



THE RIGHTS OF INDIGENOUS PEOPLES IN SRI LANKA

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By Nandasiri Wanninayaka of a Veddah person with the bow and arrow, 19 December 2005, CC License 2.0

There are approximately 370 million Indigenous people in the world, belonging to 5,000 different groups, in 90 countries worldwide. Indigenous people live in every region of the world, but about 70% of them live in Asia¹. As we celebrate the diversity of our planet and the human rights of all peoples, it is essential to protect the ways of life of indigenous peoples which are increasingly under threat. Sri Lanka, as a multi ethnic and multi religious country, generally has traditional and cultural views on all aspects. Sri Lanka is a pluralist country which contains Sinhala, Tamil, and Muslim communities. They all retain their distinctive historical backgrounds and traditional ways of life.

However, for indigenous peoples, the situation is starkly different, and they are in great danger of assimilating into the lifestyles of larger communities around them for multiple reasons.

There is no universally accepted definition for “Indigenous,” though there are characteristics that tend to be common among Indigenous Peoples:

- They tend to have small populations relative to the dominant culture of their country.

¹Cultural survival (NGO) blog page <http://www.culturalsurvival.org/who-are-indigenous-peoples>

- They usually have their own language².
- They have distinctive cultural traditions that are still practiced.
- They have their own land and territory, to which they are tied in myriad ways.

Indigenous Peoples are often thought of as the primary stewards of the planet's biological resources. Their ways of life contribute to the protection of the natural environment on which they depend on.

If we talk about the indigenous people or community in Sri Lanka, often indigenous peoples are confused with numerical minorities that are from minority religions and ethnicities. However indigenous peoples are widely different from mere ethnic or religious minorities, and have a separate set of inalienable rights. Minorities in this sense are those who are numerically less than the majority people; but the indigenous community in this sense is those who are treated as unique people not subject to the modern civilization while at the same time follow their dominant culture.



Source: The races of man: an outline of anthropology and ethnography (1906), Joseph Deniker

In Sri Lanka we can find one such community, specially called 'Veddas or Wanniya-laeto ('forest-dwellers')'. Men traditionally clothe themselves below the waist, wearing their beards down to their chests, and armed with axes and bow. Vedda peoples speak the 'vedda' native

² Today, Indigenous people speak some 4,000 languages

language. They all chose to live in remote jungle village or rain forests or wild areas (semi-evergreen dry monsoon forest)³.

In Vedda society, women are in many respects men's equals. They are entitled to similar inheritance. The Wanniyalaeto social structure is a *matrilineal* exogamous clan organization based on the *female* line of descent⁴. Monogamy is the general rule, though a widow would frequently marry her husband's brother as a means of support and consolation (widow inheritance). They also do not practice a caste system.

Due to immigration and colonization, the Vedda community has lost their distinctive character because when they translocate from their native place to other government' allocated areas, they gradually adopt the other community cultures and practices (in dress, language and lifestyle). Today only a few remaining Wanniya-laeto still manage to preserve their cultural identity and traditional lifestyle despite relentless pressure from the surrounding dominant communities.

If we consider the indigenous people rights; they all have the equal human rights. At the same time, they were given some special rights as well⁵. These rights are recognized by the United Nations Declaration on the Rights of Indigenous Peoples. Sri Lanka also cast its vote in favor for this declaration, but there are no local enactments to ensure these rights. Today those rights are at risk due to civilization, immigration, urbanization and modern developments.

Almost all laws are applicable to them too. At the same time recently, the Sri Lankan government's policy towards its indigenous citizens and their role in the development process has undergone changes reflecting a more sympathetic perception of indigenous aspirations. In particular, with the growing recognition of a precipitous drop in the island's forest cover and related adverse effects upon wild- life and general fertility from reduced rainfall.

Indigenous people face many challenges that affect their rights in Sri Lanka. Some of these are described below.

³The Ratnapura District, which is part of the Sabaragamuwa Province, is known to have been inhabited by the Veddas in the distant past because the very name *Sabaragamuwa* is believed to have meant the village of the *Sabararas* or 'primitive forest dwellers' Such places-names as *Vedda-gala* (Vedda Rock), *Vedda-ela* (Vedda Canal) and *Vedi-kanda* (Vedda Mountain) in the Ratnapura District also bear testimony to this, in vicinity of Bintenne in Uva District, Anuradhapura District in the North Central Province, coastal areas of the Eastern Province.

⁴Vedda.org blog page managed by Living Heritage Trust

⁵Ancestral heritage right, indigenous land right, indigenous intellectual property rights and etc.

- Under the Accelerated Mahaweli Development Scheme, in 1983 hundreds of Wanniyalaeto families were compelled to *abandon their traditional forest habitat and livelihoods* and to accept translocation and settlement onto government colonies⁶.
- Other communities *fail to recognize their self-identity*. It has effectively accelerated their disappearance as a distinct culture, and *denied them representation* in the democratic decision-making process⁷.
- Generally they have a matrilineal ancestry therefore they are unrecognized by the dominant patrilineal society at large (*equality violation*)⁸.
- The majority of the resettled Veddhas are economically backward, socially isolated, and politically marginalized⁹.
- These tribal persons have suffered from depression and loss of confidence as a consequence of factors such as loss of land, loss of freedom of the forest and disappearance of ritual hunts. These factors are cited as the causes of their demoralization¹⁰.
- The Wanniyalaeto have explored potential avenues to achieve justice, including a court system that is completely alien to their own tradition of justice¹¹.
- They refused the opportunity to obtain Sri Lankan passports/travel documents because institutionally there is a failure to consider Wanniyalaeto as citizens- they are considered "not real Sri Lankans"¹². –This leads to *social injustice and increased vulnerabilities among these communities*.

⁶<http://kataragama.org/research/wanniyalaeto.htm>

⁷<http://kataragama.org/research/wanniyalaeto.htm>

⁸<http://kataragama.org/research/wanniyalaeto.htm>

⁹ The Veddhas did not have the skills, means and knowledge needed to either adjust to the new situation (no knowledge of capital accumulation or savings, no familiarity with the monetary system of exchange, no long-term involvement in agriculture as a livelihood, lack of incentive for competitive tasks, etc.).
<http://kataragama.org/research/wanniyalaeto.htm>

¹⁰The text of a lecture given by Prof. G.L. Pieris on 15 March 1994 at the National Museum in Colombo organized by the Cultural Survival Trust on behalf of the National Committee for the International Year of the World's Indigenous People.

¹¹<http://www.srilankaecotourism.com/dambana.htm>

¹²Immigration Officer (anonymous), Colombo: personal communication to W. Stegeborn, July 1985.

- Wanniyalaeto people say that they are still prohibited from pursuing their ancestral livelihood and face harassment or arrest by wildlife officials if they are caught 'trespassing' outside of their tiny enclaves¹³.

A final window of opportunity to preserve bio-diversity and indigenous culture simultaneously now presents itself;

The following are considered as local mechanisms for their protection and development.

- National Committee for the International Year for the World's Indigenous People:

A plan is now being formulated by the NGO Cultural Survival of Sri Lanka in consultation with the Wanniyalaeto that will eventually return the day-to-day management of the Maduru Oya National Park back to the Wanniyalaeto¹⁴.

- Wannietto Trust

Cultural Survival's close affiliation with the island's indigenous forest dwellers or Wanniya-laeto, has led to its appointment to the board of the Government - sponsored Wannietto Trust created by Presidential Cabinet order "to protect and nurture Vedda Wannietto culture". Despite resistance from those with vested interests, Cultural Survival has campaigned fearlessly to carry out the Trust's mandate and is lobbying for the creation of an indigenous self-managed Wanniya-laeto Heritage Sanctuary at Dambana¹⁵.

- The active cooperation and participation of the Ministry of Lands, Irrigation and Mahaweli Development, the Ministry of Environment, other concerned ministries and international development aid agencies which are keen to develop them.

International mechanisms to protect the rights of indigenous people:

- *Indigenous and Tribal Populations Convention and Recommendation, 1957.*

The First International Decade of the World's Indigenous People was proclaimed by the *UN General Assembly in its resolution 48/163 of 21 December 1993*. With this resolution, the General Assembly committed itself to seeking improvements in the situation of the more than 300 million indigenous people worldwide between 1995 and 2004.

¹³<http://www.srilankaecotourism.com/dambana.htm>

¹⁴<http://vedda.org/courtesy.htm>

¹⁵<http://vedda.org/courtesy.htm>

United Nations Working Group on Indigenous Populations Commission on Human Rights which held its 14th session recently, in a letter to the President has urged the Government of Sri Lanka to recognize and respect the rights of the Wanniyaletto to maintain their traditional subsistence and live according to their culture¹⁶. The working group has also urged the Government to "cease all acts of repression."

- The development activities by the specialized agencies of the UN system and other inter-governmental and national agencies, which benefit indigenous peoples. (No specific program aimed at the holistic development of the Vadda people was designed over the period in question.) Mainstream development programs implemented by the government have, however, allocated resources from the national budget, through a special fund, to meet certain Vadda needs - International work group for indigenous affairs 2011 & 2012 year book updates)

- The adoption by the UN General Assembly of the *UN Declaration on the Rights of Indigenous Peoples*, - the development of international standards and national legislation to protect and promote indigenous peoples' human rights

On December 14, 2007, by means of its *Resolution 6/36*, the Human Rights Council agreed by consensus to establish an Expert Mechanism on the Rights of Indigenous Peoples. Its adoption is a major step forward in the promotion and protection of indigenous peoples' human rights

- Guiding principles for UN activities on the rights of Indigenous peoples¹⁷
- All other human rights treaty bodies (ICCPR, ICESCR, CEDAW)
- Asia Indigenous People Pact- it is an indigenous regional organization founded in 1988 by Indigenous people movement.

It is essential for Sri Lanka to take adequate measures to tackle these problems and ensure the protection and development of the indigenous people along with the environment protection. Following are some measures that can be taken by civil society organizations in order to protect and promote the rights of the Vadda peoples in Sri Lanka;

- Educating indigenous and non-indigenous societies with regard to the cultures, languages, rights and aspirations of indigenous peoples.

¹⁶International work group for indigenous affairs- <http://www.iwgia.org/regions/asia/sri-lanka/895-update-2011-sri-lanka>

¹⁷http://www.un.org/esa/socdev/unpfii/documents/UNDG_guidelines_EN.pdf

- Promoting and protecting the rights of indigenous peoples.
- Offer some ways and means for indigenous peoples to develop their own solutions to the problems facing by them based on principles of equity, mutual respect and understanding.
- Make it easy for them to access the judicial process
- Ensure that they have equal rights
- Promote their heritage and traditional practices.
- Adopting the international standards to improve the quality of their life.
- Develop the notional policies on indigenous people.

Our country's indigenous people do not face discrimination like other countries but they suffer due to activities of outsiders. Therefore, it is necessary to take appropriate steps to safeguard them. Likewise, Culture has come to be regarded both as a goal and as a framework within which to promote other development goals. This means that it is up to the affected people to decide how and to what extent to retain their cultural values and ways of life, and that any development initiative should bear these values in mind. Like all societies, indigenous cultures are subject to change, too.



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