquisition has taken place. She highlights significant concerns regarding the manner, mode and execution of the acquisition process. Contradictions as to valuations of property of similarly affected persons and their right to know the criteria upon which the valuations have been done are central to this discussion. She concludes by posing the following caution;

It is time that the government directly addressed the rights and issues of the locals through its development policies and projects; supported and augmented local skills development; carried out impact assessment, monitoring and evaluation of development projects; curbed its expenditure to reflect the income generation and repayment capacity of the country; implemented strategies for private investment and public-private partnerships; and included the participation and labour contributions of the locals in its development plans to ensure rights based, environmentally friendly and sustainable development.

The second paper by *Anushaya Collure* looks at the plight of the children of the plantation community in specific relation to their education needs. She reiterates the core concern that, in contrast to the general education sector, the education of estate children (primarily in the Tamil medium) remains 'a vulnerable sector that needs the critical attention of state authorities.'

The lack of physical resources and in particular, the absence of regulated criteria on which schools are selected for the disbursement of funding in that regard, is notable. Further, it is pertinently observed that the deep politicisation of the process of

recruitment of teachers and supervisors has resulted in unsuitable recruitments with inevitable adverse effects on the children.

This paper draws attention to the fact that despite the considerable contribution of the plantation community to the growth of Sri Lanka's economy, the profits thereto have not been utilised to benefit the community or the community's children. The analysis concludes with a series of recommendations to the Government and the Ministry of Education respectively in relation to policy measures that need to be taken and also, in regard to the development of human resources.

Lastly, recommendations in common to the Government/Private Sector/Estate Management emphasize the effective implementation of proposals contained in the National Action Plan (NAP) for Social Development of the Plantation Community (2006-15).

Kishali Pinto-Jayawardena

'In Whose Interest?': Mega-Development Projects in Hambantota

Miyuru Gunasinghe¹



Introduction

'The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development...' UN Declaration on the Right to Development

Since the end of the war, the district of Hambantota located in the deep south of Sri Lanka has been singled out for intensive economic development by the Government of Sri Lanka (GoSL).

The development drive has thus far included; the new Ruhunu Magampura international port, Mattala international airport, Southern Highway and other road infrastructure, Matara-Hambantota railway, Mahinda Rajapaksa International cricket stadium, irrigation schemes and bridges, Siribopura Administration Complex, Ranminithanna cinema village, Mirijjawila dry zone botanic gardens, Samodagama wind-power plant, the largest international conference hall in South Asia, Chamal Rajapaksa Ayurveda Hospital and Sri Lanka's largest Investment Zone of 2,717 acres. The State hopes for further foreign direct investment, including the establishment of a 1000 room Shangri-La hotel. Most projects are funded through foreign loans rather than foreign direct investment, with China leading the list of lenders.

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Hambantota although having served as a commercial hub in ancient times, is no longer a critical nucleus or indeed even located close to one. The population is primarily dependent on agriculture and fishing and consists of the rural poor. Consequently the area lacks both human and financial resources to develop as an industrial hub. Logical analysis fails to explain the focus on Hambantota for large scale infrastructure development and foreign investment promotion. Hambantota does however lay claim to being the ancestral home and electoral seat of the incumbent President and other members of his family who are actively engaged in politics. The scale and style of developments in Hambantota only makes sense when viewed as a long term political investment strategy which spans generations.

Objective and Concept

The Law & Society Trust (LST) undertook a field mission to Hambantota in November 2011 to observe the impact of mega development projects in the area. The visit was a follow-up to a previous field mission in 2009. This report is based on the findings of these visits and supplemented by research data. The primary objective of the 2011 field research was to analyse the development strategies of the State in light of its benefits if any, to the local population. This would include an examination of the effects of development on living standards and livelihoods, access to basic amenities, eviction and relocation, redress sought and received, and issues directly and indirectly related to both relocation due to development and development projects. Both qualitative and quantitative information through face to face interviews based on open-ended questionnaires. It engaged with government officials from the Divisional Secretariats of Hambantota and Sooriyawewa, the Hambantota Urban Development Authority, civil society organisations and activists and members of local communities who were directly and indirectly affected by state development projects.

Background

Situated in the Southeast of Sri Lanka, the district of Hambantota occupies an area of 2,609 km² in size and approximately 3.97% of the 65,610 km² total surface area of the country. Major inland bodies of water cover just over 113 km² of the district area. At its widest, the district extends for 106 km from Ritigala in the West, to Kumana in the East. From Hingurakanda, in the North, to Welladdoragoda, the furthest South, the distance is 39 km.² Hambantota consists of 12 Districts, 11 DS Divisions and 576 Grama Niladhari Divisions. The total population of Hambantota is approximately 571,000.³ Of this population, 97.1% are Sinhalese with 0.4% Tamil population and a combined 2.5% of Moors and Malays. This is made up of 96.9% Buddhist with 2.5% Muslim, 0.3% Hindu and 0.1% Christian population.⁴ Hambantota is therefore a predominantly Sinhala-Buddhist area.

² District Secretariat, Hambantota http://www.ds.gov.lk/dist_hambantota/english/location_based_info.html

³ *Economic and Social Statistics of Sri Lanka 2011*, Central Bank of Sri Lanka, Colombo, p.12 – based upon 2001 Census

⁴ *Economic and Social Statistics of Sri Lanka 2011*, Central Bank of Sri Lanka, Colombo, p.13 – based upon 2001 Census

Whilst 95.6% of the population is engaged in the rural sector, the urban population consists of 4.1%.⁵ Interestingly though, of the total employed population of 164,923 (43.5%), the percentage of non-agricultural / fishery workers (58.7%) is higher than the agricultural and fishery workers (41.3%). Total unemployment rate is 10.8% with high female unemployment at 17.4% and male unemployment at 8.4%. Total university admissions from Hambantota for 2009/10 have been a meagre 725 students. The highest level of unemployment prevails amongst those with G.C.E A/L qualifications (21.6%) highlighting the lack of opportunities for skilled work.

Although a geographically rich area, poor socio-economic development and lack of local entrepreneurship and investment capacity makes mega developments in Hambantota a highly debatable state policy which is pushing the country further into debt.

Economic and Infrastructure Development in Hambantota⁶

According to the Ministry of Economic Development, the following development projects were undertaken as of 2011:

- 463km of rural roads have been paved with concrete benefitting 103,834 people
- 43 minor irrigation projects have been completed and work on 21 projects is underway
- Rs.125 Mn. has been invested on this and it benefits about 4,000 farmers
- 24 bridges and culverts have been built on rural roads and Rs. 135.99 Mn. has been spent
- Four rural water supply projects are underway and Rs. 5.16 Mn. has been spent, which benefits 3,698 people
- New Ayurveda hospital was completed in 2010; Rs.159.5 Mn. was spent on this project
- 14 projects were implemented for other amenities and Rs. 6.25 Mn. was spent. These are estimated to benefit 3,200 people

Beach and city hotels, high income housing, banking square, nature park, city square are only some of the developments planned for Hambantota. *The question is, with a rural population of 95.6%, who benefits by such urbanisation? How will such development address the economic and social issues of the local population who are primarily farmers and fishermen and dependent on natural resources for their livelihoods?*

Among these proposals, however, are plans to build a new hospital, schools, police station, and post office in the new Hambantota town, which would be of direct benefit to the local population.

⁵ *Economic and Social Statistics of Sri Lanka 2011*, Central Bank of Sri Lanka, Colombo, p.13 – based upon 2001 Census

⁶ Ministry of Economic Development website http://med.gov.lk/english/?page_id=1498

People's Right to Development

Development should be a forerunner to the protection of people's political, economic and social freedoms and rights. The style of development promoted by international financial institutions such as the World Bank and IMF however has succeeded in protecting the profits of a minority rather than the rights of the majority, with the masses expected to benefit from trickle-down effects of such 'growth'. State expenditure is encouraged to focus on economic development over welfare measures and governments are expected to privatise public services for purposes of efficiency and profitability.

The mega developments taking place across Sri Lanka encourage such neoliberal policies with major infrastructure developments destroying the livelihoods and way of life of local communities.

The field research in 2011 discovered that all the socio-economic issues due to development related displacement such as loss of housing and livelihood, insufficient compensation, elephant-man conflicts and a general deterioration of living standards prevailing at the time of the 2009 investigation were as yet unresolved, while some had deepened even further. An equally grave concern is the soaring levels of national debt increasingly and irresponsibly incurred by the GoSL due to such 'developments'.

Made in Sri Lanka, financed by China

The development of Hambantota has come at a massive cost to the country and its people. China has committed almost 55% of total aid to Sri Lanka with Japan pledging approximately 30% and Asian Development Bank (ADB) and World Bank (WB) collectively lending USD 413.2 million. China's aid is mainly for the rehabilitation and improvement of road networks and mega infrastructure developments. Of the USD 759.8 million committed by China between January and April 2011, almost USD 500 million is for the improvement and rehabilitation of priority roads. Another USD 138.2 is for the continued construction of the Southern Expressway.⁷

"Around 240 families were summoned before Court. We were told that our houses which were donated by an INGO after the Tsunami were located on state lands. We were asked to comply with an eviction order" said a resident who had lost his house due to development related displacement. Displaced residents were informed that compensation would only be offered if they signed papers repudiating ownership. The papers have been signed and lands taken over but compensation is yet to be paid. (As at November 2011)

⁷ 'Drop in US aid no surprise', *Sunday Observer*. 31 July 2011, <http://www.sundayobserver.lk/2011/07/31/fea30.asp>

Chinese workers displace local labour

Sri Lanka's mega development projects have been divided between four Chinese companies and seven Indian companies, with thousands of semi-skilled and low skilled Chinese workers displacing local labour. Chinese companies are currently involved in building a Special Economic Zone in Hambantota, the Hambantota port, the 900 MW Norochcholai coal power plant, the Colombo-Katunayake Expressway, the Palai-Kankasanthurai rail-line and a housing complex for the Sri Lanka Army.

Catering to foreign palates?

Chinese culture and cuisine have already influenced local society and over 60 farmers are engaged in cultivating vegetables which are unavailable in Sri Lanka but in demand for the 350 plus Chinese workers at the Port. The project has been funded by the JICA Livelihood Improvement Programme. At the time of our visit, restaurants offering Chinese cuisine lining the streets were a noticeable phenomenon. ('Chinese and Indian Companies dominate Sri Lanka's mega project business', *The Sunday Times*, 05 September 2010, <http://www.sundaytimes.lk/100905/BusinessTimes/bt21.html>). Although diversification of local agriculture is a positive development, measures must also be put in place to address other socio-economic consequences of hosting a contingent of foreign male workers.

The total public debt as at the end of 2009 was Rs.4, 054 billion (USD 31.1 billion) which increased to Rs.4, 590 billion (USD 35.3 billion) by the end of the year 2010.⁸ Hambantota however, is being funded primarily by Chinese loans. An overview of the framework of Chinese aid for development gives clarity to the nature and depth of Sri Lanka's indebtedness to China.

The financial assistance provided by China comes in the form of grants and loans. Grants and interest free loans are provided by the government of China. Loans with varying interest rates are provided by the Export-Import (Exim) Bank of China, China Development Bank and Industrial and Commercial Bank of China. Between 2005 and 2011, China's Exim Bank extended a total loan amount of USD 2,915 million and has been the largest lender for developments in Hambantota.

Loans have made up the greater part of financial assistance received from China. Between 2009 and 2011 Sri Lanka has received a total of USD 2,820.3 million from China of which USD 2,803.9 comprise of loans.⁹ In 2010, China committed to provide USD 828.9 million – with USD 821.4 million in loans and the rest in grants.¹⁰ This amounts to 25 percent of the total foreign financial commitment of USD 3,289 million received for the year. According to the *Global Partnership Report* of the External Resource Department of Sri Lanka, the highest financial commitment made by the government of China during the last five years was reported in 2011.

⁸ 'Total public debt increasing – Harsha', *The Island*, 09.09.2011

⁹ *Performance Reports 2009-2011*, Department of External Resources of Sri Lanka, <http://www.erd.gov.lk/publication.html>

¹⁰ *Performance Report 2010*, Department of External Resources of Sri Lanka, 2010, p.37 <http://www.erd.gov.lk/publicweb/publications/Performance2010/PerformanceReport2010.pdf>

Sri Lanka's debt of choice: loans or grants?

(China's White Paper on Foreign Aid, Information Office of the State Council of the People's Republic of China, April 2011, http://news.xinhuanet.com/english2010/china/2011-04/21/c_13839683_5.htm)

Interest free loans allow recipients to avoid paying interest for a period of time and are usually provided for a period of 20 years. This includes five years of use, five years of grace and ten years of repayment. China provides interest-free loan mainly to help recipient countries to construct public facilities and improve peoples' livelihoods.

Grants are non-payable funds given by the Chinese government and usually target particular projects. Grants are provided to build hospitals, schools and low-cost houses, water supply projects and other such medium and small projects.

Concessional loans are given to undertake mega development projects which generate both economic and social benefits. These projects are generally large and medium-sized infrastructure projects. Besides financial assistance China also provides plant and electrical products and technical services. The current annual interest rate of China's concessional loans is between 2% and 3%. The period of repayment is 15 to 20 years.

Preferential buyer's credit refers to long term credit extended to finance imports of Chinese products and construction of infrastructure projects.

Almost all financial aid from China comes in the form of loans. There is confusion and misinformation among the general public regarding the type of assistance received and repayment conditions. The primary purpose of these loans has been infrastructure building and it is concessional loans which cater to such infrastructure projects. Although given at a concessional rate, repayment comes at a higher cost than 'interest free loans' with interest paid over a period of 15-20 years rather than 10 years. There should be no doubt whatsoever that whatever the form of the loans, the repayments will be heavy.

The effectiveness of mega developments

There has been some debate regarding effectiveness of the high profile and costly developments being carried out in Hambantota. However, lack of political and administrative transparency, public data and participation and critical analysis of implications prevent such discussions from reaching beyond the political, academic and civil society circles and into the public arena.

Hambantota's pride and joy: The Magam Ruhunupura Mahinda Rajapaksa port

The first stage of the Hambantota port alone has cost USD 361 million with a loan interest of 6.3%. The total cost is estimated to be USD 1.5 billion with China's Exim Bank financing 85 per cent and the balance funded by the Sri Lankan government. Apart from construction costs, a rock which halted progress of the second phase and prevented larger ships from entering the port (the existence of which

was initially wholly denied by the government) was demolished at a cost of USD 35-40 million.¹¹ According to the Ministry of Economic Development website, approximately Rs.529 Million has been spent on total developments in Hambantota so far but simple calculation and logic sets expenditure at a much higher figure.

The Hambantota Port is expected to function as an industrial port for the import and export of industrial chemicals, fuel and heavy machinery. There are plans to build a liquefied natural gas refinery, aviation fuel storage facilities, three separate docks giving the port a trans-shipment capacity, dry docks for ship repair and construction, by the completion of the project in 2023.

The Exim Bank of China has agreed to provide a loan of USD 600 million and a Chinese government Concessional Loan of approximately USD 157 million has been promised to finance Phase II of the Hambantota Port Development Project.¹² A loan of USD 306 million (app.) has already been utilised for the first phase.

When visiting the port in late 2011, an enthusiastic guide pointed out a lone ship docked there, as evidence of the commercial viability of this port as a thriving hub in the Indian Ocean. Further questioning elicited the information that the vessel was merely unloading construction material for Phase II of the port.

The Hambantota port is yet to rake in any significant revenue to recompense cost of construction. Secretary Ministry of Ports and Highways, R.W.R. Pemasiri in an interview with the *Sunday Observer* has expressed hope that the expansion and development of major ports in Colombo, Hambantota, Galle and Trincomalee will increase revenue of the Sri Lanka Ports Authority to Rs. 45 billion in 2013.¹³ However, cargo ships still prefer the Colombo port due to its prime commercial location and accessibility to all necessary services. Hambantota on the other hand is 238 km away from Colombo with minimal facilities.

¹¹ 'Hambantota rock blasted' *The Daily Mirror*, 31.11.2011 <http://www.dailymirror.lk/news/15142-hambantota-rock-blasted.html>

¹² 'Sri Lanka to receive over US\$ 1 billion loans from China for two infrastructure projects in the South', Colombo Page, 24 August 2012, http://www.colombopage.com/archive_12A/Aug24_1345749477CH.php

¹³ 'Development projects to expand ports', *Sunday Observer*, 20 May 2012, <http://www.sundayobserver.lk/2012/05/20/fea05.asp>

Old cars to sustain a new port

The GoSL declared during the first quarter of 2012 that in order to ease long berthing delays experienced by Roll on-Roll off vessels at the Colombo port, the Ports Authority in consultation with shipping lines and importers has decided to route all such vessels to the Magam Ruhunupura Mahinda Rajapaksa Port (MRMR Port) from 31 May 2012. This is commonly viewed as an effort to compulsorily generate revenue for the Hambantota port.

The government's proposition to unload all imported vehicles in Hambantota met with fierce opposition at first and is now receiving mixed reactions. Used car dealers say they are experiencing cost effectiveness due to 20% off from the clearance charges and free port charges up to seven days but importers of new vehicles expect a sharp increase in costs which will ultimately be transferred to customers.

Chairman of the Ceylon Motor Traders' Association (CMTA), Tilak Gunasekara has stated that the 20% relief on clearance costs is applicable only to Sri Lanka Ports Authority charges and not excise duty. He has also pointed out that it is primarily used car dealers who take longer to clear their vehicles and importers of new vehicles usually clear them within a couple of days and therefore, the relief provided is relatively redundant.

Ports Authority Chairman Priyath Bandu Wickrama stated that the importers will be granted a 14 day relief for clearance at Hambantota port. Port charges will not be levied for seven days and a 50% subsidy will be given for the other seven days. (*Mixed reactions over Port Shift*, The Nation, 19 August 2012, <http://www.nation.lk/edition/biz-news/item/9452-mixed-reactions-over-port-shift.html>). Attempts by relevant authorities to divert vessels to Hambantota from Colombo, although addressing the problem of congestion, fails to account for issues of poor infrastructure and commercial facilities, long distance transportation and transport clearance, increased chances of damages, and consequent increase in prices which is to be borne directly by the consumer.

The Mattala airport is targeted to be the country's second international airport and is being constructed with a concessional loan of USD 190 million received from the Government of China.¹⁴ According to the Chairman, Airport and Aviation Services Sri Lanka Limited (AASL) Prasanna Wickramasuriya, the airport will handle 60 percent of air cargo services and 40 percent passenger services.¹⁵ The airport will be built in two phases with the first phase built on 800 hectares and the second on an additional 1,200 hectares. The project includes construction of a 4km long runway, terminal building, cargo storage, fuel farm and fire service building.

Although it is important to have a second international airport, the choice of location is dubious. In a country full of natural, historical and cultural attractions, Mattala is neither renowned for its allure nor its commercial viability. Further, its location is so remote that all facilities such as accommodation, transport, banking, internet, shopping complexes etc would need to be newly built. The inconvenience and cost of

¹⁴ 'Chinese loans for Mattala airport and for upgrading railway network', Media Center for National Development of Sri Lanka, <http://www.development.lk/news.php?news=573>

¹⁵ 'Mattala airport to be ready by end 2012', *Sunday Observer*, 22 July 2012, <http://www.sundayobserver.lk/2012/07/22/fea12.asp>

travelling long distances to popular destinations would not only deter foreign tourists, but would most certainly raise protests from Sri Lankans compelled to disembark in Mattala.

The Sooriyawewa Mahinda Rajapaksa International Cricket Stadium is estimated to have cost nearly fourfold the initial estimates of Rs.700 million although there is no publicly available data on the exact cost of the project.¹⁶ It now hosts infrequent international cricket matches which are wholly inadequate for its maintenance. Due to its rural location and a financially deprived local population, the stadium is not used for public entertainment events unlike many other cricket stadiums and sports clubs.

The grandstand holds 8,000 spectators with a total of 20,000 permanent seats and the standing pavilions have a capacity of 15,000 persons. Due to depleted finances of the Sri Lanka Cricket Board and lack of regular hire, the stadium has been handed over to the Sri Lanka Army for maintenance. This incidentally also highlights the maintenance of a disproportionately large military, now forced to carry out civilian tasks. At the time of our visit military personnel were primarily employed in security and maintenance.

The stadium now stands as an attraction for local visitors to the area who are given guided tours by army personnel. It was obvious that the stadium was in a state of neglect due to lack of usage and large cracks in the structure had already begun to demonstrate the poor quality of construction.

Ranminithenna tele-cinema village is still a work in progress. The first phase has been completed on 80 acres of land and has been open to the public since May 2010. The entire project is to be built on 235 acres and scheduled to be completed in 2012. The tele-village contains backdrops of both urban and rural or village structures and settings including dummy facades of famous landmarks. Additionally, it consists of a range of other facilities such as administrative buildings, open stage studio, changing rooms, accommodation, catering services, cinema hall. '*Swayanjatha*' is the first teledrama to be shot at this location.

With a cost of Rs 600 million for the first phase, and total cost expected to exceed Rs.2 billion¹⁷ the tele-village has hosted less than 15 productions since its commencement in March 2010 until our visit in November 2011.¹⁸ The charges for screening are too high for local film makers – with adverts charged per hour and the entire site available for Rs.30, 000 per hour. Logistics, transportation and accommodation costs together with heavy hire charges make it an unaffordable option.

¹⁶ 'The COPE Committee observed that initial estimate for the construction of the Hambantota, Kettarama and Pallekele playgrounds had been Rs 3.3 billion, whereas the total expenditure was Rs 7.18 billion.' See, '*Corrupt officials, politicians exposed (COPE) but committee lacks power: DEW*', Sunday Times, 04 December 2011, http://www.sundaytimes.lk/111204/News/nws_12.html

¹⁷ 'Ranminithenna Tele-Cine Park, biggest fillip for Lankan Cinema – President', *Muslimguardian*, 31.03.2010 http://ver2.muslimguardian.net/index.php?option=com_content&view=article&id=498:ranminithenna-tele-cine-park-biggest-fillip-for-lankan-cinema-president&catid=103:lead-news&Itemid=480

¹⁸ Interviews with staff members/ guides at the Park on 20 November 2011

The Park however appears to attract around 20,000 plus visitors per week and earns more from visitors than actual cinematic productions. Here too, the armed forces, together with a contracted security crew are in charge of maintenance and security and even cultivate paddy as part of the rural backdrop.

Chamal Rajapaksa Ayurveda Hospital¹⁹

The hospital was constructed in 2010 but by 2011 had only one doctor attached to it. Although there had been seven doctors in total, the others had been transferred to the North and East after the end of the war. A single doctor cannot effectively manage the two hundred plus out-patients who visit the hospital on a daily basis. There are over 150 beds which lie neglected due to lack of staff. The practitioner stated however that another 16 doctors were expected by the end of November 2011. The hospital appears to be welcomed by the locals, but at the time of the visit lay in a regrettable state of neglect and disrepair.

The New Administrative Complex in Hambantota²⁰ which is located in the new town, houses 42 government institutions. It has been constructed on 72 acres of land and has cost Rs.2, 983 million. The complex consists of a municipal council building, public library, depots, infrastructure agencies and 25 residential quarters. The idea being to enable locals to obtain all services under one roof.

How successful has it been so far? According to a government official, people find it both costly and time consuming to travel to this new complex which is located away from the old Hambantota town where locals still gather to do both business and shopping. Although the strategy of delivering all services under one roof is commendable, it will perhaps take time before locals view it in a beneficial light. This project cannot be considered a priority in the Hambantota area and forces the local population to accept the relocation of their town to a locale which is not of their choice. The government news portal states that the complex is to be a Wi-Fi zone which leaves us questioning who designs such projects which are wholly mismatching to the needs of the local population.

Top-down development, bottom-up issues

Displacement and Relocation

The field research undertaken in 2009 discovered that the Hambantota port development project had displaced over hundred families. Those affected complained that although their land and housing had been claimed by the state, compensation received was inadequate and distributed in an irregular manner. At the time, an interviewee stated that villagers from Mirijjavila, Aaru Bokka, Divul Watta and Wadju Wagava were resettled in the Keliyapura GN Division under the Sri Lanka Ports Authority resettlement scheme. Over 400 families had been relocated under this scheme. Although over 500 plots of land had

¹⁹ Interview with Dr. Hettiarachchi on 18 November 2011

²⁰ *Hambantota Administrative Complex*, The Official Government News Portal of Sri Lanka, http://news.lk/v2/index.php?option=com_content&view=article&id=18394:hambantota-administration-complex&catid=62:latest-news&Itemid=371

been allocated to relocated families, only 200 plus families have settled in them due to the remoteness of the location from commercial centres and cultivable land.

In 2011, a resident of *Waraya Gammanaya* (unofficial name) where the families had been relocated stated that people had been summoned to the Ports Authority office and requested to sign papers relinquishing their land. Those who refused were threatened with eviction without compensation. A 20 perch plot of land was given to each relocated family. This is inadequate to carry out agriculture. Some relocated families had not yet received deeds to this land. Residents of *Waraya Gammanaya* stated that, they had been led to believe the port would provide them new jobs but instead they had been relocated and left destitute with neither land nor livelihoods.

The investigation in 2011 confirmed that there has been a rapid deterioration of people's living standards since 2009 due to lack of viable livelihoods, incomplete housing, indebtedness, lack of access to basic amenities, and a stagnant local economy.

Developments since 2009...

- Evictions had taken place regardless of people holding title deeds to their lands.
- Relocation was to areas with insufficient access to basic amenities with an ever present threat of elephant attacks.
- Cultivation was difficult due to inaccessibility of allocated plots of land and destruction of crops by elephants.
- The old road into town which was only 5 km has been closed and the distance via the new road is 12km.
- The town center is in the process of being relocated, shifting crowds from the old town resulting in a loss of trade and business.
- Pilgrims to Kataragama take an alternative route via Sooriyawewa, resulting in the closure of a series of 'Kalu Dodol' stalls
- Lack of transparency, dialogue and contradictory government circulars have lead to uncertainty among locals regarding eligibility for compensation.

By 2011 most relocated families had been given a 20 perch plot of land and Rs. 500,000 as compensation while few had received larger sums. Another acre of land had been allocated to each family for cultivation purposes but was located a few miles away from the residential area. Although they were guaranteed that long term leases would be issued for this additional one acre of land, no such documents had been issued at the time of the visit. Families have only received title deeds to residential plots of land.

"How do we feed our children now?": "We used to make bricks and carry out *chena* cultivation on our 2 acre plot of land. We sold the bricks and the vegetable produce in Hambantota which was very lucrative. Then they relocated us here due to the port development and we have had no stable livelihood since. The compensation received was insufficient and as you can see, our house is only half built. The land we live on is insufficient to cultivate on. Elephants come into our garden. My husband works on building sites whenever he can and this pays around Rs.800 a day but work is very irregular. We were told that we would have access to water and electricity but had to pay Rs.10, 000 to get a water line. We have 4 children aged between 3-17 years.

We have been forced to borrow money against our house three times to feed our children and send them to school. We now owe a local money lender Rs.100, 000 and have to repay Rs.10, 000 a month. Samurdhi officials promised us Rs.100, 000 but we are yet to receive it. We hardly earn enough to eat three meals a day so we don't know how we are going to pay it back." *Sriyavathi (name has been changed), resident of Waraya Gammanaya 17.11.2011*

Inadequate compensation for relocated families

Due to lack of clear and unambiguous information, there was much conjecture regarding allocation of compensation. A meeting with the Hambantota District Secretary revealed that compensation had been decided according to the value of the house and land owned prior to relocation. According to some of the interviewees however, official valuations lacked consistency. There was confusion tinged with resentment regarding compensation received. A uniform complaint however was that compensation was inadequate to complete construction of their houses. Some even complained that they had not received the full entitlement. Compensation was certainly inadequate for the loss of livelihoods they suffered through relocation. Residents further complained of inadequate access to basic amenities such as electricity, water and the additional costs involved in obtaining electrification or water lines. It was obvious from our inquiries that compensation did not account for the loss of livelihoods and access to basic amenities or the additional costs involved in obtaining access to public services.

Loss of livelihoods

Interviews with individuals relocated to *Waraya Gammanaya* revealed that brick making had been their primary livelihood supplemented by agriculture and fishing. They have however lost all options since relocation. The 20 perches allocated are insufficient for cultivation or brick making and they are too far inland to engage in fishing. The additional acre of land is too far for daily travel, under constant threat of elephant attacks and without any legal claim. Their only means of livelihood now is temporary manual labour which is irregular and low paid. Some have sold their land and moved away while others now cultivate on rented land. A site inspection confirmed that the one acre plots of land issued for cultivation was covered in shrub jungle and located about 3-5 km away from the main road. An electric fence has been erected to repel elephant attacks but in fact only prevented elephants gaining access to Mahaweli Authority banana plantations on the other side of the road.

Farming on leased land... "My husband and I have taken a short term lease on a plot of land in Arubokka for cultivation. They relocated us in order to build the port. We used to run a cashew plantation in addition to producing bricks on our 2 ½ acre plot of land. We even won certificates for our cashew production. There is now only a pile of rocks where we used to live and cultivate. We didn't receive compensation for the cashew plantation or livelihoods we lost when they relocated us. As a condition of our present lease we have to give the landowner part of our produce and what we are left with is sufficient for our own consumption only. We have two children we need to provide for. Productivity is low due to brackish water and crops have to be protected from elephants each night. Initially we only received Rs.350, 000 as compensation and had to complain to all the relevant authorities before being given another Rs.150, 000. We hear that the second phase [of port development] will affect dozens of other families." *Gayanthini (name changed), resident of Waraya Gammanaya, 17.11.2011*

Relocation to inland areas, restrictions on fishing activities and allocation of prime coastal area for a 'beach park' prevent fishing communities accessing their traditional livelihood. The new fishing harbour is rendered ineffective due to sand clogging the harbour and preventing boats from docking. The only solution proposed, and indeed implemented, was to mine sand from this wharf area.²¹

Relocated township

There is also an ongoing process to relocate the old Hambantota town and all its commercial activities to the new town, a development which is not welcomed by local traders. The locals find the old town more accessible by public transport than the new town. Traders are reluctant to move their businesses to a new area which could lose them valuable clientele whilst incurring additional costs. Both traders and customers are in a state of turmoil about the proposed future of old Hambantota town.

Double Standards... *A shopkeeper in Hambantota old town claimed that his shop-building which had been on the beachfront was demolished due to a government circular prohibiting all constructions within a 100m (Tsunami) buffer zone. He did not request compensation as he didn't know whether he was eligible or not. Later however the government had built a series of shops on the beachfront within the 100m buffer zone to be leased out to private businesses.*

²¹ Information gathered through interviews with members of the Hambantota fishing community.

Environmental degradation

As with most on-going development projects in the country, there is a lack of coordination between development strategies and national environmental conservation law and policy. People have been relocated to areas with large elephant populations, private temporary beach-front structures are being torn down and more permanent buildings put up in their stead, new settlements and roads are being built without due consideration of environmental damage and pollution. The Mattala airport created uproar amongst environmentalists due to infringement of a protected nature reserve and was shifted to a new location a few months into the project. Locals claim that relocations due to development have aggravated elephant-man conflicts in areas which were traditional elephant crossings.

Non-generation of local employment

Bilateral agreements signed with the Chinese government²² include a condition that Chinese workers will be used for construction work. Such labour is primarily comprised of Chinese prison inmates. This prevents employment generation within the local community. This situation prevails across all development projects funded by the Chinese government. Loan interest payments, exclusive development contracts and the alleged use of Chinese prison labour are the underlying conditions of China's assistance. Additionally, Sri Lankan armed forces are being utilised to provide gaps in labour in most development projects in Hambantota.

Land grabbing

Hambantota has become a target for those with power and money. Locals complain of influential figures demarcating state lands for private purposes. There is also fear that lands being utilised for private investment and development will inflate local land prices beyond the means of locals, whilst profits would be enjoyed by 'outsiders' including local and foreign investors.

Psychological impact

Hambantota was one of the areas hard hit by the Tsunami in December 2004, and locals have had to rebuild their lives with land as their central asset. To be evicted from this land has been an additional psychological trauma which is apparent in any discussion with a member of a relocated community. The new developments in Hambantota have done little to directly improve living standards, livelihoods, access to basic amenities of the locals. Development has in fact deprived them of land and livelihoods and

"We were promised that a member from each evicted family would be given a job when the new port and economic zone was created. That is why we did not protest much against the relocation. The first stage of the port development is already completed but no one has received any jobs so far."
(G. Inoka), 2011

²² 'Drop in US aid no surprise', *Sunday Observer*. 31 July 2011, <http://www.sundayobserver.lk/2011/07/31/fea30.asp>

formerly successful farmers have been reduced to seeking temporary labour. Communities which have been relocated as well as those who are yet to be moved live in a constant state of fear and uncertainty regarding their future.

Role of local institutions in Hambantota

The follow up visit to Hambantota in November 2011 enabled us to monitor new developments, analyse the success of completed projects and their effect on local communities. In addition to affected communities, interviews were also carried out with Divisional Secretaries of Hambantota and Sooriyawewa, Deputy Director Planning of the Hambantota Urban Development Authority, staff of the Hambantota Chamber of Commerce, Resident GP at Chamal Rajapakse Ayurveda Hospital, Managing Directress of Women's Development Fund, Programme Officer - World Vision Tissamaharama.

Excerpts of interviews conducted with government institutions and civil society organizations in Hambantota give an overview of prevailing local issues, state development policies, and the gaps between people's needs and state policy.

Women's Development Fund (WDF)²³

The WDF has 99 offices in Hambantota and 50 in Moneragala and primarily provide livelihood assistance. According to staff of WDF the primary issues in the area are; lack of livelihood opportunities, lack of understanding regarding existing opportunities, lack of skills, lack of awareness of rights which in turn lead to underage marriages, domestic violence and child abuse.

New developments in the area have not provided many job opportunities apart from low paid, temporary manual labour. Interviewees were unable to give any definite instances of developments in Hambantota having measurable beneficial effects on locals.

Filling a Gap...WDF is primarily involved in providing micro finance to female Janasavi and Samurdhi beneficiaries and persons who are differently abled. They have set up community banks with 48,000 members in 4 DS Divisions of 7-8 villages each. Capital and interest flows are controlled by the villagers themselves. Additionally, skills training and awareness programmes are carried out in their training center as well as at village level. They also run Children's Societies which promote awareness on child rights. Although many small businesses have sprung up in the last few years and banks have begun to provide microfinance, there is a lack of skilled labour and business acumen, which is highly restrictive. *The livelihood assistance provided by WDF for local women addresses a basic need which is overlooked and unaddressed by government mega development projects.*

²³ Interview with the WDF Managing Director on 18 November 2011

The Chamber of Commerce, Hambantota²⁴

The Chamber provides business development services, career guidance – including maintaining a job matching database – and skills training programmes for youth. According to its officials there were many prospective opportunities with over 32 national and international organizations currently in the process of investing in Hambantota. The problem however lay in matching available opportunities with local skilled labour.

Poverty prevents many if not most local children from continuing their higher education. Most youth too prefer to seek local or foreign employment as soon as they complete or leave school and are either unable or unwilling to attend the 6 month skills training programmes conducted by the Chamber of Commerce. Chamber officials complained however that a majority of youth in the area sought white collar jobs without the requisite qualifications and that this attitude needs to undergo a drastic change in order to build up a skilled labour force.

A Professional Plan for the Rural Poor?

According to Chamber officials, there is a 'Professional Plan' which is due to generate over 7000 jobs. Organisations such as David Peiris, Raigam Salterns, Laugfs Gas are potential investors. Most of these employment opportunities would be created in the tax free special economic zone (SEZ) which is to be built adjoining the Hambantota port upon completion of its second phase. Hayleys, Indian Sugar, Petro Chemicals have already committed to opening branches within the SEZ. These are the job opportunities government authorities promised families targeted for relocation. It is unclear however how unskilled local labour is to match the technical expertise required in these industries. The Chamber of Commerce intends to address this discrepancy through expanding the scope of their trainings to focus on the export processing zone and skills required therein.

Divisional Secretariat, Hambantota

The Secretary was unwilling to comment on the effectiveness of developments in Hambantota but stressed that shifting to the new administrative complex in Siribopura was not an advisable move as it deterred many from accessing state services due to distance from the old town and lack of public transport. He stated that issues of displacement were known to and acknowledged by government institutions in the area but people also needed to take responsibility and bring these issues – including elephant-man conflicts – to the notice of relevant authorities in a united manner. The *Gajamithuru Programme* has been introduced to address the elephant-man conflict and but people do not utilise it in a strategic manner.

²⁴ Interview with Manager Strategy and Projects, Chamber of Commerce Hambantota, 18 November.2011

Urban Development Authority (UDA), Hambantota²⁵

The Deputy Director of the UDA, Hambantota was forthcoming regarding their future plans which she had been instrumental in shaping. A few key points regarding the role and responsibilities of the UDA and related government institutions regarding development policies have been summarised below to enable better understanding of both policy and practice:

- The areas in Hambantota currently under development were chosen in 1999 when the GoSL first established the Southern Development Authority (SDA). The SDA has identified areas for development, preservation, protection, conservation. *For example, the coastal area was identified as a 'protected area'.* She did not however comment on government constructions which have sprung up within the Tsunami buffer zone of old Hambantota town.
- The UDA has drawn up a Zonal Plan to promote and control development. Cultivated areas such as paddy fields have been excluded from development programmes but areas around the Hambantota port have been identified for development of FDIs, EPZs, which does not augur well communities in the vicinity.
- The National Physical Planning Department (NPPD), which formulated the National Plan in 2007 together with the City Plan, is in charge of areas which fall outside the UDA's authority or mandate. However, 97% of Municipal Councils, Pradeshiya Sabhas etc fall under the UDA.

National Physical Planning Department Policy Plan 1999

- Identifies Jaffna, Colombo, Trincomalee, Batticaloa, Hambantota as the 5 main cities/areas for development. Uva will be included in the extended greater Hambantota area.
- Plans to create a preserved/ protected area connecting two reservoirs, including the Lunugamvehera water tank in order to reduce the elephant-man conflict.
- A cricket ground and safari park were part of the 1999 Plan; the government accordingly decided to turn Sooriyawewa into a 'Sports and IT' city.
- There are plans to construct 6 lane and 4 lane roads through Hambantota with 5 meter service lanes to assist maintenance and ensure environmental sustainability.
- The beachfront area has been taken over by the government for development. According to the UDA, many locals had been relocated to Siribopura after the Tsunami anyway.

²⁵ Interview with Mrs. Chandrawansa, Deputy Director, UDA on 21 November 2011

The Siribopura administrative complex, built on 62 acres of land at a cost of Rs. 2, 900 million includes 42 offices and living quarters for officials. The International Convention Centre – which aims to be the largest in South Asia, located in the wilds of Hambantota – is estimated to cost Rs.3, 100 million. *The necessity and viability of expending vast sums of loan money upon these projects as an apparently essential part of the country's progress and their direct benefit to the local communities and in particular the rural poor remains an enigma.*

UDA plans for future relocations – prevalent issues remain unaddressed

The Deputy Director admitted that issues stemming from the first set of relocations due to port development such as loss of land, livelihoods, inadequate compensation had not been taken into account at the time, but that they were better prepared for similar issues arising during the second phase.

The UDA, Hambantota Divisional Secretariat and Port Authority have formed a committee to find sustainable solutions for future relocations. Any new villages will have electric fences around them while on the other hand settlements will not be allowed to expand in order to protect the elephant population in the area. The Committee however had no intention of addressing the issues of those already displaced or relocated due to development as it is considered *fait accompli*.

Divisional Secretariat, Sooriyawewa²⁶

Sooriyawewa consists of 21 GN divisions and a population of approximately 48,000. There are around 18 schools which cater to the local youth population. The primary means of livelihood is agriculture with the most common being banana plantations, paddy and vegetable cultivation. The Sooriyawewa town is also to be developed by the Urban Development Authority. Information gathered from the interview highlights a curious mix of top-down policies and those which address the immediate needs of the rural population.

²⁶ Interview with Mr. N.K.R. Pathirana – 21 November 2011

UDA vision for Sooriyawewa: positive developments

- *Addressing water shortages is a high priority issue for the people of Sooriyawewa.* There are plans to develop existing and new irrigation schemes including the Mahaweli and Govi Jana Seva schemes. The Water Board has been instructed to implement the 'Ruhunu Pura' scheme in the next four years to address lack of access to water in the area.
- New road infrastructure has facilitated better mobility. *The area however still lacks regular public transport.*
- Two universities are to be built near the cricket grounds; a BOI zone which had been planned for the same area has now been put on hold. There are at present only around 3-4 families in the 500 acres allocated for the BOI zone plus an Ayurveda hospital and a few shops that would be affected by any development in the area.

Questionable policies

- The cricket ground in Sooriyawewa is built on 46 acres which used to be under the Forestry Department and approximately 6 families were relocated in order to build the VIP entrance.
- There are a number of 4 lane roads due to be built from Sooriyawewa to Mirijjawila, Embilipitiya, Sevanagala, Mattala etc. *Although roads have been developed, there is no corresponding increase in public transport facilities and people are too poor to own their own vehicles or indeed even use public transport on a regular basis.*
- A new town is also due to be built in Meegahajandura, the cost of which is yet to be revealed and the rationale unclear.

The DS stated that organisations such as Care International have been extremely active in the area working with schools, children, conducting awareness raising programmes. He further suggested that there should be more video advocacy, while the police and CSOs in the area need to be utilised more to raise awareness and battle prevailing issues. However, poverty, underage marriages, child abuse remain predominant problems in the area.

It is important to note the gap which is left unaddressed by developments in the Hambantota area of; lack of livelihoods, lack of access to education and corresponding lack of awareness and skills, social issues such as underage marriages which spring from poverty, and lack of public transport to match the development of the road network which is imperative in promoting connectivity between grassroots communities with commercial hubs and in accessing amenities.

World Vision, Lunugamwehera²⁷

The Project Coordinator of World Vision explained that these development projects were taking place in areas where people lacked access to livelihoods, basic amenities and public services. World Vision works

²⁷ Interview with World Vision Project Coordinator Mr. V. Fernando, on 19 November 2011

with 450 families across 25 villages in giving livelihood support and raising awareness on rights. Projects carried out by them include: education assistance for vulnerable children; assisting 18 villages to obtain electricity (the government provides electricity under the 'Ridi Weta' scheme); income-generation schemes for those below the official poverty line through skills trainings such as making bags, choir products etc. World Vision has also been involved in locating job opportunities for unemployed youth in conjunction with the government such as; operating backhoes, hotel/ hospitality industry trainings.

In an area such as Lunugamwehera, parents are usually unaware of the value of education and do not support their children's education. Lunugamwehera is host to communities of people from a multitude of areas who have been resettled by the government during different time periods. The main livelihood in the area is agriculture which requires the assistance of all family members including children. In the past, it was the girl child who suffered from a lack of schooling but now it is the boys who stay back to assist in farming and other livelihood activities. Although the ongoing government development projects have not provided sustainable employment in the area, some locals have found work as day labourers at these projects and are paid around Rs. 1,500 per day - for e.g. in the Mattala airport development project.

There are 18 schools covering 25 villages but only 3 offer secondary-level education. Most teachers are not from the Lunugamwehera area and have a practice of arriving on Monday and leaving early on Fridays, only teaching full time on the other three days.

An 'elephant pass' (migratory passage), is being planned near the Mattala airport which will lead to the relocation of about 30 families. The land near the airport has been allocated for industrial parks and hotels. The officer stated that people are unable to carry out new schemes for cultivation of land as the government is reclaiming most of the land in the area and even long term residents and cultivators have not been issued title deeds.

Conclusion

Mega developments across the globe have had questionable impacts on communities and the surrounding environment. 'Mega' scale projects are generally designed top-down with long term goals in view and do not take into account the immediate needs of the grassroots communities nor the immediate negative impacts of relocations and consequent loss of livelihoods. Hambantota appears to be no different to the neo-liberal policies promoted by international financial institutions and large corporations which profit a few and disadvantage the masses.

Although it is commendable to prioritise areas which are lagging behind for application of resources, the problem lies in the type and style of development which is consequently reflected in its effectiveness.

Whilst the Hambantota port may begin producing profits once the second phase is over and an economic zone is established, this will not be for another 5 years. Until then, it is neither attracting sufficient trade nor providing employment to locals and has become a large debt burden to the citizens of this country.

Mattala airport built in a remote area without commercial opportunities or famed tourist attractions will only become viable if more private investment is projected into the surrounding area in the form of banks, commercial enterprises, hotels, roads and other infrastructure.

A tele-cinema village which is only sustained through ticket revenues, a cricket stadium which is not self-sustaining and can only afford to employ armed forces for its maintenance, a hospital without adequate doctors only add to the list of questionable but extremely costly developments in the area.

What is the logic behind having the largest convention centre in Asia located over 300 km away from the capital?

What is the rationale behind building an entirely new city together with administrative complexes, road infrastructure, urban development, instead of developing the existing hub of Hambantota which is more accessible to people?

How is the peoples' right to development protected through their involuntary relocation to traditional habitats of wild elephants and with no livelihood opportunities?

Development needs to go hand-in-hand with the protection of the rights of people. Although Hambantota may begin reaping rewards in another decade it would have impoverished a generation of locals whilst burdening the country with an unnecessary level of debt, unnecessary because many of these projects are 'white elephants', for purposes of prestige or personal aggrandisement.

It is time that the government directly addressed the rights and issues of the locals through its development policies and projects; supported and augmented local skills development; carried out impact assessment, monitoring and evaluation of development projects; curbed its expenditure to reflect the income generation and repayment capacity of the country; implemented strategies for private investment and public-private partnerships; and included the participation and labour contributions of the locals in its development plans to ensure rights based, environmentally friendly and sustainable development.

'Left Out and Left Behind': Education of the Children of the Plantation Community

*Anushaya Collure**

Introduction

Education could be regarded as the single most effective human right available for individuals' to attain social and economic empowerment¹. Even though education is not regarded as a fundamental right in the Sri Lankan Constitution of 1978, it is included in the directive principles and fundamental duties chapter². Sri Lanka has been proud of her high educational achievements such as Universal Basic Education (UBE), exceptional in the region of South Asia³, and achieved through free education.

However, in comparison with the overall achievements in the education sector, the education of the plantation community mainly conducted in the Tamil medium has been the focus of research as a vulnerable sector that needs the critical attention of state authorities⁴.

It has been pointed out that due to firstly, the specific function of the plantation community as a generator of uneducated, cheap, docile labour to fulfil the state interest of maintaining a minimal unit cost in its drive to attain a profit⁵ from the estate sector; and secondly, this population belonging to an ethnic minority; have placed them in a most disadvantageous position concerning the achievement of the equal right to education relative to national standards.

This community belonging to the descendants of the Indian Tamil population was initially imported from the southern parts of India by the British in the 19th century solely to work in the tea, rubber and coconut

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¹ General Comment 13 of ICESCR. Please refer to Articles 13 and 14 of the International Covenant of Economic, Social and Cultural Rights

² Chapter VI, Art. 27(h): "the complete eradication of illiteracy and the assurance to all persons of the right to universal and equal access to education at all levels".

³ UBE in Sri Lanka is defined as education in grade 1 -9, 6-14 years of age. Education is compulsory for all children in this age span. The total Net Intake Rate in primary education (national level) in 2005 was 91% and the total Net Enrolment Rate in secondary education (national level) for the same year was 90%. Education for all, Mid Decade Assessment Report, 2008, Ministry of Education, Battaramulla, p51 & 67.

⁴ With regard to Universal Basic Education, the National Education Commission of Sri Lanka considers plantation children as one of the vulnerable groups of children, Education for all, Mid Decade Assessment Report, 2008, Ministry of Education, p51, and S. Anthony, Maria S.J. & Fernando, Indra, A.R. 1998. The Impact of Time and Environment upon Students in Plantation Area Secondary Schools in the Districts of Nuwara Eliya and Kandy. Satyodaya Centre for Social Research and Encounter, Kandy.

⁵ Little, Angela W. 2003. Labouring to Learn – towards a political economy of plantations, people and education in Sri Lanka, Social Scientists' Association, Colombo, p28.

plantations owned by them⁶. There were many constraints pertaining to the plantation sector compounded by factors of language, culture and caste depriving this population of many privileges accorded to free human beings. There have been many attempts by different governments in power to solve the citizenship rights of these people so that they enjoy the privileges of the rest of the Sri Lankan population. At present, except for a few cases regarding the acquisition of birth certificates, most of the issues with regard to citizenship have apparently been sorted out.⁷

Scope of Research

This research study is conducted as partial fulfilment of Phase 1 of the Leadership Institute conducted by the Programme on Women's Economic, Social and Cultural Rights (PWESCR) in India.⁸ The main objective of the study is to explore the issues relating to the lack of equal right to education in the Tamil medium (considered the native language or mother tongue of the plantation population) for the children in the plantation community and to compile a list of recommendations as proposed by professionals in the field of education; the activists working for the protection of the rights of the plantation community and specifically the right to education; as well as students and their parents from the plantation community. This framework was conceived after realising the gap in research concerning recommendations to policy makers, during discussions with the Director of Education, Plantation Schools, of the Ministry of Education⁹.

The research is based on the rights stipulated in Articles 13 and 14 of the International Covenant of the Economic, Social and Cultural Rights (ICESCR) and General Comment 11 and 13 as well as the stipulations on language rights and right to education included in the Constitution of Sri Lanka¹⁰. It needs to be clarified that although the literacy rate is one of the universally accepted effective tools to measure the socio-economic development of a country, this research regards education in terms of socio-economic development beyond the rate of literacy.

Article 13 of ICESCR comprehensively delineates the benefits of education to a human being and then sets forth explicitly the means of achieving it through primary, secondary and tertiary education as well as the right to education and the role of the state in this obligation. Article 14 reiterates the significance of providing free compulsory education. General Comments 11 and 13 places more emphasis on the provision of education. Apart from the mention of the right to education in the directive principles and

⁶ *Ibid*, pp34 -35.

⁷ Interviews conducted with three labour leaders of the Hantane Estate Janatha Estate Development Board on 29.12.2010 and the conversation held with Commissioner, Indian Tamil Citizenship Unit, Department of Emigration and Immigration, Colombo on 10.03.2011.

⁸ The objective of the PWESCR Leadership Institute is to train women working in civil society organisations, at the mid-level of their careers on the substance and the reporting process of the International Covenant of the Economic, Social and Cultural Rights (ICESCR) with special reference to attaining the economic, social and cultural rights of women.

⁹ Interviews conducted on 21.01.2011 and 01.03.2011.

¹⁰ See Article 21, Chapter IV of the Constitution of the Democratic Socialist Republic of Sri Lanka 1978.

fundamental duties in the Constitution of Sri Lanka (1978), Article 21 (1) in Chapter IV (Language) elucidates the right to be educated in one's mother tongue¹¹.

The issues discussed and the recommendations put forward in the research study can be broadly categorised into three sections: the process of provincial budgetary allocation to plantation schools and the application process for provincial budgetary allocations; human resources related to the plantation education; and quality of education and performance of the students. Besides these concerns, some of the external social and economic and cultural factors that affect the education of the plantation community as a whole will also be discussed.

Methodology

The locations for the research study are Nuwara Eliya and Kandy districts in the Central Province and Ratnapura district in the Sabaragamuwa Province. The basis for selection of the locations depended upon the number of plantation schools in the particular district; as well as the availability of known informants for the gathering of data in conducting the research (please see Annexure 1). Apart from the initial visit relating to the conceptualisation of the research study, four field visits were carried out in the research locations.

The main means of data gathering was through one-to-one interviews with the educational professionals working in the plantation sector, civil society activists committed to protect the rights of the plantation community, particularly the right to education; and the students and parents from the plantation community; as well as the use of secondary data. The set of guiding questions used to facilitate the gathering of data was constantly revised to obtain the maximum amount of information.

There are certain limitations to the study. Due to time constraints of the action project the data gathering was limited. Gathering data from certain key informants in the education sector was not possible due to their busy schedules and commitments. Some of the relevant data gathered from interviews were not used on the instruction of the interviewees. Instead, recommendations were produced incorporating the issues raised by them.

Plantation Education

The development of schools or educational facilities for the plantation community has been a slow affair. Basically it could be mentioned that there have been many occasions in the past where the right to education of the community in their native language has been challenged due to their identity in terms of their employment and through belonging to a minority race.

¹¹ "A person shall be entitled to be educated through the medium of either of the National Languages"; Sinhala and Tamil are considered the national languages of Sri Lanka.

Thus, in the early 19th century, the minimal efforts to provide education to this labour force by the British colonisers have been by way of assigning the *Kanganies* – who were involved in recruiting labour from South India, supervision of labour in the plantation, as well as lending money to the labourers – to take the initiative in setting up schools¹². They created two types of schools, one set for the children of the *Kanganies* and the estate staff with instruction in English; and another set in Tamil medium, for the children of the estate labour force. Schools for the children of estate staff were located away from the estate and schools for the children of the labour-force were constructed within the estate premises.

During the second half of the 19th century, missionaries particularly the Baptists and the Anglican Mission (through the Tamil Cooly Mission), and the Methodists, were involved in building schools. There were occasional instances where planters were interested in starting up a school on their plantation. In the latter half of the 19th century, the state of Ceylon commenced providing a small grant-in-aid to the estate owners to spend on school facilities.

In 1905, the Wace Commission stipulated the expansion of vernacular schools and introduced compulsory education in highly populated areas. However, the Commission was unable to make much positive change for the plantation community¹³. The Rural School Ordinance 1907 included many provisions to the plantation education but maintained it within separate clauses. Consequently, the Superintendent of each estate was made responsible for maintaining a school room and providing the children within the age ranges 1-6 in the plantation community a vernacular education. Education was streamlined with annual inspections and maintenance of regular attendance.

Ordinance (No.1) of 1920 recommended separate treatment for the estate schools. The relevant clauses in the Ordinance imposed compulsory education in the estate school for the first time and urged the Superintendants to employ proficient teachers. It must be said that the implementation of these regulations were left to the Superintendent's discretion the results of which, in turn, were abysmal.

After 1931, the attitude of the government in the ensuing years, towards the development of the estate schools became ambivalent. More than for economic reasons, this mindset was driven by political concerns. C.W.W. Kannangara known as the 'father of free education', who was then the Minister of Education brought forth his first ordinance in 1939 which dealt with the transfer of policy and regulation turning the Board of Education to an Executive Committee of Education established under the new (Donoughmore) constitution. There was a provision which gave the Superintendent relevant powers to fine the parents for the non-enrolment of their children.

In 1945, the Free Education Bill was passed. The amendment on integrating the estate schools into the national education system was accepted in 1945 and incorporated into the Ordinance of 1947. The Ordinance stipulated the estate management to facilitate education by providing a building for the school

¹² Little, Angela W. 2003. Labouring to Learn – towards a political economy of plantations, people and education in Sri Lanka, 2nd edition, Social Scientists' Association, Colombo.

¹³ Chandrabose, A.S & Sivapragasam, P.P. (2010). Status of School Education of the Plantation Community in Sri Lanka: Issues and Challenges for the Future, Human Development Organisation, Kandy, p5.

and housing for the head teacher. The government was responsible for recruiting teachers and providing education. This recommendation was reinforced in the amended Education Act (No.5) of 1951. There was much opposition from the plantation ownership and the management against the taking over of schools by the national education system and consequently, a significantly small number of schools were incorporated at the initial stages.

During the period of 1951–1956, 24 estate schools were made government schools through the Amendment of 1947 and the Amendment Act 1951¹⁴. It is also important to gather that of the total of 1,115 teachers recruited by the estate management, as many as 927 were without certificates. By 1958 only 79 of them had undergone training¹⁵. The slow process of the government takeover of plantation schools continued in fits and starts and was reinforced by the recommendations in the National Commission of Education in 1962. However, its recommendations included that education in the Sinhala medium for the estate children in the newly nationalised schools as a condition for government takeover. This provoked both the Sinhala and Tamil populations, so that implementation was shelved. The same recommendation was repeated in White Paper on Education in 1964 without any results. The Sri Lanka Freedom Party led United Front (UF) government came into power in 1970. By the persuasion of one of the Tamil trade union leaders of the Communist Party, the government takeover of estate schools was incorporated into the UF's manifesto.

However, the pledge in the election manifesto was not heeded. Between 1971 and 1977 the substantial changes that occurred in the plantation sector were: the secondment of an Indian Tamil teacher to the Ministry in order to facilitate the government takeover of estate schools and to work on a draft bill for cabinet which was later found to be a futile project; a survey conducted in estate schools in 1972; the recruitment of 50 up-country Tamil teachers in 1975 to work in the town schools attended by the estate children¹⁶ and taking over only 14 schools. In 1973, the implementation of the plan to develop 100 of the 800 estate schools under the directive of the then Minister of Plantation Industry went unheeded.

Just before the general election in 1977 and in the aftermath of the Land Reform Law of 1975, realising that the plantation trade unions were working against the government and due to the shooting of the plantation workers by the police and the communal attacks by the Sinhalese workers, the government took over 266 estate schools. This was seen as a desperate bid to acquire the vote of the plantation community. Radical education reforms introduced between 1972–77 period with regard to imposing the school entry age and the reduction of the primary and secondary education cycles had a negative effect in the plantation schools. Despite their usual custom of enrolling students into a six year long cycle of

¹⁴ Little, Angela W. 2003. Labouring to Learn – towards a political economy of plantations, people and education in Sri Lanka, 2nd edition, Social Scientists' Association, Colombo, p133.

¹⁵ Chandrabose, A.S & Sivapragasam, P.P. (2010). Status of School Education of the Plantation Community in Sri Lanka: Issues and Challenges for the Future, Human Development Organisation, Kandy, p6.

¹⁶ Little, Angela W. 2003. Labouring to Learn – towards a political economy of plantations, people and education in Sri Lanka, 2nd edition, Social Scientists' Association, Colombo, p139.

primary education, the teachers of the estate schools had to release their students a year earlier than before. By 1981, all the 721 estate schools were nationalised by the government¹⁷.

It was only after 1980s that the nationalised plantation schools were upgraded with the provisions of the donor assisted programmes¹⁸. In 1983, the Plantation Schools Education Development Project (PSEDP), funded by the Swedish International Development Agency (SIDA), commenced to develop 260 plantation schools and the work was completed in 1995. A National College of Education, Sri Pada College, was established with the funding of the German Technical Cooperation (GTZ) to facilitate the training of plantation youth with GCE A/L qualifications as teachers for the plantation schools. UN agencies such as UNICEF have also assisted the plantation schools in acquiring physical resources.

Policy on plantation education

Despite the fact that the Government or the Ministry of Education in its reports as well as assessments¹⁹ consider that the education of the plantation community as a vulnerable area which needs critical attention, there is no specific policy available on the development of plantation schools or upgrading the quality of education offered. This also applies to the policies of the devolved governing bodies, such as the provincial councils, under which there are a large number of plantation schools.

Instead, what could be witnessed is that when the Government or Ministry of Education implement policies pertaining to the education system in general, plantation education – due to its medium of instruction in Tamil and other specific concerns to the plantation community – is sidelined. However, it is worthy to mention here that the recommendations on the education sector in the National Plan of Action (NPA) for the Social Development of the Plantation Community (2006-15) coordinated by the (former) Ministry for Nation Building and Estate Infrastructure with the support of the United Nations Development Programme, can be considered as effective and practical policies in this regard²⁰.

Allocation of funding for physical resources

The allocation to education from the national budget in 2011 was 1.9% of the GDP²¹ which is inadequate in providing various resources to the education system so as to maintain smooth delivery of the right to

¹⁷ Chandrabose, A.S & Sivapragasam, P.P. (2010). Status of School Education of the Plantation Community in Sri Lanka: Issues and Challenges for the Future, Human Development Organisation, Kandy, p7.

¹⁸ Education for all, Mid Decade Assessment Report, 2008, Ministry of Education, p59, Chandrabose, A.S & Sivapragasam, P.P. (2010). Status of School Education of the Plantation Community in Sri Lanka: Issues and Challenges for the Future, Human Development Organisation, p8; Ministry of Nation Building and Estate Infrastructure (2006). National Action Plan (NAP) for Social Development of the Plantation Community (2006 - 15), p32; Sivapragasam, P.P. (2005). Right to Education, Status of Primary Education of the Plantation Community in Sri Lanka. Human Development Organisation, pp19 -21.

¹⁹ Education for all, Mid Decade Assessment Report, 2008, Ministry of Education & Statistical Department (2005) Report on Consumer Finances and Socio Economic Survey in Sri Lanka, 2003/4, Central Bank of Sri Lanka, 2005.

²⁰ Interview conducted with the Director, Plantations Schools Unit, Ministry of Education on 21.01.2011.

²¹ Central Bank, Annual Report 2011, Central Bank, Colombo 2010.

education. Almost all the plantation schools in the island are under the devolved power of the provincial councils. Thus, the annual budgetary allocation of funding for the development of these schools is executed by the provincial councils. In the case of the Central Province, the Provincial Ministry of Tamil Education is responsible for the disbursement of budgetary allocations to the schools of which the medium of instruction is Tamil: This includes plantation schools.

The Ministry of Education, in keeping with its responsibility of providing schools with physical resources such as buildings, furniture and equipment, and quality inputs such as teaching material, conducts the annual school census updating the data, in order to compute additional requirements. This process is carried out on the basis of the classification which was introduced through Circular No.1 of 2005²².

There is a process that a school needs to follow in order to apply for annual budgetary allocations. It takes place through the zonal education department to which the school belongs (a district is divided into several zones for smooth administration of schools, for instance, Nuwara Eliya district has 15 zones). The school has to develop an annual plan²³ and submit to the zonal education department.

The planning officer of the zonal department then compiles an annual plan for the zone by incorporating all the plans of the schools. This document is then sent to the Provincial Department of Education where it is summarised; and the summary is then sent to the planning commission of the Provincial Council for the consideration of budgetary allocation.

During interviews carried out with the educational professionals²⁴, civil society activists, and the students in plantation schools, it was found that the implementation of the budgetary allocation process has too many drawbacks for it to be effective. Firstly, it was found that there are no regulated criteria to select schools for the disbursement of funding to build physical resources. Therefore, the process happens in an ad-hoc manner which could be easily manipulated for political favouritism.

This situation also reflects that the decisions taken by the bureaucrats in the education field are not necessarily based on informed choice or annual survey data. The data-gathering for the annual survey; the categorisation of schools into 5 classifications; or upgrading a school from one type to another, are conducted without involving the direct beneficiaries of the plantation schools leading to many inconsistencies.

²² According to this circular government schools are sorted into 5 categories on the basis of 7 groups of criteria regarding the available facilities in schools: more congenial schools, congenial schools, not difficult schools, difficult schools and very difficult schools. Education for all, Mid Decade Assessment Report, 2008, Ministry of Education, p73.

²³ This plan is drafted under the four themes – inclusive education, quality education, equality in education and good governance and service delivery along with the subject directors' plan for all the academic subjects.

²⁴ Interviews conducted with educational professionals on 21. 01. 11, 01.03.11, 16.03.11, 06.04.11 and 18.04.11, with civil society activists Mr. Deepal de Silva and Ms. Jinandani Parameshwaram, Kandy on 14.03.11 and between 25.04.11 and 06.05.11, Programme Coordinator and CEO of Human Development Organisation, Kandy on 15.03.11, Coordinator, officers from child development unit community development unit of the Organisation of Environment and Children's Rights Preservation in Ratnapura and CEO of Community Development Foundation (CDF), Ratnapura on 06.04.11.

In certain cases with smaller estate schools, where there is a dearth of human resources to delegate administrative and teaching work, principals are reluctant to use the funding awarded to purchase learning materials for the purpose specified, as the burden of keeping accounts and auditing falls on the principal. However, schools with larger human resource facilities use this funding effectively. Issues based on language, for instance if the development plan sent to the zonal department is drafted in Tamil, might adversely affect the application for funding²⁵. Sometimes there are occasions when due to delays in building construction, the annually allocated funding for the project is returned unused.

The Human Development Organisation has showcased disparity in the availability of IAB type schools with G.C.E. Advanced Level science and mathematics streams in the Tamil medium in Kandy and Nuwara Eliya districts in comparison to the number of IAB type schools in Sinhala medium²⁶.

- There is a laboratory in Sivananda Tamil Vidyalaya, Hantane, Kandy. However, there is no equipment such as microscopes, chemical substances to carry out experiments or furniture to use the facility properly.
- Galathura Tamil Vidyalaya, Ratnapura needs another building. A request for a building has been made two years ago but still there has been no response from the Provincial Council.
- Doloswala Bharathi Tamil Vidyalaya, Ratnapura acquired a new volleyball court recently. It was awarded with the intervention of a politician of the local *pradeshiya sabha*. However, what they really requested was a playground.
- It is pointless giving three storied buildings to the schools in Nuwara Eliya because of the cold climate. In the cold climate it gets colder on the third floor making it difficult for the students to study. Also when it rains, it rains there horizontally and the rain water comes into the class room. So two storied buildings are the best for the schools.

(Observations from personal interviews conducted with various stakeholders in the selected districts)

Civil society organisations get involved in providing physical resources to the plantation sector schools. However, most of the CSOs work independently in aiding plantation schools without collaborating with

²⁵ Chandrabose, A.S & Sivapragasam, P.P. (2010). Status of School Education of the Plantation Community in Sri Lanka: Issues and Challenges for the Future, Human Development Organisation, p18.

²⁶ There are 15 IAB schools in the Tamil medium in the plantation districts of Kandy, Matale, Nuwara Eliya, Badulla, Ratnapura and Kegalle where as there are 147 schools in Sinhala medium and 21 schools for Muslims. In the Nuwara Eliya district where there is 58% of Tamil speaking population, there are only 7 IAB schools. However, the number of IAB schools in the Sinhala medium is 19 for a 42% of Sinhala population. Chandrabose, A.S & Sivapragasam, P.P. (2010). Status of School Education of the Plantation Community in Sri Lanka: Issues and Challenges for the Future, Human Development Organisation, p11.

the Ministry of Education²⁷. This practice often creates overlapping situations and the Ministry of Education has firmly informed the interested CSOs and donors to maintain regular communication with them to avoid such awkward situations. Sometimes, CSOs become involved in the capacity of well-wishers in the School Development Society in an estate school, where their legitimate interest in finding out about the nature of expenditure accounts leads to bad feelings between the members of the SDS and the principal and staff.

Realising the inadequacy of funding allocated to the development of education, the Ministry of Education has launched several programmes for schools such as forming School Development Societies (SDSs) and child friendly schools where a broader and active stakeholder network is created through the schools' alumni, parents of the children and well-wishers for the development of a particular school.

These stakeholders are expected to provide funds and services for the development of the school. However, this concept is a failure in terms of plantation schools as they do not usually have alumni networks, or well-to-do and able parents and well-wishers. But some of the concerned persons in the civil society sector have used this concept to develop the plantation schools in the Sabaragamuwa province²⁸ by extending funds to freshly recruit and train teachers of English, Mathematics, Tamil Language, Social Studies and Commerce for G.C.E. O/L and pay them a small fee; and/or provide water supply, as well as library facilities, to the needy schools. Consequently, the overall result of this exercise, so far, in terms of the quality of education has been excellent.

Human Resources

Overall there is an acute shortage of Tamil teachers and administrative officers in the Ministry and other local governing bodies. At the administrative level, the lack of Tamil officers has aggravated the issues regarding language such as translations into Tamil language²⁹ which directly affects plantation education. It has also brought forth the issue of monitoring and inspecting teachers in estate schools. There is a shortage of 20,000 teachers for subjects in G.C.E. Ordinary Level examination, 3,000 teachers for subjects in G.C.E. Advanced Level examination and 300 teachers at tertiary level across the entire plantation school sector.

²⁷ LEED project funded by the World Bank is currently in operation. Sabaragamuwa Provincial Council had received a loan of Rs. 90 million in 2010 for the funding of the estate schools.

²⁸ Interview with CEO of Community Development Foundation (CDF), Ratnapura on 06.04.11.

²⁹ It was very difficult for the researcher to meet the relevant officials at provincial and zonal level. Every time the appointments were made they had to be cancelled as these personnel were requested to attend various meetings. Apart from this one officer in charge of the plantation schools or Tamil medium schools in these establishments no one knew about the subject.

The recruitment of teachers, and In-Service Advisors³⁰ (experienced teachers to oversee subject teachers), as well as school principals, is highly politicised. Due to this most of the persons recruited are under qualified and possess low skills³¹.

Owing to the strong lobbying of the Human Development Organisation, Kandy, in 2007, the government recruited 3179 Tamil teachers to the plantation schools³². The government has taken a decision to discontinue teacher recruitment on the basis of G.C.E. Advanced Level results from 2012 and recruit graduates only. This decision, in turn, might negatively affect the Tamil youth with G.C.E. Advanced Level results in the plantation areas who work hard as volunteers in the schools, sometimes effectively compensating for the shortage of teachers, with the intention of obtaining a position as government teachers.

The politicisation of the education system with regard to teacher transfers causes adverse effects in the plantation education sector. Teachers who have been given plantation schools on punishment transfers find it very difficult to get transferred again back to a school of their choice, adding to their frustration which is sometimes reflected in the quality of their work in school.

On the other hand the teachers who work in plantation schools located in remote areas, where public transport is not functioning, face many difficulties which are sometimes not considered sympathetically by the educational authorities with regard to educational achievements and student performance.

The Hemingford Tamil Vidyalaya, is a primary school in the Ratnapura district. It is located 16km away from Parakaduwa, a small township on the Colombo-Ratnapura main road. Daily a bus, in which the teachers travel, starts at 7.30am from the town making its way to the school which is located at the highest point on a narrow hill through winding road with many ditches, and rubber and tea estates, reaching it at around 8am. Most days the bus breaks down and the teachers have to pay Rs. 400 out of their own pocket for three-wheelers to get to school.

The teacher training has generated several issues in the plantation schools. The batch of recruits who were taken in 2007 is currently undergoing training at the Training Colleges under Government directives that

³⁰ In 2010 in the Sabaragamuwa Province tests on Language and Sri Lanka Educational System was held for the candidates recruited for ISA positions. Their practical examinations were also held. The Tamil candidates received low marks for the two subjects. The local election delayed their recruitment.

³¹ In 2007, Ratnapura district received 395 Tamil teachers. In 2009, 20 teachers were identified as possessing the Indian school qualification of 'Plus Two' which is not recognised, and as a result they were sacked, and replaced by a qualified set of people. Three Tamil Directors involved in their recruitment were also interdicted in this regard.

³² The qualification of the recruits had been credit pass at Ordinary Level examination in the relevant subject (which they were to teach) and two passes at the Advanced Level examination. These new recruits were to adhere to the government's condition of working in the same school for 10 years. (Interview with the programme coordinator and the CEO of Human Development Organisation, Kandy on 15.03.11 and Right to Education, Status of Primary Education of the Plantation Community in Sri Lanka. Human Development Organisation.)

they should complete their training by 2012. Due to this, some of the schools have about six teachers away on training; creating disruptions with the daily running of the school. The inadequacy in Tamil medium In-Service Advisors as well as Educational Directors in the relevant plantation districts has caused the regular inspections and monitoring to be an infrequently conducted activity. The inadequate means of transport provided to some of the zonal educational directors has aggravated this issue. The non existence of coordination between the zonal departments and the Regional English Support Centres (RESCs – run by the National Institute of Education) has also been pointed out as a hindrance in acquiring training. Training on innovative strategies of teaching to the slow learners and motivational skills targeting the acute learning problems of some students in the plantation schools, from which plantation teachers would benefit the most, are not provided as funding is not available for these themes.

"In the plantation schools, graduate teachers are rare. So, trained teachers teach G.C.E. A/L subjects. Primary school teachers teach subjects in the secondary school" (A teacher in a plantation school in Ratnapura interviewed on 06.04.11).

Quality of education and educational performance of the students

Literacy rate and the educational attainment (net enrolment rate, survival rate of grade 5, transition rate from primary to lower/ upper secondary level, dropout rate/absenteeism and non-enrolment to school, Grade 5 scholarship results, G.C.E. Ordinary Level/Advanced Level examination results) of the plantation population compared to the national level reflect the inadequacies in the quality of education with regard to that expected in Article 13 of ICESCR³³.

The disparity in these indicators between males and females also needs to be mentioned here. Although the literacy rate has been the sole indicator which delineates the gradual development of the level of education in the plantation community, the manner in which it is assessed, renders it of little usefulness as a measure of individual empowerment and the potential to contribute to development in a meaningful way. In other words, most of the people in the plantation community have the ability to read and write their name, which is enough to categorise them as literate. But other than that, they have not been able to attain any progress as a community through the education provided.

Crèches and preschools are run in a prolific manner in the plantation areas with the support of the welfare association of the plantation management. Preschools are included in the Provincial Council mandate by Article 154 G (1) of the 13th Amendment to the Constitution³⁴. There are issues with regard to the (Sinhala) ethnicity of attendants at the crèches in plantation education, as well as the curriculum of the

³³ National Plan of Action (NPA) for Social Development of the Plantation Community (2006-15), p33; Chandrabose, A.S & Sivapragasam, P.P. (2010). Status of School Education of the Plantation Community in Sri Lanka: Issues and Challenges for the Future, Human Development Organisation, p8.

³⁴ The effects of malnutrition prevalent in the children of the plantation sector was revealed by the civil activists interviewed and Education for all, Mid Decade Assessment Report, 2008, Ministry of Education, p23.

preschools and training for the teachers. However, the opinion of most of the activists was that although the estate management had wholeheartedly assisted the existence of the crèches, preschools as well as the primary education, it is not too happy about the presence of secondary level schools.

Due to the shortage of teachers, the plantation schools do not have teachers to do aesthetic studies or other extracurricular activities. So there is no way of finding the hidden talents of these students. Consequently, they lose the opportunity of gaining an overall education. At the same time, the lack of teachers and specifically qualified teachers affect the students studying in the science and mathematics streams in the G.C.E Ordinary Level and Advanced Level.

The government provides free meals through a nutritional programme, free school uniforms for all students, as well as a scholarship scheme for grade 5 students. The impacts of these programmes are immense in terms of the quality of education in the plantation schools³⁵. But there are many instances where principals go through a lot of hardship to give the students, for instance, a meal-a-day, when the budgetary allocations have not been received on time. At the same time there are also certain occasions where the principals defraud on the allocated funding or with the assistance of the staff, spend the money on some other activity and then escape unpunished with the help of the unscrupulous education officials in higher places.

With regard to the performance of the students, most of the students are very persevering in their studies despite all the disruptions they face in gaining an education. But some of them commonly suffer from severe retention capacity and inability to grasp the lessons which could be caused by malnutrition and other external socio-economic issues that these students face. Some of the teachers said that the curriculum is too 'heavy' – specifically in the primary section, and they are never able to finish it with the students.

Another phenomenon the research found was the increasing number of Tamil children studying in the Sinhala medium schools. This happens with the persuasion of the parents of these children for the purpose of at least to have one family member fluent in the language of the majority as well as for the child's future employment prospects. However, it was also observed that the fluency of the Sinhala language was not adequate for such student to confidently sit for G.C.E. Ordinary Level examination. It was also observed that if these students followed studies in their own mother tongue there would have been a fair chance of them getting through the G.C.E. Ordinary Level examination³⁶.

³⁵ During the interviews the researcher found that most of the students who come to plantation schools do not have breakfast and that there is a better attendance in schools where the nutrition programme is carried out. Sometimes the teachers give a break early in the morning so that the students can consume part of their lunch.

³⁶ Interviews with the students, parents and activists in Kandy, between 25.04.11 and 06.05.11

Ravi (name changed) became the only student who passed the G.C.E. Ordinary Level examination in 2010 from his school. 14 students sat the exam with him from his school located close to Kandy town. He did not attend tuition classes. He only followed his teachers' instructions in class, did his home work regularly, answered past papers and prepared for the exam. He was able to study with 5 other friends together which made the studies easy. He had done his studies according to a timetable. Ravi's parents are labourers in the estate. His mother is suffering from a chronic illness. He lives in a line room in the middle of a row of line rooms. So it was difficult for him to study during the day due to the outside noise. He used to study at night and managed to control himself from watching TV and concentrate on reading books to acquire knowledge. Since his current school does not offer A/L classes Ravi hopes to do his A/L examination in a school in Hatton, in Nuwara Eliya district in the Mathematics stream.

External social, economic, cultural and political factors

Numerous external socio-economic, cultural and political factors that have been affecting the community in the past in achieving equal right to education in their native language also need to be discussed.

Plantation crops, mainly tea are still regarded as a significant means of foreign exchange earnings to the country's economy. However, it could be said that in terms of achieving rights through development, still the labour force of this sector has not significantly benefitted from the profits which they directly contribute to achieve³⁷. Thus, the extreme poverty situation the community is subjected to directly affect the educational attainment of the community. The harsh isolation of the plantation community both politically and geographically from the rest of the population and the stranglehold the estate management has over it has deprived it in many ways of the benefits or privileges enjoyed by the larger population³⁸. For instance, even though the community vote to elect the members of the relevant pradeshiya sabhas, they do not have access to any of the benefits such as building of roads and water and electricity supply (within the estate) offered by the local governing body without the approval of the estate management.

The people in this community are not awarded the Samurdhi (cash-transfer and compulsory saving) concessions that are normally accessible to the poorest segments in society. Due to this situation, there are many adverse socio-economic issues affecting the access to equal right to education by the plantation community. For example, the lack of infrastructure such as roads and bridges in the plantation areas make it very difficult for the students to access the schools. The lack of space and the congestion in the

³⁷ The daily wage for plucking tea in an estate is about Rs. 400 for 15/18kg of tea leaves. This amount is lower than a daily wage for casual labour, which is about Rs. 850.

³⁸ The students are often compelled to start their daily journey to school around 5.30 am and return home around 4pm after closure of the school at 1.30pm. Consequently, as the schools offering secondary school education are located at a considerable distance away from the estates often parents are forced to stop the education of the children especially girl children at primary level in order to provide for their personal security. The other negative effect is that due to poverty, the parents are not able to afford the daily cost of public transport to and from the secondary school and the cost of the education of their children: Interviews conducted with the civil society activists on 14/15.03.11 and 06.04.11.

line rooms, the arrangement of the line rooms in rows, sometimes the lack of basic needs such as electricity, water and sanitation facilities create an unfavourable environment for studying for the children in the plantations³⁹.

At the same time the research found that the free uniform given to the students have been sold by some fathers to consume alcohol. The negative domestic financial constraints affect the students directly. Some of the students engage in part-time work to collect money to spend on education trips and buying past papers. Similarly, there is a high tendency for these students, specifically males, to stop their education midway and engage in an income earning activity such as working in shops as shop assistants or as domestic workers due to the extreme poverty they are facing.

Recommendations to the Government/Ministry of Education

On Policy

- There should be specific coherent policy framework formulated on education in the Tamil medium to the plantation communities.
- A database entailing all the information with regard to the plantation schools in Sri Lanka should be developed to facilitate the budgetary allocations to the plantation schools at provincial level.
- There should be definitive and transparent criteria for assigning the budgetary allocation from the provincial councils.
- The process for schools in applying for budgetary allocations should be streamlined to obtain fast and effective results.
- The building of infrastructure facilities in plantation schools especially in the Nuwara Eliya district, providing new names to schools which are still referred with regard to the various divisions in the plantation as well as categorising schools according to the available resources and facilities should be decided and implemented on consultations with the staff of the schools and direct beneficiaries of plantation education.
- The close coordination of the relevant related institutions such as the ministerial, provincial and zonal departments and National Institute of Education should be maintained to provide effective service to the plantation schools.

³⁹ Interview with a female student studying for G.C.E. O/L, revealed that her mother is a migrant worker. After school she has to look after two young siblings, collect water, wash clothes, cook food as well as clean the house. She tends to watch TV for 5–8hrs due to peer pressure (many are addicted to Tamil teledramas from South India). She spends a comparatively short span of time on education; see also S. Anthony, Maria S.J. & Fernando, Indra, A.R. 1998. The Impact of Time and Environment upon Students in Plantation Area Secondary Schools in the Districts of Nuwara Eliya and Kandy. Satyodaya Centre for Social Research and Encounter, Kandy.

- The involvement of a broad base of stakeholders in developing plantation schools should be achieved through School Development Societies and the Ministry.
- Building hostel facilities in the existing schools or schools developed to offer secondary level education and obtaining the assistance of willing stakeholders to maintain them.

On Human Resources

- Recruitment of Tamil medium officials at ministerial, provincial and zonal levels should be carried out so that there will not be any issues with regard to language in administrative, monitoring and inspection processes and to the smooth process of implementation.
- The recruitment process of administrative officials, teachers, In-Service Advisors and principals to the plantation schools should be carried out conforming to the relevant criteria in a transparent manner and must be devoid of politicisation.
- Teacher transfers with regard to the plantations must conform to the regulations and transparent.
- The issues concerning the teachers and principals working in plantation schools located in difficult areas should be considered in such a way that their dignity and self-worth is retained and they are able to serve the community better.
- The teacher training in Tamil medium and regular monitoring by Tamil In-Service Instructors should be carried out to solve the issues regarding the education of plantation children.
- Training other than on subject matters such as, on motivational strategies and novel techniques to teach slow learners aiming at the specific learning issues of the plantation children should be given to teachers in Tamil medium.
- Regular monitoring and inspection should be carried out in the plantation schools to regularise the teaching process according to a timetable which includes extra-curricular activities.
- Revision of Circular on the teacher student ratio in a school to remedy the dearth of Science and Mathematics teachers in the plantation schools.

Recommendations to the Government/Private Sector/Estate Management

- An effective means to provide financial benefits to the plantation sector for the plantation community's welfare – specifically regarding the education and health of plantation children, with the assistance of stakeholders such as Trade Unions, Political parties, NGOs and INGOs.

- The comprehensive range of recommendations given regarding the development of the plantation communities incorporated in the National Action Plan (NAP) for Social Development of the Plantation Community (2006-15) should be implemented.
- Repealing of Article 33 of Pradeshiya Sabha Act No. 15 of 1987 which hinders provision of infrastructure to the plantation community by the pradeshiya sabhas.
- The benefits provided by the pradeshiya sabhas such as road constructions, supply of water, electricity and sanitation facilities, as well as poverty eradication social security benefits like Samurdhi concessions should be arranged to be shared with the plantation communities with the assistance of a broad base of stake holders.
- A close interaction among the provincial council authorities, estate management, INGOs and INGOs and other relevant stake holders should be strengthened in order to regularise the effectiveness of the process of Early Childhood Care and Development.

Conclusion

The critical need to address the concerns in the lack of equal right to education in the plantation sector has been highlighted through many assessments and reports. The government's indifference to the specific issues raised in the plantation education in Tamil medium on the basis of the plantation communities being the producers of cheap labour to work in the plantations has also been well documented.

The development of Tamil medium education for the plantation community has experienced slow progress. It could be said that due to the ambivalent attitude of the government towards educating the plantation community which currently produces a labour force which is docile and unskilled in any other industry, solely for the purpose of working in the plantations, with the profits obtained from the plantation sector not being properly utilised on the community.

The research has independently identified most of the issues related to plantation education that have been recorded earlier. Most of the recommendations included in the research are suggested by professionals in the field of plantation education, and others who are committed to the protection of the rights of the plantation community who were involved in the research.

Consequently, the implementation of a specific coherent policy framework to develop plantation education in the Tamil medium with the auspices of a broader base of stakeholders is timely. The political will and politically neutral bureaucracy as well as a community of beneficiaries possessing an informed choice about their rights and obligations could be considered as the key elements to the delivery of an effective formula in attaining these aspirations.

Annexure 1

Information on the Three Districts⁴⁰

Types of plantation schools in Kandy, Nuwara Eliya and Ratnapura districts in 1986, 1996, 2007 and 2008

	Kandy				Nuwara Eliya				Ratnapura			
	1986	1996	2007	2008	1986	1996	2007	2008	1986	1996	2007	2008
1AB	01	01	04	03	02	04	09	09	-	01	-	-
1C	02	06	15	17	07	14	38	40	01	04	01	08
TYPE 2	14	25	42	45	11	38	73	77	04	11	22	27
TYPE3	89	74	47	43	279	242	177	171	85	74	64	59
TOTAL	106	106	108	108	299	298	297	297	90	90	87	94

1AB – classes up to G.C.E. A/L (Year 13) Incl. Science Stream

1C – classes up to G.C.E. A/L (Year 13) in Arts & Commerce streams

Type 2 – classes up to G.C. E O/L

Type 3 – classes up to Year 5 or Year 8

No. of Students by year span in Kandy, Nuwara Eliya and Ratnapura districts in 2007 and 2008

	Kandy				Nuwara Eliya				Ratnapura			
	G1-5	G6-11	G12-13	Total	G1-5	G6-11	G12-13	Total	G1-5	G6-11	G12-13	Total
2007	12124	13200	1042	26366	40685	41599	3389	85673	10470	7672	330	18472
2008	12323	12898	1244	26374	41782	41211	3588	86581	10776	7777	434	18987

⁴⁰ Data is from the Plantation Schools Unit, Ministry of Education.

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