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PLANTATION COMMUNITY’S RIGHT TO LAND: WHEN WILL THE BUDGET PROMISE BE REALISED?



© NAFSO - At a protest by the Plantation workers

Peoples’ Movement for Land Rights of the Plantation Community set up in 2011 by Movement on National Land and Agricultural Reform (MONLAR) and Praja Abhilasha Network (PAN) has been vigorously campaigning for land rights of the plantation community. They demand 2 acres for agriculture and a 20 perch plot of land for building a house for each family. This is expected to benefit over 30,000 families in the plantation community.

The basis for the campaign is the stipulation for the allocation of 37,000 hectares of unused land in the plantations to small holders and a plot of 2 acres of land per person under alternated 30 year lease arrangements, by the President who is also the Minister of Finance in the budget speech of 2012¹. Hon. Mahinda Samarasinghe, Minister for Plantation Industries had further stated that plantation workers are included in the definition of ‘small holders’².

Activists of MONLAR and Praja Abhilasha Network in collaboration with the people in these areas have organized many successful awareness and advocacy campaigns on the land rights of the plantation community in the central province. They have been raising awareness of the people in

¹Budget speech 2012, page 32, accessed on May 7. http://www.priu.gov.lk/news_update/Current_Affairs/ca201111/bgtspeech2012-eng.pdf

²Meera Srinivasan, Plantation Tamils’ long battle for some land a sense of belonging, The Hindu, Aug. 10, 2013, Accessed on Aug 15. <http://www.thehindu.com/todays-paper/tp-international/plantation-tamils-long-battle-for-some-land-and-a-sense-of-be-longing/article5008265.ece>

The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on individual communications in force...

Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on individual communications entered into force on 5 May 2013. This mechanism facilitates the International Committee on Economic, Social and Cultural Rights to address individual complaints from the state parties making inquiries to the root cause of violations and provide solutions to the victims who have exhausted domestic processes of redress without any success.

This mechanism will further strengthen the status of economic, social and cultural rights by way of clarifying the state’s obligations towards protecting these rights.

So far 32 countries have signed the protocol and 10 countries –Argentina, Bolivia, Bosnia & Herzegovina, Ecuador, El Salvador, Mongolia, Portugal, Slovakia, Spain and Uruguay- have ratified it.

Sri Lanka acceded to the International Covenant of Economic, Social and Cultural Rights in 1980. Therefore, activists, civil society organizations as well as all those who committed to protecting ESC rights in the country should advocate the state authorities to sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on individual communications in order to make it more beneficial to the citizens.

areas such as Hantane, Great Valley Estate – Galaha, Watawala, Hatton and Delthota. They have used a variety of strategies including - post card campaigns, poster campaigns, leaflet distribution and signature collecting campaigns, speaking to passengers using public transport and picketing. In 2012, they collected signatures for petitions in Kandy and Badulla towns and handed the documents to the respective Chief Ministers.

The challenges to the Movement on Peoples’ Movement for Land Rights of the Plantation Community are numerous: the difficulties in convincing the plantation community about their right to land and the need to fight for their rights has been a key issue in mobilizing them around

the movement; this has been further complicated with the inhibitions and the minority mentality possessed by this marginalized community which has been deprived most of the basic entitlements as human beings; at the same time the influence of trade unions connected to political parties which the plantation workers are affiliated with have also restricted them from thinking independently regarding their own wellbeing. On the other hand trade union leaders consider this peoples’ movement as a potential threat to the sustainability of their respective authority in the plantation sector³.

Contrary to the process taking place currently⁴, the activists believe

that in order to effectively implement the granting of land rights to the plantation community, collaboration between key stakeholders such as the representatives of government, the plantation companies, as well as the plantation community itself should be carried out through a consultative process.

**Francis Rajan,
Praja Abhilasha Network**

³Meera Srinivasan, Plantation Tamils’ long battle for some land a sense of belonging, *The Hindu*, Aug.10, 2013, Accessed on Aug 15. <http://www.thehindu.com/todays-paper/tp-international/plantation-tamils-long-battle-for-some-land-and-a-sense-of-be-longing/article5008265.ece>

⁴Bandula Sirimanna, 12,500 Youth to get ‘unused’ plantation lands, *Sunday Times*, May 5, 2013, Accessed on Aug.15, 2013, <http://www.sundaytimes.lk/130505/business-times/12500-youth-to-get-unused-plantation-lands-42836.html>

BEFORE SALT DISSOLVES: THE GRADUAL DEGENERATION OF THE QUALITY OF LIFE OF VICTIMS OF HAMBANTOTA MEGA DEVELOPMENT PROJECTS

“We are fisher folk by birth. The anchorage point which we used as fisher folk is now taken to construct the new harbor. Since the construction was done in our village we were compelled to give up our anchorage point. We were given a little compensation for loss of livelihood. There were about 33 of us fishermen at the time. We were told that we would be given jobs by the Ports Authority. However, we did not get the promised jobs and we do not know anything other than fishing. If I want to sell fish I now have to travel 18 kilometers to the old town which was a mere 6 kilometers away previously. All the jobs in the harbor are given to outsiders to this area and they are all temporary jobs. So we sell salt to earn a daily income of about Rs. 300. We have set up these makeshift huts along the road but we have already been alerted that they need to be removed”, said a resident of the new road in Mirijjavila, Hambantota. Above statement indicates explicitly the lack of regard

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Residents of Mirijjavila selling salt to visitors coming to see the new port



towards the wellbeing of residents of the area which is a major shortcoming of mega development projects that are emerging in the Hambantota district, in the Southern Province. It also indicates total neglect on the part of the duty bearers to find remedies to these issues.

Over 75 families who lived in their own ancestral lands of which the extent of a plot was at least two acres in Urubokka and Kajuwagava are now resettled in 20 perch plots in Waraya gama (harbor village) located close to the Magam Ruhunupura Administrative Complex in the new town of Siribopura. These villagers said that they have not been able to reach even the previous living standards after establishment in the new location since 2008/9. The reasons for this state of affairs are numerous: the affected community members agree that the evaluation and compensation process carried out by the Ports Authority was irrational to the point that they opposed it from the beginning; consequently, the compensation they

standards after establishment in the new location since 2008/9. The reasons for this state of affairs are numerous: the affected community members agree that the evaluation and compensation process carried out by the Ports Authority was irrational to the point that they opposed it from the beginning; consequently, the compensation they

received for the property – Rs. five hundred thousand for most landowners - was absurdly low; by the time they started building new houses the cost of building material had increased and the compensation was inadequate to complete construction. So now these communities are compelled to live in half-built houses and have lost hope in further completion of their abodes.

These villagers had previously been lucratively engaged in brick making, growing cashew nuts, selling firewood and various day labour jobs in and around the old Hambantota town which was mere walking distance from their village. They had been self sufficient in their daily consumption of vegetables, fruits and grains. In the new location due to the limited land they possess, they are unable to engage in any of the previous income generating activities. Although they have been provide an acre of land away from the housing settlement to engage in agriculture, due to lack of water resources and wild elephants that destroy crops despite the existence of an electric fence, a majority of them refrain from engaging in farming and cultivation activities. Therefore, the people of this affected community has resorted to engaging in irregular day labour jobs which come their way to eke out a living. Some of the women supply homemade food to the small tea shops and canteens at the administrative complex or are attached to cleaning agencies as daily workers. The wages they earn are hardly adequate to eat three meals a day, provide for their children's academic needs as well as access health and other basic facilities.

The Ports Authority of Sri Lanka, a government establishment which is the direct duty bearer in this instance has essentially failed in protecting the economic, social and cultural rights of those who were directly affected and displaced by the construction of the new harbor in Hambantota, which has led to the gradual deterioration of their quality of life. They have failed to grant compensation to the affected people based upon a justifiable evaluation scheme; provide necessary and essential conveniences such as medical facilities, regular transport, street lamps or even proper maintenance of roads in Waraya gama and the immediate vicinity. Due to these reasons this resettlement area still remains an unpopulated and isolated area which is also frequented by wild elephants. As the Ports Authority has neglected their promise of providing one family member a permanent job in the new harbor, the under developed context of the resettlement area has created a challenge for the inhabitants to find wage work or any other income earning means thus rendering them completely destitute. For the past five years their voices have been effectively ignored by the government.

Chamila Priyanka

Following press release was published by People's Coalition on Food sovereignty, it could be accessed at <http://www.foodsov.org/index.php/pcfs-news/6-latest-news/120-peasant-groups-hit-world-bank-for-grabbing-ancestral-land-in-panama>

PEASANT GROUPS HIT WORLD BANK FOR GRABBING ANCESTRAL LAND IN PANAMA

Calls on the Sri Lankan government to immediately implement the court order allowing the Panama people to cultivate their land once again

By April Porteria

The Asian Peasant Coalition (APC) and Movement for National Land and Agricultural Reform (MONLAR) hit World Bank for land grabbing in Panama, South East, Sri Lanka. This was disclosed after the groups found out that the World Bank in collaboration with the Sri Lankan government is to blame for the impacts of Arugam Bay Tourism Promotion Zone in Panama.

“Our forefathers have cultivated our land since British colonial period. We have legal documents to prove it and the Magistrate of Court already made a decision that we are the rightful owners and we can cultivate it once again,” remarked P. Somasiri, local leader of the Organization for the Protection of Pannam Paththuwa (OPPP) and a member of the IFFM team.

“The Commissioner of the Ampara Office of the Human Rights Commission of Sri Lanka has stated that the people of Ragamwela should be allowed to settle and cultivate the land as there had been evidence that they own the land. The judge therefore, instructed the SP Ampara, the DS of Lahugala to let the people go in the land. However, when we are trying to go back and reclaim our lands, the Navy and the security forces are harassing us.” added Somasiri.

“During our interviews, most of the villagers said that their parents and grand-parents have cultivated and lived in the land since the 1960's. We have learned that people had legal documents from the Divisional/District Secretariat Offices to prove their ownership of the land.” said Zenaida Soriano, APC Southeast Asia Coordinator, who also joined the mission.

“Unfortunately, the overall conditions of life and livelihood changed dramatically because in the past the people had land where they could farm

and sea where they could fish at the same time, being in one place, their homestead. Now the villagers of Ragamwela, Shasthrawela, Ulla, Ulpassa, Egodayaya and Horewkanda have to look for menial labour work outside of the village mostly,” Soriano added.

“Most of the people now live with their relatives in Panama. They live in compounds with about 2-3 families living in one house. It gets so crowded for them and there’s no room anymore. They would have wanted to plant crops in the lot but they also need shelter,” according to Sunil Santha of MONLAR, also a member of the IFFM team.

“We condemn the World Bank for investing \$18M in this so-called ‘Sustainable Tourism Development Project’, signed in January 2010. Its documents said that the project’s objective is to ‘strengthen the institutional framework for the tourism sector to facilitate environmentally and socially sound investments, in eastern Sri Lanka’. But who really benefits in this project? For whom is this investment actually?”, stressed Soriano.

“The government’s collaboration with the World Bank obviously, is the reason for Panama’s conversion into a tourism zone. Unsurprisingly in 2010, the arson attack on the Ragamwela village coincided with the signing up of the project and extensive road construction and

infrastructure building programs of the government in the area.” exclaimed Somasiri.

“Worst, Sri Lanka today is aggressively promoting local and foreign investments in tourism towards ‘transforming Sri Lanka to be Asia’s foremost tourism destination’, with the capital investors getting the upper hand as against the rights of the people of the land.” both Soriano and Santha added.

“We call on the World Bank and the Sri Lanka government to stop the Arugam Bay Tourism Promotion Zone project. We demand for the implementation of the court order allowing the Panama people to cultivate their land once again,” the three leaders ended.

The APC and MONLAR conducted the “International Fact Finding Mission (IFFM) in Defense of Land and Livelihood in Panama, Southeast, Sri Lanka,” on February 24 until March 1, 2013. The IFFM team composed of twenty two (22) local and international participants from Pakistan, India, Nepal, Philippines, Bangladesh, Indonesia and Sri Lanka, were invited by the OPPP to Panama to gather data from the villagers on the current land grabbing problems in the area. IFFM Key Findings at can be accessed at www.asianpeasant.org.



-Women Protesting land grabbing in Panama,
© www.jdsrilanka.blogspot.com

BITTER REALITY OF KALUDODOL SELLERS IN HAMBANTOTA

Within five years of relocating from the old Hambantota road leading to Kataragama, the Kaludodol sellers of Hambantota have been directed to move to yet another location. In 2008, this community had to vacate their original place of abode and business based along the stretch of road in the immediate vicinity of the ‘old’ Hambantota town. This was due to the commencement of construction of the Magampura Mahinda Rajapakse Port which led to the closure of the access road from Mirijjavila junction to the ‘old’ Hambantota town. They were one of the first communities to fall victim to the development process in Hambantota.

The decision to shift their place of business/livelihood has greatly impacted this community both in

their income generation activities and their lifestyle. The harsh reality is that none of these people were consulted when making the decision to relocate them. They had only been told by local government authorities regarding where to move. The authorities had given them a block of land bordering the new Hambantota road and adjacent jungle and provided a loan of Rs one hundred thousand to build a new shop.

“We had to develop the land ourselves: twelve tippers of soil were needed to level the land with the road and we had to clear the jungle before building the shop. We have still not finished paying the loan that we got to build this shop and now we have to move again”, said a couple who owns a Kaludodol shop.

It is only now that the Kaludodol sellers have built their shops in the new location along the new road and are in the process of re-establishing themselves among customers. For most of them, selling Kaludodol and maintaining the shop is their only livelihood. They are now used to the new daily routine of sending their children to school, overseeing the making of Kaludodol and returning in the evening to their homes in the immediate periphery of the 'old' town. The sellers are happy with this location as business has been shared equally by them due to the equal exposure the shops have received.



© www.hambantotazone.com, A Kaludodol seller

This year the Hambantota Mayor had told them about the new location which they have to move to. The sellers have been shown the new site and the blue print of the building which the government is building from where they have to legally acquire the shops at a subsequent date. The sellers cannot afford shifting for a second time within less than five years. They have many concerns about the new location and the process of relocation which so far the authorities

have deliberately neglected. They do not believe that the new infrastructure system being constructed nor the new location is viable for business as after all Kaludodol is not at all an essential item and the potential for business lay in easy accessibility to customers travelling the Hambantota road. They are not happy with the shops planned which have two entrances leading to the road and the car park respectively and are inadequate in terms of space and suitability to their particular needs. They also have issues with the sanitary facilities offered within the premises. Most of all however they fear that they will not be able to purchase shops in the new location at

the high price quoted. They have good reason to be fearful about it in this regard; the new line of shops 8X10 ft in size which the government built for shop keepers in Sella Kataragama, in the close vicinity of the temple dedicated to God Kataragama in Southern Province were put up for sale at Rs. 1.3 million each which most shop keepers could not afford to purchase.

Now that there is no other alternative for them but to relocate, these resilient Kaludodol sellers would like the government to at least give them the land and the plan of the shops with a compensation for the existing shop that will suffice to build the shop. This way they will be able to construct the shop at their own pace. In a context where there has not been a consultative process between the people and the government at the decision making stage, it would greatly benefit them if at least these requests are fulfilled at the stage of implementation.

Anushaya Collure

DEMAND FOR SAFE WATER TURNS WELIWERIYA INTO A BATTLEGROUND

Access to clean drinking water is fundamental to the well-being of every citizen. Freedom of Assembly, Association and Speech are the democratic rights of every citizen. Sri Lanka purports to be not only a functioning democracy, but also a participatory democracy. What happened in Weliveriya, where the army retaliated in brutal and disproportionate force makes us question whether these so called freedoms are something only limited to paper.

A protest carried out by villagers of Weliveriya along with 13 neighbouring villagers turned bloody when on 01 August 2013 the army fired live ammunition at protesters killing three people and injuring nearly 40. Even

when protesters ran towards the St. Anthony's Church nearby, the army continued firing demonstrating a total disregard for the people's right to life, sanctuary and even sacred premises. Why was the Army deployed to deal with civilian matters?

The protests witnessed on the highway did not happen overnight. Upon discovery that the water they were consuming was contaminated by the discharge of untreated waste chemicals from a nearby glove making factory, the locals appealed to relevant authorities to have Vinigros (Pvt) Ltd, an entity of Dipped Products PLC to be shut down or relocated. They also requested access to clean and safe drinking water.



©www.groundviews.org , Armed forces Deployed to contain the protesters at Rathupaswala

The struggle by the people of Weliveriya for clean water was a struggle for a basic need for human survival. Water is a human right which the government of Sri Lanka supported and endorsed at the United Nations through Resolution 64/292. The country's Rural Water Supply and Sanitation Policy of 2001 recognizes the government's primary role in ensuring all citizens' access to potable water and sanitation facilities. Six years later, with the introduction of the National Policy on Drinking Water in 2007, access to water was recognized as an inalienable right of the people while the National Policy on Sanitation explicitly recognized sanitation as a human right.

The tests conducted after the incident on water quality in Weliveriya revealed the water in the area to be acidic, with a pH level lower than 6. The Vinigros company has rejected the allegations made by villagers and it was this claim for clean water which was met with a disproportionate force of action on the part of the government which gives the impression that these rights are just a part of national policy and not practical rights.

This incident is not the first of its kind with several other parts of the country facing similar conditions.

For instance Badulla holds a record for providing unsafe drinking water. There are many reports on river pollution in the Badulla and Kegalle Dis-

Water is a limited natural resource and a public good fundamental for life and health. The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights.

The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. An adequate amount of safe water is necessary to prevent death from dehydration, to reduce the risk of water-related disease and to provide for consumption, cooking, personal and domestic hygienic requirements.

General Comment 15, Covenant on Economic, Social and Cultural Rights

<http://www.escr-net.org/docs/i/425240>

tricts – caused largely by faecal matter – and lack of drinking water is a serious health issue and a service delivery concern in many parts of Sri Lanka.

The government and other relevant parties should look at sustainable solutions in providing for the basic needs of people and human rights based approaches to development. Se-

curing people's rights to basic needs should be juxtaposed to transparency and accountability of the State. The villagers did not have access to environmental regulations to be adhered to by the factory, including the environmental protection license. In the context of rapid development, the complexities involved in corruption and water integrity becomes an intense issue and often goes beyond the water sector itself and clearly finds its links with environmental issues, land management and broader governance, to people's right to access basic facilities.

According to Transparency International, 17% of Sri Lankans have admitted that they had paid bribes to land services highlighting the difficulty in accessing the service, as well as the engagement of corrupt elements in getting their work done, circumventing stipulated laws and regulations.

Although at present, the government has responded to the crisis through; directing the relocation of the factory, arrangements to provide clear pipe-borne water to the people of the area as a priority with a new network of pipelines and compensation for families of the victims, appointing commissions to investigate the army shootings, much more needs to be done so as to not divest from the core issues faced by the people. It is high time the government realizes that these protests are a culmination of peoples' frustrations in accessing public services rather than

an attempt to take the law into their hands. Instead of shirking responsibility and blaming other forces they must address peoples' grievances, rights for their basic needs, the challenges attached to it and their duties in securing the peoples socio-economic rights.

Sabra Zahid

DETERRENTS TO WOMEN'S POLITICAL REPRESENTATION IN SRI LANKA

On 11th July 2013 Hon. Rosy Senanayake, an opposition MP presented a private member's bill entailing an amendment to the new Local Authorities Elections Amendment Act requesting 30% women's political representation¹ and 20% youth representation in local government bodies. Hon. Dinesh Gunawardene raised an objection based on procedural aspect and as a result the presentation of the bill was postponed².

In the Local Authorities Elections Amendment Act No. 22 of 2012, the quota for women and youth has been brought down to 25% from the previous youth quota of 40%. This affects negatively to the opportunities women have to enter politics. Previously, the youth quota introduced by the Local Authorities Elections (Amendment) act no 25 of 1990 which also accommodated for women's representation had been instrumental in facilitating women with lesser political patronage to enter into politics at local government level.

The representation of women in local governance is as low as 1.9% at present, and compared to female representation of parliamentary and provincial council levels, which are



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at 5.8% and 3.8% respectively, it is the lowest. In this context, it is important that more women are part of these governing bodies which leads to the fulfillment of the equal citizenship rights of women.

In an ongoing study conducted by the Social Scientists' Association (SSA), several significant findings have been unraveled with regard to the challenges and deterrents against women entering politics. Challenges women face in general and irrespective of gender are issues relating to the proportional system of representation (PR system) and also the economic viability of the candidate.

Issues related with the PR system mostly deal with the competitive aspect: creation of a violent political culture which ranges from destruction

of posters to homicide; high competitiveness among the candidates makes popular campaigning an essentiality; hence more intra-party competition and turf wars in electorates than inter-party competition. Financial feasibility of candidates plays a major role in order to gain prominence in the electoral game.

G e n d e r

based issues are outcomes within the same context. Owing to the gender aspect the nature of violence faced by female politicians differ. Violence affects negatively to the increase in numbers of women politicians. At the same time political party structures in Sri Lanka are highly elitist and gender-insensitive resulting in the limitation of nominations given to women, and the lack of independence for women to conduct their activities if elected.

Patriarchy is the main issue women face in entering and sustaining their careers in politics. Interestingly, the electoral political sphere

¹Rosy Senanayake, Selective Treatment and Women's Issues: I wish to strongly lodge a strong protest, *Colombo Telegraph*, accessed on 24 July 2013. <http://www.colombotelegraph.com/index.php/selective-treatment-and-womens-issues-i-wish-to-lodge-a-strong-a-protest/>

²ibid

has created a patriarchy of its own. Consequently, what women find most challenging is to obtain nomination for candidacy. Various incidents have occurred where women have been deprived of nomination stating that women do not win elections. Patriarchy further challenges women in continuing their career in politics. The SSA's study had delineated that mainly at local government level women have to adhere to patriarchal norms to some extent in order to win elections. Women in return are reinforcing patriarchal norms instead of challenging them. This makes women's representation a mere concept further limiting their career potentials and leading to loss of faith by voters in women politicians; causing low participation of women in electoral politics.

One of the main reasons for

the comparatively low status of female political participation at local council level in comparison to provincial and parliamentary levels is dependency on the state of political patronage a particular candidate possesses. In the current political scenario, irrespective of gender, in order to contest at the parliamentary level a well established socio-political and economic capital is a prerequisite. This is due to a large extent because of the voter-base which covers the whole electoral district that has to be taken into account. Therefore, in this context most women who have won (8 out of 10), have had access to pre-established socio-political and economic capital, which had been accumulated mostly by a male family member.

It is obvious that the existing political culture needs changing in or-

der to reduce the deficit in women's political representation. Thus there is a need for affirmative action, but this needs to be done in a manner of meeting its ends and at the same time being democratic. With the current political culture, the introduction of an affirmative action policy for women would not be enough, there also needs to be a social movement to challenge and change patriarchal norms. This will take a long time as it requires structural changes. Governments and political parties are hardly the champions of structural change in the direction of gender democracy in politics. Therefore, there is a crucial need for a sustained social movement for deepening electoral democracy in Sri Lanka.

Buddhima Padmasiri



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