

**LANKA**

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## **• TRADITIONAL HOMELANDS •**

— *U. Kurnatilake*

In the MAY 1st, 20th anniversary issue, of the LANKA GUARDIAN we published an article **SOUTH ASIAN PROSPECT Perceiving Reality** by Jayanath Rajapakse. The author was introduced as the International Affairs Adviser to President Chandrika Kumaratunga. The article was **NOT** written in his official capacity and represented his own personal views – We regret the error. — *THE EDITOR.*



# SRI LANKA'S 2-FRONT WAR: THE ISLAMIC FACTOR

Mervyn de Silva

"BOSNIA" is now a code-word freely used by western diplomats, juniors more than seniors, careful not to offend their Sri Lankan hosts. "Bosnia" represents the island's eastern province, the bloodiest theatre of the island's fifteen-year (some say 2,000 - year) Sinhalese-Tamil conflict. In the eastern province the Tamils are the largest community but not a majority; the Muslims are a third of the population and the Sinhalese, 74% in the whole island, no more than 25%. Tamil ideologues claim that the north-and-east is their "traditional homeland". The northern province is nearly 100% Tamil.

While Muslims as a rule speak Sinhala, the island's sole "official language", the eastern province Muslims prefer Tamil. Essentially a business community, not too keen on politics, the Muslims will toe the line certainly in the eastern province. Wrong.

In October 1992, the Tamil 'tigers' moved into three predominantly Muslim villages close to Medirigiyia in the Polonnaruwa district, gunned down and hacked to death at least 192 men, women and children. A correspondent quoting a "Jaffna source" (semi-official) summed it up as a "training exercise", meaning bloodying the young 'braves'. After ten years of strife, whether it is "tigers" attacking Sinhalese and Muslims, or mobs in the South assaulting/killing Tamils or setting fire to Tamil shops, the newspaper tend to ignore these "incident observed this journal on the MEDIRIGIYA MASSACRE. Our report was introduced as ENTER THE MUSLIMS, the likely political implications of this single event. And now what do have? When the S.L.M.C. was founded by Mr. M.H.M. Ashraff in 1980, no ranking political leader nor any respected political affairs analyst recognised the

true significance of this development or discussed its likely implications. The L.G., observed:

"The massacre and its aftermath conform to a pattern, with one important difference. The victims were ALL Muslims - men, women and children". "The SLMC of Mr. Ashraff was trapped. His party has been supporting the Premadasa regime, and logically so, since the administration has been so responsive to the Muslim community". Yes, President Premadasa was quick to appreciate that NO Sinhala government can neglect the minorities. The Sinhala vote is split down the middle. The Tamils are bitter; the Tamil youth rebellious. Simple arithmetic demanded that each Sinhala contender for parliamentary/presidential power, must cultivate the Tamil and Muslim minorities - and many a Muslim is a Tamil speaker.

Mr. Ashraff had cooperated ("collaborated"?) with the UNP administration. Rhetoric has a habit of turning into reality when the fast-moving drama of ethnic conflict often forces uncomfortable lines to the main actors on the stage.

In the last few weeks, Supremo Velupillai Prabhakaran has given us some typically cold-blooded performances. A guerrilla group, albeit well-drilled and disciplined, it has the self-confidence to fight on two fronts - the Sinhalese-dominated regime and nearly 100% Sinhalese army AND the established Tamil political parties, the T.U.L.F. chiefly. Thus the assassination of the Jaffna mayor, the widow of a wellknown and warmly regarded Tamil politician. And that in Jaffna where the army has a strong presence.

Can the P.A. fight a two-front war - Tigers in the north, and the U.N.P.

elephant in the south, a P.A. which cannot command a clear parliamentary majority, without the support of the TULF, the ex-guerrilla Eelam groups and the Leftists, now quite worried about rising prices, and the mood of the trade unions, the last support-base of the quondam Communists and Trotskyists? And last week, Opposition Leader gave the clearest demonstration that he had assessed the situation quite clearly. Mr. Ranil Wickremasinghe took the offensive. The P.A. cannot survive on President Chandrika's charms alone.

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# The Anagarika and India

Sarath Amunugama

Scholars of the Sinhala Buddhist revival of the latter half of the nineteenth and early twentieth centuries recognize the central role played by Anagarika Dharmapala. They also refer to the distinctive, radical nature of his protest. While other Ceylonese leaders were decidedly non-confrontational, Dharmapala severely criticized British rule and accused Christian missionaries of subverting Buddhism and Sinhala culture. He wrote: "The Anglicized Sinhala, the Christian padres, Government officials, I have freely criticized. The Governors Ridgeway, Blake, McCallum, Chalmers were subject to my criticism. Chief Justice Layard was going to haul me up for contempt of court..... In 1913, in my lectures in the Far East, I advocated the principle of Asia for Asiatics and against the white peril" (Diaries, 1918).

Several reasons have been advanced for the unique nature of Dharmapala's protest. Guruge (1965) portrays him as the "voice" of traditional Sinhala Buddhist nationalism. Obeyesekere (1975) sees him as "a leader who, in solving his own personal identity conflicts, helped to refashion the identity of Sinhalese Buddhists". The present writer (1985) and Gombrich and Obeyesekere (1988) have discussed the influence of the Theosophical Society (TS) on Dharmapala's ideas and methodology. In this paper, I explore another influence which has, up to now, not been examined. The "missing" variable is the influence of India, in particular Bengal society and politics, on Dharmapala.

From 1891, when he first visited Calcutta, to the time of his death in Sarnath in 1933, Dharmapala spent the better part of his life in India. "India became the object of my love in January 1884..... I am the only Buddhist worker

to live in a foreign land", he wrote (Diary, 1918).

## The Bengal Theosophical Society

The Theosophists made their triumphant first tour of Sri Lanka in 1880. Dharmapala, then 17 years old, was taken by his father and uncle, both leaders of the Sinhala Buddhist movement, to meet Olcott and Madame Blavatsky.

Following their success in Sri Lanka, the Theosophists planned to extend their activities to Bengal, particularly since great centres of Hindu religion, like Benares, were then parts of the Bengal Presidency. From Benares, political and logistical considerations brought the Theosophists to Calcutta, the capital city of the Bengal Presidency as well as of British India. They planned this move with great care. Sishir Kumar Bose, a leader of the Bengali elite and editor of *Amrita Bazaar Patrika*, was an early supporter of the Theosophical Society. He made contact with TS leaders in Bombay and was appointed a member of its General Council and Bengal correspondent. Through him, Olcott managed to win the confidence of Jotendro Mohun Tagore, a *Zamindar* and political leader described as "the premier Indian noble of the metropolis". *The Theosophist*, the journal of the TS, carried a laudatory article on the Tagores.

An extensive correspondence with Bengali elite leaders was started by Olcott. Though the ground was carefully prepared, Blavatsky and Olcott entered Calcutta with some trepidation. Swami Dayanand Saraswati, their Hindu protégé, who had earlier defended the TS against Hindu critics, had now reversed his stand, and objected to its inclusion of Buddhism, Zoroastrianism and Judaism as components of TS "universal religion". Unfriendly Bengal newspapers had given extensive coverage to this controversy and the "recent savage and

unprovoked attacks of the Swami" (Olcott, 1974: 340).

Notwithstanding these attacks the Theosophists received an enthusiastic reception. They were invited to be guests of Jotendro Mohun Tagore, and Olcott's lecture at the Calcutta Town Hall was a great success. The Chairman of the meeting was a distinguished Bengali, Peary Chandra Mitra, a founder of the Bengal British India Society and a member of its "aristocracy of the intellect".

Building on this success, the Bengal Theosophical Society was formed. Its membership was drawn from the highest "*Bhadralok*" ("the respectable people") of Calcutta society. Of these office bearers the most important for our purposes is Norendranath Sen. He was to become the strongest supporter of Dharmapala in Bengal. Olcott described "Norendra Babu" as having "done most of the public work of the [TS] branch himself, in his capacity as Editor of the *Indian Mirror*; for the public has been kept fully advised by him of every important event in the history of our movement" (Olcott, 1974: 341).

Olcott also strengthened his links with the Tagore family. Breaking with convention he enrolled Debendranath Tagore's daughter, the "ideally beautiful" wife of elite leader Janaki Nath Ghosal. Their close kinsman, Neel Comul Mukherjee, who was to become the Secretary of the TS and Dharmapala's benefactor, was also granted membership.

From then on Olcott revisited Calcutta several times to renew his links with the Tagores, lecture in the Town Hall and continue his experiments with "spirit healing", which made "Jotendra Mohan's great palace *Boitakhana* [Hall] into a hospital, for the sick crowded in upon me for treatment and their friends to look on" (Olcott, 1967: 398). He also encouraged Mrs Ghosal of the Tagore

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family to set up a women's branch of the Theosophical Society and start a women's magazine. In 1885, Olcott established a close friendship with Sarat Chandra Das, the Bengali explorer of Tibet who was later to found the Buddhist Text Society of Calcutta. He toured Bengal again in 1887 to strengthen Theosophical Society branches in the Presidency. By this time Norendranath Sen had become its major supporter.

### Making friends at Theosophical Society conventions

With the opening of its headquarters in the spacious ground of Adyar near Madras, the Theosophical Society was able to improve its administration. New buildings were constructed, a library containing valuable Hindu and Buddhist manuscripts was established, and a translation and publication programme was launched. Another significant development was the institutionalization of the TS's annual convention which was attended by representatives of TS branches in India and Ceylon. Though started in Bombay, it was in Adyar that the TS convention became a well-organized feature: "The delegates to the convention now begin arriving, and the whole of our house-room was occupied. It is always a strange sight to European friends to see the place filled at night by camping Indian delegates. Each brings his sleeping mat and rug and his pillow, and makes his choice of his share of floor area to spread them on" (Olcott, 1975: 34). At this meeting the President, Olcott, presented a review of the year's activities of the TS, and branch secretaries reported on their work.

Dharmapala attended these conventions from his 20th year. Just out of school, he had been taken to Adyar by Madame Blavatsky for the 1884 TS convention. It was during this week in Adyar that he was instructed by Blavatsky to study Pali. Impressed by the gathering in Adyar, Dharmapala vowed "that henceforth my life should be devoted to the good of humanity".

In 1886, he accompanied the Raman-

na Nikaya priest, Ilukwatte Medhankara, to Adyar. In 1887, together with Leadebeater, the Anglican padre turned Theosophist, who joined him from Colombo, Dharmapala was one of the 127 participants in the Adyar assembly. By now he was the General Secretary of the Buddhist section of the Ceylon Theosophical Society and manager of its schools and press. He was looked upon by the TS leadership as a very promising "brother" on account of his strong commitment and social connections in Ceylon.

A contingent from Calcutta, led by Norendranath Sen, also attended these conventions. Sen had attended these meetings from 1882. His paper, the *Indian Mirror*, had drawn on the TS experience to suggest to provincial political associations in Bengal, Bombay and Madras that they should hold "a national assembly for India". It was such a national assembly which became the precursor of the Indian National Congress.

In December 1889 Dharmapala was back in Adyar. That year he was accompanied by Noguchi, a Japanese Buddhist who had arrived in Colombo en route to Adyar. Noguchi aimed to persuade Olcott to return with him to Japan. "[Olcott] has helped the Buddhists of Ceylon to work a change for the better in their religion, so wonderful that no one could believe it without going to that island and talking with the priests and the people" (Olcott, 1975: 82) – he wanted Olcott to do the same for Japan. Acclaimed by the convention, the TS leader agreed. At the request of Noguchi he decided to take young Dharmapala with him. Though ill for the better part of the tour, Dharmapala created a good impression in Japan and established links with Buddhist groups there. These contacts helped Dharmapala to draw Japanese monks to Sri Lanka, two of whom accompanied him to Buddhagaya.

Thanks to this tour Dharmapala was able to study Olcott's "technique" of

approaching the highest personages in a country in the cause of Theosophy. They met the Japanese Prime Minister, General Count Kuroda, Cabinet Ministers, the Imperial Chamberlain Viscount Sannomiya and the Governor of Tokyo.

### Visit to Buddhagaya

In December 1890, Dharmapala, now acclaimed by Sinhala Buddhists as the "first Sinhalese to set foot in Japan", returned to Adyar for the TS convention. He was accompanied by Kozen Gunaratne and Tokuzawa, two Japanese monks who had come to Sri Lanka, as a result of Olcott's tour of Japan, to study Southern Buddhism. After the convention the three Buddhists embarked on a pilgrimage to Sarnath, Benares and Buddhagaya.

The need to reclaim Buddhagaya for the Buddhists had been emphasized by Sri Edwin Arnold who visited the site in 1886. In a letter to a Sri Lankan priest, Weligama Sumangala, Arnold claimed to be the pioneer of the Restoration; "I think there never was an idea which took root and spread so far and fast as that thrown out thus in the sunny temple court at Panadure" (Guruge, 1984: 363). Some Sri Lankans, including the chief priest of the Ramanna Nikaya, Ambagahawatte Indrasabha, had visited this site earlier. Dharmapala wrote that while these Buddhist dignitaries had remained silent after their visit, he had been moved to tears, even by reading Arnold's description of the sacred site in *India Revisited* (Dharmapala 1963: 235). From Madras the pilgrims went on to Benares via Bombay. From there they reached Gaya and on 21 January 1891 arrived at the sacred shrine in Buddhagaya. This encounter changed Dharmapala's life and had far-reaching consequences for Sinhala Buddhists.

In this paper, I do not go into details of Dharmapala's efforts to gain control of the sacred site and construct an image house – this has already been well described by Alan Trevithick (1990). I concentrate rather on Dharmapala's links

(Continued on page 19)



# The Perils of Indian Adventurism

N Ram

The five underground nuclear explosions – sweeping across the current technological spectrum from big league thermonuclear to state-of-the-art sub-kiloton – that India conducted in near-total secrecy at the Pokhran test range in the Rajasthan desert in the second week of May 1998 are a major world event, no question about it. They have profoundly affected the terms of the country's engagement with the region and the world, the environment, agenda and feel of domestic politics, and India's strategic-military status and posture.

## Is India the Sixth Nuclear Weapon State?

Is India a nuclear weapon state after the five explosions? At this stage, the answer must necessarily be: *it is and it is not*.

After some initial diplomatic hedging, Prime Minister Atal Behari Vajpayee used a magazine interview opportunity to let everyone into the secret about Project Shakti: "India is now a nuclear weapons state..... the decision to carry out these tests was guided by the paramount importance we attach to national security..... the tests..... have given India *shakti*, they have given strength, they have given India self-confidence".

Two days later came a high-powered New Delhi press conference addressed by the top scientists behind the nuclear weapons programme. Between them Dr. A.P.J. Abdul Kalam, Scientific Adviser to the Defence Minister and the man leading India's missile programme, and Dr. R. Chidambaram, Chairman of the Atomic Energy Commission, Secretary, Department of Atomic Energy, and chief designer of the 1974 fission device, said a great deal to make one thing clear. The defence and atomic energy establishments, backed by the Army and the Air Force, had come together to make nuclear weaponisation a *fait accompli*.

Since India is not a party to the Nuclear Non-Proliferation Treaty (NPT) or the Comprehensive Test Ban Treaty (CTBT), there is no question of its being hauled up for violating any treaty commitment. However, the May 1998 explosions have presented a major challenge to both treaties.

India is the first and only country to conduct nuclear explosions post CTBT. (France and China conducted explosions in the run up to the conclusion of the treaty.) This does not of course automatically confer on India a nuclear weapon power status.

"Tell us what we are and we will tell you whether we can sign", a high-placed expert source formulated the Indian demand on the NPT regime. "Guarantee to us that technology controls, which you apply to us as though we were a non nuclear weapon state, will be removed". In short, let us into the NPT regime as the sixth nuclear weapon state and we might play.

## The Global Policeman's Response

In response, the official U.S. line as of now is that there is no question of India being classified under the NPT regime as a nuclear weapon state since the NPT's cut-off date for the admittance of a nuclear weapon power is January 1, 1967. Bill Clinton, given to grand phrases, had accused India of making "a terrible mistake" and being "on the wrong side of history". "With regard to India's apparent declaration of itself as a nuclear weapons state", the State Department's spokesman has said in the toughest U.S. statement to date, "we regard this action as another deplorable step that further escalates an already unfortunate situation. We hope that India refrains from taking any further steps to further isolate itself from the international community".

With these five explosions, India has probably crossed the nuclear threshold – "the Rubicon", to draw on the over-

charged Caesarian imagery served up by celebratory strategic affairs analysis. Just as the BJP took a pre-emptive decision to explode without any discussion or objective review, it is now trying, as part of an orchestrated propaganda campaign, to pre-empt any democratic discussion of whether India is – in awful, irreversible reality – the sixth nuclear weapon state that has, through its 'Shakti', broken into the *Unequal Global Nuclear Bargain (UGNB)*.

## Need to Stop Nuclear Weapon Induction

But testing nuclear devices, integrating nuclear weapon technologies and activities and establishing a "command and control" structure are not quite the same thing as inducing and deploying an arsenal of deliverable nuclear weapons. The demand, made by the Left parties and in other democratic and progressive quarters, that in the interest of peace, good neighbourliness and the masses of the Indian people, the BJP-led Government must not go ahead with the "making and induction of nuclear weapons" is relevant, correct and just. So is their demand that the Government must not compromise with the discriminatory nuclear order embodied in the NPT and the CTBT.

## The Fall-Out

Internationally, the adverse reactions have come thick and fast, with some moderating influences at work to soften the sentiment to 'punish' India. The movement for Washington-led sanctions seems to be developing disturbingly enough but the overall picture is mixed, still hazy. With new demands made on India's nuclear and economic policies and ominous pressures visible in the middle distance, with an egregiously targeted China eyeing the changes bubbling up in bilateral waters, with Pakistan under terrific domestic political pressure to demonstrate its own nuclear weapon capability, India's international relations have clearly entered a turbulent and very uncertain phase.

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Domestically, the explosions have been greeted by a mixture of understandable pride in the accomplishment of Indian nuclear scientists and chauvinistic/jingoistic political and media reactions which have a considerable impact on public opinion. The BJP made immediate use of the big effect generated by the explosions to divert attention from the people's disenchantment with its policies and the squabbling among the coalition partners who sustain the minority Government. The BJP's political strategy is clearly to go to the masses and use this effect to consolidate its position. But (as Aijaz Ahmad argues, impressively, in this issue), beneath the appearances there could be further Rightward policy shifts in international relations as well as in economic policy.

The Opposition parties barring the Left have more or less fallen in line with the 'nationalist' mood. The Congress (I), after some mild initial dissent has under Sonia Gandhi's *diktat* decided to support the *fait accompli* presented by the BJP-led government. Its emerging political differentiation does not seem to go beyond the complaint that the BJP is making a "systematic attempt" to exploit the Pokhran explosions as a "partisan political issue". The non-Left parties of the United Front have actually been ahead of the Congress (I) in backing the nuclear forward policy, with ex-Prime Minister I.K. Gujral zealously claiming for himself and his government a significant part of the credit for these explosions and must perhaps on what might have been.

### Pushing through a pre-set agenda

It turns out from the public testimony of the scientists at the New Delhi press conference of May 17 that the *go-ahead* for the Pokhran explosions was given around April 12, 1998 – that is, within a month of the Vajpayee government's taking office. The chauvinistic thinking and adventurism that have underlain the RSS' and the Sangh Parivar's approach to India's nuclear policy are well known. It is noteworthy that while the BJP did not include in the National Agenda For Governance its demands on Ayodhya, Article 370 and a Uniform Civil Code, it brought on board, without any fuss

or resistance from its allies, its well-known nuclear and security policy hawkishness. This must be seen in linkage with the anti-China predilections of influential elements in the coalition, notably Defence Minister George Fernandes and several of the BJP leaders, and the tension-raising policies that are indicated *vis-a-vis* Pakistan.

The National Agenda For Governance mentions the following sequence of steps: the setting up of a National Security Council (NSC) which would undertake "India's first ever Strategic Defence Review", a re-evaluation of nuclear policy, and exercise of the option to induct nuclear weapons. It is now clear that *the suggestion of a review or re-evaluation was a smokescreen for a decision already made by the RSS-BJP top leadership.*

The absence of any wide-ranging democratic discussion or objective review of a pre-emptive decision on so vital a matter must be exposed and condemned.

### India's nuclear option and a sharp departure

In a classic exercise in doublespeak, Vajpayee (in his *India Today* interview released on May 15) manages to appeal to two, seemingly incompatible political constituencies. On the one hand, he suggests to the Hindutva constituency that only the BJP, long committed to the bomb, has had the guts to do what only Indira Gandhi had once boldly attempted, only to be stopped in her tracks. On the other hand, he acknowledges, with an eye to a broader political constituency, that every government and every Prime Minister of independent India had kept "India's nuclear option open" and supported "India's indigenous research and development in the nuclear field". What the BJP-led government was doing today was to "build the super-structure on that solid foundation".

The question raised by this capsule history is: Were the May 1998 Pokhran explosions the culmination of a natural Indian nuclear policy evolution or progression? Or did they represent a break in, or a departure from, that policy?

There can be no question that India's nuclear policy was built on sound and progressive lines laid in the late 1940s by Dr. Homi Bhabha, the founding chairman of the Atomic Energy Commission, and Prime Minister Jawaharlal Nehru. The substance of the policy was to pursue a rounded and many-sided nuclear energy programme that would be committed to the peaceful, non-military uses of nuclear energy in keeping with the goal of universal nuclear disarmament, but would retain its independence. The pursuit of independence and the refusal to accept any external controls instituted in a discriminatory way have been notable features of this policy.

What came to be known as India's 'nuclear option' appeared in the course of the development of the research side of the programme some time in the second half of the 1960s. In practical terms, it meant that *India would not give up its sovereign right to develop all aspects of a nuclear programme, including weapons, unless the nuclear weapon states did so.*

It is important to be clear about why the nuclear option was retained, protected and developed, what were the conditions under which it would not be exercised, and what were its motivations and purpose. From a democratic and progressive standpoint, the pursuit of independence on the nuclear question must go hand in hand with non-hawkishness, self-restraint and a genuine commitment to the global delegitimation and elimination of nuclear weapons.

The *Nuclear Non-Proliferation Treaty (NPT)*, concluded in 1968 and brought into force in 1970, was given an indefinite and unconditional 'extension' in May 1995 at a stage-managed New York Review and Extension Conference. Its essence was the permanent division of the world into five nuclear weapon powers, the 'haves' – the United States, the Soviet Union/Russia, the United Kingdom, France and China – and the rest, the 'havenots'. By defining a nuclear weapon state as "one which has manufactured and exploded a nuclear weapon or other explosive device prior to 1 January 1967" and prohibiting any



signatory other than the five members of the pre-NPT nuclear weapons club from possessing nuclear weapons, the NPT vests the former with superior vested rights which have been 'immortalised' at least on paper.

What legitimate reason can there be today for not agreeing to eliminate nuclear arsenals if the real goal were global nuclear disarmament? Not for a moment can it be forgotten that despite various nuclear arms limitation and reduction agreements and the 'downsizing' that has taken place, what remains of the nuclear arsenals is of monster proportions. As for nuclear explosions, the United States had conducted, until the CTBT came along, an estimated 1,000; the Soviet Union/Russia 700; France 200; the United Kingdom and China 40 each.

India conducted its first nuclear explosion, the "Peaceful Nuclear Explosion" (PNE), in May 1974. After that, it became clear that *India was a nuclear weapon capable state*. After some lag, it became clear that *Pakistan was also a nuclear weapon capable state*.

According to leaders of the Indian nuclear energy programme, the Indian programme has always had a content and depth which Pakistan's has lacked; and it has stayed consistently ahead. *This lead in the scientific-technical field has been powerfully demonstrated* in the five sophisticated, controlled and successful underground nuclear explosions of different types. India's nuclear scientists and engineers deserve full credit for this.

Despite the obstructions and pressures and some vacillations over the years (especially during the Prime Ministerships of Morarji Desai and P.V. Narasimha Rao), national policy refused to sign away the sovereignty of decision-making on the nuclear issue while preserving its commitment to the peaceful, non-military uses of nuclear energy.

It would be useful in the present context to look at *India's real objection to the Comprehensive Test Ban Treaty (CTBT)*, which was approved by the United Nations General Assembly in

September 1996. India after all had campaigned from the time of Jawaharlal Nehru for a comprehensive nuclear test ban treaty as part of a commitment to universal nuclear disarmament. It had no problem in joining the 1963 Partial Test Ban Treaty. During the Rajiv Gandhi Prime Ministership, India played a leading role in a nuclear disarmament initiative that did not take off. In 1993, the Narasimha Rao Government went so far as to co-sponsor with the United States a U.N General Assembly resolution in support of a CTBT and a fissile freeze treaty.

India came to be strongly targeted in the process of CTBT negotiations dominated by the United States and its nuclear weapon allies. The CTBT drama concerned only the five nuclear weapon states, India, Pakistan and Israel. But in the final analysis, it seemed to involve only India *versus* the U.S. and its allies.

At one point, it looked as though the Narasimha Rao Government would be pressured into the CTBT. But eventually, India under the first United Front Government took a firm stand in the negotiations, refusing to capitulate.

India's real objection was that the United States, tailed by other nuclear weapon powers, was bent on perpetuating the discriminatory NPT regime; was refusing to commit it self to any time-bound disarmament schedule; and had written loopholes into the treaty which would permit nuclear weapon states to continue refining and developing their nuclear arsenals at their test sites and in their laboratories (through computer simulation).

India won world attention by standing up against this discriminatory treaty, and especially the near-coercive Entry Into Force (EIF) provision which was seen as an affront to its sovereignty. What this means for India is that its coming into the CTBT has been made an explicit condition for EIF. The effective deadline is September 1999, that three years after the CTBT was road-rolled through against India's opposition. If the Indian signature and ratification are not in by September 1999, the CTBT cannot come

into force. If the CTBT does not come into force, a conference of the members of the treaty shall be called to discuss "measures" for that situation.

Post-Pokhran, the pressure on the Indian government to join the CTBT has intensified. It is significant that Clinton, after condemning the explosions and signing in sanctions, has already thrice publicly demanded that India sign the treaty *immediately and without conditions*.

In his official statement of May 11, Brajesh Mishra offered that "India would be prepared to consider being an adherent of some of the undertakings in the Comprehensive Test Ban Treaty," adding: "But this cannot obviously be done in a vacuum. It would necessarily be an evolutionary process from concept to commitment and would depend on a number of reciprocal activities".

What Mishra's reference to a "vacuum" and "reciprocal" probably means is: recognise us as the sixth nuclear weapon state, lift the general embargo placed by the U.S and its allies on the Indian nuclear industry since 1978, and we will drop all those objections that Arundhati Ghose made such a fuss over and come into the CTBT. Vajpayee's subsequent assurance, wrested by the Opposition, that his government would not sign the CTBT "unconditionally" is not incompatible with such a reading.

In fact, at this sensitive stage, the BJP-led Government appears to be saying two different things about the CTBT to two different audiences. British Prime Minister Tony Blair, who chaired the Birmingham summit of the Group of Eight plus Russia, has reiterated the U.S. and Western demand that India should quickly sign the CTBT "without any conditions". Interestingly, he confided to a press conference that Vajpayee had told him in a telephonic conversation on May 15 that he would be "considering" this. "I trust this will be the case," Blair commented. "It is the only thing that is going to mitigate this." The British Minister underlined the necessity of "urgent discussions" to get India to sign the CTBT unconditionally.



If the BJP-led Government's emerging stand on the CTBT carries the scent of unprincipled compromise, its stand on the fissile material cutoff treaty to come also needs careful watching.

What is suggested by all this is that the BJP-led Government's nuclear policy could swing, in the coming season, from *hawkish adventurism to compromise and appeasement*.

Frontlines's considered editorial view is that India's longstanding policy with its twin components - the refusal to surrender the nuclear option by acceding to the NPT regime (or an equivalent option such as "full-scope safeguards" or a "South Asia Nuclear Weapon-Free Zone"), and self-imposed and conditional restraint in not militarising the option - was *eminently sustainable*. Indeed, no other policy could have been considered peace-abiding and responsible under the circumstances. The accomplishment of the BJP-led Government, within two months of taking office, has been to undermine this longstanding policy.

### Harmful Effects and Implications

There can be no doubt that the removal of the element of conditional self-restraint from nuclear policy and the unilateral conversion of the nuclear option as per the RSS-BJP pre-set agenda, without any kind of "strategic review" or discussion, are harmful developments for the following reasons:

- *the adverse and deplorable impact on Sino-Indian relations*: Defence Minister George Fernandes in recent public pronouncements and Prime Minister Vajpayee in his May 11, 1998 letter to President Clinton have signalled unfriendly attitudes to China. With these statements and actions, the heartening progress made since December 1988 in improving allround relations with China could be in danger of reversal.

- it is clear that the nuclear explosions have *worsened regional tensions and already troubled relations with Pakistan*.

- it is likely that there will be an *adverse and disturbing reaction from Pakistan*, quite conceivably a decision overtly to weaponise its nuclear option or conduct some explosions.

- the Pokhran explosions are guaranteed to *harm India's reputation* among peace-loving, democratic and progressive constituencies round the world.

- with the U.S., Japan and Germany taking the lead, countries like Sweden and Norway quickly joining in and various members of the European Union readying to follow suit, the international move for *economic sanctions* against India is developing despite some efforts by Russia, France and, to an extent, the United Kingdom to argue against 'punishing' India. The idea of a joint developed country campaign for sanctions against India, if it was seriously entertained by the U.S. in the first place, seems to have been given the quietus at Birmingham. But complacency will not be in order. The U.S. State Department spokesman has held out this warning in the form of an observation. India was clearly "paying a very, very heavy price" for its nuclear explosions. Clinton's planned visit to India (around November 1998) has not been called off; it evidently depends on what precisely the Vajpayee government is willing to do in the next few weeks to mollify the United States and its allies.

- while noting that the responsibility for the present situation must be accepted by the BJP-led Government, *the U.S.-led sanctions against India must be strongly opposed and exposed*. The central political point is (in the words of the CPI(M) Polit Bureau statement of May 15, 1998) that "the nuclear weapon states and others who have all along supported an unequal and discriminatory nuclear order have no right, moral or otherwise, to impose sanctions on India." All political parties and all sections of the people must oppose and resist any intimidatory tactics and any attempt to 'punish' India.

- at a minimum, *the immediate combined effect of the sanctions is likely to be serious for an economy that faces difficulties*. The markets have reacted in a somewhat panicky way; the rupee is weaker than it was before the explosions; there are indications that the cost of foreign funds may shoot up; and so on. There is an immediate need to get a competent assessment of the likely overall impact of sanctions from an independent group of economists and business analysts.

- *a major contradiction* could develop between the Vajpayee Government's 'soft' pro-liberalisation economic policy and its hardline and hawkish nuclear policy. This will have unpredictable consequences for India. Some media commentators and editorials have proposed, by way of crisis management, some quick and significant measures of economic liberalisation that will further open up the economy and enhance the attractiveness of the Indian market to foreign investors. That this approach is likely to win official acceptance is suggested, for example, by the Government's decision to offer controversial counter-guarantees, of the kind extended to favour Enron, to three multinationals in the power sector.

- the BJP-led Government's *nuclear policy could now swing from adventurism to compromise and appeasement*.

In conclusion, it is clear that the Vajpayee Government's RSS-inspired nuclear hawkishness - as demonstrated in the Pokhran explosions and in the talk of nuclear weaponisation - has not served India's national and democratic interests at all. Unilateral and unprovoked conversion of the nuclear option into weapons backed by a delivery system will have very harmful consequences for peace and security in the region and especially for Sino-Indian and India-Pakistan relations, and will harm India's reputation internationally. The economic and political price for this act of adventurism is also likely to be stiff.



# Violence to Women and Civil Society

Radhika Coomaraswamy

The first topic that interests me in terms of the implications of violence against women in the international arena is the process that made it such an important part of human rights. It is no secret that certain international women's groups heavily lobbied governments to place this issue on the international agenda. The Global Tribunal on Violence against Women in Vienna, which was sponsored by a women's NGO, made a powerful impact on the international community. Women's groups also took part in expert group meetings and helped draft many of the resolutions and declarations which began to take shape at international fora. The women's lobby put the issue on the agenda, articulated the project in human rights terms and introduced the mechanisms to help in the implementation of this mandate. This same lobby is now requesting that there be an optional protocol to CEDAW and that attention be given to an international convention on violence against women which, unlike a General Assembly resolution, will bind its parties.

This striking growth of the women's movement is an important factor in international politics today. It points to the significance of what is called international civil society as an initiator of programmes and mechanisms in the UN system. What is the nature of this lobby and why was it so successful? Firstly, it is made up of an international coalition of women's groups that have focussed their energies and efforts on violence against women. Distinct lobbies for different women's issues made up the whole. Initially there was the humanitarian women's lobby—those interested in the problems of violence against women in armed conflict. The events in Bosnia Herzegovina influenced this process; the mass rapes and killings had an important effect on the work of these women's groups. The lobby also included East Asian groups working with comfort women who had been victims of the

Japanese government's military sexual slavery in the Second World War.

A second lobby of African and Asian women was interested in health and violence problems such as female genital mutilation, dowry deaths, sati and customary practices which were violent toward women. These issues had previously been brought before the UN Human Rights Sub-Commission in reports and through working groups relating to traditional practices.

The third lobby of North American, European and Latin American women was interested in the issues of domestic violence, rape and sexual harassment. These groups, the most active and best coordinated, had a measure of influence over their governments. They relied on alliances with third world coalitions. However, at Beijing, perhaps for the first time, a certain resentment was articulated at the Western dominance of the women's lobby, especially in connection with United Nations instruments. There were announcements that UN procedures should be relaxed to allow more NGOs from the Third World to be accredited to the Economic and Social Council.

Another lobby which played a major part in these international initiatives was Women Living Under Muslim Laws, which made a strong case for including the violation of women's rights resulting from religious extremism as a major area of concern. Because of their pressure, the mandate of the Special Rapporteur refers to religious extremism as a cause of violence against women which should be the subject to the Rapporteur's scrutiny. Finally, a lobby from Southeast and East Asia dealt with the problem of trafficking and forced prostitution. It has been found at both the regional and national level and one of its demands has been that special mechanisms to deal with trafficking and force prostitution.

NGO lobbies have truly assisted

United Nations value formation. Many of the concerns of the Human Rights Commission and Sub-commission are animated by the international NGO movement. This activist role for international civil society actors marks a major step forward in the process of creating normative international standards. The victories at Vienna and Beijing are largely attributable to the consistent pressure of these NGOs.

However, the dominance of NGOs in the international process has not been accepted by all parties. Many states have NGO "phobia" and feel that the role of NGOs has to be curtailed. In addition they point out that many of the accredited NGOs are from the developed west and exert disproportionate influence and power. Whatever the sensitivities of certain governments, the NGOs have not only consolidated their presence but are in the process of lobbying for greater representation in UN functions and conferences. They have become an important part of the international process relating to human rights. But curbing violence against women is their special victory.

## The Nation State

Now that violence against women has been firmly entrenched by the United Nations Human Rights Commission as an important and fundamental issue of human rights what are its implications? One important aspect of violence against women becoming an issue of international law is that it is a part of the new assault on the powers and structure of the nation state. According to commentators, governments which control nation states are no longer the only focus of women's agitation. Instead, women are taking their issues directly to the international community<sup>7</sup>. Many international activities are becoming transnational and groups take normative initiatives without waiting for state authorisation.

While women transcend national bound-



daries in search of international protection it is part of parallel developments in other areas of human rights. The dynamic growth of human rights law in the past two decades has challenged the hegemony of the nation state and the sanctity of sovereign borders. For the first time there is an expansion of principles that operate below the level of the nation state that render its actions and the exercise of its discretion subject to scrutiny. The internal practices of a state have become an important concern of the international community. Though Montevideo Convention on the Rights and Duties of States contains the old requirements of state recognition: a permanent population, a defined territory, a government and the capacity to enter into relations with other states, the recent European Community guidelines with regard to the recognition of the states of the former Soviet Union and the Yugoslav Republic speak of respect for the UN Charter, the rule of law, democracy and human rights. They also make reference to guarantees of the rights of ethnic and national groups and minorities<sup>8</sup>. They do not as yet speak specifically of women's rights.

The important development is that human rights have come a long way from involving a soft scrutiny of states to becoming an integral part of what constitutes a state and its ability to conduct international relations. For some commentators, the nation state itself has been radically reconstructed to include the value of human rights, at least at the normative level. The applications of these principles have generated a host of criticism, and the European Community has been accused of applying these principles in an arbitrary manner. But it is still important to realize that human rights have moved from the periphery to the centre of international law. By articulating women's rights as human rights, women's issues therefore receive the benefits of the space created by recent developments in international human rights law theory and practice.

### State Responsibility for Conduct of Non-State Actors

While human rights doctrine in itself has resulted in greater scrutiny of state action, the women's movement has also moved the frontiers of this scrutiny.

Specifically, the movement to counter violence against women has taken the further step of taking international scrutiny into the marital home, thus profoundly affecting the existing doctrine on state responsibility. Under traditional international law, states were only responsible for their actions or the acts of their agent. In today's context, and especially in the area of violence against women, states may be held responsible for not preventing, prosecuting and punishing individuals and communities which violate the rights of women. CEDAW and the Women's Convention began the process by stating in Article 2 (e) that states should take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise – that is, by persons or organizations that were not part of government as well as those in the private sphere. The rather narrow construction of state action which used to dominate international discourse has in fact been changed by the inclusion of violence against women as an important development of human rights law. Since the U.N. documents declare that violence against women can take place in the family, the community and the by State, the arena of state action has been expanded. States are responsible for the violation of women's rights which take place in the marital home if they do not use due diligence to prevent, prosecute and punish offenders.

The forerunners of this unusual theme are the Latin American cases on disappearances, the most important of which is Velasquez Rodriguez vs. Honduras. In that case the Inter-American Court of Human Rights held that Honduras was responsible for politically motivated disappearances even if they were not carried out by government officials. The state has an affirmative duty to protect human rights against such violations to the extent and with the means suggested by a due diligence standard. It has a duty to "organize the government apparatus to ensure the full and free exercise of all rights..."<sup>9</sup> States are exhorted to make good faith efforts to prevent disappearances.

The cases on disappearances in Latin America make states indirectly responsible for violence in the community perpe-

trated by non-state actors. But U.N. documents on violence against women go a step further. States are held responsible for their failure to meet international obligations by protecting women against violence, even when violations grow out of conduct of private individuals in the privacy of their home. This principle, extended to the family means that states may be held responsible for their failure to meet international obligations even when the violence occurs in what was considered a sacred and distinct private space. The Declaration on the Elimination of Violence Against Women in article 4 (c) requires that states should "exercise due diligence to prevent, investigate and in accordance with national legislation, punish acts of violence against women."<sup>10</sup> Such violence includes acts committed in the family or community as well as by the state. Private violence in the home is no longer beyond scrutiny. States may be held responsible for not exercising due diligence in the investigation, prosecution and punishment of perpetrators of violence against women. This violence may be by the state but it may also include violence in the community and in the family.

Though the U.N. documents such as the Declaration on the Elimination of Violence Against Women present a due diligence standard of scrutiny, human rights groups active in the field of human rights have articulated other theories to ensure state accountability for the violation of the rights of women. Scholars and human rights groups have argued that, in addition to violating the due diligence standard, non-prosecution of individuals who are violent against women also violates equal protection in the implementation of laws. Research suggests that the investigation, prosecution and sentencing of crimes of domestic<sup>11</sup> violence occur with much less frequency than for other similar crimes. Wife murderers receive greatly reduced sentences, domestic battery is rarely investigated and rape frequently goes unpunished. This inequality of treatment which can be verified by gathering of data, as Human rights Watch did in the case of Brazil, to show the inequality in the administration of justice

The doctrine of state responsibility is



then in the throes of a revolution. The family has come to be seen as a political unit which may entertain power hierarchies that use their power arbitrarily and violently. Intimacy and privacy are no longer justifications for the non-intrusion of the state. It is important that the hierarchy within the family be challenged and equalised, and that victims of violence within the home be given access to redress.

The discussion on state responsibility must give us pause so as to consider the construct of the State envisioned by women's rights activists. On the one hand there is the view of the State as the perpetrator of violence or in complicity with those who commit violence against women. At the same time there is the view of the state with what I have called "a Scandinavian aura", an activist interventionist state extending paternalistic protection to the battered, violated woman. These views only prove the ambivalence we have toward the nation state and how, despite our many attempts to bypass its tangled web, there is no escape, not only from state-directed violence but also because of our necessary reliance on that very state apparatus to protect the woman victim against non-state violence. The Janus face of the state poses its own dilemma. This duality is an aspect which runs through many of the writings of women experts on this subject.

### **Reinterpretation of Human Rights Doctrine from a Gender Perspective.**

Not only the basic tenets of international law such as state responsibility but also human rights doctrine itself is being transformed by the discourse of women's rights. It is often said that the first generation of human rights was civil and political rights; that the second generation is economic, social and cultural rights; and the third generation is considered to be group rights and the right to self-determination. It may be argued that women's rights is the fourth generation, radically challenging the private-public distinction in international human rights law and pushing for the rights of sexual autonomy.

One way in which human rights doctrine is transformed is through a radical reinterpretation of the earlier

generation of rights to meet the concerns of women. For example the right to life and freedom from torture are being invoked as new rights which should be re-examined in light of violence against women.

Rhonda Copelan has put forward the interesting idea that torture should include violence against women in the home. [cite]<sup>12</sup> In international instruments, torture requires severe physical and/or mental harm and suffering that is intentionally afflicted for a specific purpose by a person with some form of official involvement. Copelan stresses the official involvement as state inaction, and the inability to get redress. Though this is considered a radical formulation, there are many women's groups which have accepted this framework as one way to analyse violence against women as a human rights violation.

Another strand of feminist writing examines the question of equality, a cardinal principle of human rights and the first step in the recognition of women's rights. Recent arguments about universality and difference have been applied to the quality provisions of international human rights. The principle of non-discrimination against women is firmly entrenched in international law and is the anchor of all women's rights and the core subject of the Women's Convention. But feminist writings have experimented with the concept to bring in the issue of difference - the special quality of being female as an aspect that should be respected by the principle.<sup>13</sup> In other words they want the human rights concept of equality to be reimagined to include and understand gender difference.

Equality in the past has meant women's access to places and positions which were traditionally male. But how then do we treat pregnant women, violence against women and other gender-specific issues? It is argued that sex-specific violations should gain visibility as an aspect of equality in the world of international human rights. It is argued that programmes for affirmative action would be more firmly rooted if difference is also accepted and recognised. In addition, third world women argue that difference in culture and life-style should

also be accepted albeit within the general framework of equality. Finally there are those like Martha Minow who have argued that masculine and feminine are difference which require analysis and conceptualisation without making them hierarchical.<sup>14</sup> Women's experiences are different and women's rights should learn to respect these differences without resorting to male privilege.

In this context it must be recognised that while some feminists are attempting to go "beyond equality" to a deeper analysis of what it means to say that men and women are equal, a few state actors in the international arena such as Sudan, have argued that the word "equality" be completely removed and replaced with the word equity when it comes to gender-based issues. Equality is seen as not desirable; rather, equity and fairness, as more abstract provisions, should guide state action toward women. This is a word of caution for as much as women's activists are interested in developing human rights doctrine in one direction, there are others who seek to tamper with the doctrine from a non-feminist perspective

Another aspect of human rights doctrine that is challenged by women's rights is the right to self determination, a founding right and first article in both international covenants on civil and political rights and economic and social rights, and the ultimate basis of pluralism in the world today. We have learned through this right to respect the rights of communities to speak their own language, practice their own religion and to live their own lifestyle. The UN Declaration on the Rights of Minorities has made these norms international standards. But, what if these cultures have aspects which violate the rights of women? This is perhaps the most controversial aspect of women's rights. The right to self-determination is pitted against the CEDAW articles which oblige the state to remove any inconsistency between international and human rights law and the religious and customary laws operating within its territory.

Though this dilemma of the self determination of groups brings to mind issues such as female genital mutilation and Shariah-type punishment, many



states are guilty of violations because they do not want to antagonise their minorities. This is particularly true in the multi-ethnic states of Asia where a pattern of live and let live has come to guide communal action. As a result, the applicable personal law differs for women depending on which community they belong to. Marriage, divorce, custody of children, inheritance, maintenance and so on are decided by what community you belong to and not by your national status. Many of these personal laws violate the basic tenets of the Women's Convention. India, for example, made a reservation when it signed CEDAW because it wanted to maintain the personal law of Muslims and other minorities.

Consider the Shah Bano case of a few years ago in India where a Muslim woman sued for maintenance under the criminal law of the land, using a provision against destitution. In India, Muslim men do not have to pay maintenance under personal law. But, drawing on the criminal law provision, instead of Muslim personal law, the Supreme Court of India held for the woman Shah Bano. This led to a major uproar and to outbursts of rioting in the major cities of India. Rajiv Gandhi, then prime minister, had to amend the criminal law to appease an angry Muslim minority. Shah Bano withdrew the case under pressure from her community. The arguments put forward by the Muslim minority concerned the right to self determination, pluralism and diversity. Given the political contours of India, women's rights had to give way to the ethics of pluralism.

Pluralism envisions a state which allows a thousand flowers to bloom. But unless there are bottom line standards, pluralism in many societies will be achieved at the expense of women and their bodies. Female genital mutilation, Sati, or widow burning, punishment by stoning and inequity in the personal law will prevail over universal standards. Women's groups argue that pluralism is necessary but must be built on a firm foundation of human rights.

Women's rights are therefore the main reason why many states are against human rights and fundamental freedoms. In Beijing the universality clause of

human rights for women was debated until the eleventh hour. The final formulation read: "While the significance of national and regional peculiarities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of states, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms."

Many of us in Asia want to promote pluralism and autonomy to ensure ethnic harmony in our region. But pluralism also means that diverse standards for the private lives of women will prevail. If all women are equal, then why do Muslim women have different rights from Hindu women, or Malay women, from Chinese women? This dilemma is a very real one in many third world societies. The answer may lie with the question of voluntary choice. Women's groups have come forward with alternative formulations which rely on the notion of women's consent. Women and men should be given the right to choose which law should govern their private lives. If they wish to be governed by Muslim law then is their prerogative, but if they wish to be guided by general secular law that should also be a right granted to the individual. This notion of choice is integral to a human rights understanding of the issue of cultural pluralism and many feel that our attitude toward cultural diversity should be conditioned by protecting this choice. Cultural diversity should be celebrated only if those enjoying their cultural attributes are doing so voluntarily. By protecting choice, voluntariness and the integrity of female decision-making we may be able to reconcile the dilemma between cultural diversity and the need for the protection of women's human rights.

#### **Articulation of New Norms – Sexual Rights**

As I mentioned earlier, there is a case for calling women's rights the fourth generation human rights. The reason is that the movement is not only generating new interpretations of existing human rights doctrine, whether it is the right to be free from torture, to enjoy equality, or to limit the right to self determination - but it is also leading to the articulation of new rights, the most controversial of

which is the issue of sexual rights. Sexual rights refer generally to woman's control over her sexuality and her access to primary and secondary health care and reproductive technologies. They concern the international recognition of the rights of women over their bodies and their sexuality. The attempt to apply the human rights framework to reproductive health is an important innovation. The recent world conferences have been a major landmark in this field. The Declaration and Programme of Action of the International Conference on Population and Development (the Cairo Declaration) states "Reproductive health... implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and freedom to decide, if, when and how often to do so."<sup>15</sup>

Paragraph 6 of the Beijing Platform of Action also states that "The human rights of women include the right to have control over and decide freely and responsibly on matters relating to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence." Though the term "sexual rights" was included in the draft Platform of Action it was omitted from the final version, an omission indicating the controversial nature of this suggestion. It must also be noted that the formulation falls short of the right to abortion and sexual preference, an important demand of women's groups and the gay movement. And yet the inclusion of the paragraph, even in this truncated form, and its accompanying vision of sexual autonomy and freedom of choice are important developments in international human rights discourse. It is for this reason that there is an argument for making women's rights, and the accompanying formulations, the fourth generation of human rights. The legal doctrine coming out of international standards on violence against women and those emerging from the discussion of sexual autonomy do not really suit the old provisions contained in traditional human rights law.

In conclusion it must be said that human rights discourse is a powerful tool with which to critique states. The discourse which has near universal acceptance carries with it an air of



universality and legitimacy. And yet, when it comes to a woman's private life, we would be mistaken in our belief of we were not to accept the fact that in many societies human rights is actually a weak discourse in the context of family and community relations. While international human rights law is propelled forward to meet the demands of the international women's movement, the actual reality in many specific societies is that women's rights are under challenge from alternative cultural expressions. It is this weakness that troubles me because, regardless of all the international standards and accompanying national legislation, unless there is resonance in national civil society there is little scope for real transformation. So while international civil society has been active in the field of women's rights, at the national level, when it comes to family and community in many countries, civil society is far more conservative.

Women's groups working at the national level in many Asian and African countries are facing innumerable obstacles. In this regard I would like to dedicate this talk to Asma Jehangir and Hina Jilani, Pakistani human rights activists, who have had to face armed thugs in their houses and the threat of death for fighting for women's rights in the national context. This national struggle is the difficult fight, not the international one. Unless human rights discourse finds legitimacy in these areas of a country's national life, women's rights and human rights will remain mere words on paper. Therefore, in Asia especially, this is the paradox that we have to face. International standards of women's rights, which are at the frontier of human rights development, colliding with cultural movements at the national level which question the very articulation of women's rights in human rights terms. This contradiction provides the women's movement with the promise of ultimate liberation but it also contains the darker possibility where women's rights are subsumed by national upheavals which have little respect for the international formulation of women's rights as human rights. The next decade will witness this confrontation. One can only hope that the common values of human dignity and freedom will triumph over parochial forces attempting to confine women to the home.

It is only then that we will be able to celebrate the true victory of women's rights being recognised as fundamental human rights.

#### End Notes

7. Karen Knopf, "Why rethinking the Sovereign State is Important for Women's International Human Rights" in R.J. Cook ed p. 159.
8. Knopf p. 155.
9. Velasquez-Rodriguez, 28 I.L.M. 294 (1989).
10. Article 4 of the Declaration on the Elimination of Violence Against Women U.N. Gen. Ass. Res 48/104 (1993).
11. Dorothy Q. Thomas and Michiele E. Beasley, "Domestic Violence as a Human Rights Issue" in 15 Human Rights Quarterly 1 at p. 36.
12. Rhonda Copelan, "Intimate Terror, Understanding Domestic Violence as Torture" in R.J. Cook ed. p. 116.
13. Sunila Abeysekere, "Women's Human Rights, Questions of Equality and Difference", ISS Working Paper No. 186 (1995).
14. Martha Minow, Making All the Difference, Inclusion and Exclusion and American Law, New York, Cornell University Press, 1990.
15. See generally, Yasmin Tambiah "Sexuality and Human Rights" In Marge Schuler ed. *From Basic Needs to Basic Rights* WLDI, Washington, 1995, p. 369.

## TRADITIONAL HOMELANDS

*North-East merger?  
That's not half as lethal  
As these traditional homelands  
Beyond the Bentara river  
Remember that home spun adage  
About not taking back  
Even a cat that had strayed  
Into those parts?*

*How come this folk distrust  
Of the dark, deep South,  
With neither Yakkas nor Nagas?  
Was it the people the Portuguese indentured  
From the Malabar Coast  
As camp followers for the Conquistadors?*

*In time  
They became more Sinhala  
Than those Sinhala the Portuguese pushed  
Into the Sabaragamuwa foothills*

*Now fiercely patriotic, they keep out  
All other Sinhala from their traditional homelands  
Though as camp followers of the Raj  
They were the Free Market fallout of the  
Wastelands Ordinance  
All over the country  
And still at large.*

**U. Karunatilake**



# Women and Political Participation

Nimalka Fernando\*

If women's participation in politics and decision-making in their countries is a measure of democracy, then all countries have a long way to go to achieve true democracy. Although women are participating in increasing numbers in politics and public life all over the world, they still remain largely outside the realms of power and decision-making in governments.

Beginning with New Zealand in 1893, women have gained the right to vote almost everywhere often only after long and difficult struggles. The fight for women's suffrage in the United Kingdom and the USA, for example, began in the mid nineteenth century, and lasted well into the first quarter of the twentieth century. The Indian women's movement demanded the right to vote from the British in the 1920s and lobbied their political parties for support, but it was not until 1950 that women in India finally gained the right to vote. Before the second world war only 11 countries had granted women the right to vote which included Bolivia, Brazil, Cuba, Maldives, Mongolia, the Philippines, Sri Lanka, Thailand and Uruguay<sup>1</sup>. In a number of countries that had been colonised, women received the right to vote at the time of independence.

## 1. Women in Parliament and at Ministerial Level

The right to vote was a necessary step but, despite expectations, it was no guarantee that women would be able to participate in politics on an equal basis with men. In most countries, the right of women to be elected to parliament was granted at the same time as the right to vote, and in many places they were elected to parliament in the first elections following the granting of the right to be elected. In some countries,

however, there were gaps ranging from 3 to 4 years (Denmark and Australia). According to UN reports, by 1993, women had been elected to parliament of most countries of the world. Although women's participation in parliaments grew between 1975 to 1987 the pace of such increase has been uneven. Overall, women hold an average of only 10% of parliamentary seats<sup>2</sup>.

Unfortunately, we have observed that the number of female members of Parliament had dropped notably in the 90's following the political changes in the former socialist block countries. Under the one party system in socialist States, women held a relatively high percentage of parliamentary seats – almost as high as thirty percent. We are well aware that in our own country that there is a significant decline of women at all levels of political representation. According to statistics available this has dropped to less than one per cent<sup>3</sup>.

Worldwide women held only 4% of ministerial level positions in 1990. They were responsible for health, welfare, education, cultural affairs or women's affairs – areas traditionally considered as women's concerns. These ministries are marginalised in many countries and have limited powers and resources. Finance, foreign affairs and justice are areas that remain exclusively a male preserve, with a very few exceptions.

The twentieth century also witnessed few women heads of state or government, either elected or appointed. Many women who have reached the top came from families which are deeply involved in politics. Most of these women have been 'lone' women at the top. They have not, on the whole, been connected to women's movements or made special efforts to promote women's issues or open the way to other women to participate in politics. Notable exceptions are Ms. Bruntland of Norway whose Cabinet of Ministers was composed

equally of men and women and the Irish Head of State Mary Robinson who acknowledged the importance of the women's movement in Ireland.

## 2. Constitutional Processes and the CEDAW

The Preamble to the Convention on the Elimination of All Forms of Discrimination Against Women CEDAW states:

*despite these various instruments extensive discrimination against women continues to exist..... discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth and prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity<sup>4</sup>.*

The convention contains a range of measures which state parties should adopt in relation, *inter alia*, to education, public life, nationality rights, employment and health care. They are also required to amend their constitutions and laws to eliminate discrimination against women<sup>5</sup>. International conventions play an important role in setting and defining international standards. Furthermore, the reporting process embodied in international instruments is an incentive to take positive action. Unfortunately, we are well aware that they do not alter the harsh realities of life!

Many states have, since the adoption of the Convention and some states even before that amended their Constitutions to enshrine equality between women and men. For example, the 1978 Constitution of Sri Lanka and the present Draft Constitution are very explicit in this area. The principle of non discrimination on the basis, *inter alia*, of sex is guaranteed

\* Presented at the Consultations on Women's Rights and the Draft Constitution organised by the Law & Society Trust in December 1997. Edited for publication.



by the 1978 Constitution. The right to challenge discriminatory State action in the Supreme Court is recognised under Article 126. Furthermore, new legislation brought before Parliament which is discriminatory may also be challenged. The Directive Principles of State Policy which guide policy and statutory interpretation too articulate the State's commitment to prevent gender discrimination. Provisions in the Draft Constitution of 1997 have to be evaluated to ascertain whether we have moved forward with regard to ensuring further elaboration of gender rights taking into consideration: (a) the national context where women's participation in the economic life had increased during the past decade; and (b) the advancement made at the UN level to recognise women's rights as human rights. This casts an obligation on Sri Lanka as a member of the UN system.

At a Consultation held recently on the Draft Constitution of Sri Lanka convened by the Law & Society Trust the delegates considered the following as being absolutely and fundamentally important:

- (i) the unequivocal acceptance of the supremacy of the Constitution, and the conformity both of its terms and of the interpretation of those terms with the standards laid down by international law;
- (ii) the independence of the judiciary;
- (iii) the importance of judicial review, for consistency with the Constitution, of laws whether or not they come into effect after its commencement<sup>6</sup>.

For the purposes of the present discussion I would like to briefly ponder over some relevant provisions of CEDAW and their implications. The principle of gender equality and equality before the law are guaranteed under the 1978 Constitution as well as in the present Draft. The Constitution also recognises that special laws can be formulated for the protection of women.

Under Article 2 of the Convention State Parties are obliged to embody principles of equality, adopt appropriate legislative and other measures to prohibit discrimination against women; to afford legal protection; to eliminate discrimination against women by any person, organisation or enterprise; to take measures to modify and abolish existing laws, regulations, customs, and practices which constitute discrimination against women; and to repeal all national penal provisions which constitute discrimination against women.

Article 11 (3) (4) of the Draft Constitution deals with the principle of non-discrimination on the basis of sex and gender. For the purpose of our discussion it is important to look at the provisions of the CEDAW as its provisions are used to formulate charters and laws on women's rights. The Women's Charter of Sri Lanka, for example, is a replica of the CEDAW. The problems of the Draft Constitution with regard to gender rights are as follows:

- (a) Women can take action only against the State or public authorities for discrimination.
- (b) Article 28 states that "all existing written law and unwritten law shall be valid and operative notwithstanding any inconsistency with the provisions of this chapter". Implications are that all customary practices and personal laws will be left untouched. This is where major reforms are required if we are to truly uphold gender equality. This validation clause negates the very spirit of human rights. However, there is no clear indication of subsequent action.

Article 2 of the CEDAW titled 'Obligations to Eliminate Discrimination' obligates States Parties to condemn discrimination against women and to eliminate it through constitutional, legal and other appropriate means. This extends to public authorities and institutions, private persons, organisations and enterprises<sup>7</sup>.

The present Draft provides that a Commission be established to report to the President as to whether any law is inconsistent with the provisions of the fundamental rights chapter, and "the President shall, as soon as practicable, cause such report to be placed before Parliament"<sup>8</sup>.

The proposed appointment of a Commission to review discriminatory laws is commendable. Whether appropriate steps would be taken to revise laws based on international obligations as a state that has ratified the CEDAW is not clearly expressed. In view of the above observations neither the present Draft nor the 1978 Constitution can be seen as a legal instrument which fulfils the obligations under Article 2 of CEDAW.

Another important area that is not covered in the Draft Constitution is the issue of nationality. It is important to stress that unless we grant women equal rights with men with respect to the nationality of their children, the commitment to gender equality will never be realised.

Since the UN World Conference on Women in Nairobi, women all over have worked hard to promote legal equality. This enthusiasm is important as legal equality enables and validates women's struggle for equal rights and access to resources and makes equality a public issue. Constitutional changes alone, however, cannot end patriarchy or overturn centuries of discrimination. The speed at which the road from constitutional reform to real equality is travelled depends primarily on the political will of each government to reorient its priorities towards ending discrimination. As we have seen in many countries constitutional equality can also leave the real foundations of discrimination untouched. For example, although the 1974 Constitution of Thailand contains provision on equal rights, the 1976 Family Law discriminates against women in many respects, especially in the area of property rights<sup>9</sup>. We have raised



similar concerns on the present Draft Constitution of Sri Lanka. There is a vast body of law in many countries, including Sri Lanka, which regulates business, employment, social security, property, marriage, divorce and inheritance that impinges on women's rights.

### 3. Can women make a difference?

We need to explore the specific areas of the polity in order to increase greater participation for women. One proposal is the recommendation to obtain a quota for women. There are several issues related to this. When significant numbers of women are present in politics, as in the Nordic countries where women hold a relatively high percentage of electoral positions in government, studies have shown that they do make a difference. However, women are subject, just as men, to prevailing political practices and to global economic and political forces that effect the realisation of the objectives. A study on women in public life, carried out by the United Nations Division for Advancement of Women, contends that only a critical mass of women allows female politicians to bring different values to public life: "The fewer the number of women in public life..... the less they are likely to be able to confidently assert distinctively female values, priorities and characteristics. As a minority operating in a male domain, most women public figures, to be accepted and to function on a basis of equality with men, have had to adapt to and adopt the male priorities predominating in public life". Such behaviour must be studied and analysed: i.e. in the process of absorbing this male culture, women in high political positions tend to disassociate themselves from other women and even deny the very existence of discrimination<sup>10</sup>.

Some of the obstacles women face in relation to participation in politics are:

1. the relatively short historical tradition of political participation of women and the lack of experience in campaigning, public debate and exposure to media;

2. prevailing negative attitudes towards women's participation in public life, lack of confidence and support for female candidates and politicians on the part of the electorate, including women;
3. the difficulty women experience in combining a political career with the traditional role in the family and often in society;
4. economic dependency or lack of financial means;
5. insufficient education in general and political education in particular;
6. women's reluctance or diffidence to participate in politics, particularly at a high level;
7. inability to cope with political violence.

Political parties, parliaments and trade unions are major vehicles for political careers. The low participation of women in these organisations, especially at the leadership level, blocks important avenues for advancing to decision-making positions. Whilst women comprises a substantial part of the membership of political parties and are involved in fund raising and campaigning, they are most certainly excluded from leadership. The structuring of political working time, conceived by men for men, creates a time conflict for women between political activities and the time they must and wish to devote to their family. This is true for women in all countries, and particularly true for those in the developing world where traditional division of tasks between men and women remains rigid.

While political parties which are genuinely interested in seeing women taking an active part in politics should begin by mobilising their women's fronts at all levels, this by itself is not sufficient. It is necessary that women should be

consciously drawn into the decision-making levels. It is necessary to raise the question as to how many women are at the central committee level in our parties.

We have a similar responsibility as women's groups and NGOs. We need to critically assess our own behaviour and attitudes. It is not sufficient to only lobby for a particular quota for women or for reservations: we must ensure that women join political parties in large numbers and develop their own constituencies and enlarge the role played by them. This will enhance our own demands for reservations. At this point I wish to raise a pertinent issue: how have women responded to politics? There is a certain amount of fear among women to discuss politics and an even greater fear to participate in politics. At times we consider party politics as a contemptible game and, therefore, keep a deliberate distance from it, but also wish to lobby the same process for reservations or quotas. The very nature of our NGO activities has estranged us from politics. Many have worked for years on women's issues. Can we claim to have succeeded in creating a solid electoral constituency among women?

We should strive to bring about qualitative changes in various political fora with women's participation. We cannot join in this process passively or as mere puppets. Can we change the pattern that connections to powerful patriarchs is an important requirement for women in politics today?

### 4. Women in movements for liberation and democracy

During times of political upheaval, women from all regions of the world have come forward to defend or struggle for national independence and liberation and for greater democracy. Resistance or liberation movements have given women the opportunity to leave their homes and participate alongside men for radical political changes. Recent Sri Lankan experiences cannot be forgotten



in this respect: the Mothers' Front of Jaffna, Mothers and Daughter of Lanka, and the militant women of the JVP and the LTTE have to be mentioned. There is a necessity to look towards a qualitative change in this respect. Despite this activism we are sadly aware that the empowerment of women has not occurred to bring them into leadership positions at the national and regional levels.

If one takes a look at what happened to the gains of the Russian and Chinese revolutions, women, as usual, were expected, at the end of the struggle, to assume their traditional roles or were largely limited to supportive positions in political and public life. Although most victorious movements proclaimed equality of women and repealed blatantly oppressive practices, women's issues continued to be marginalised.

#### 5. Mechanisms for increasing women's participation

There have been several expert group meetings convened by the UN and the recommendations formulated based on these discussions are as follows<sup>11</sup>:

1. as an interim measure, substantial targets, such as quotas or similar forms of positive action to ensure women's candidacy for office and participation in political posts should be applied;
2. training programmes should be developed to increase the political and management skills of women in politics;
3. women's sections of political parties should be evaluated and strengthened to enable them to influence party policy and promote female candidacy;
4. parties should be encouraged to examine the criteria used to select persons for political functions/nominations lists;

5. Adopt appropriate measures to sensitise party membership on gender participation in political processes;
6. Provide finances to women candidates.

In some countries quotas have been successfully used to increase women's participation in the leadership of political parties and in party lists for elections. For instance, the Norwegian Labour Party stipulates that at least 40% of all candidates for election must be women. There is a proposal before the Indian parliament to reserve 33% of seats for women<sup>12</sup>. Quotas for women have been the most efficient strategy used to increase their political representation. It must be noted that affirmative action programmes like legislation on equality of men and women will not be effective unless women are aware of them and unless there is strong pressure to ensure that they are implemented. Although affirmative action is a useful tool for increasing women's participation, it is only a part of a larger strategy necessary to breakdown the existing barriers.

#### 6. Mobilising and organising of women

The experience of being continuously marginalised in mainstream politics leads us to believe that there is an urgent need for participating in feminist activities and politics. This movement is fuelled by the realisation that, despite the gains in the social, economic and political spheres, women are still a long way away from participating equally in society. The present day feminist movement did not spring up in a vacuum; the seeds were planted by our mothers, grandmothers or even great-great grandmothers who fought for women's rights as strong individual women, as part of the suriyamal movement, adult franchise movement and in the anti-colonial struggles and workers' movements<sup>13</sup>.

Let me conclude this presentation by sharing with you a verse from the song titled 'Women' of the Shakthi Group of India. This always inspires me when I feel depressed and hopeless particularly when discussing a topic like 'women and political participation'.

*Women,  
We have a purpose in our lives  
to be part of history, of a new dawn  
to be an overflowing river  
that waters the world  
which belongs to all equally.*

#### Notes

1. Women and Empowerment: Participation and Decision Making (Zed Books) (1995).
2. The World's Women, United Nations (1995).
3. Department of Census and Statistics, Sri Lanka.
4. UN Convention Against All Forms of Discrimination Against Women (1979).
5. Ibid.
6. See Report on the Consultation on the Draft Constitution prepared by Patricia Hyndman, Law & Society Trust, 1997.
7. Article 2 of CEDAW.
8. 1997 Draft Article 28 (1) (2).
9. Women and Law – APDC Publication, KL Malaysia.
10. Participation and Politics and Public Life, Zed Books (1995).
11. United Nations Division for the Advancement of Women, Expert Group Meeting Report, Vienna (1989).
12. Economic and Political Weekly, October 26 (1996).
13. Feminism and Nationalism, Kumari Jayawardhena.



# Women in India's Trafficking Belt

Meena Menon

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Reporting on the plight of women victims caught in the vise of the Indian trafficking belt, the writer draws attention to socio-economic factors which drive women to the flesh trade. The solution? This has to be looked at in terms of politics and the issue has to be fought politically, argues an activist.

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In the heart of Pandharpur is a small dirty *basti* (hamlet) along the main road. K, who comes from Satara, had a bad marriage and after her relationship broke up, she had nowhere to go. She met a friend who gave her a contact and she ended up in Pandharpur. Her only daughter lives in Satara. In a small dark room partitioned by a bedsheet, she conducts her business.

A young girl shows the red and white beads that signify dedication to the goddess Yellamma. She is in her early teens and says, 'Can you give me some work. I can do anything but I cannot read or write'. Business here picks up during the pilgrimages or *waris* held annually and during that time women come here from surrounding areas as well.

India's federal government's Central Social Welfare Board lists Karnataka, Andhra Pradesh, Maharashtra, Tamil Nadu and Uttar Pradesh as the high-supply zones of women in prostitution.

Belgaum, Bijapur, and Kolhapur are some of the common districts from which women migrate to the big cities either as part of an organised trafficking network or due to socioeconomic compulsions. Poverty, and desertion by husbands are two major factors contributing to women entering prostitution, according to a study.

In a visit to what is called the *devadasi* belt or the districts bordering Maharashtra and Karnataka, one finds that the trafficking structure operates at various levels. This may or may not be part of a mafia, which exists in big cities with contacts all over the country.

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Meena Menon wrote the above article as part of a media research fellowship from the National Foundation for India.

What one often tends to disregard is the ubiquitous system of contacts which the women seem to have. Everywhere it seems there are people posted to 'help' women in distress and give them the right contacts or addresses so that they can earn a living in this profession.

When the women are asked who these people are, there is always a vague reply. They are either reluctant or find it difficult to pinpoint exactly who helped them enter the profession.

Several women in prostitution in this region are either deserted by their husbands or have had broken marriages. Some were dedicated to the goddess Yellamma or had to fend for themselves after their husbands died. Only a few women were trafficked out of the region from among them or even brought to the present brothels through coercion or deception.

In one of the cities in this region, the red-light area is marked by a row of clean whitewashed tenements with old wooden doors. P is from a village near Latur. She was married and lived in Mumbai with her husband. An appendicitis operation forced her to go home and during that period, her husband remarried. Another reason was that she did not have any children after marriage. 'I wish I had children, then my husband would not have left me'.

Despite her pleading with him, he refused to leave his second wife and she decided to return home. While waiting for the bus home from Solapur, she was gang-raped by five men. This ended her resolve to go home and she found work in a mill where it was difficult because of daily taunts made by men. 'I had to enter this line as at least now I have some security' she said.

The women here have formed their own collective and have taken a strict stand against child prostitution.

In another city in the same region, in a prosperous well-built house, sits G, a *gharwali* (brothel-keeper) and a *devadasi*\*. One of the major traffickers of the area, she has contacts all over Karnataka. Women come to her through personal or local contacts. 'I don't buy or sell women but parents come to me for help, they bring their daughters and I pay them whatever they want' Most women arrive here after a few months of attaining puberty.

There seems to be no obvious pimping or trading here in the literal sense of the word, but there exists a well-entrenched system of contacts and a strong network. G accepts only *devadasis*, widows or those women whose marriages have broken up. Some of her relatives are employed in her brothel.

'When I go back home, I go in full regalia, lots of jewellery, heavy saris and people are very impressed. I leave word with families. If the families are in dire straits, the girls will come to me. I have no business dealing. I am helping these people'.

She admits that girls are tricked into going to big cities where they are sold, but that does not happen here.

Meena Seshu, an activist with SANGRAM, based in Sangli, Maharashtra, which has been instrumental in forming collectives of women in prostitution in various places in the region, says: 'Our contribution for the last five years is that we have demarcated trafficking from prostitution.'

'We must have a separate law talking



about routes, criminal nexus and how these issues can be tackled. Trafficking is a criminal offence and it has been unnecessarily confused in the Prevention of Immoral Trafficking Act. It has become moral or immoral issue. If you penalise the victims of trafficking, then are you addressing the problem?' she asks.

'We have to talk of who is facilitating the situation, who is falling prey to the demand and supply situation,' Seshu adds.

'Traffickers, and this can include family members, are all part of an organised criminal network. They are waiting like hawks for the girls to come of age. Today

the state is actually responsible. Abject poverty is one of the main reasons. Why are things coming to such a pass? This has to be looked at in terms of politics and the issue has to be fought politically'.

\* *Devadasi*, a term which literally means maid or servant of god, refers to the practice among certain communities in India of dedicating their daughter to the service of the temple deity (in South India, usually to the Goddess Yellamma). The girl is 'married' to the goddess and in the case of those married to the Goddess Yellamma, the symbol of this is a little necklace of white and red beads tied around her neck. A ceremony is held to mark the dedication and the girl

has to then earn her living by dancing and singing in praise of the goddess.

During the years, the system underwent a change and the women (from the era of the Vijayanagar empire) started serving kings and emperors and gradually over the years, powerful men from various strata of society.

Although the custom is now illegal, in Karnataka and other states where the practice still lingers on, women who are dedicated to the Goddess Yellamma when very young, are often sold into prostitution. Activists say only 15% of the total women dedicated enter prostitution but there are sizeable numbers of *devadasis* in the brothels in India.

(Third World Network)

## The Hour of the Unexpected

Mineka Wickramasingha

Some time back there was a center page report "DOOMSDAY ON MAY 8TH 1999," in a local daily, based on a provocative story in an Indian magazine. The author cites the Bible, the Quran, the Indian Puranas, (ancient scriptures) Nostradamus, mystics and myths of all ages in support of his claim that mankind will be wiped out from the face of the earth on May 8, 1999. To quote the correspondent, "Eight planets will line up on that unfortunate day and the world will come to an end."

In Europe fast selling, serious novels are based on doomsday happenings. Jean Dixon spoke of a Holocaust where a large portion of America will be sliced off by a large meteorite or swallowed up by the fierce sea. Our own, Ananda Maitriya of Balangoda, is quoted of having said, that the coming of pralaya (end of the world) is in 2002/3. Religious cults are preparing for the end; god fearing individuals have predicted the end at an appointed hour and mass suicides have taken place to escape to a comfortable shore before the dreaded event.

Americans have always been fearful of an enemy either human or alien that would destroy their world - America.

Russia is fragmented and is now no threat but some imagine a powerful Middle-Easterner, must be more hateful of Americans than Jews, to surreptitiously fly to the States and destroy Washington with Nuclear weaponry. Saddam Hussain is a demon now, like the Russians sometime ago were inhuman specimens. Imagination, Instinct or Intuition an uneasy feeling pervades and extends further when films and TV serials depict alien invasion - Independent Day was a sell out. Not only in America, in god revered India the magazine that carried the "doomsday" article had unprecedented sales and caused dread and confusion in Bangalore. Special pujas were held to propitiate the gods. School children refused to study declaring, what for, when the end is so near.

George Orwell wrote of 1994, but 1994 passed by uneventfully. Like Orwell many others have given predictions but we are still witnessing the sunrise. A strong spiritual movement in Japan that is becoming Universal, Mahakari, believes that the time for the change is now. Then, very recently the Pope has said to his weekly audience not to predict the end of the world. Does all this point out to an uneasy feeling in the air? Some ponder; some say yes, intuitively, and

some others strongly believe in an universal calamity as God's response to the decline of religious worship, the proliferation of the black occult and moral turpitude.

The warming of the earth and its serious repercussions are factual. El Nino is no more a strong speculation but a fact. New Year in England was storm and floods, in January its effects were seen in Europe and in February and March the devastation was in the East Coast of America. The unprecedented incidents of fires and floods could make some of us believe that El Nino may even be a premonition and a precursor to the event. It is escalating at an unbelievable pace and, very frightening. Is it going to be a catastrophe like Lemuria or Atlantis or of a greater magnitude?

But are we not in the age of the Aquarius, the Satwa Yuga - the Golden Age, free of Calamity? Or have the calculations gone wrong? It is said that the aquarian age dawned after the second world war. No doubt we have seen and are still witnessing great changes. Are these changes progressive? Certainly from a spiritual point of view though not necessarily from a moral



or religious standpoint. Religion is predominantly an adherence to dogma and cult; living spiritually is going inwards. We are aware that the old values are crumbling down and that new age values are more in harmony with the truth.

According to the Aurobindian philosophy these changes had to come to prepare for the next stage of evolution, which is a divine life on Earth and would naturally occur in a Golden Era. Evolution is progression, climbing the rungs of the evolutive ladder - from the first stirring of the impregnated void to amoeba, plant, animal and from the ape to the homo sapiens we have developed to a mental man who is half animal, half human. An imperfect product like man cannot justify the ultimate goal of evolution. "The step from man to superman is the next approaching achievement in the earth's evolution," Sri Aurobindo has said.

The Aurobindian Superman is not a Batman or Flash Gordon type, but would be a spiritual being surpassing the limitations of the present mental being. It would necessitate the transformation of the lower or animal nature in man to live in a spiritually refined higher order. It would be a Supra Mental Being and man would have to make a conscious attempt, and a sincere and constant aspiration too are required, for man to exceed himself. These alone are insufficient, says Sri Aurobindo, man needs divine help. To man's aspiration and attempts there should also be a response or a force must come down to Earth. If the earth has been sufficiently prepared the forces would respond. He describes it as an Ascent from Earth and a Descent from Heaven.

The Mother of Pondicherry declared that the supramental force descended to Earth on February 29th 1956. It is the force that will enable Man, the mental being, to gradually surpass his imperfect mentality to become a supramental being. It is forty two years to date and a supramental force that has descended in 56 should have had its impact on earth by now. Is it palpable?

There is evidence that a new consciousness is felt on Earth and more and more people are testifying its authenticity, giving that force various names and descriptions. Scientists, Doctors, Writers, Philosophers, and eminent men have endorsed the Mother's claim. As far back

as 1972, Dr. William Tiller, a professor in Stanford, spoke of a transformation that is occurring in man and called it the beginning of the Psychic Age of Man. Satprem in his book "On the way to Superhumanhood" called it a new evolutionary crisis as radical as must have been the first human aberration among the great apes.

Very recently in a local daily an article in the World of Science carried, "New and surprising evidence that the universe is permeated with a strange force that is pushing it apart could turn the whole science of cosmology on its head, astronomers said on Thursday. The strange repulsive force seems to be working against gravity to speed up the expansion of the universe." According to that article, Adam Riess, a cosmologist at the University of California at Berkeley affirms, "We are scratching our heads to think if there could be an alternative explanation for it - something more mundane than a repulsive force. The force is very weak on a small scale and it only becomes important when you are looking back. Its like a lot of little ants - one is weak but a lot of them can lift a big weight." Repulsion in this context means a force that is not genial to the prevailing earth forces. The dominant forces in today's world are money, egoism, hypocrisy and falsehood. We have to only look at the politicians in power, that govern the world, to justify these claims. Not only in politics, but in every field, the criteria for success and fame are superficial achievements, - most celebrities are empty of inner development. If a spiritual force has to manifest on Earth then falsehood have to give away and such a force will repulse existing forces. A churning process is inevitable.

"Man is a transitional being: he is not final," Sri Aurobindo has said. Are all these, indications that the transition has begun and is nearing its culmination point. Is the hour of God at hand. "For it is the hour of the unexpected, the incalculable, the immeasurable." Sri Aurobindo continues, "Unhappy is the man or the nation which, when the divine moment arrives, is found sleeping or unprepared to use it, because the lamp has not been kept trimmed for the welcome and the ears are sealed to the call. But being pure cast aside all fear; for the hour is often terrible, a fire and a whirlwind and a tempest, a

treading of the winepress of the wrath of God."

Its HAPPENING, the hour is near, are we a fortunate lot to witness this great event or be a part of the common herd that would be crushed and trampled by the wrath of God?

## The Anagarika ....

(Continued from page 3)

with Bengal, particularly the "Bhadralok" of Calcutta, which were occasioned by his 42-year commitment to Buddhagaya.

Though Dharmapala and the two Japanese Buddhists decided to "stop here and take care of this sacred place", it was not a feasible proposition. They moved into the Burmese Buddhist pilgrims' resthouse in Buddhagaya which had been constructed on the orders of King Mindon of Burma in 1875. After a month of privation Tokusawa left. Dharmapala, familiar with the methods of the Theosophists, vowed to set up an organization for the reclaiming and preservation of Buddhist sacred sites in North India.

### First visit to Calcutta

Leaving Kozen Gunaratne behind in Buddhagaya, Dharmapala left for Calcutta.

When I came to Calcutta in March 1891 nothing was known of Buddhism and there was no place where a Buddhist could stay in Calcutta. When I arrived in Calcutta an impulse led me to call on Babu Neel Comul Mukerjee, Secretary of the Bengal Theosophical Society, at 22 Baniapukur Road, and he received me kindly and offered me hospitality, and for a week I was his guest, and when again I returned to Calcutta to begin *Mahabodhi* work, I was welcomed by both Neel Comul Babu and his only son, Babu Neerodh Nath Mukerjee (Diaries: 1932, 3).

As an example of what Olcott called the "impulsive working of Dharmapala's mind", as well as his determination, we may take the latter's immediate decision to build a Buddhist *Vihara* in Calcutta. (This dream was realized twenty-nine years later, with the construction of the Dharmarajika Vihara in College Square.)

**NEXT: Mahabodhi Society**



## BOOKS

### Michael Ignatieff, *The Warrior's Honor: Ethnic War and the Modern Conscience*. (New York: Henry Holt, 1997, 207 pages)

Michael Ignatieff has written a compact, lucid and wise book on ethnic conflict, one of the most vexing global issues in the post-Cold War era. The resurgence of ethnic war caught most social scientists by surprise. Those belonging to the Marxist persuasion had dismissed ethnicity as a mere epiphenomenon which rising tides of revolutionary consciousness would simply sweep away. Most others, working within the expectations of the Weberian canon, had also seen ethnicity and ethnic consciousness as mere atavistic artifacts. The inexorable forces of modernization would, inevitably, undermine ethnic attachments.

The many tragic outbreaks of ethnic violence in the post-Cold War era, ranging from the fratricidal conflicts in Kashmir to the Balkans have belied both these optimistic expectations. Ethnic hatreds, carefully nurtured and stoked by callous national leaders, now threaten to rend asunder the fabric of many states in brutal and sanguinary ways. Many commentators seeking to explain this recrudescence of ethnic violence have suggested that its roots can be traced to putative deep-seated ethnic animosities. Held in check through various political arrangements, for example in Yugoslavia with the force of Titoist Communism, they are now simply asserting themselves. It is to Ignatieff's credit that he forthrightly challenges this seemingly attractive but ultimately flawed explanation. Instead, he argues, that ethnic identity, far from being fixed and definitive, is actually quite fluid and malleable. Consequently, the return of ethnic conflicts in most parts of the world stems less from the well-springs of long standing and more from the exigencies of specific political circumstances. For example, from Afghanistan to Rwanda, the collapse of public order led to the reconstitution of ethnic enclaves and identities. An American political scientist, Barry Posen, has called these situations

examples of the "ethnic security dilemma". Posen draws on the well-established concept of the "security dilemma" in international politics, where without a sovereign authority, states arm themselves to prevent being exploited by other states. In turn, they provoke the fears of others, who, in turn, arm themselves, thereby setting of an arms race spiral. On occasion, these spirals culminate in war. Similarly, under conditions of state collapse, in polyethnic societies ethnic group solidarity tends to increase. Lacking any overarching authority, fearing the possible wrath of other ethnic groups, they move to arm themselves. This process of acquiring armaments, inevitably, provokes the misgivings of other ethnic groups, who, in turn, feel threatened. These conditions are quite propitious for the onset of ethnic wars.

How does one contain ethnic violence? To this question Ignatieff does not offer any simple, predictable answers. Instead he focuses his discussion on three distinct entities and norms which may have some role in limiting ethnic violence. At one level, he discusses the role of various non-governmental international organizations, most notably the International Committee of the Red Cross. In a succinct account of the ICRC's work he shows how this organization has helped to ameliorate and mitigate the appalling consequences of ethnic wars.

He also sounds an important tocsin about the difficulty of reining in ethnic warriors. All too often, ethnic wars are not fought by organized and disciplined armies but by armed rabble who are imbued with newly-ignited ethnic passions. Certain conventions of war-making binds, to varying degrees, the combat behavior of most modern armies. Alas, no such norms necessarily circumscribe the actions of unorganized and undisciplined ethnic warriors. Conse-

quently, without widely-accepted limits on the use of force, ethnic war can quickly degenerate into sheer barbarism.

Finally, Ignatieff makes a passionate plea for the pursuit and development of civic nationalism. Instead of dwelling on what Freud characterized as the "narcissism of small differences", Ignatieff argues for the vital necessity of emphasizing the ties of human confraternity to forestall future ethnic conflagrations.

His advice, no doubt, is both wise and humane. Unfortunately, two factors, at different levels of social organization, undermine the prospects of promoting civic nationalism. At one level, politicians across the world, seek short-term political advantages. Ethnic scapegoating, all too often, provides a seemingly viable strategy for garnering political support. Once this cruel and pernicious process is set in motion it acquires a momentum that frequently culminates in ethnic war. At another level, the Westphalian heritage has emphasized ethnic nationalism and self-determination. This European legacy, thanks to colonial history of the last several centuries, casts a long shadow across much of the globe and dims the chances of the emergence of civic nationalism. Yet, the future need not be darkened by the pall of the past. As Ignatieff passionately argues, invoking the wisdom of James Joyce, who sought through his writing to free his fellow Irish from their historical yoke, we too can transcend our minor differences and press for a new vision of nationalism free from the taint of ethnic parochialism. Leaders and citizens, the world over, would be foolish to ignore this sage advice as humanity approaches a new millennium.

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