

Chapter 09

Linguistic Concerns and Minorities in Public Administration: A Study with Special Focus on Empowering Linguistic Rights in Post-war Sri Lanka

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Introduction

Language was always felt to be a problem in a plural society because it is one of the elements that identifies a group of population as such since the use of a language is one of the most important factors which creates identity in multi-cultural or a plural society (Vacca, 2010). Pluralism has historically enriched the Sri Lankan society with its multi-ethnic, multi-linguistic and multi-cultural communities. However, the recognition of ethnic and linguistic differences and identities in political and administrative domains has continued to be a contested matter. Though the Sri Lankan people differentiate themselves in different ethnic categories, majority of them speak only two different languages namely, Sinhala and Tamil. Sinhala is the mother tongue of the Sinhalese who form the majority in the country's population while Tamil is the mother language of the majority of Tamils (either Sri Lankan origin or Indian origin) and Muslims ('Moors' in ethnic category) – all form the minority ethnic groups in Sri Lanka. It is worth noting that societies with multi-linguistic communities succeeded in maintaining linguistic harmony building integration among different linguistic communities through policies and projects respecting and recognizing different languages particularly minority languages. However, in Sri Lanka – though it possesses only two major linguistic groups, the language recognition and use in daily affairs

including public administration has continued to be a subject of debate particularly in the post-independent era.

The question of linguistic minorities has taken on a particular urgency, however, because of the increasing recognition-amongst both linguists and speakers of minority languages themselves-of the threat of extinction faced by many minority language (Dunbar, 2001). The provision of or other legal protection for linguistic minorities is widespread in democratic governance and administrative system. Minority rights are part of human rights that cannot be denied by others, especially by the majority and the governmental institutions. There is a growing interest in minority language rights due to the pressing issues of properly recognizing and implementing minority rights provisions in many countries. Many international laws and norms allow minorities to exercise their socio-cultural, economic and political rights in their daily affairs. Among them, linguistic rights are popular rights that make many minority groups empowered in society. However, in many plural societies, majority domination through language and religion has been a part of their political and social system. This induces the marginalization of minority concerns, especially of their rights in governance and public affairs. The administration of public institutions and their functions has also come to be influenced by this practice, which not only violates the rights of ethno-linguistic minorities but also questions the efficiency and effectiveness of the functioning of these public institutions. Therefore, accommodating the linguistic rights and concerns of minorities within the administrative machinery has become one of the major subjects of focus by the government in plural societies.

The major objective of this research is to examine the linguistic rights and linguistic concerns of minorities in public administration in Sri Lanka through an extensive review of national language policy, nature (or degree) of the accommodation of Tamil as official language equal to Sinhala, and the nature of linguistic concerns experienced by Tamil-speakers in accessing public institutions. Although linguistic grievances and concerns faced by minorities are identified in many areas of public life, this study has specially focused on the linguistic concerns of minorities in public administration.

Methodology

This is a qualitative study in nature and has used descriptive and interpretive methods to examine the nature of the official language policy, with specific focus on the accommodation of minority language particularly in public administration and the related issues faced by the minority communities in Sri Lanka. In Sri Lanka, the two language-Sinhala and Tamil are spoken traditionally, the Sinhala language continues to dominate in public life and public (civil) administration. Tamil language-although it is spoken by one out of four in the country's population, and has gained recognition as an official as well as a national language-continues to be marginalized in practical life. Therefore, through the above methods, this study attempted to study the development of 'official language' discourse, adaptation of 'the official language policy', the conception of Sinhala as the only official language, the nature of minority concerns and grievances with regard to exercising their linguistic rights in public administration.

In order to understand and review the language policy and linguistic issues faced by the Tamil-speaking minorities in public administration, this study has reviewed a number of secondary literatures available in the form of literary books, book chapters, research articles, reports of commissioned studies and individual studies. Due to the difficulties that emerged as a result of the Covid-19 pandemic, this study has not incorporated any primary data. However, the study has attempted to justify the arguments based on the examination of secondary data.

Language Policy in Public Administration in Multicultural Societies

Language policy can be understood as the explicit and implicit policies used in an attempt to change the language behaviour of individuals within a society. As such, language policy may support or discourage the use of languages or varieties of languages within a society (Thomas, 2007). According to Annamalai (2002), language policy is basically about deciding on the networking of languages. It involves choice of functions and the choice of language to perform each of them. The choice is made for a purpose to serve

the perceived need of the maker of the choice. The common assumption is that it is the government, or a central body authorized by it, that makes the policy. This policy is naturally for the country and its purpose is to meet the needs of the country. It is assumed that the community and individuals will not have a different choice or will subordinate their choice to the government's choice. However, when deciding a common language policy, it is the responsibility of the government to consider the linguistic plurality of the society.

One of the common language-planning problems in plural societies is deciding what language should be the medium of administration particularly in recognizing minority language. The recognition or acceptance of language of minority groups (minority language) has been considered as advocated rights of groups. In this sense, minority language discourse has evolved. As response to the claims for minorities advocates, major policy measure on minority rights were adopted at international level. These measures generally appear in the major instruments inspired by the Universal Declaration of Human Rights (the 'Universal Declaration') developed after the Second World War: in particular, the Convention for the Protection of Human Rights and Fundamental Freedoms (the 'European Convention on Human Rights', or the 'ECHR'), and the International Covenant on Civil and Political Rights (the 'ICCPR'). This broad category of rights could be described as encompassing a regime of linguistic tolerance, and includes measures which aim to protect speakers of minority languages from discrimination and procedural unfairness, among other things (Dunbar, 2001). The second broad category of language rights could be described as encompassing a regime of linguistic promotion, and includes measures which create certain 'positive' rights to key public services, such as education and public media, through the medium of minority language. Using minority language for public administration is also recognized in this category of minority rights. Indeed, the issue of language forms part of a broader debate on the rights of ethnic and cultural minorities (Dunbar, 2001).

Selecting or adopting a common language for the administration of public affairs – language of administration is also a contested matter in language policy, especially in multicultural societies. Public administration

is a critical domain especially in modern times when citizens are obliged to complete official forms in order to have benefits from the government, to apply for a job, to obtain certificates, and, of course, to receive a range of important services from the public sector. Public administration influences our daily lives and to be denied the use of a minority language in dealing with the public administration is a form of linguistic marginalization since this is a sector which ensures the prestige and development of a language because it is part of the collective domain of a society, thus, its use can confer a kind of official status on a language allowing its evolution and increasing its prestige (Vacca, 2017).

In any societal context, the effective communication between citizens and public administrative institutions is essential for the functioning of national life of every different group and communities of difference in terms of language, ethnicity, religion, culture etc. The definition or recognition of state language or languages in multicultural societies play a vital role in determining minorities' communication with public administrative institutions. The failure to accept or recognize language/s of minorities induce a number of linguistic concerns for minorities including bureaucratic jargon, discrimination and violation of other rightful human rights. Particularly, the failure to recognize minority languages makes the minority communities vulnerable in accessing public institutions and effectively articulate their demands and needs. Therefore, language becomes a support system for different linguistic communities not only for their material development but also for their relationship with other communities and the state system.

Therefore, in order to adopt a national or an official language policy, it is important to understand the language landscape particularly in plural or multicultural communities and societies. Because, in multicultural societies, national minority languages are part of this landscape. That landscape must be recognized by accepting or recognizing the language of minorities and making necessary policy and institutional arrangements to use their language in the public sphere or in administration.

For the development of minority communities and their cultures, it is vital that they are taught and study in their own language and are able to

access public services in their mother tongue. The use of a minority language as a language of service access and delivery and communication also results in better and more effective delivery of public services by improving quality of and access to health, social services, education, employment, justice, and other public services. Since communication with public institutions is a two-way street, authorities should not always seek to impose on everyone the use of a single, official language in all situations: they should also reach out to those amongst their population who share a distinct language. Failure to engage with minorities in their own language increases their sense of exclusion, while the use of minority languages reaches them more directly and increases their participation more effectively. It can also save lives since language can be a major constraint to accessing basic or essential services. The recognition and use of multi-language in plural societies is highly good for democracy, and even for productivity in the public sector including delivery of a number of public services and goods.

It is worth noting that good governance includes legal, administrative and territorial arrangements which allow for peaceful and constructive group accommodation based on equality in dignity and rights for all and which allows for the necessary pluralism to enable the persons belonging to the different groups to preserve and develop their identity. Meeting the aspirations of minorities and ensuring their rights acknowledges the dignity and equality of all individuals, fosters participatory development, and contributes to the lessening of tensions both within and among different communities in a society.

The notion of language policy and planning emerged in the early 19th century along with the concept of a nation-state, “when one language one nation ideology” was prominent. It is the joint venture of nation-states and linguists that created or labelled languages such as mother-tongue, national, official, native, non-native and many more different categories so that they (nation-states) were able to control and manipulate the linguistic behaviour of their citizens (Singh et al., 2012). It was mainly after World War II that many new independent nation states emerged, with increasingly bilingual and multilingual policies, but most of them tried to maintain status-quo by

adopting the former colonial languages, mostly in Asia and Africa. Most of these newly independent states followed the same old path of their former colonies by adopting the colonizer's educational policies in general and language policies in particular (Singh et al., 2012). According to Spolsky (2009), there are four major factors that determine the language policy of a nation-state: the sociolinguistic ecology (language practices), a set of beliefs (language ideology) relating language to national identity, the effects of globalization (the pull towards international languages, especially English), and pressure for attention to the rights of indigenous or migrant linguistic minorities. These factors have shaped the current bilingual and multilingual education complex in many countries. Many countries faced changes in forming a common language policy with the influence of either one or more of the above factors. The Sri Lankan experience also reveals the challenges in formulating a common language policy accommodating the language rights of minorities.

Ethnic and Linguistic Pluralism and Language Policy in Sri Lanka

It is evident that Sri Lanka has been a country with multi-ethnic, multi-religious and multi-linguistic societal set-up for centuries. This plural societal set-up has helped to enrich social harmony in the country for many centuries. However, as Coperahewa (2009) indicates, every community in Sri Lanka has unique features in their ethnicity, culture and language. This unique feature of Sri Lankan communities received the attention of scholars and travellers. The Sri Lankan society is composed of four major ethnic groups, among them Sinhalese form the majority while Sri Lankan Tamils, Muslims (Moors) and Indian Tamils form minorities. In terms of religion, they are the followers of Buddhism, Hinduism, Islam and Christianity. However, almost all speak either Sinhala or Tamil as their mother tongue. Sinhala is the mother tongue of the Sinhalese while Tamil is the mother tongue of all minority groups. There are also a few groups of smaller numbers such as Malays and Burgers who mostly speak Malay and English respectively.

According to the latest population census (2012) in Sri Lanka, in terms of ethnicity, Sinhalese form 74.9 percent, Sri Lankan Tamils form 11.2

percent, Muslims (Moor) form 9.3 percent and Indian Tamil form 4.1 percent. In terms of religion, Buddhists form 70.1 percent, Hindus form 12.6 percent, Muslims (Islamic believers) form 9.6 percent and Christians form 7.6 percent (Department of Census and Statistics, 2015). In terms of language, nearly 96 percent of Sinhalese speak Sinhala as their mother tongue while 96 percent of all other ethnic groups speak Tamil as their mother tongue (Peiris, 2000).

The settlement pattern of ethnic groups has also linguistic dimensions in Sri Lanka. Out of the nine provinces, seven provinces are predominated by the Sinhalese while the other two provinces, namely Eastern and the Northern provinces are predominated by Tamil-speaking communities, i.e. Sri Lankan Tamils and Muslims. This linguistic aspect of population settlement has further increased divisions and lack of communications among the country's two major linguistic communities. Together with the above phenomenon, it is worth noting that due to the strictly followed or implemented 'official language policy', majority of the Sri Lankans are fluent in a single language, either Sinhala or Tamil. Lack of policy preference and ethnic divide politics continue to make challenges to make language a common identifier to unite the ethno-linguistic groups in Sri Lanka.

It is noted that Sri Lanka has a mixed population of four major ethnic groups and two major linguistic groups but as the figures quoted earlier show, they are in proportions which give the overwhelming majority to one group namely the Sinhalese or Sinhala-speakers. However, communal differences and conflicts have arisen although one normally associates them with situations like in many plural societies, where the groups are evenly balanced in terms of linguistic and ethnic differences. The causes in Sri Lanka seem to be the fear among minorities of domination by the majority community and side-tracking their distinctive differences and rights. At the end of the colonial rule, with the prospects of independence, various demands were made to the imperial government by the Tamil-speaking minorities for consideration in the new constitution including higher or equal representation at State Council and recognition of their language (Tamil) as official one.

It is observed that preserving minority languages is a way to increase democracy in a state and the spirit of cohabitation of its populations. One's

language is important to everybody and language is a core part of a population for communication not only among people but also with public institutions. In a plural societal context, linguistic rights issues are closely associated with issues of national, collective, and individual identity. They impact on the participation and inclusion of minorities to a greater extent which will lead to sentiments of alienation or marginalisation of minorities and potential instability or conflict situation if not properly addressed in a balanced, reasonable way. The above context is highly observable in the matter of linguistic rights and concerns of minorities in Sri Lanka. In fact, as Midlarsky (2011) argues, the introduction of Sinhala as the only official language on political grounds shifted the status of the Sinhala language to a superior level and placed the Tamil language in an inferior position, thereby relegating Tamil to a limbo of official nonexistence. Communal relations between the Tamil-speakers and the Sinhala-speakers consequently deteriorated. Later, this situation progressively intensified the ethnic conflict between the two major ethno-linguistic groups.

Language Policy and the Emergence of Sinhala-Tamil Ethnic conflict

After more than four centuries of colonization, Sri Lanka, then called 'Ceylon', gained independence in 1948. Underlying postcolonial tensions between the Sinhala-speaking majority community (or Sinhalese-Buddhist) and the Tamil-speaking minority communities (Tamils Hindus and Muslims), centred around injustices the Sinhalese had suffered at the hands of the British colonizer, which in turn prompted the Sinhalese-Buddhist majority dominated Parliament, pressured by constituents and the Buddhist clergy, to adopt a post-colonial language policy that consecrated Sinhala as the only official language of the country in 1956. This hegemonic language policy made the knowledge of Sinhala a precondition to entering the public service and to obtaining a promotion, thus ostracizing the Tamil-speaking ethno-linguistic minorities and undermining their success in public service and economic (Wyss, 2020).

However, political leaders of both Tamils and Sinhalese ethno-linguistic groups espoused the idea of *swabasha* (native language) during the colonial

period in order to achieve primacy of place for Sinhala and Tamil as the local languages. The demands for *swabasha* rights were overtly articulated as a protest against the privileges enjoyed by the English educated elite, privileges not open to the masses educated in the local languages (Perera, 2008). The formal process to introduce *swabasha* was initiated in 1944, when J.R.Jayawardena moved a resolution in State Council to declare ‘Sinhalese the Official Language of Ceylon within a reasonable number of years.’ Immediately, an amendment was proposed by V.Nallaiah, a Tamil State Councillor, to provide official language status to both Sinhala and Tamil. This was seconded by R.S.S.Gunawardena, a Sinhalese State Councillor, and the resolution in this form was approved by 27 to two in the Sinhala-dominated legislature, a sign of the absence of ethnic overtones in the issue of official languages at that time (Sarjoon, 2020; Perera, 2015).

The turning point in the discourse of official language occurred in 1956 when the SLFP government of Mr. SWRD. Bandaranaike announced the adoption of Sinhala as the official language. The Tamils whose mother tongue was Tamil felt that their interests in the country and position particularly in the administration and education was endangered and started a movement for recognition of their specific personality (ethnicity) and interests which was expressed politically as a demand for a form of federation together with the recognition of Tamil as an official language (Mendis, 1992). In this setting, communal feelings were aroused and led to the violence and disturbances of 1958 when Tamils became the targets of attack by the Sinhalese rebels resulting in loss of life and damage to property. This resort to violence disrupted the state of communal harmony and created rancour and a legacy of bitterness among the two ethno-linguistic groups.

There was an effort in 1957 to recognize Tamil as an official language or language of public administration and public instruction particularly in the Tamil-speakers predominant Northern and Eastern regions of the country through Banda-Chelva Pact. Based on the Pact, Bandaranaike’s government then passed a Tamil Language (Special Provisions) Act No.28 of 1958. An especial reference needs to be given here to the provision regarding the use of Tamil for administrative purposes in the Northern and the Eastern regions of

the country (Perera, 2008; DeVotta, 2004). However, no meaningful efforts were made to implement the Act until the 1970s.

After long agitation and advocacy by the Tamil-speaking politicians and public, Tamil was given official status equal to Sinhala under the 13th Amendment to the constitution (adopted in July 1987), followed by the 16th Amendment (made in 1988) that declared Tamil as a state and official language of both the Northern and the Eastern provinces and countrywide. The current legal and policy framework for Tamil language rights can be found in Chapter IV of the 1978 Constitution – as modified by the 13th and 16th Amendments in 1987 and 1988 respectively and supplemented by the Official Languages Commission Act (No.18) of 1991, as well as in government directives through gazette notifications and public administration circulars. MRGI (2011:26) has identified the current legislative guarantees on Tamil language rights as follows:

- That the medium of examination for selection to the public service, judicial service, provincial public service, local government service, or any public institution may be Tamil or Sinhala, or a ‘language of [the person’s] choice’ (presumably English). However, admission may be conditional on that person acquiring ‘a sufficient knowledge of Tamil or Sinhala, as the case may be, within a reasonable time – where such knowledge is reasonably necessary for the discharge of his duties.’
- All laws and subordinate legislation are to be enacted and published in Tamil in addition to Sinhala, together with an English translation. Provincial councils and local authorities are permitted to issue orders, proclamations, and so on in the language of administration with a translation in English.
- Tamil is also raised to become the language of the courts – the records and proceedings being in the language of the court – throughout Sri Lanka in addition to Sinhala. However, Sinhala is asserted to be the language of the court in areas where Sinhala is the language of administration.

It is worth mentioning that over the past few years, there has been marked improvement in the recognition and implementation of Tamil as national as well as official language (or language of administration) equal to Sinhala in Sri Lanka. However, the overall implementation of Tamil language provisions in government administration has been a series of disappointing stories.

The efforts of successive administrations to find a permanent solution to the accommodation of Tamil as official language were unsuccessful owing to extremist pressures on all sides. In the 1970s, the situation took a dangerous turn with the start of a militant youth movement among Tamils to ensure their right to self-determination and self-rule. As Perera (2008) rightly points out, language dynamics due to the politicization of language policy provided the most powerful manifestation of the Sinhala-Tamil conflict and managed to occupy the centre-stage of Sri Lankan politics immediately after independence. As Iszák-Ndiaye, (2018) rightly points out, minority language rights and use have frequently been a source of tension and conflict in many states. Proponents of linguistic rights have sometimes been associated with secessionist movement or have been seen as a threat to unity and integrity of a country. In fact, the language issue has long been a deep-rooted cause of ethnic conflict in Sri Lanka.

Recognition of Tamil as an Official Minority Language in Public Administration

In a plural society where communities are identified by clear linguistic differences, the recognition of minority languages and making necessary arrangement to access the public administration functions in minority languages is essential to ensure the minorities' linguistic rights in public administration. The use of a regional or minority language in dealings with the administrative authorities clearly involves the sphere of fundamental rights (Poggeschi, 2012).

It is worth noting that the existing constitutional provisions, Acts, public administration circulars and other government notifications have recognized both Sinhala and Tamil in an equal manner in Sri Lanka. Accordingly, both

Sinhala and Tamil will be official languages of Sri Lanka while English shall be the linking language. Also, both Sinhala and Tamil shall be the national language of Sri Lanka (See: Parliament Secretariat, 2021:10). A person shall be entitled to be educated through the medium of either of the national languages. According to Article 22(1) of the constitution, Sinhala and Tamil shall be the languages of administration throughout Sri Lanka and Sinhala shall be the language of administration and be used for the maintenance of public records and the transaction of all business by public institutions of all the provinces of Sri Lanka other than the Northern and Eastern provinces where Tamil shall be so used provided that the President may, having regard to the proportion which the Sinhala or Tamil linguistic minority population in any unit comprising a division of an Assistant Government Agent (now the Divisional Secretariat), bears to the total population of that area, direct that both Sinhala and Tamil or a language other than the language used as the language of administration in the province in which such area may be situated, be used as the language of administration for such an area.

According to article 22(2) of the constitution, in any area where Sinhala is used as the language of administration a person other than an official acting in his official capacity, shall be entitled: (a) to receive from and to communicate and transact business with, any official in his official capacity, in either Tamil or English; (b) if the law recognizes his right to inspect or to obtain copies of or extracts from any register, record, publication or other document, to obtain a copy of, or an extract from such register, record, publication or other document, or a translation thereof, as the case may be, in either Tamil or English. (c) where a document is executed by any official for the purpose of being issued to him, to obtain such document or a translation thereof, in either Tamil or English (Parliament Secretariat, 2021: 10).

The constitution has also recognized that a Provincial Council or a Local Authority or a public institution which conducts its business in Sinhala shall be entitled to receive communications from and to communicate and transact business with, any official in his official capacity in Sinhala and a Provincial Council or a Local Authority which conducts its business in Tamil shall be entitled to receive communications from and to communicate and transact business with, any official in his official capacity, in Tamil.

According to the constitutional provisions, all laws and subordinate legislation shall be enacted or made and published in Sinhala and Tamil, together with a translation thereof in English. Similarly, all orders, proclamations, rules, by-laws, regulations and notifications made or issued under any written law other than those made or issued by a Provincial Council or a Local Authority and the Gazette shall be published in Sinhala and Tamil together with a translation thereof in English (Parliament Secretariat, 2021: 13). The constitution has also recognized that Sinhala and Tamil shall be the languages of the Courts throughout Sri Lanka and Sinhala shall be used as the language of the courts in all the areas of Sri Lanka except those in any area where Tamil is the language of administration (Parliament of Sri Lanka, 2021: 13).

The above constitutional provisions clearly indicate that Tamil has also been recognized as an official language and therefore, Tamil-speakers can access the public services in their mother tongue, i.e., in Tamil. However, in practice, the implementing of the official language policy specially in conducting public administration or accessing public services in the Tamil language has continued to be problematic matters. The Tamil-speaking communities continue to face a number of issues in this regard.

Linguistic Concerns of Minorities in Accessing Public Services

Studies have revealed that overall, the implementation of Tamil language provisions in government administration has been a series of disappointing stories in Sri Lanka (See: Yusoff et al., 2015; MRGI, 2011). Although, Tamil has been accepted as a national language and official language-as linguistic rights of Tamil-speakers, in the case of Northern, Eastern and Central provinces, Tamil-speaking ethnic minorities-the Tamils, the Muslims and the Indian Tamils-have continued to suffer greatly due to the violation of the Tamil language provisions and the domination of Sinhala language in administrative affairs (Yusoff et al., 2015a).

Even in the larger Tamil-speaking regions of the Northern and the Eastern provinces, the Tamil-speaking public and public officers continue to

face a number of difficulties in accessing public services in their own language. The civil war institutionalized the domination of the Sinhala language and the marginalization of Tamil in the public administration, especially in the Northern and the Eastern regions, while in the post-war context too, there have been a number of moves to fortify the existing set-up and make it even stronger. In some Tamil-speakers predominant districts, particularly in the Eastern province, District Secretaries (who represent the central government in the administrative system and wield considerable authority are generally of Sinhalese descent with little or no knowledge in the Tamil language.

There have been a number of claims and voices from the Tamil-speaking communities advocating the proper implementation of Tamil language provisions at provincial, district, and local levels of public administration. Apart from a few developments, no meaningful attempts have been made to strengthen the implementation of the Tamil language policy and provisions respecting it as a minority right. However, the domination of the Sinhala language in the daily affairs of administration continues.

The functions of public administration in the Eastern provinces is notable in the case of the failure of implementing Tamil language provisions in the official language policy. The administration in this province is highly dominated by the Sinhala language. The provincial administrative heads such as the Governors, and Chief secretaries are always selected from Sinhalese-speaking officials who have poor Tamil language proficiency. The case of district administration in the Amparai district is one of the worst regarding non-implementation of Tamil language provisions in public administration. Although Amparai is one of the districts in the Eastern provinces, and majority (nearly 62 percent) of the district population are Tamil-speakers, the District Secretariat continues to be administered by the non-Tamil-speaking administrators (See: Yusoff et al., 2015). The severe and continuous negligence in implementing Tamil language provisions in administering daily administrative affairs in Tamil has induced the Tamil-speaking people of this district to claim and advocate for a new administrative district covering the Tamil speakers' predominant areas for their administrative ease (See: Sarjoon et al., 2015).

Tamil-speakers living outside the Northern and Eastern provinces also face number of difficulties in fulfilling their public needs in their mother tongue. Majority of them are unable to transact their official business with public authorities in the Tamil language, either through correspondence or in person, signage and information materials in the Tamil-language are scarce. The Official Languages Commission is also under-resourced, unable to inspect and monitor implementation of the official languages law and is unwilling to take legal action against recalcitrant public institutions for failure of supporting the language policy (See: Martyn, 2013; Official Language Commission, 2009).

Discussion: Linguistic Empowerment as Human Rights Promotion in Post-Civil War Sri Lanka

Language right is an important right to protect individuals and groups who identify them as distinct from others and it becomes a collective right to choose one's language or languages for communication both within the private and the public spheres. For minority groups, the opportunity to use one's own language can be of crucial importance, since it protects individual and collective identity and culture as well as participation in public life. Language serves important symbolic and identity roles in societies which are emerging from conflict to peace.

Preserving one's own language is a way to keep and to discover information that would otherwise be irremediably lost (Vacca, 2017). In fact, most of the recent conflicts have an important relationship with minority issues. It is possible to avoid conflicts by respecting minorities. When the legitimate concerns of minorities regarding their language use in public affairs are accommodated, tensions are greatly reduced. If the majority-language is promoted in public life at the expense of minorities, this can be a considerable source of minority grievances and lead to majority-minority interethnic tension.

In fact, many agree that the failure or denial to recognize the Tamil language as a state or an official language equal to Sinhala has not only contributed to the emergence of ethnic conflicts but also has created many

issues in Sri Lanka related to decentralization of public administration, democratization, and minority rights accommodation. Therefore, Tamil-speaking ethno-linguistic minorities have been demanding that the government should enhance institutional capacity to implement Tamil language provisions in order to facilitate communications between the people and the public officers so as to fulfil their needs in their own language.

Minority rights and interests are not only linked to linguistic and cultural matters. A high level of autonomy in all public sectors, especially in the administration of local affairs where minority groups live predominantly is essential to the protection of linguistic identity and to the management of public functions in a self-determined manner (Yusoff et al., 2015). As a developing country in the Third World, Sri Lanka has been facing a number of challenges in accommodating linguistic concerns of minorities. However, due to a number of shortages and incapacity in its political and administrative system, many of those demands, have yet to be settled. Due to the failure of the proper implementation of the language policy or failure to recognize and implement Tamil as official language or language of administration, and due to the non-supportive attitude of administrative elites particularly in implementing minority language provisions, Tamil-speaking communities face a lot of difficulties in accessing public services and accessing public institutions.

In fact, linguistic issues have been one of the core issues in Sri Lanka's ethnic conflict, proper implementation of the language policy would be a way of accommodating the rights and interest of linguistic minorities within the administrative machinery. This would help reconcile a number of linguistic concerns of minorities in post-war Sri Lanka. The Tamil-speakers find the failure to implement the Tamil language provisions in the national language policy as a violation of their rights guaranteed in the constitution. This injustice must be reconciled.

It is a noteworthy fact that rebuilding public administration is a crucial form of reform for governments in countries recovering from civil wars, insurgencies, or external military incursions. Though the Public Administration Circular No. 3 and 7 of 2007 promotes the bilingual services

of the public sector, it is of concern that no positive action is envisaged for the recruitment of bilingual or trilingual speakers to central and provincial governments to redress linguistic grievances of minority communities to public administration. In Sri Lanka, violent conflict has caused the violation of a number of minority rights on the one hand and undermined or weakened administrative capacity in many parts of the country, on the other. As a country that experienced a thirty-year civil war, many aspects of administrative procedures, rules and regulations and policies were not properly implemented or misinterpreted in many parts of the country. The marginalization of Tamil language related Acts, laws and policies has caused serious concerns for Tamil-speakers in accessing services from public institutions. Therefore, there is a need to not only recognize and implement minority rights including language rights provisions, but also to revisit the existing policies for wider accommodation of minority rights focusing on the changing multi-cultural context in the country.

In fact, there was room for Sri Lankan authorities to reconcile the linguistic concerns of Tamil-speakers during the post-civil war period. The integral role of language in the post-conflict reconciliation process was acknowledged in the 2011 report produced by the Lesson Learned and Reconciliation Commission (LLRC), appointed by the President. The report, which itself was initially released in English became available in Sinhala and Tamil languages only in August 2012, includes recommendations such as:

- The learning of each other's languages should be made a compulsory part of the school curriculum. This would be a primary tool to ensure attitudinal changes amongst the two communities. Teaching Tamil to Sinhala children and Sinhala to Tamil children will result in greater understanding of each other's cultures.
- The proper implementation of the language policy and ensuring trilingual (Sinhala, Tamil, and English) fluency of future generations becomes vitally important. A trilingual education will allow children from very young days to get to understand each other.

It is worth noting that some actions have been taken to achieve the goals of the LLRC report. The government has implemented a number of institutional mechanisms, including the creation of the Ministry of National Languages and Social Integration (later Ministry of National Co-Existence, Dialog and Official Languages), which led the implementation of the official language policy at the national level. The ministry had taken a number of initiatives to properly implement the language policy. However, as Martyn (2013) rightly indicates, language remains a strong dividing force in the country. Technically, government services are required to be available in each of the official languages; however, a common complaint is that forms are often only available in a single language and that translators are often unavailable. To implement the official language policy, that is trilingualism (Sinhala, Tamil and English), it is necessary to provide high-quality language instruction in English, Sinhala, and Tamil. However, not only is this expensive, Sri Lanka also lacks enough qualified instructors to do so. Also, as Wakkumbura (2016) points out, lack of proper execution of administrative functions related to language rights, prevailing negative public opinion and insufficient focus for up-skilling the linguistic competencies also create challenges in this process.

Since majority of countries contains a number of linguistic groups, linguistic pluralism becomes a fact of everyday life for most people. Many countries during post-conflict recovery essentially find 'language pluralism' an interesting policy formulation for social integration (Fishman and Garcia, 2010). In pluralist societies, public administration needs more policy reforms and institutional modernity in order not only to adopt the new trends in public and development administration but also to accommodate the rights and interests of the different groups of people, especially of minorities at different level of administration. It is worth noting that without accommodating the minority grievances including linguistic concerns in public administration, any attempt to strengthen good governance and democracy building particularly in the post-civil war societies would not be successful.

Conclusion

Sri Lanka is a plural society with multi-ethnic, multi-linguistic and multi-cultural communities. It is evident that the majority of the Sri Lankans speak either Sinhala or Tamil in which Sinhala speakers form the majority and Tamil-speakers form the minority in the country's population. However, the official language policy has been a contested issue in Sri Lanka due to the lack of recognition of minority language and the proper implementation of national language policy and provisions. Although the Tamil language is legally recognized as an official language to be used in administration of public affairs equal to Sinhala, responsible authorities have failed to implement the Tamil language provisions in the official language policy in public administration at both the central and local levels. Negligence in implementing Tamil as an official language in public affairs, and the subsequent lack of opportunity for Tamil-speakers to access public services in their own language has been one of the major grievances of Tamil-speakers. To a greater extent, these grievances have also contributed to intensify the Sinhala-Tamil ethnic conflict in the country.

A human rights approach to language can be framed as a 'recognise-implement-improve' method of ensuring state authorities to effectively comply with their obligations: laws, policies and processes and recognise language rights within a human rights framework; authorities must integrate these in their conduct and activities; and mechanisms which must be in place to effectively address failures and improve compliance.

It is widely accepted that in any multi-cultural society everyone is entitled to equal and effective protection against discrimination on grounds such as language. This means that language preferences which are unreasonable or arbitrarily disadvantages or excludes individuals would be a form of prohibited discrimination. This applies to differences of treatment as between any language, including official languages, or between an official and a minority language. Any area of state (public) activity or service, authorities must respect and implement the right to equality and the prohibition of discrimination in language matters, including the language for the delivery of administrative services and other public services.

The form of organization of public administration is closely linked to the issue of minority rights protection. Indeed, specific organizational structures can be conducive to better protect minority rights (Guella, 2014). Legislation that gives due consideration to the need for efficiency at management level and introduces new public bodies and facilitates greater integration of minority groups into the existing administration can empower minorities in the domain of public administration in a country.

Since language issue or language policy was one of the core factors for the emergence of ethnic conflict, and continued to be a contested matter throughout the period of the civil war and post-civil war period as well, revisiting the official language policy, therefore, can relate directly to the wider processes of post-war reconciliation in Sri Lanka. However, the empowerment of language and other rights of minorities not only necessitates the formation or revisiting of policies but also the proper implementation of those policies expecting to accommodate or promote the rights of minorities. Therefore, apart from policy revision, proper implementing language policy needs to be adopted by strengthening physical and human resources, sufficient budgetary allocation, and monitoring mechanism. What is important in the post-civil war context in Sri Lanka is that the linguistic concerns of Tamil-speakers also need to be handled as part of empowerment of minority rights which will in turn empower the reconciliation of grievances of ethno-religious and linguistic minorities and strengthen ethno-linguistic harmony in the country.

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