

CHRISTIAN WORKER

Quarterly in the interests of the working people

M. C. M. S. G. L.



CONSTITUTIONAL REFORM - NOW OR NEVER?

Political Undercurrents in Constitutional Reform

- Batty Weerakoon MP

Monuments for the Disappeared

The Jaffna Experience

- Kingsley Wickremasuriya

The WTO & Development in Sri Lanka

- Dr Gamani Corea

WTO, World Food System, and the Politics of
Harmonised Destruction

Protest against Eppawala sell-out

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To Our Readers

We have been compelled to combine here the last issue for 1999 with the First Quarter's issue for 2000 since our 1999 4th Quarter's issue could not come out in January 2000 as expected due to the breakdown of our office computer and the non-availability of hardware components to repair this obsolete model. We hope to acquire new equipment with the assistance of friends and avoid such a situation in the future. We trust our readers will bear with us.

Please note also the increase in rates of subscription from year 2000 due to enhanced costs of production and postage.

Thank you
Board of Management
Christian Worker

DATES TO REMEMBER

April 22

Easter Programme (Holy Saturday)
9.30 - 5.30pm

Study - Reflection - Discussion
Theme: No Living Without Dying

Led by: Fr Hilarian Dissanayake OSM and Fr Duleep de Chickera

Followed at 6pm by
Easter Eve Observances
(Easter Vigil, Feast of Light, Feast of Water)
climaxed by the **First Mass of Easter**
All are welcome

May Day Mass (Monday 1st May) 9.00am
St. Michael's Church, Polwatte, Colombo 03.

8.30am - Procession starts from the Parish Hall.
Clergy from all the mainline Churches will concelebrate
the Workers Mass with strong lay support.

This Service is Open to All

M. C. M. Iqbal

4th Qr. '99 & 1st Qr. 2000
(May)

**CHRISTIAN
WORKER**
Quarterly in the Interest of the Working People

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Now or Never?**

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FROM OUR READERS

S. Thondaman

I didn't personally know Minister Thondaman. However, as a Sri Lankan, I think that it is my duty to salute Minister Thondaman.

I do this because he was the Voice of the Voiceless Plantation Workers. Historically, it was during the time of the British that from South India came the ancestors of the present plantation workers, to work for the British. This in a sense was a world wide phenomenon. Hugh Tinker in his book *A New Kind of Slavery* writes about the Indians who came to Ceylon and also went to other parts of the world as workers.

Minister Thondaman became the Voice of these people. It is also historically true that because Minister Thondaman and his kind spoke and worked on behalf of the plantation workers of Indian/Pakistani Origin that the D.S. Senanayake Government disenfran-

chised them. The D.S. Senanayake Government felt that these workers will support the other working class parties in our Country.

Government in Colombo took the Plantation Workers seriously because of people like Minister Thondaman. Although the plantation worker was the back bone of the economy of our country earning foreign exchange by exporting tea rubber and coconut products, all Governments in Colombo tended to treat the plantation worker as the wretched of the earth. I know this to be true because my father worked for the British in the Company offices. In Badulla, Every time I went home for the holidays. I used to have a running debate with my father on this subject.

In a sense Minister Thondaman did play the role that the Church should have played. Unfortunately the Church surrendered its responsibility of being the Voice of the Voiceless on the plantations. The Church by and large was only Interested in saving souls and not in the life and work of the total human

being, the plantation worker. The Church in fact, supported the British Establishment of the day. Till recently the planters, the clerks etc. and the workers had their own separate services. It was found not proper for these categories of persons on the plantations to worship together.

If not for the work of the *Christian Workers Fellowship* and *Satyodaya* the Church would have lost its right to work for the plantation workers.

It was in his context that Minister Thondaman was the Voice of the Voiceless Plantation Worker. It is because of Minister Thondaman that the Plantation Worker has found a place under the Sri Lankan sky. Therefore, it is very appropriate that Sri Lanka remembers with gratitude the life and work of Minister Thondaman.

The Very Rev. Fr. Sydney Knight
Cathedral of Christ the Living Saviour
Colombo 7.

More about Solomon Islands

Warm Christmas greetings from Malaita and the Solomon Islands. May you have a joyful Christmas season and a good new year.

I have sent some of you updates of our situation over the past year. The middle of 1999 saw a heightening of the "ethnic tension" situation on Guadalcanal, including violence in both Honiara and the Guadalcanal countryside, the exodus of some 20,000 Malaitians from Guadalcanal (all returning to Malaita over a period of a few months) and the near collapse of the country. The causes of the events of the past year go back many years and are a complicated combination of colonial history, competing financial interests (both local and international), fear of loss of cultural identity, racism and political incompetence and intrigue. However, the suddenness of events surprised everyone, myself included.

In the last couple months the situation on Guadalcanal has improved with the deployment of a Commonwealth-organised international peace monitoring group who have been supervising the disarmament of the Isatabu Freedom Movement (formerly the Guadalcanal Revolutionary Army) and observing the behaviour of the Police towards Guadalcanal villages. However, there seem to be at least five independent factions of the IFM, some of whose leaders are more intent on criminal activity (drunkenness, theft and rape) than political change. Guadalcanal is a deeply divided society, with village people and politicians involved in the full range of cultural and economic options, from the urbanisation of Honiara to the international agribusiness, timber and mining interests of the Guadalcanal Plains and mountainous interior to the neo-custom Moro Movement that rejects anything that is perceived as western, including Christianity. Please keep the people and church of Guadalcanal in your prayers.

Malaita, including the Diocese, has sustained and aided the resettlement of the thousands of Malaitians, returning to their traditional lands from Guadalcanal, some never having been to Malaita before. Everyone has been hosting "displaced people" in their homes (the Bishop's House included), the Mothers' Union has been putting in gardens and helping in the distribution of the relief (they are less corruptible than the men)

and the churches and provincial government have been preaching forgiveness and reconciliation rather than retaliation. There has been remarkably little of the latter, despite Malaita's reputation for aggressiveness and violence. The majority of the 20,000 have passed through (and are still passing through) Auki, a town of only 7,000 so we have had busy times. Malaita Province and Auki remain calm and peaceful. The increased size of the Diocese has been noticeable in overflowing churches, abandoned villages coming back to life and very large confirmation classes. With the increased population our clergy shortage has become more acute but I hope that with the ordination of seven deacons in early 2001 the problem should be near so lution. We have no shortage of potential theological students.

In spite of the chaos, the work of the Diocese has gone on - visits to the Diocese's 37 parishes and 320 congregations, a one-week Diocesan Synod in Dala village in April, Regional Conferences ("mini-synods") and workshops in the Diocese's five regions, development of Airahu Lay Training Centre and Fauabu Clinic, Mothers' Union events, chiefs' conferences, ordinations, visits to secondary schools and religious communities, continued development of the Diocesan Office's administration capacity, etc. I seem to spend about one-half my time touring the Diocese, about one-quarter outside the Diocese and about one-quarter in Auki. The latter needs to increase but I am doubtful it will happen with two episcopal consecrations, the South Pacific Anglican Council Bishops' meeting in Brisbane and numerous Honiara meetings coming up next year. However, I value the time outside the Diocese as it is usually possible to get some rest.

The past year has seen very good cooperation in the Diocese in many areas. We have a good new Diocesan Secretary, Arthold Matangani, and a good new Mothers' Union Worker, Joy Maefilia. They and all the Diocese staff have worked very hard. Fr. Sam Sahu has returned from Trinity College, Singapore with his M.Th. and is Parish Priest of Auki and Acting Diocesan Programme Officer. This spirit of cooperation and working together has been so clear in the amiable tone of our Diocesan Synod, Diocesan Council and other Board meetings, despite some strong disagreements. It has been very helpful in getting us through the stress of the past year.

From late April to early June last year, I enjoyed seven weeks of holiday with a bit of work in Fiji, Canada, the US and England, including attending the Canadian House of

Bishops and spouses meeting in Quebec City, visiting many friends in Toronto, two weeks with my parents in Florida (both still well) and a week in England visiting friends and doing some Church of Melanesia work. I had another enjoyable week in Hamilton, New Zealand in October with the Aotearoa/NZ/Polynesia House of Bishops and visiting friends in Auckland and Suva. I have enjoyed a stream of overseas visitors from England, Australia, Canada and the Philippines. Most have adapted well to the Bishop's House, which is not a very private place and can steep as many as 20 people. I look forward to the visit of my former colleague from Church House in Toronto, Fr. John Rye, over Christmas. Next year we welcome the Archbishop of Canterbury in July. It remains to be seen if his Chaplain will really allow him to be transported by a traditional war canoe (paddled by women) from the airport to Auki!

It is not easy to convey day-to-day life here in a newsletter. It is still a world of deep faith, divine intervention, retributive justice, deep and affectionate personal relationships, natural cooperation, angels and demons. But it is also a world under threat, from within and without. The World Trade Organisation protests in Seattle brought home the question of whether, without the power to tax imports or exports, small countries such as the Solomons will have any government income, natural resources or educational and social programmes left - except those funded by the World Bank, the Asian Development Bank and various foreign aid donors. The Solomons' advantage is that the land is almost all traditionally owned, with ownership of customary land by foreign individuals and companies prohibited. One suspects that the WTO will also declare this traditional land ownership a barrier to free trade and try to ban it. I am sure that any attempt here to change the traditional land tenure would be met with violence.

I have just returned from a one-week conference of some 47 Anglican chiefs of the Northern Region where these and other traditional and globalisation issues were discussed in depth. One big issue was how to deal with the bribes from the foreign logging companies. The companies target the chiefs as the nominal land owners (on behalf of the whole tribe) and those required by law to sign to give permission for timber licenses. The companies hope that if the bribe is big enough, the chief will sign without consulting his people. We did much thinking around issues of justice, peace and the integrity of creation. We commissioned the chiefs and heard their recommendations at the closing Sunday Eucharist. The Conference was also a festive occasion, dancing to the panpipes late into the

night. The week before I was at the Small Malaita Regional Conference, again discussing issues of renewal and evangelism, inculturation and globalisation. At both events the worship was spectacular and moving.

I will finish here. Thank you for all your prayers and support. May you have a joyful Christmas and a blessed and happy new year.

Sri Lanka seems go from tragedy to tragedy. I hope you are persevering through it all. May you have a blessed and joyful 2000.

Peace,

(Bishop) Terry Brown

Bishop's House
PO Box 07, Auki
Malaita Province, Solomon Islands
New Year 2000

**Laws Delay-Cash
Bail / Cash
Deposits.**

I beg to submit a suggestion to bring some relief to litigants in the paying of cash bail, cash deposits and cash security to courts.

Cash Bail and other cash security paid into courts should be paid into a **savings account** that could be credited to the relevant case and in the name of the particular party paying it. As this is a savings account if the party is found innocent or discharged the bail money or cash security paid could be withdrawn and refunded **with interest** thus minimizing the injustice caused to the innocent person who was called upon to deposit this cash bail or deposit. It is also a known fact that even after the case is over it takes about two to four years sometimes to get these monies back from the courts. Thus interest could be added till the monies are refunded. If the monies are forfeited it could be credited to the relevant Government authority or person entitled to it with interest. The Justice Ministry may even consider selling the right to collect these monies to the **National Savings Bank** or such Bank after the necessary procedures and precautions on deposits and withdrawals are arranged for. These Banks will have to have a counter office in the Court Premises.

Depthi de Mel.
Attorney-at-Law
28A, Bagatiale Road
Colombo 3.
29.2.2000.

Talk to Terrorists

With reference to the above appearing in the Island of 13/01/2000 by Ruhune Gamunu, Colombo stating:- "the question that baffles the sensible and reasonable people' of this country after every blast is what crime did these victims commit to face such cruel fate? Why did the barbarians eliminate the valuable lives? Can any one provide an answer to this?" The answer to this is to counter pose the question, "Why did State Barbarians eliminate valuable lives and property, the valuable Public Library of Jaffna during the bloodiest period of July 1983 where thousands of innocent lives were lost and killed with impunity under State Political Patronage of the U.N.P.Government? The very people who voted for the U.N.P so their homes and innocent lives of men, women and children brutally murdered and burnt just because they were by accident of birth Tamils demanding their rights as, Sri Lankans bom and bred in Sri Lanka.

We believed in peaceful co-existence living in perfect harmony with our Sinhala Brothers. That peaceful co-existence had been shattered by Political Sinhala Chauvinism trying to maintain the supremacy of the majority race that has proved detrimental to the whole country. As you sow Terrorism, you reap terrorism.

If our Sinhala Politicians were wise and farsighted we could have avoided this miserable

confrontation brought about by their own folly. Every race has a right to live with respect and dignity as equal citizens in their own country.

So my dear brother Ruhune Gamunu, please see both sides of the coin and not be carried away considering only on one side of the coin. Why did the Tamils take up to arms? Because they failed to negotiate with our Sinhala Brothers when we talked of our rights as Sri Lankans. Why do you think we have no rights as Sri Lankan citizens ? As much as you are Sri Lankan Citizens. This negative thought that has made Sri Lankans fight Sri Lankans.

Now that the Government in trying to solve this ethnic crisis, let us join together and sensibly bring peace to our country saving Sri Lankan from doom.

All political parties and the LTTE should come down to grass root level and once and for all solve our problem.

*"Sabba papassa akaranan,
Kusalassa upasampada,
Sa chitta pariyodapanan
Etaṃ Buddhāṇu sasanan"*

*"Evil swells the debt to pay,
Good delivers and acquits.
Shun evil, follow good,
Hold sway over thyself,
That is the Way."*

- in Light of Asia by Sir Edwin Arnold

A. Gurusinham
Colombo. 11.

**"A Kavi Kolaya"
(A Poem - Leaflet)**

Distributed at the "Little encounter - remembrance - thanksgiving - dialogue" on the occasion of the 45th anniversary of the ordination as a presbyter of **Sevaka Yohan Devananda.**

Pangolla Estate. January 1st 2000.

I am no hero
I am no better than you
We are all equal
God is not the head
God is the equalising force
It's up to you now
I'm finished
I've done all I could
Doubt no more
But believe
We are all equal
You, me, god
Go out into the world
Create equality
Make them believe
In our common humanity
The creativity of god

*An extract from "Wearing Crosses" by Michael Mitchell, 1995
From the Student Christian Movement Journal "Praxis"*

The IMF U-Turn

The IMF administered structural pill
 Grist to Third World countries economic mill
 Which made possible East Asia's economic miracle
 Latter followed by 1997's economic debacle

These self-same IMF economic pundits
 Who sponsored the West's global investing bandits
 To roam freely in the Global Village
 Third World countries to plunder and pillage

A rash of fiscal concessions they extorted
 For Aid to be recommended
 The captive Third World think- tanks
 With hardly a murmur yielded to such pranks

Robber barons rushed in
 To make Third World economics whirl and spin
 To enter the Global Market
 Which was one big rigged racket

Footloose industries were thus established
 With obsolete - misnamed modern- plant refurbished
 Asian labour exploited
 Third World environment and resources ravaged and depleted

Economic Zones for trade were declared free
 For MNCs to exploit with glee
 Thus former colonies of yesterday
 Have become neo-colonies today

Third World countries vested with paper sovereignty
 Have lost control of their own markets in trade as well as equities
 Which are vital to preserve a nation's wealth
 Now a victim of Global stealth

With the fall of the East Asian economies
 The IMF pundits are bared of their follies
 To salvage their pride, resort they now to a U- turn.
 To offer topsy- turvy advice, former policies spurned

The Sri Lanka Government is now advised
 The direct tax regime to revise
 To make it more progressive
 And not as at present regressive

The same advice earlier given
 By our 1990 Taxation Commission
 which our sovereign Government spurned
 The encomiums of the MNCs and their IMF sponsors to earn

It is time we ditched the pseudo IMF experts
 Whose ideas like ladies' skirts
 Are frequently changed
 To help the West play Third World games

M.L.J. Mathew

122, Negombo, Road, Wattala

Patriotism

Blare, I will to my people the Cherie Blair episode
 Knowing too well
 Knowing, all too well - forgive my skepticism-
 That you can never straighten the old dog's tail
 And its useless trumpeting into the ears
 Of those pretending to be deaf and dumb

Hundred times Blair can be the Prime Minister
 Hundred times his wife can be pregnant
 Hundred times Cherie Blair can hop into the train
 Hundred times she can admit her ticketless ride
 Hundred times Arthur Harriot can fearlessly fine

Oh sorry,

Mr Mr Harriot,..fearlessly... that's irrelevant
 Yes, in a country that is free
 There. good Arthurs simply do their job
 Fear, or no fear never enters their head

Blare, I will to my people. the Cherie Blair episode
 Knowing too well that our notion of patriotism
 Is all too crooked

Therefore, I salute with people so simple
 Blair's patriotism that refuses to stretch enough
 To accomodate Blair's pregnant wife
 Cherie Blair's patriotism that rejects without regret
 Dependence on her husband's premiership

I solemnly salute with people so simple
 Mrs Blair's patriotism that does not shy to pay a fine
 Without unnecessarily disclosing her social identity

I very solemnly salute with people so simple
 Arthur's true patriotism
 Of performing the duty,
 Writing tickets without looking at faces

Blare, I will. to my People, the Cherie Blair entity
 Knowing, too well such will remain a rarity
 In a country that which matters is authority

Henry Victor

Chenkalady
 13.01.2000

Political Undercurrents in Constitutional Reform

Batty Weerakoon, MP

The proposed Constitutional Reform includes the abolition of the Executive Presidential system, and also the Devolution of Political Power. The Left in this country focus equally on both these imperatives but the same cannot be said of others taking an interest in both or one of these issues. The United National Party (UNP) is non committal on both these matters. A Right-wing section of the Sri Lanka Freedom Party (SLFP) does not wish to be out-done by the UNP on the chauvinist wing and perseveres in a muted opposition to the Devolution of Power proposals, and sees as advantage in preserving the Executive Presidential system. Those that call for the abolition of the Executive Presidential system, like the Janatha Vimukthi Peramuna (JVP) are opposed to the Devolution of Power, or, like the Nava Sama Samaja Party (NSSP), are ambivalent or equivocal on the question of devolution as has been proposed. They fail to realize that as far as the Tamil community is concerned there is a symbiotic relationship between the two issues.

The UNP's position is that any Devolution Package they are called upon to support must also have the approval of the LTTE. This has the appearance of an outlandish proposition because it is not conceivable that there can be any Devolution package that can fetch for itself the approval at a national referendum and also have the approval of the LTTE. This however is the very reason that the UNP is advancing that position. It is well aware of the position of the Tamil parties that so long as the Devolution issue remains unsettled in a manner acceptable to themselves it is their wish that the Executive Presidency should stay. Parties like the TULF have always voiced publicly the position that any agreement between themselves and the Government

should have the blessings of the LTTE. This position is no different from that of the UNP or the LTTE, and it will serve the purposes of what ever agreement there can be between the LTTE and Mr. Ranil Wickremesinghe of the UNP, as made evident in the course of the recent Presidential election. Here therefore is a body of opinion which, despite any differences on ground, constitute a single view or perspective. This is a politically reactionary position in that it allows no solution to the ethnic crisis. What is worse is that it utilizes the resulting paralysis of action on the ethnic front for the purpose of maintaining the reactionary Executive Presidential system.

It is not surprising that the Tamil parties have not shunned away from this position of support for the Executive Presidential system. They are all parties that have worked with the UNP administration at some point or other during its 17 year period, and have not drawn away from sharing political positions with the UNP. This is a situation that can continue up to the time of the forthcoming Parliamentary election, and if that is allowed to happen the UNP will be at a distinct advantage because the Peoples Alliance (PA) would have lost its case by default.

Governor

It cannot be overlooked that the SLFP's Right wing which is chauvinistic in character will be a big drawback in the PA fight against these positions especially when that fight involves accommodating the Tamil parties on some of their major matters of interest. The appointment of a Governor for a Region has become a sticking point. The Governor is the person representing in the Region the

Central Government. He has therefore to be appointed by the political authority at the centre. At the same time he is a person who has to function in the Region with a degree of understanding and cordiality with the Regional administration, especially the Chief Minister and his colleagues. The Governor cannot therefore be a person who is imposed on the Region by the Central Government. Thus it goes without saying that the appointment has to be made by the Central Government with due regard to the wishes of the Region's principal elected political authority, the Chief Minister. What is the nature of the process that ensures that due regard has been paid as required? A process that seeks "consent" or "concurrence" is preferred to "advise" or "consultation". In that situation there is no valid reason as to why the provision should not be that the Governor shall be appointed by the President on the advice of the Prime Minister and the concurrence of the Region's Chief Minister.

Land

The exercise of authority over land situated in the region has for long been a controversial question. This need not be allowed to be so any longer. Besides cultivable land the term "land" includes forests as well. The management of a forest which is not reserved or used for any other purpose, such as a sanctuary or a wild life park, can be left to a Region. But the question comes up in regard to ownership of the forest. More than half the forest cover in Sri Lanka belong to the Northern, Eastern and Southern Provinces. The Sinharaja, the most valuable stretch of forest that still survives is in the Southern Province. It will certainly be difficult to suggest that this forest should vest in that province. It is an area where national policy is crucial for its preservation and development. More extensive forest cover than exists in any other province is found in the Northern and Eastern provinces. These too have to be managed with due regard to national policy. Where such policy preserves forests intact there is no reason not to leave questions involving land use, that relate to non-forest land, to the Regional authority itself. This should not prevent the Central Government and the provincial authority acting jointly in any agreed exercise in land use.

Unit of Devolution

The question of the unit of devolution in the Northern and Eastern Provinces, though in appearance intractable, is in fact not so provided there is agreement on what interests are to be safeguarded. The Tamil population inhabiting the Northern and Eastern provinces in a contiguous stretch of territory will certainly find it feasible for such territory to be formed into a single unit of devolution. It is in consequence of this wish and aspiration that the

J.R. Jayewardene government merged the two provinces in putting the 13 th Amendment into operation. Since then it has been found that the interests of the Muslims who inhabit the Eastern Province in considerable numbers and in identifiable territory should have their interests protected. So has it been found as necessary in regard to the Sinhalese too. It is in this situation that the demarcation of the Eastern Province into two or three separate units has been mooted. The TULF has shown a willingness to consider a demarcation of a separate unit for the Sinhalese and the Muslims from a point to the south of Batticaloa. But the TULF's one condition in this regard is that the merger of the Tamil unit with the Northern province must be effected at the time of the devolution. This apparently is intended to pacify the LTTE. If that be so why not consider possibilities of effecting the merger right now and on paper, but postponing its implementation to a time when the people in the unit that includes Trincomalee and Batticaloa can freely decide as to whether they would accept the said merger or have it rescinded? Such freedom of vote cannot be except after the LTTE completely disarms itself.

Progressive Forces

Unless the political undercurrents as revealed in the moderate Tamil party politics are recognized and addressed the UNP and SLFP Right-wing positions will be consolidated and the LTTE's intransigence justified in the eyes of the Tamil community. The moderate Tamil parties can have no agenda of struggle against the LTTE on this front, and therefore they will once more be pushed into silence. What this would also mean is that the Executive Presidential system will remain unabolished. The progressive forces should therefore come to the fore demanding not only the abolition of the Executive Presidency but also the speedy devolution of power. Parties like the JVP should be exposed as promoting the objective result of maintaining the Executive Presidency despite their propaganda for its abolition. Parties like the NSSP cannot be allowed to peddle irrelevant issues like 'self-determination' without addressing themselves to the matters really in issue - those that relate to adequate devolution when the progressive struggle has really reached that point. The SLFP's right-wing cannot any longer be allowed to hide its positions and it should be exposed on its push for the retention of the Executive Presidential system. The UNP should be, forced to take its position in regard to the issues of devolution as stated above, or be pushed to the point when the exposure of its politics will shatter the bloc it had established between itself and the Tamil parties in the Presidential election.

The writer is presently Minister of Science and Technology besides being also General Secretary of the Lanka Sama Samaja Party.

Monuments for the Disappeared - What do they Signify?

By A Special Correspondent

M.C.M. Sgobal

Recently monuments had been erected near the Parliament Complex at Jayawardanapura and the Raddoluwa Junction at Seeduwa to commemorate those who had disappeared during the last decade at the hands of State agents and armed groups. The three Presidential Commissions of Inquiry appointed to look into the complaints in respect of these disappearances had received more than 30,000 complaints in respect of those who disappeared since January 1988. However, Human Rights Organisation put the number of disappeared during the period to nearly 60,000.

Implementation of an Election Pledge

In any case, Sri Lanka is high up in the list of countries where causing disappearances is a way of dealing with those who oppose the Government of the day. During the election campaign in 1994 the People's Alliance pledged to put an end to disappearances, to bring to book all those responsible for such disappearances and promised to take steps to prevent the re-occurrence of such events in the future. The appointment of Presidential Commissions of Inquiry into Disappearances was a step to fulfil this election pledge. The three Presidential Commissions referred to had completed their task and made their recommendations in September 1997. Their Reports have been published while the fourth Commission which has all Island jurisdiction is said to be getting ready with its Report.

It is common knowledge that no serious effort is being made to implement the recommendations of the Presidential Commissions on matters pertaining to dealing with the perpetrators of human rights violations and punishment of those who were responsible for the disappear-

ances. As a result the bad eggs in the police and security forces identified by the Presidential Commissions continue to be in service and do what they want with impunity even to the extent of causing embarrassment to the Government which is trying to show the world that it is in fact concerned about human rights violations in the country. The bodies of a number of persons found in the Diyawanna Oya, the Bolgoda Lake and other places, allegedly abducted in Colombo by the Special Task Force of the Police during the tenure of the present Government is an example of the disappearances continuing even under the present Government. Though the investigations into these abductions were concluded long ago, the prosecution of the suspected STF Officers has not been conducted diligently.

Prosecution

Effective prosecution and conviction of those responsible for disappearances is the most appropriate means of preventing future violations of human rights, especially disappearances. On the recommendations of the Commissions, a Missing Persons Unit was set up in the Attorney General's Department to prosecute those responsible for disappearances. This Unit however is obliged to act according to the law as they cannot institute cases merely on findings of Commissions of Inquiry. So the cases had been referred to the Inspector General of Police to investigate and submit the necessary evidence for the Attorney General to frame charges and prosecute those responsible according to the law as is usually done. Though **the Police Department has a Special CID Unit to conduct these investigations, it appears that they do not attend to these cases in all earnest for various reasons.** The brotherly feeling amongst the Investigating Officers

and the alleged perpetrators, many of whom are Police Officers, has resulted in the investigations becoming sluggish. It appears that recently about 200 cases had been instituted in Courts against persons identified by the Commissions as responsible for causing disappearances just to show that action is being taken. Prosecutions have not commenced in most of these cases. Those charged are persons of junior ranks in the police or army while in the allegations against senior police officers or officers in the higher ranks of the security forces, the police investigation become protracted and the Attorney General is unable frame charges against them. *Those who had indulged in causing disappearances and earned promotions, merrily continue in service and do not hesitate to act with impunity even now. Further, no cases have been instituted against any of the politicians identified by the Commissions who were in fact the patrons of the culprits. Some of these politicians have now even joined the People Alliance Government to the consternation of those who know the role they played in causing disappearances. One of them has been elevated to a ministerial rank!*

Collecting evidence to prove guilt beyond reasonable doubt in respect of those who abducted the persons who have disappeared, could be arduous especially because of the time lag. They cannot be charged for causing the disappearance of persons as the Penal Code does not speak of such an offence. If the Government is in fact serious of ensuring there is no repetition of the disappearances of the last decade, at least a few more cases like the Embilipitiya school boys disappearance case should be pursued vigorously.

Disciplinary Action

It said that in a war there are dead, wounded, missing and prisoners of war. But in Sri Lanka there had been a category of a detained and disappeared during the last decade or so. Hardly any prisoners had been taken either in the South or the North and East following military operations or confrontations. The allegations of mass graves at Suriyakanda, Chemmani and at about 10 such other places are yet to be probed to a finish. The fourteen odd skeletons found with hands tied and bones broken in Chemmani speak loudly of the violations of human rights that had in fact taken place. The Batalanda torture camp and the several others mentioned in the Reports have not been forgotten by the people in general and the human rights activists in particulars. **Could it be said that the commanders in-charge of the Units of the security forces and the Police in the areas where the torture chambers and mass graves existed were unaware of these camps and the torture, maiming, killings and burials that took place there? Why have they not been**

held accountable for these misdeeds and disciplinary action not taken for shielding or turning a blind eye to human rights violations by their subordinates? Would it not be better to prosecute and convict at least a few such high ranking Officers, so that it would be a lesson to others who may try to emulate them.

If charging them in a Court or Law for causing a disappearance cannot be done because there is no such offence in our Penal Code, they could be charged for abduction or disciplinary action taken against them for violating departmental rules. *The Commission Reports indicate that both the police and the army had not followed departmental procedures in respect of those detained or taken into custody. But the Inspector General of Police and the Army Commander do not seem to be keen to deal with the miscreants in their midst. Or is it that the Government is so heavily dependent on police and the security forces for its existence that it does not want stern action against such persons for fear of stepping on their toes?*

Confessions

Interestingly enough, newspaper reports have indicated that the well-known and much talked of police officer Douglas Peiris said to have been heavily involved in disappearances and torture especially at Batalanda, is prepared to return to the Island from his self-imposed exile and make a clean breast of the atrocities within his knowledge if he was given protection. *Does this not cry out for the introduction of some procedures such as those used in South Africa in its Truth and Reconciliation Commission, so that the persons genuinely repentant of their past misdeeds could make confessions and statements to help uncover atrocities especially during the terror period in our land and receive pardon on account of their frank disclosures? Is not this a better and expeditious way of dealing with this curse which has slurred the good name of our country?*

Memorials

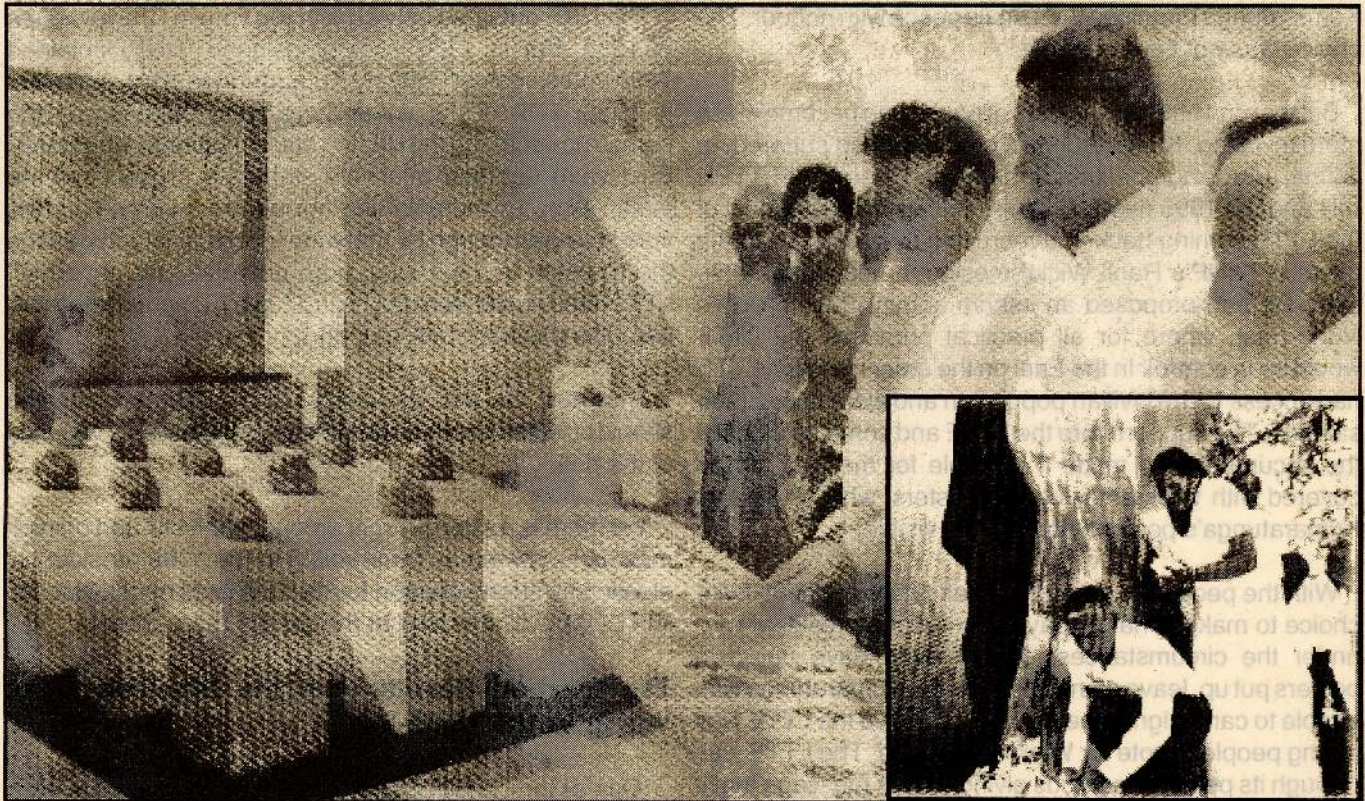
The Western Zone's Commission on Disappearances in its Report made a recommendation to create a "Wall of Reconciliation wherein should be inscribed the names of all who have disappeared or died during this tragic period of history." The report went on to say that it "considers this recommendation to represent a very important aspect of National Reconciliation." This memorial wall which should contain names denoting all sections of the Sri Lankan people, will be a symbol of our essential unity to future generations, a place to which everyone in this country could come and pay respect to those the country has lost.

Certain Ministers of the Government have taken steps to construct a "Temple of the Innocents" near the Parliamentary complex at Sri Jayawardanapura to commemorate the schoolboys who were held by Court to have been abducted and killed at Embilipitiya as well as others massacred during the terror period. A monument has been put up by certain members of the public at Raddoluwa Junction, Seeduwa and unveiled on Independence Day this year, as a memorial for two trade unionists butchered at that spot and to others also done to death during that period. These monuments may be an inducement for others to follow suit and keep alive the sad memory of these massacres and so continue to focus attention of the need for action by the Government in this connection.

Such a measure however could only become meaningful after action on disappearances and atrocities has been resolutely and creatively pursued by the Government in the interests of justice. This could take the form of prosecuting offenders where possible, taking disciplinary action, as suggested, and the recording of statements of those who are moved to make a genuine confession of their past misdeeds and the reasons for such conduct on their part. This process would also involve the disclosure of the political personalities responsible for these atrocities before the people of this country. It is such a resolute course

of action that is demanded of this Government both in its own interest and in the interests of justice. To fail in this duty would be betrayal and denial of the Government's own election promises given as far back as in 1994 and leave room for future occurrences of this nature.

The significance of constructing monuments, for the disappeared right now would then be to remind the people how the Government has until now side stepped taking action against perpetrators of human rights violations and itself constructed a monument to cover up failing to do its duty by those who lost their loved ones at the hands of the agents of the then Government and the armed groups, both of whom acted with impunity. Recently an alleged perpetrator of such atrocities was even elevated to a ministerial position as stated earlier while some offenders in the police and army services have got promotions. The unrepentant security forces, the Police Officers and the politicians who were behind them, will some day have to answer for their sins. It would not be surprising if the guardians of human rights both in and out of Sri Lanka and the forces of karma one day hound these miscreants as Hitler's Generals were hounded after the World War II or be arrested like General Pinochet in a foreign country at the most unexpected moment and brought to justice!



"Temple of the Innocents"

Inset - Placing flowers by the Raddoluwa monument

Voting in the North-East and the People's Will

- Dr. Rajan Hoole

Voting Under Abnormal Conditions

The voter in the South, unlike his counterpart in the North-East, is not faced with stark choices. Life for him would remain substantially the same whichever party is in power. Thus the Southern voter can, if he so wishes, be cynical about party politics, opt out and work for alternatives without being greatly affected. For example in the 1988 presidential election, Premadasa was pledged to pulling out the Indian Peace Keeping Force. To the voter in the North-East this meant a plunge into uncertainty. The war of June 1990 proved him right. In 1994 Chandrika Kumaratunga promised the Tamils peace with honour. The choice was not hard to make.

But then in 1999 the question of peace had become much more involved. Kumaratunga's credibility had suffered. In Jaffna, a large number of voters who had tasted the LTTE's rule and the 1995 exodus, were faced with the prospect of the LTTE coming back and recruiting their children in the event of UNP's Ranil Wickremesinghe becoming president. He had proposed an interim administration for the North-East, where for all practical purposes the LTTE would be in control. In the East on the other hand the LTTE had access to the civilian population and were taxing their salaries. The support from the LTTE and some sections of the security forces made it possible for the walls to be covered with Wickremesinghe's posters, while President Kumaratunga's posters were hardly visible.

With the people faced with a bleak future and a delicate choice to make, it hardly pays to vote for a president who under the circumstances, cannot even have her own posters put up, leave alone bring peace. Kumaratunga was unable to campaign in the North-East, while the LTTE was urging people to vote for Wickremesinghe. The LTTE was through its peculiar methods giving a clear message that it was a force to be reckoned with. People are not allowed to defy it and live in peace. This no doubt influenced the

voting. Likewise, the displacement caused by LTTE shelling in the North.

In the 1988 presidential election too the LTTE was backing the UNP candidate Premadasa. Yet Premadasa obtained only 28% of the votes cast in Jaffna District. In the East the UNP obtained 50% or less. The Socialist Alliance led by Ossie Abeygoonsekera then did well in the North, winning in the Chavakacheri, KKS and Manipay seats. The UNP narrowly beat the Socialist Alliance in Kayts. This was the only seat in Jaffna, then won by the UNP.

The UNP obtained only 23% of the vote in Chavakacheri in 1988. But in 1999 Wickremesinghe (UNP) obtained 7490 votes against 3392 by Kumaratunga (PA). Note that in 1988, 77% of the votes there were obtained by the parties now forming the PA. In 1988 conditions in the North-East were deemed relatively stable as prospect of the Indian Army's withdrawal was not taken seriously. Thus the voter acted as though he had wider options. By comparison the situation in 1999 was more coercive and abnormal. LTTE-fired shells were falling in Chavakacheri where there was little basis for UNP-support.

Thus the low-poll as well as the abnormal situation should be taken into consideration in judging the significance of the poll.

Yet there is a strong thrust among 'analysts' and opinion makers to represent Tamil voting in the 1999 presidential election as strong support for the UNP and hence also the LTTE. We will now look at the results more closely.

The Election Results And the Significance of Voting in the North-East

One of the central issues around the presidential election was the UNP candidate's proposed solution to the ethnic question as opposed to the political solution pro-

posed by the PA government. Associated with this were the demoralisation in the army and the accusations being traded about recent military setbacks. There were a number of instances in the North and East where the army was campaigning for a UNP victory. There was a discernible mood where many of them wanted to let the LTTE assume a position of authority in the North-East and take a break, even if only for a few months. Besides this there was dissatisfaction with the management of the Army in the middle ranks which percolated down to the lower levels.

A closer look at the election results nation-wide do not supply evidence of a sympathy vote for Chandrika Kumaratunga after her narrow survival from the suicide attack by the LTTE 58 hours before the elections. Out of the thirteen contestants, Chandrika Kumaratunga received 51.12%, Ranil Wickremesinghe 42.72% and the JVP candidate Nandana Gunatileke 4.08%. The final result did not in any district reverse the order established in the postal voting ten days earlier. The difference is mainly that in most southern districts, the JVP polled about 40% higher in the postal vote than in the final. This about accounts for the final results. One interpretation given by analysts is that a number of persons who would have voted for the JVP switched their vote to the PA in sympathy over the attempted murder of Mrs. Kumaratunga. However, there are two other factors that appear to be more explanatory. One is that those who participated in the postal vote were government employees with a higher level of education who are more politicised than the average voter. The other is that a number of voters who were disillusioned both with the PA and the UNP would not have bothered to go and cast their vote on election day. But in casting the postal votes it was different since the ballot was coming to them at their place of work.

The voting pattern in Jaffna supports this line of argument. In the postal ballot in Jaffna Chandrika Kumaratunga obtained 45.7%, Vasudeva Nanayakkara (a left rebel) 40.4% and Ranil Wickremesinghe 14%. The vote for Vasudeva Nanayakkara is clearly a political vote by a more sophisticated group disillusioned with both the PA and the UNP. In the final voting on the 21st December, this changed to PA 46.7%, Vasudeva Nanayakkara a little more than 3% and Ranil Wickremesinghe 43%. In Jaffna itself those who did not vote for the UNP despite the LTTE campaigning for it, clearly did not want

the LTTE back. This proportion is more than 50%. More than half of those in Jaffna who could have voted did not vote, either because they did not get their polling cards to their present address or because they did not think the major parties were worth voting for.

The results in Jaffna are given below which we give here because they have not been published in the Press.

Electorate	PA	UNP
1. Jaffna	3,633	3,338
2. Nallur	5,113	4,815
3. Kopay	6,604	5,942
4. Manipay	9,188	4,994
5. KKS	5,324	2,268
6. Vaddukodai	4,485	2,003
7. Point Pedro	3,048	4,284
8. Udupidy	4,661	5,684
9. Chavakachcheri	3,392	7,490
10. Kayts (Islands)	3,555	3,571
Total	52,043	48,005
Kilinochchi	4,99	1,222

The Elections as a Measure of Opinion among Tamils

As mentioned earlier the LTTE directly in the North-East and also the Tamil Press applied considerable pressure on the Tamil voters to vote for the UNP. By comparison, the arguments for voting for PA were hardly ever expressed. There was little discussion about making a choice and how to influence events in the future. Hence voting was governed either by indifference or the experience and alienation people felt in their present circumstances. Indeed rather than widespread Tamil support for the UNP as alleged by media and commentators the state of mind of Ceylon Tamil voter as revealed in the election results is considerable disillusionment with all the choices before him. In all electorates where the Ceylon Tamil voter had formed the majority or even a significant minority, the proportion of those voting was low. In Trincomalee electorate for example, where the PA obtained 31.6% as opposed to 64.1% for the UNP, only 58% had voted which means that 42% decided to stay at home. In the country as a whole 73.3%

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of the registered voters had voted. And the proportion was more than 80% in the Hill Country. In the Batticaloa district where Tamils form the majority, and Muslims a significant minority (Batticaloa has a UNP MP who is a Muslim), the UNP polled 61.2% while the PA polled 34.7%. But 35.6% of the voters had stayed at home. In Colombo West and Colombo Central which have a significant Ceylon Tamil population with the UNP obtaining 65 and 60% of the votes respectively, the proportion of those who cast their votes was 64 and 70% respectively. By comparison voting has been heavy among Tamils of recent Indian origin (e.g. Hill Country). The Tamil business community too has generally preferred the UNP as is evident in Colombo North, the Islands in Jaffna and to some extent in Jaffna town.

Among the pressures exerted on the Tamil voter by the LTTE was displacement caused by shelling during November and December which was acutely felt in Vavuniya, Mannar District, Thenmaratchy in Jaffna and along the coastline of Jaffna town. This has also been reflected in a low poll. The possibility of the LTTE actually taking over these areas was very remote and could have happened only if the Sri Lankan army simply cracked up. The shelling was rather to give a message - "If you want to survive with your meagre properties, do as you are told". Here was a situation where there was grave doubt everywhere as to whether the Government had a military and a political strategy to bring the war to an end. If the prospect was one of the war going on endlessly without a political solution to the Tamil problem, then accepting fate, saving what they can and preparing to live as best as they could under the LTTE makes sense.

This is also similar to the logic used by the armed services in the conflict zone. This was the first time they were visibly supporting a party at the election. If they judged that the Government did not have a strategy to end the war, it made sense for them to allow the LTTE to take over, go home, and live. As with the civilians it had nothing to do with support for the LTTE.

The elections in the North and East were held under conditions that were necessarily imperfect and abnormal. Thus, no precise judgements are possible. The result is clearly not a mandate for the LTTE. We could safely say that at least 40% of the Tamils in the North and East actively oppose the LTTE. The proportion is higher in the Valikamam

sector of Jaffna after the bitter experience they had with that organisation during the forced exodus during 1995. A large number of Tamils kept away from voting, declining to endorse the LTTE (by voting for UNP) or anyone else.

The Role of The NGOs, the Media and Monitoring Groups

For a long time these groups have acted as important spokesmen of Tamil opinion, for the reason that the ordinary Tamils are not free to speak for themselves. What these groups say influences foreign missions that come here to assess the situation. Their links with global organisations matter a great deal in influencing perceptions and it is their voices that are heard at international conferences. We cannot and do not quarrel with this, except to point out that a heavy responsibility rests upon their shoulders. And so it is important to judge, hopefully as a corrective measure, how they discharge this responsibility. The persons who led the monitoring of the recent elections were also largely drawn from these groups. We deal with how they conducted themselves with regard to the elections held in Jaffna.

On 22nd December after the election results were released the BBC Tamil Service correspondent in Jaffna went on the air. He was also a local monitor appointed by the NGO Centre for Monitoring Election Violence (CMEV). Answering the question how Chandrika Kumaratungea got so many votes in Jaffna in spite of the LTTE leader Vellupillai Prabhakaran's injunction not to vote for her, he replied that the reason was large scale impersonation. He added that he spent at a particular polling station two of the nine hours allocated for voting and although the voting was sluggish, there were many more votes when the votes were counted. He and his team were not allowed, he said, to enter some polling stations, where he suspected ballot stuffing.

This was the first step in totally discrediting the elections in Jaffna as a whole. Apart from this many allegations were passed on by word of mouth, particularly through NGO circles. One was that the EPDP leader Douglas Devananada unloaded 50 boxes at Palaly which he later claimed had contained books for libraries, but were rather suspected to be ballot boxes. Another allegation was that voting was

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sluggish in the morning, but in the course of the afternoon many votes had got into the ballot boxes, suggesting foul play. Some of these allegations came out casually at respectable seminars. The overall impression that was communicated was that the Tamils who are supposedly behind the LTTE would have voted overwhelmingly UNP but for a wide range of malpractices.

Many of the deficiencies and peculiarities of voting patterns in Jaffna are common knowledge, at least to people there. People are afraid to vote because the Tigers are hostile to their doing so. The general pattern as evident also in 1989 is that the people tend to stay at home in the morning, observe the crowd on the road and then go, and vote when they think its safe. Otherwise, by common consent the people spread the story that the security forces are forcing them to go and vote. Then as they go to vote they keep spreading the story that the security forces are threatening those who do not vote. Then more and more people join in spreading the story at the same time. It is for this reason that the voting starts sluggishly, then suddenly everyone rushes in to vote, and in a short time it is all over. It is also generally known that the electoral register used was the same one that was used in 1989 and a large number of polling cards went to addresses at which the people no longer lived or were sent to persons no longer in Jaffna. But there is no evidence of significant misuse of such cards. Also, as in 1989, polling booths were clustered for security reasons, which makes access more difficult for many people. There were also complaints of inadequate guidance about where people go and vote. These are limitations to the poll. But it still gives some indication of what the people feel.

It must first be pointed out that there was not a single incident of election violence in Jaffna that affected polling. A grenade blast occurred near a polling centre at Chavakachcheri, which did not affect polling. The complaint by the BBC TS correspondent that his team being refused entry to some polling booths was indicative of stuffing, is, as we understand, an invalid one. The monitors we understand were not mandated to enter polling booths but many presiding officers used their discretion to entertain them. Refusal of entry is not a slur on a presiding officer who may have resented entry of unauthorised persons. The key observations by monitors about Jaffna are not to do with election violence that is the main part of their mandate.

The monitors were not authorised to challenge individual voters and check their bona fides. This could have been done only by polling agents and policemen. Thus any claims of impersonation they make will have to systematically sourced to the latter. Thus in making allegations about

large scale cheating at elections, considerable reliance has been placed on local monitors - eg: the BBC TS correspondent.

The Facts as Presented by Responsible Citizens

Many local persons were dismayed by the manner in which the facts were being presented in Colombo. We give the facts as compiled by them. The security forces in Jaffna had decided that they would not let the PA win by unfair means. Before the elections, the police dissociated them the EPDP, which was supporting the PA. They were very alert for impersonation and did their job well. Suspicious looking individuals were challenged and were allowed in only if they had their polling card or the IC. When people came in groups and aroused suspicion they were checked and sent back.

There were no complaints in the Jaffna, Pt Pedro, Kopy and Uddupiddy electorates. In Nallur electorate there was one incident where a member of a Tamil group was found canvassing for the PA in a polling centre in Ariyalai until ordered out. In Manipay where there were three clustered polling centres (Ramanathan, Skandavarodaya and Mylany schools) a minibus and a bus (all vehicle numbers noted) were transporting voters - about 15 on each occasion. Where impersonation was suspected they were turned back by the Police. There was a similar situation at KKS (polling centres at Mallakam High School and Rehabilitation Centre at Tellipalai), where two vehicles were seen transporting voters. In Kayts there were two vehicles transporting voters and impersonation was suspected. In Vaddukkoddai again there was transportation of voters and attempted impersonation. In Chavakachcheri there was nothing apart from the grenade explosion. Thus all we are left with are cases of attempted impersonation and suspected impersonation and impersonation is believed to have been minimal because of alertness of the Police. As regards voting, the situation was not much different to other parts of the country where voting was smooth.

The numbers who voted was consistent with the voting in the local council elections last year, suggesting little abuse of polling cards of absent persons. If there was significant impersonation, it should have shown most in Kayts where the EPDP was the strongest. But there the PA in fact lost. The rejection of the LTTE throughout the 6 electorates in Valikamam is in keeping with the experience of the forced exodus. Moreover in the rural, agricultural belt of Valikamam there has been traditional support for the Left and the SLFP. The observers contacted by us maintain that the reports given of impersonation in Jaffna are highly exaggerated and that it is no more than in normal elections by all parties.

The story about the EPDP trying to substitute the ballot boxes has no credibility. If the EPDP had landed the ballot boxes at Palaly where the Army was sporting many Ranil Wickremesinghe calendars, it would have become a big story. There was no possibility of substituting stuffed boxes for boxes being taken for counting. It is well known that these boxes are signed and sealed before being transported to the Kachcheri for counting accompanied by government officials and policemen. The seals are checked before the boxes are opened in the Kachcheri. There were enough government servants and reporters compromised with the LTTE and if there were concrete abuses, they would have been widely known.

Issues Not Raised by Monitors

Since the monitors were going beyond their mandate in reporting, they should have gone into the integrity of the electoral process as a whole. For example, no one was allowed to campaign openly for the PA. By comparison, those working for the UNP acted quite freely in Jaffna. Promotion of the UNP in Jaffna was done by a group of businessmen who had flourished under the LTTE. Theirs were the first posters to come up. In Vadamaratchy campaigning was done by TELO, which takes a survival-oriented approach to the LTTE. Even the little campaigning for the PA in Valikamam was done at considerable risk. Near Jaffna town, a grenade was thrown at EPRLF members distributing pro-PA leaflets.

Then there was forced displacement and shelling in Mannar, Vavuniya, Thenmaratchy and Jaffna town. These psychological pressures distort the voting pattern in a situation where a only small fraction of the people have voted. For example, the LTTE had already put out leaflets in the name of 'Lovers of Tamil Freedom' calling upon people to topple Chandrika Kumaratunga from the presidency. In this situation, people who were known socially as those who would have voted for the PA would have had to think twice about going to vote. The shelling and displacement added to the intimidation. Just one hand-grenade thrown near a polling station in Chavakachcheri gave a message to those who were inclined to vote PA. In general, those who voted PA were afraid to talk about it. Indeed, it was the case that in Chavakachcheri the UNP got a majority that was not reflected anywhere else. Moreover, there is little traditional support for the UNP in Jaffna. Despite sending packages about his Janasaviya programme to all the voters of Jaffna, Premadasa in 1988 received only 28% of the vote.

The distortion in favour of the UNP is also reflected as pointed out earlier in the fact that only 14% of the postal votes in Jaffna went in favour of the UNP. Also the PA has

done better in areas where larger numbers have voted - e.g. Manipay. In Jaffna where there was shelling, the voter turnout was low. On the whole, what the voting pattern in the North-East tells us is that compared with 1994, a large number of Tamils are disillusioned with the PA government. But only a small fraction want to live under the LTTE, if they are given a free choice and better alternatives. For those who care, it is this dilemma facing the community that must be brought out and remedial measures should be advanced and campaigned for. But many of those affiliated to NGOs concerned with democracy and peace were behaving as though they were pushing the Tamils to vote for the UNP, rather than choose an option that was good for them.

Tamils, the Press and the NGO Community

In Colombo there was a strong drive in the press to set off a UNP wave by spreading the story that the UNP was definitely winning. In Jaffna this line was carried by agents who went there. But as we have shown there was no such wave as indicated in the postal voting which took place ten days earlier, which showed a significant lead by the PA. Some of the monitors who went to Jaffna also showed insensitivity to the situation of the local people. They knew from last year that certain individuals in monitoring groups would not help independent monitoring. It was known that other people would not speak freely in their presence.

It is a fact that many Tamils who did not want to live under the LTTE felt that irrespective of the PA government's performance, they had little choice but to vote for the PA. They were afraid of what Ranil Wickremesighe proposed to do. How did an articulate section of the NGOs and journalists who championed human rights, democracy and particularly for freedom for the Tamils to determine their future, fail to protest at the dubious position of a candidate and a party whose record is of one day subjecting the Tamils to violence, and when the consequences of that become too much for them, make an indefensible deal and hand over the Tamils willy nilly to the LTTE? It did not stop there. In 1990 June when the LTTE, after a respite, showed it had other ideas, the government mercilessly thrashed the Tamils. This time Ranil Wickremesighe clearly had no ideas beyond helping himself to the Tamil vote. He was not a novice who did not know that any deal with the LTTE was only a temporary expedient. The only idea he seems to have had for meeting the predictable contingency was General Algama. The LTTE was evidently not pleased.

Thus responsible persons with a concern for people should use their clout to steer clear of situations which lead to such monstrous consequences. Some of these activists have defended their support for the UNP on the grounds

that the Kumaratunga government had developed severe undemocratic tendencies. This is reasonable provided they have the ability to ensure that their support for an alternative would not betray the Tamils who also look for democracy and human rights in their lives, and also that the new UNP government would not continue the same malignancies evinced by previous UNP regimes. It was after all the UNP that built up the apparatus of State terror and unleashed the July 1983 anti-Tamil violence. Mr. Wickremesinghe has not said one word of regret nor has he made any move to convince the public that he has changed. Neither did those backing him from the alternative media and the peace and human rights constituency demonstrate that they had any influence over Wickremesinghe or the LTTE to protect the interests of the Tamil people.

A Vested Interest

We hear again and again through the media and through several NGO activists the claim that the Tamil people support the LTTE. Support carries no meaning in a context where there is no freedom to discuss options. The election results, despite heavy pressure on the Tamils by the LTTE to vote UNP, showed considerable reservations about the LTTE. Only a small core of those who voted endorsed the LTTE. The rest are divided between those who oppose them, those with no hope in anyone and no hope in influencing the future, and those whose acceptance of the LTTE comes from fatigue and resignation. Why this seeming vested interests is persistently misrepresenting the Tamil people in very simple terms?

International interest in this country centres around the ethnic conflict and peace initiatives. It means that local activist groups are called upon to take positions on this matter. Avoiding the complexities and hardwork, many of them have taken the easy option, which makes them look good and anti-racist: - viz "The LTTE is fighting to liberate the Tamil people. The Tamil people support them. There must be confidence building between the Government and LTTE so that they could talk". Yet most of them are intelligent and experienced enough to know that such talk is nonsense and that this is a slogan which would prolong the war indefinitely and leave the Tamils without any rights.

For such a position, the election results in Jaffna become an embarrassment. If one wants to deal with the LTTE as a peacemaker, one cannot challenge their self-proclaimed position of being the sole representatives of the Tamils. Several of them in these lobbies also have the illusion that unlike the Tamils who oppose the LTTE, they are acceptable to the LTTE. This is evident in the insensitive way several of them when in Jaffna deal with Tamils who oppose the LTTE. The election result in Jaffna had created a problem. They question the widely held stance of peacemakers. If one does not deal with the LTTE as the sole legitimate representative of the people one cannot deal with them at all. If one on the other hand takes the actual position that the leaders of the LTTE have silenced the people, hijacked their destiny and hold them to ransom, then one has to take a more demanding approach to the Tamil problem where simple slogans have no place.

**Thus a great disservice
is done to the tens of
thousands of Tamil people
who defied press opinion,
the church in some
instances, and the LTTE
and mustered the courage
to show by their act of
voting, that they want
peace with decency and
not with fascism.**

Hence comes the imperative to dismiss the election results in Jaffna as a total fraud. It is not necessarily done cynically or calculatedly, but as a natural reflex. It is an attempt to protect their position and their vested interests at the expense of the Tamil people. Thus a great disservice is done to the tens of thousands of Tamil people who defied press opinion, the church in some instances, and the LTTE and mustered the courage to show by their act of voting, that they want peace with decency and not with fascism.

Election monitoring is a good thing provided it is part of a wider effort to help the voter exercise a choice free of coercive constraints. Otherwise it runs the risk of degenerating into another farce. In the North-East for example the constraints and intimidation that are part of the LTTE's ubiquitous presence were not addressed. The local council elections in Jaffna held in early 1998 were monitored and were acclaimed a hopeful sign. But since then 18 local councillors, including two mayors of Jaffna, have been murdered by the LTTE. There is an almost total silence on this. The role of the Tamil media should also be looked into.

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The Jaffna Experience

(Continuing the discussion on the role of the Police)

Kingsly Wickremasuriya

The last article showed how the police in Sri Lanka was used as an instrument of coercion both by the British during the Colonial Rule and thereafter by successive governments even after independence. It also showed how this coercive role robbed the police of their public support that is so essential for effective policing and how dysfunctional such a system of policing without consent is.

What is attempted here is to draw from my personal experience, of what I did in Jaffna in the late 1970s and to show how community support can help police to function efficiently and effectively. This article describes that process.

Tension and Fear

In August 1979, I took over the Police Division of Jaffna. On my arrival in Jaffna, I found the situation to be quite tense. There was danger and uncertainty in the air. The wall of silence that was gripping the region (which the police construed to be condescension) generated fear and distrust. It contributed to the aggravation of the already existing 'we - they' mentality that is generally characteristic of the police. As the violence progressed, the police withdrew behind the fortified safety of their police stations. Contrary to the general practice they now came to be fully armed at all times.

With the police out of the streets, criminals struck with an amazing daring. Often they operated under the guise of the 'Tigers', leading to much confusion among the community as well as the police. This added consternation to the already existing atmosphere of fear and distrust. Being concerned with their own safety, the police had little consolation to offer to the community. The community, on the other hand, had little to do with the police in spite of the heightened criminal activity

and the feeling of helplessness and general despair, for they feared the police as much as (or more because they were now armed) they did the criminals. Fear reigned. Freedom of movement decreased. The outcome was a constrained community life.

A Theory

I knew that the police were cynical about good relations with the Jaffna public. I soon realized that the police mission in Jaffna was clouded by parochial issues and influenced by chauvinistic considerations. The judgmental attitudes of the police made them blind to the opportunities that still existed in the situation. My own judgement prompted that the general public was eager for peace and that the police were wrong. Going on these assumptions I hypothesised that if the police were to reach out to the public in a spirit of friendship and reconciliation they would reciprocate, and this reciprocity would bring about a better understanding between the police and the community. I speculated that if I could get at least some public groups to demonstrate their support for closer police - community relations I would be able to convince the police about the virtues of a closer relationship with the community. Moreover, I believed that the outcome of such a relationship could be the dissipation of violence, the answer to the deteriorating Law and order situation in Jaffna.

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A Strategy for Change

As the first step in this strategy, I summoned the officers in-charge of police stations in the Division and some of the community leaders in the Peninsula to a conference. It was held

at the Jaffna Headquarter Police Station. At this conference, I highlighted the problems facing the police and the community in the Peninsula. Underlining the mutuality of

the problems, I invited them to participate in a collaborative effort, in a joint venture with the police, in finding the solutions. Such an approach, I believed, would bring policing closer to the community.

The community leaders welcomed the police initiative and endorsed the proposed change in their relations with the police. Now it was the police turn to respond. I, however, had no clear-cut program to offer except for my genuine eagerness and sincerity in wanting to help the community and the police. So, I held Division wide meetings in the next few months, looking for answers. Going from one meeting to the other, I consulted with the community leaders and the police. These meetings helped me understand many of the problems affecting the community as well as the police. Immediately I set myself to the task of addressing these problems to alleviate those hardships. For instance, language was one of the problems that surfaced at these meetings. I implemented the law (Section 8 and 10 of the Code of Criminal Procedure Act 15 of 1979) immediately by making administrative arrangements. These arrangements helped citizens make complaints in their own language. I went even further by organising language classes in Tamil for the Sinhalese officers and offering them incentives to learn Tamil. Simultaneously, I exhorted my police to understand the virtues of community support, particularly from the point of view of their safety. In soliciting their support for my campaign, I explained to them in detail what I proposed to achieve for them through this campaign.

I was now confronted with a different problem. During this short period the positive response I had received from the public was so much, that, questions from the public came to be asked whether all that was being done could be sustained after my departure. This skepticism was detrimental to the campaign. It had to be dispelled somehow.

Looking for solutions, I realized that the voluntary associations already existing in the region constituted a very attractive infrastructure for the framework of the public forums that I had in my mind. What I wanted was to build a lasting and a meaningful relationship between the police and the Community. The best way to achieve this was to lay the foundation deep inside the community (for while the community had permanent roots in the region, the police, being national in character, was transitory). The voluntary associations not only represented different interest groups,

but also drew from the opinion leaders in the community. As such the voluntary associations were ideally suited and were the best available to build such a relationship. Making use of this infrastructure, I finally created what were meant to be permanent public forums, a meeting ground for the police and the public, called 'Police - Public Relations Committees' (PPRCs).

A vehicle for discussion, consultations and interaction between the police and the community, PPRCs were the nucleus of a movement designed to make policing a collaborative enterprise, bringing the police and the community together in the pursuit of a common goal.

They were formed with several objectives in mind. Broadly stated, they were designed to (1) serve as consultative committees providing a permanent forum for community input, and (2) promote a collaborative effort towards making policing a collective and an effective enterprise.

The highlights of the constitution of the PPRCs (laid down by the Divisional Order) were, (1) the committees were designed to reflect as many shades of opinion as possible to make it representative of the community; (2) committee members were selected after a careful screening; (3) the meetings of committees with the Officers-In-Charge of each police station was scheduled at least once every month for discussion and consultation; (4) initiative and innovation within the given framework and constructive criticism were encouraged; (5) democratic procedures governed the conduct of meetings to encourage constructive criticism; (6) minutes of these meetings were sent to me and the progress was monitored by me and my assistants regularly; and (7) the committees were given direct access to the police hierarchy.

A vehicle for discussion, consultations and interaction between the police and the community, PPRCs were the nucleus of a movement designed to make policing a collaborative enterprise, bringing the police and the community together in the pursuit of a common goal. Designed to bring about a lasting and a meaningful relationship, they provided a meeting ground for both the police and the community. These Committees were formally established by Divisional Order Number 4 of November 1979, throughout the Division. After a trial period of six months, this order was finally revised and replaced by the Divisional Order Number 5 of June 1980.

Programme in Action

The Committees went into action enthusiastically. They spearheaded and organised preventive activity. Organiz-

ing vigilance in the neighbourhood through the formation of vigilance committees was one of their important contributions. They performed yeoman service not only in preventing crime but also in its detection. Besides, they also formed "neighbourhood justice centres" or mediation committees under encouragement and support of the police. These centers settled minor (family and land) disputes. For instance PPRCs in Chunnakam police area settled 1500 disputes relating to property and family matters, verbal abuse, and minor brawls (over a period of three years). They could rightfully be called the forerunners of the present 'Mediation Councils' or the 'Samatha Mandalayas'. They were a resource to the police in that they relieved the police of a good portion of the calls for service. For the community, they were an important link with the police and a useful resource. Besides being a link with the community and to the police, the committees represented a source of security and confidence. Moreover, through organised social events they provided the police and the community increased avenues for social intercourse, helping both to integrate harmoniously. These PPRCs worked with varying initiative and effectiveness. By results, the Jaffna Headquarters Police Station and the police stations at Velvettithurai and Chunnakam seemed to have produced the best, while Annaikottai, Chankani, and Gurunagar made significant contributions towards the program in promoting good relations. Chavakachcheri and others, of course, contributed to the general team effort.

As these contacts gathered momentum, vigilance and public pressure against crime started to mount. It was not unusual for members of the public to arrest criminals and hand them over to the police, often with recovered stolen property. Now they provided the police with information willingly, more readily identified criminals, and came forward to give evidence in courts. This resulted in the arrest of several criminal gangs by the police. The impact of these developments on the activities of the criminals was paralyzing. It resulted in several 'crime free' days in the Division. Jaffna City Police headed the list with a record of no 'Grave Crimes' reported for an entire week in April 1980. What was more, several persons that the Security Force Headquarters had allegedly been looking for during the emergency, now surrendered themselves to the police. Most dramatically the offer came to me through a PPRC, to

surrender even some of the leaders of the militant group, hiding in South India. PPRC Point Pedro offered to surrender leader Kuttimany (who later died during the communal riots in 1983 at Borella Prison).

When I took over the Division in August 1979, the police were so skeptical of any movement that would bring about public co-operation, that they simply did not believe any thing at all in this direction could be possible. But by early 1980 so much had been achieved by way of good relations between the police and the public that during 'Thai Pongal' that year, members of the public offered the traditional 'Pongal' (sweetmeats prepared for the festivities) to the police stations in their respective areas to show their appreciation of their police. The police could hardly believe that there was so much good will. These events demonstrated to the police the sense of acceptance they enjoyed among the community.

The kind of support that was demonstrated by the community shattered the old myths about the people of Jaffna. It brought the police a feeling of being wanted, a sense of acceptance, trust, and confidence. Further, it reduced opportunities or inclination for malpractice, changed their attitudes, and improved the work standards. Generally speaking, it raised their morale and discipline. All this resulted in a remarkable decrease in the genuine complaints of misconduct against the police.

The police were now willing to discard their arms even without specific orders, because they found that there was "more security for police in community support than there is in all the sophisticated weaponry". It took only a gentle persuasion for them to be on the roads without being armed.

Amazed and encouraged by the turn of events, the police returned to 'business and usual'. Day patrols and beat patrols started going out. Soon came the night patrols going in pairs armed with only a baton, as it used to be in the past. The police were now willing to discard their arms even without specific orders, because they found that there was "more security for police in community support than there is in all the sophisticated weaponry". It took only a gentle persuasion for them to be on the roads without being armed. More people were willing to meet unarmed police. They could go to the police stations with less fear. Nightlife soon returned. Crime started to be reported. With the return of an air of security and well

being, legitimate political activity resumed. Soon tension disappeared, and the community life was well on the way to recovery.

In May 1980, at the seminar held to review police - community relations in the region, I reported that my efforts at bringing the community and the police in the pursuit of a common goal were bearing fruits and my dream of making policing a shared total community effort is well on the way to realization. The greatest lesson that the experience had taught, however, was that 'trust begets trust'.

Agreeing with me, Mr. Amithralingam, the General Secretary of the Tamil United Front (TULF), member of Parliament and Leader of the Opposition admitted at the seminar that there had been better police - public relations during the period under review (reported in *Dinapathy*, 1980: 4). During the debate on the Appropriation Bill in Parliament in November 1980, he reiterated these sentiments. He said:

"I wish to say that as far as the police are concerned, definitely there is a marked improvement in their behaviour towards the public. This coming from me, will, I think go very far." (Hanzard, 1980, Columns 331-332) Commenting editorially, *Dinapathy*, a national (Tamil daily) newspaper added,

"Crimes have been decreasing in the northern region now. The main reason for the decrease in crime in the northern region is the existence of good police - public relations" (*Dinapathy*, 1980, 4).

Alternative Explanations

The success of the program, however, depended on several factors. For instance, the program demonstrated to the police that community support was pivotal to their safety. Safety (being one of the basic human needs, the first in the Maslowian hierarchy) was uppermost in the minds of the police. Once they realized that they stood to benefit by the program they relished this new relationship. Conversely, my reconciliatory efforts had an immediate popular appeal to the public in Jaffna.

Besides, with the responsibility of pursuing the 'terrorists' passing to the Brigadier (Weeratunga), I was able to reschedule police priorities. It also gave me the opportunity to divert the police mind off the unpleasant task of chasing the 'Tigers'. Further, the security operations conducted by the Coordinating Office since the declaration of the 'emergency' presumably led the militant leaders to flee the

country into hiding across the seas, in South India. Their temporary absence from the island and this division of responsibility too helped my campaign.

My dream of making policing a shared total community effort is well on the way to realization. The greatest lesson that the experience had taught, however, was that 'trust begets trust'.

There were other contributory factors as well. The police could perform their duties unaffected to a large extent by external (to the police) influences disturbing the system. 'Political interference' was almost non-existent. This helped the police to act with fairness and impartiality. After the 'emergency' was lifted the Armed Forces kept a low profile (there being no cause for their intervention). The press (local as well as the national) played a tremendous role in carrying the clarion call of the police for public assistance. By giving the police publicity in their good work (even going to the extent of making editorial comments) and bringing the program to

the limelight, the encouragement they provided was invaluable. All in all, the press greatly facilitated the reconciliation.

Moreover, it was evident that the militants were only a small group (a few score at the most) and apparently not well organised. Their violent campaign for a 'Tamil Eelam', demonstrably lacked popular support at that point of time. Although the Tamil United Front (TULF), the main legitimate political force representing the major Tamil public opinion made use of the slogan in their political campaign, not even they were committed to the achievements of a separate state as a non-negotiable goal yet. Besides, TULF leaders had assured me that they appreciated my efforts and wished to see no violence in the region.

But, given the political, ethnic and historical underpinnings of the conflict, it was no easy task bringing the two groups together. Group perceptions, traditional 'police culture', the atmosphere of fear and mistrust, poor communications, lack of leadership, vision, and training and bureaucratic thinking at the national levels, contributed to the complexity of the program. Given all these impediments, the situation demanded leadership skills and innovation. In this sense, my leadership role was pivotal to the forward movement of the program. My grasp of the resistant and the driving forces was crucial in my efforts at unfreezing the system. This understanding helped me not only to convince the police that their true mission was to 'serve and protect', but it also helped me to make the community understand the mutuality of the mission and the fact that the quality of the service depended on the amount of

reciprocity the police received from the community. This re-education of both the police as well as the community helped the progress of the program tremendously. Last but not least, teamwork, leadership and the vision of the police in Jaffoa contributed in no small measure to the success of the program. Once the forces of reconciliation were set in motion, it demonstrated an ability to sustain itself even after the emergency was removed (in December 1979), and the army operations had stopped.

Programme Limitations

'The Jaffna Experience' is not without its own limitations. The program was interrupted immediately after I left on transfer in August 1980. The Deputy Inspector General for the Northern Region (DIG NR), withdrew Divisional Order Number 5 and substituted it with another subsuming one of his own programs (Chunnakam police, however, seem to have continued with some semblance of this program, as is evident from the fact that the committees had settled minor disputes for three years, a fact not known to me until very recently). According to a report submitted to the national headquarters in early part of January 1981, by an observer from Police Headquarters, the DIG (NR) had altered the program to bring more grass-root level participation into its operation. Nevertheless, interdicting the program at the very crucial stages of its progress prevented the routinisation of the values emphasised by it. The full implications of the program will, therefore, be not known.

A Post Script

I, however, carried this experience to other areas I later served and continued to experiment with this program. On my promotion to the rank of Deputy Inspector General, I repeated the program in two other Police Regions (the Eastern Range and the Southern Range) between 1983 and 1985, in entirely different socio - political circumstances. Nevertheless, it was received by the community with equal enthusiasm and compliment. Results were most encouraging.

For instance, I used community support on two occasions (once in the Eastern Range and the other in the Southern Range) with success to maintain order during an island wide school strike affecting my Police Range. While

in other areas the strike ended in many violent incidents, in my Range the community support was so effective that the police did not have to make even a single arrest. Similarly,

I used community support to contain a riot in Batticaloa District. Some of the Muslims in Batticaloa District rioted against the government decision to allow an Israeli Interest Section operating from the American Embassy in Colombo (Sri Lanka had severed diplomatic connections with Israel along with the other Arab countries some years back). Once again with the use of community support the riot was brought under control without the loss of a single life. On both occasions I demonstrated the effectiveness of community support.

Summary & Conclusions

Since the commencement of political violence in Jaffna fear and suspicion played a major role in the relationship between the police and the public, in that region. The strategies of both the 'Tigers' and the police contributed to the aggravation of this situation. But the strategy of 'policing by consent' developed by the police in 1979-1980 led to the establishment of close police - community relationship resulting in mutual trust and confidence. The most significant impact of this relationship was the dissipation of political violence. This community oriented policing strategy demonstrated that it was effective even in conditions of political violence. Similar results were repeated later, in two other police regions in Sri Lanka, in entirely different socio - political circumstances.

The 'Jaffna Experience' demonstrates the virtues of community support and policing by consent. It has shown how the police can make the dictum "police are the public and public are the police" a reality when the initiative is taken by them. This is the direction where change lies and the path of success for future policing endeavours.

About the author:

Having an impressive academic record (MPA, Msc, PHD) Kingsly Wickremasuriya has served the police force with distinction and even launched successfully community oriented police programme in Jaffna in 1979. As Senior DIG he was widely expected to head the police service on the retirement of the last IGP. On retirement he engaged himself in a Doctoral thesis on police reform. Recently he was appointed a member of the Bribery Commission by the President.

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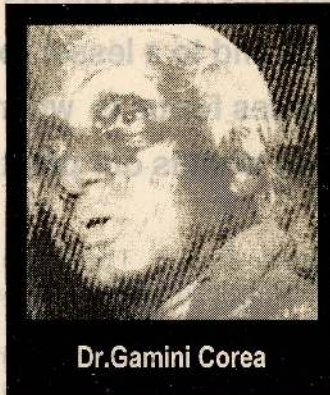
The WTO & Development in Sri Lanka

Interview with Dr. Gamini Corea by *Christian Worker*

Q. Dr. Corea, the aspect of the WTO on which we would want to hear your views is with regard to its impact on Sri Lanka.

A. The WTO, as you know, is supposed to be the organisation which administers the workings of what could be called the world trade system. It is the successor to the old GATT. Sri Lanka who was a member of GATT became more or less automatically a member of the WTO. The Uruguay Round - on which more later - was launched under GATT auspices, and part of the conclusion of the Uruguay Round was to convert GATT into a world trade organisation. So Sri Lanka is a member. It has participated in the Uruguay Round and in some of the earlier negotiation rounds of the GATT.

The Uruguay Round was somewhere in 1993. GATT from time to time launched global rounds to reduce tariff barriers to liberalise world trade. Prior to the Uruguay Round was the Tokyo Round and there were one or two others before that, and in each of these there was a process of offers and acceptances of proposals to reduce tariffs. The leading exporter of a product would go and ask the leading importer to reduce the tariff and the leading importer would say, 'O.K.' provided you reciprocate by reducing tariffs on something else. If agreement was reached on them, these 2 tariffs become bound for all the exporters and importers of that product. Thus, GATT was a contractual



Dr. Gamini Corea

process and had some success in lowering trade barriers. The WTO was launched with a view to carrying this stage further.

When the idea of a new Round of GATT was talked about - in the mid-'80s the developing countries were a little wary saying the Tokyo Round had not produced enough for them, and what had been offered had still not been properly implemented. 'Why does one want another Round?' They asked. But their voice was not strong enough to be heard on that and the Uruguay Round was launched. In

my view the main thing about the Uruguay Round was that the developing countries who were reluctant to see it inaugurated found, after the event, that they were somewhat unprepared and in a way taken by surprise. This was because one of the features of the new Round was the introduction of new issues into the trade negotiations.

In the past the GATT had focused exclusively on the trade in tangible goods - merchandise trade. There too there were areas that had escaped its attention like textiles and agriculture. But the Uruguay Round - one of its interesting features was that it was extended beyond merchandise trade to include various other economic relations between countries including the trade in services, investment, technology, and so on - intellectual property. The developing countries really had no background on this, they had no views on these things, they were not exporters

of these new things. - they were mostly importers. All they could do was to react to the initiatives arising from the developing countries with a view to as much damage limitation as possible.

As such the developing countries had little to show, I think, on the Uruguay Round. Of course they don't work - they have never worked in the GATT - as an united group of developing countries as they do in the UN and UNCTAD. There is a "Group of 77", the name given to the original grouping of the developing countries in 1964. Their number is much bigger now. But the Group of 77 does not function - it has never functioned in the GATT, and did not function in the Uruguay Round.

So, the developing countries were not in a position to mobilise their numbers, their voting strength, in support of their goals and ambitions. Further, in the course of the Uruguay Round there were groupings which divided the developing countries. E.g.. on agriculture there was a thing called the Cairns Group which included exporters of agricultural commodities like the USA, Australia pressing for

was not eliminated but it did not become operational at all in the Uruguay Round.

The only concession made to the developing countries was that they were given a longer period of time to implement the decisions than the developed countries, usually one year more. But, after that elapsed they had to conform and implement and execute the full text of whatever was agreed on. The developing countries were unhappy about it, and in the recent period they began to focus on some of the weaknesses of the Uruguay Round decisions i.e.. the delays in implementation, and the need for recognizing different situations and so on prevailing in the Third World countries vis-a-vis the rich countries.

Sri Lanka was more or less, as far as I know - I wasn't myself a participant - a cooperative participant in all this. Sri Lanka, I don't think, needed to focus on any major tariff concessions because traditional exports like tea, rubber and coconut were more or less duty-free, as most raw materials were. Of course, she was interested in escalation of tariffs on these very products if they came not in raw

but in processed form - the more you process it the higher the tariffs. But there was not much progress on that. Sri Lanka, of course, benefited in a way by the decision to phase out the restrictions on textiles over a longish period.

To this day we still enjoy the benefits of the quotas particularly in big markets like the US, and to a lesser extent in Europe. The question that arises for us is when the year 2005 comes round what is our position?

countries protecting their agriculture, particularly the European Union, to liberalise. Some developing countries joined them because they were interested in the export of temperate zone agricultural goods.

On textiles, of course, one of the things that already existed was the multi-fibre agreement which was more or less recognised by the GATT belatedly as an instrument to restrict imports of textiles. Some agreement was reached to phase it out by the year 2005 AD, during which period the quota system was to continue. Now in all of these things, the developing countries, as I said, did not have much of a united front. One of the features about the Uruguay Round was the GATT concept of special and differential treatment for developing countries. GATT had, in fact, a whole chapter called Part 4 which allowed developing countries a degree of flexibility in their conforming to the decisions of the GATT, and they were allowed for various, reasons which they had to justify, to depart from the idea of liberalising imports or raising import duties once again, or putting physical quotas and things like that on the grounds of their development crises or demands. This language

That was in respect of different kinds of textiles but for us it was only garments because we had none of the other imports here. Thus we were given a breathing space during which the garment industry which had suddenly emerged here in the content of the restrictions on imports from other textiles producers - traditional producers, gave new-comers like us a special place. We were given a new-comer quota which was marginally increased every year. Under the imports of that we set up what has turned out to be the biggest sector of our economy in gross terms, over-stepping even tea. What we got out of the Uruguay Round was in a sense a decision not to liberalise trade in textile immediately and to give a longish period for the importing countries to adapt. Also, for the exporting countries to prepare for it. To this day we still enjoy the benefits of the quotas particularly in big markets like the US, and to a lesser extent in Europe. The question that arises for us is when the year 2005 comes round what is our position? The year 2005 is the date they adopted in the Uruguay Round as marking the end of the import restrictions by the importers of textiles. By the year 2005 they have to abandon all these altogether.

It was the Multi-fibre Agreement which sanctified the use of restrictions. These were outside of the GATT and textile imports were being restricted all over. Then people said the GATT should not allow this to happen. Finally they brought in the Multi-fibre Agreement which was already there as part of the GATT thing, with the decision that it be reviewed and so on. It was reviewed at the Uruguay Round, and the result was the decision to do away with it by the year 2005. But the interesting thing, of course, which came up in the discussion subsequent to the Uruguay Round is that up to now - the Uruguay Round ended in 1993, the importing countries which were committed to liberalise haven't done very much. They're marking time till the year 2005. In other words they haven't done a phased elimination of this. They are more or less continuing what they did under the Multi-fibre Agreement. As things stand now it looks as though suddenly or very close to the year 2005 they will start liberalizing. This will give countries like us very little time to adjust.

In textiles Sri Lanka of course and some other smaller countries stood apart from the rest of the developing countries which didn't want a quota. Our industry became possible because of the quota. Most of the other old traditional exporters e.g.. India, S. Korea etc. - wanted all this out. So we have the problem of what to do in 2005 when all these restrictions go. Of course, not all our exports are under the quota items. There are other things called non-quota items which we are exporting in some quantities to Europe and also to countries like Japan, but the main market - the US, is protected for us by the quotas. So, we have the problem of what to do when that goes.

Apart from that, you see, Sri Lanka unilaterally brought down the level of its import duties - when I say unilaterally, not through any exchange of concessions with our trading partners but under the pressure of the multilateral financial institutions i.e. the World Bank and the IMF which said that a high levels of import duties discourages competition and creates inefficiency, and you are building up a whole lot of local activities behind a wall which is not pretty sound. So we reduced these duties significantly before the Uruguay Round. I don't know whether there were any Machiavellian calculations in this on the part of the multilateral financial institutions in getting countries like Sri Lanka to unilaterally reduce their duties. These were the very duties which then came to be bound under the Uruguay Round, because they were already there, and they said let's now legitimise these duties by binding them. So I don't think now we have quite the freedom to change - revise, these upwards. We can reduce them further.

Of course, the answer was these high duties also put up the Cost of Living. There was a degree of popularity. But, on the other hand, we lost an instrument for protecting our own industries. I feel that whilst we shouldn't have a big phenomenon of very high duties all over, we should have been selective and chosen those items which may need a degree of protection, to receive that degree even in a time-bound and measured way. Total removal of these means

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some hardship as has happened with the flood of some items from India, Pakistan, like agricultural imports, coming into Sri Lanka affecting our producers. That's one aspect.

The other aspect of the Uruguay Round is, of course, the services side. They had this General Agreement on Trade in Services - the GATS it was called, in the Uruguay Round, and the Code on Intellectual Property and things like that. We became party- and other developing countries too, to that and there we are not really exporters of these things so far. Developing countries say that rich countries want to open up markets for their services and investments, but not for the one product which developing countries have in surplus, and that is labour. When it came to labour they said it was an immigration problem. But when it comes to other things the idea was to have a regime to regulate the flow of services and to give the provider of services a degree of protection. Of course, one of the ideas of the new Round proposed i.e.. the post Uruguay Round which has not been launched yet as there were those difficulties in Seattle, was to introduce a new regime in the trade in services which will introduce certain concepts like the free entry of investors from one country to another, the right of national treatment once they enter, and also most favoured nation treatment, non-discrimination between investors from different countries, members of WTO, etc.

This has not yet been launched but developing countries were somewhat nervous that their power to be selective on foreign investment i.e.. to put certain conditions on them e.g. that they should focus on exports, should employ local personnel, and diversify shares, will no longer be legitimate unless the same things apply to national ventures as well. This big negotiation of the trade in services post-Uruguay has not been launched. But developing countries have been quite wary of that. The Seattle Conference was a

ministerial conference, which was intended to launch a new Round subsequent to the Uruguay Round. Some developed countries like Britain said we should call it a 'development round'. But in the substance that was being proposed there was not very much of that.

What is important, I think, is that in the move towards a new trade regime, sufficient attention must be given to the special needs of the developing countries, or the countries which are in the process of developing. You can't have the same uniform formulations for rich and poor countries alike, and even between different types of poor countries.

One of these was to have a regime for trade in services. The other was to have new regimes for issues like competition policy, government procurement, trade and environment, trade and labour and so on - all of which would have reduced the flexibility of the developing countries to have their own national priorities in these areas. The new Round has not been launched, and the attempt to do so in Seattle was in doubt because of demonstrations and confusion. UNCTAD 10 which finished last week in Bangkok was seen by many as a means of creating a climate for launching this new round with the assurance to developing countries that some of their concerns would be taken care of. But it remains to be seen whether this has happened. There was no specific agreement at UNCTAD 10 to come back and launch a round, but there was lot of expression of anxiety by developing countries on various aspects of this like trade and environment, trade and labour, and so on.

You see one very broad aspect of trade liberalisation, which is a kind of leitmotif of the WTO, is that liberalisation benefits those who have the capacity to supply things. It is less relevant to those who don't. Now, over time, you can say they can acquire the capacity and so on, but the immediate thrust is that it is the developed countries which have the capacity to export goods and services and technology and capital and everything. So, the more you liberalise the bigger the arena - the playground you are providing for them. The developing countries are the recipients of this and it will take time for them to acquire the capabilities to benefit from some of the liberalisation that is going on. Over time, I am certain that they will. But the immediate impact will not be the same. That is why when people say you must have a level playing field, I always say this is a very unfortunate analogy or metaphor. This is

because if you have a level playing field, the stronger team will always keep winning. So, don't use that analogy. Think of something else. What is important, I think, is that in the move towards a new trade regime, sufficient attention must be given to the special needs of the developing countries, or the countries which are in the process of developing. You can't have the same uniform formulations for rich and poor countries alike, and even between different types of poor countries.

Now this aspect has been somewhat neglected and I think one of the things the developing countries have to do is to identify what they want in a trade negotiation. In fact in Geneva I said to some developing countries' people you are very critical of the West in saying that they are pursuing their own interests but I said, "You should admire them for pursuing their own interests and you should do likewise." I said. "To this date have you ever thought - I have not seen a single paper - of what kind of a world trade system, developing countries want, which once articulated can be put on the table with the developed countries and then you can have a give and take and arrive at an agreement which has a little in it for everybody." Developing countries need to do that.

Q. Dr. Corea, another connected issue on which, we would like to have your comments is the Indo-Lanka Agreement and its usefulness to Sri Lanka.

The Indo-Lanka Agreement has just been finalised and I haven't really read the details but I do know when they had the regional formulations, I made 3 points. Firstly, it is a good thing to have to liberalise trade within the region. Now this has been the hall-mark of all the regional co-operation agreements. If within the SAARC we have a bilateral agreement with India, well, we can look at that as a fast-track which will pave the way for extending the same principle to other members of SAARC. But with regard to these bilateral agreements there are two issues which we had to look after in the negotiating process, and I'm not sure to what extent this has been done.

One is that we still have to have the need for a degree of protection for our own domestic industries, because if you don't do that the chances are that a big, strong country like India will be able to supply our markets better than our own people. So that was the significance of having a realistic reserve list of commodities - items which will not qualify for immediate trade liberalisation or zero tariffs. May be it can

be a time-bound list but until you have a certain capability or capacity established you should not expose all activities to competition, whether it is from India or from anywhere else. Of course, the Reserve list has been introduced - I haven't had time to study it - but not only by us but also by India. That is one item.

The other item is what is called the Rules of Origin. In order to qualify for the duty-free benefits into the India market our products have to have a local content of 35%. Now this 35% is an improvement of the provision in the SAARC preferential trade agreement, SAPTA, where there is 50% local content. You have got to have 50% local content unless you are a Least Developed Country (LDC) like Bangladesh or Nepal, where it can be 40% or something like that. In our bilateral agreement it is much better - it's 35% local content. But even then for a small country the chances of being able to minimize foreign inputs is much less than for a big country. India has the capability of supplying wholly all the inputs into whatever it manufactures domestically. A small country like Nepal or Bhutan won't be able to do that, or the Maldives.

Sri Lanka has also limits to which it can produce without more than 35% of local content. You have to have some Rules of Origin. Otherwise if you have a free trade under a preferential agreement one country can import Japanese cars and sell it to India duty free. You can't have a completely open door. If it was most favoured nation it wouldn't matter because Japan will also have zero and we will have zero, and you can get the car from there as well as from here. But if you're having preferential treatment you've got to have some rules of local content. But the trouble is that the smaller the country the more difficult it is to have local content. I mean Japan would not have even industrialised if it was based on local content; nor would Singapore or any of those countries. But they were not beneficiaries of preferential arrangements. So, the lower the local content thing for us the better because we don't have the capability of producing raw materials and inputs which mean that we have to get things from entirely our own boundaries.

The R00 need not be the same for both countries. In fact, in SAPTA e.g., there are differential rates of local origin for the LDCs which include Bangladesh at 40% and the others at 50%. Under this Agreement I see there is some kind of waiver of the 35% if the input is Indian up to 10%. So if you get a 25% of local content and 10% of Indian inputs then you can still enjoy the thing. So it remains to be seen.

What I always feel about Sri Lanka is that we should have a fairer vision of what kind of industrial evolution or economic evolution we are going to foresee and then see that all these things conform to that and try to give a support to it. Now, if we are just trying to export to India some of our traditional things like tea and all that, there is nothing to it. We export them to world markets anyway, and getting duty free entry into India is not that important. But if we had some manufactured components based on our raw materials or even some partially imported materials then of course it would be different. One of the problems about SAARC as a whole is the big imbalance in size between members. I mean India is very important in every respect and the other countries are quite small except for Pakistan, perhaps. So India has to be very accommodating because they don't need the markets that SAARC is going to provide. Their own internal market is large enough. Smaller countries need such access.

India is the biggest supplier of imports into Sri Lanka and this is nothing to do with the SAARC activities or the Free-Trade agreement or anything. It was really the result of our own unilateral liberalisation in which we lowered duties.

India is the biggest supplier of imports into Sri Lanka and this is nothing to do with the SAARC activities or the Free-Trade agreement or anything. It was really the result of our own unilateral liberalisation in which we lowered duties. Indian goods became more competitive than goods from Japan which previously used to be the chief supplier. So, to the extent that this has cheapened goods that we import that's a good thing. I gather that the Indian rupee trades at about, vis-a-vis the US dollar, half the price of the Sri Lankan rupee. We have depreciated much more than India. In the old days we had the same exchange rate and the value of the currency of course determines the prices of the exports and imports in local currencies.

But what I see happening here which, I think, is something that can benefit us, is that the proximity of neighbouring countries, which was minimised in the old colonial period, particularly India, will now become a factor for countries like us and for other countries in the region. Even after Independence for the first 50 years India and Sri Lanka and all the countries were pursuing inward-looking growth. Now that they're all opening up I think that they're going to feel the presence of each other much more than they did in the past. This will mean a kind of historical change in the economic relations we have had with our

neighbouring countries, and not only with our immediate neighbours like India but the South East Asian countries (SEAC) and so on, as well.

In that sense a new scenario is beginning to evolve, but we have to manage these in such a way that they do not create friction. Because if we find that there is a big outcry that our farmers and all that have become undersold because of cheap imports, whether it is Indian or Pakistan or anywhere then you get a certain tension which will spoil those relations. We have to remember that not many other countries have only one neighbour. But already we've had certain rumblings about the import of potatoes and onions

Information technology is being pointed to as the major determinant of international selections in world trade. Certainly, we are in a very good position to benefit from it... I feel that Sri Lanka's future cannot be predicated on cheap labour. We should, of course, begin to find out what needs to be done.

and that sort of thing, and we have to make sure that this is managed and contained. We have the historical lesson of the import of Indian labour into Sri Lanka and of Indian merchants into the Pettah and so on which created a kind of nationalist reaction. We have to avoid that. The fact, as I was saying, is that we are one of the few countries with only one neighbour with nothing between us and the South Pole and the east coast of Africa and the Malay peninsula, and only 14 miles to north of us is the second biggest country in the world in terms of population. The more liberalisation, the more linkages there are. What we have to do is to try and use these linkages in the new dynamic sectors of the economy - industrialisation, mechanisation. Use Indian capabilities and contribute ourselves to supplying Indian markets.

Q. Do you think IT is the one of the fields in which we could score?

A. I should think so. I think there is a big opportunity here. In fact, information technology is being pointed to as the major determinant of international selections in world trade, capital flows etc. Certainly, we are in a very good position to benefit from it and it's not a sector that counts on cheap labour. It comes from intellectual contribution. I feel that Sri Lanka's future cannot be predicated on cheap labour. We should, of course, begin to find out what needs to be done. We have already got a certain capability in this area but to give it a good boost we have got to try and see what needs to be done - what the private sector needs to do, what the State needs to do, what kind of cooperation needs to be there. Earmark IT as one of the growth industries of Sri Lanka.

Q. What are your thoughts on the Sri Lankan economy, as of now?

A. I am not as well versed in the details of the Sri Lankan economy - recent developments in it, as I used to be when I was working here. So I don't have too much of the details. But, of course, there are some aspects of our economic success in recent years which we can't take for granted. One is, of course, the big growth of the garment industry. As we were saying earlier, we may be able to have a place in the garment market based on high quality products. But I don't know whether we could have the mass activity in the garment production that we've had. Garments is the biggest gross export today. So, that may be something which we need to adapt and adjust to.

Then, of course, another big supplier of foreign exchange to us has been Middle East employment. Well, there are no signs that this

might abate. But again it depends on the prosperity of the Middle East countries. Today oil prices are high, but one doesn't know for how long. Also much of this has been based on the export of female labour, and criticism has been made that they're exploited and so on. This is another area in which we will have to evolve and evolve in a way that will bring more benefits to us than the minimum, because I was told that Sri Lankan labour is the cheapest in the Middle East, whether it is domestic labour or construction labour and so on. But this is not a thing that we would like to build on. We would like to have opportunities for our labour abroad, but increasingly in higher and higher income-earning brackets.

The third area that has kept the economy going is tourism. Tourism has somehow been sustained. But again you have the criticism that we are not getting the high value tourism - tourists with the big spending power. Most of them come on package tours where many of their expenditure components are paid for abroad, giving benefits to the organisations there, and we don't have too much to induce them to spend here. I think we have a tremendous future in tourism. More and more people are going to travel. But we ought to begin to think of how we can offer more to the tourists so their outlay here is much more than now. Today they might buy some jewellery or something like that. Otherwise it is hotel expenses and transport expenses. Some of these are even possibly paid outside. I don't know. So again we have to try and see how much we can do to increase tourism and traffic here. We still don't have more - it is occasionally that we reach 500,000 tourists a year. Countries like Bali and others have something going into

millions - 4 millions or something like that. So I think tourism is something we can do.

But I wouldn't like to see the economy of Sri Lanka based on garment exporters, employment abroad and tourism. I would like to see the development of an indigenous capability i.e. produce things for our own market as well as for export. I'm not one of those who feels the domestic market can be ignored, because the domestic market has to be the springboard. We are not such a small country population-wise. We are certainly a multiple of Singapore, same as Australia or somewhere there. So if we have the purchasing power our market will provide the basis for quite a lot of industrial activity. Sooner or later I would like to see our farmers becoming not subsistence farmers or so-called peasants producing for their own domestic consumption with a little surplus for the market. We would like to see them increase their productivity so that they can provide more and more to the outside market outside their own homes and moving gradually to more middle class standards of living as you find it in agricultural communities all over the developed world. It is only in the developing countries that the concept of the subsistence farmer and the peasant farmer still survives.

So I like to see the need for a revolution in agriculture linked to higher productivity, higher income which means perhaps that labour may have to be absorbed into other areas. But if these agricultural areas become prosperous they will also be creating demand for a whole lot of other activities. In a sense the plantation model - you know our plantations are based on cheap labour and resident plantations - is also time-bound. Many of the newer countries producing primary products are not doing it on the plantation principle. They're doing it on the basis of selectively small-scale, owner operated plots of agriculture land which then supply things for a central processing unit. I got the impression that even in East African countries e.g. Kenya, Uganda, Tanzania they export some of the same crops that we do but on private holdings, certainly not using big masses of resident labour. They may be recruiting labour for the day and so on like a factory does. Certainly the average size of holding is not the 1 acre, - probably 10-15 acres and so on.

Then you mentioned food security. I have been saying that the application of free competition theory or a profit maximisation theory to agriculture, needs to be modified. People have said you should forget about rice and things like that and use that land for producing more remunerative cash crops for export. You could then import rice from cheaper sources like Burma and this and that. Whatever

the economics of that I think it is elementary prudence in a very uncertain world as we have today with regional and local wars and sanctions being put - even if we are not the direct victims or the target of the sanctions we can be affected and it would be foolhardy for us to dispense with a minimum degree of food security so that in a world that gets into crises and turmoil, we shouldn't have to starve. So, I have always felt that we have not just to write off rice production on the basis of pure economic theory. Common sense requirement is that we have a degree of our own self-reliance and security in the area of food and that is why countries like Europe and all that have been having common food policies that despite all the economics, they have been fighting hard to keep because they know out of experience in an uncertain world that would be a very vulnerable thing if they're dependent on the outside for food.

I have been repeating time and time again a very simple equation. I used to say it was Lenin who said "Electrification + Soviets = Socialism." So, it is not fashionable to quote Lenin now. But the fact is if you wanted a similar equation for a country like Sri Lanka I would say that it would read, "Infrastructure + Skills = Development." If you have the infrastructure, if you have the skills then I think you have the basis for rapid development and the outside world will take note of you. If you have neither infrastructure nor the skills then, of course, you will not only be at a low level here but of little interest to the world outside.

So, if you ask for the areas of investment I would say education should be one of the big areas - not just teaching literacy or learning by rote, so to speak, but the capability to act, analyse and move forward. With the trends towards intellectual inputs into development this will become in-

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creasingly important. In addition to skills, of course, the infrastructure, not only the physical infrastructure of the roads, airports and railways, but the legal infrastructure, the scientific infrastructure, all that. Those are areas which if developed cannot but pay dividends, you know. So, health too. One of the problems I have been noticing and those of us who are in the middle class are noticing it more - is that people who are now reaching the older ages find themselves very vulnerable because they don't have insurance

as in the developed countries, and one or two visits or stays in hospital can eat up their whole life's savings, and there is no system to look after these people.

But one point I have been making recently - of course, it is not for the next 5 years, but may be it is for the next 20 years. The demographic trends show that population growth is beginning to slow down - to abate, and some of the projections foresee zero population growth in 2020 or 30, depending on which projection you use. Now the

So far we've had good marks for the quality of life index from the UN and so on. Literacy, life expectancy - all that compares very well - morbidity rates, but that social performance has not translated into high growth rates.

thought came to me that, of course, this has all the problems of old people - the number of people over 60, is going to be increased. But, on the other hand I know, as someone in the economic administration in the '50s and '60s, how much we were dominated by the need to respond to ever-increasing numbers. You see quantity - more schools because there are more children every year, more hospitals because the numbers are becoming filled, more buses because the numbers - quantity! Once you get to the stage where that is over we will be in a position to shift our focus from the needs of quantity to the needs of quality - you see! Then we can think that our investments will be not so much as putting more and more into schools and hospitals to just cope with numbers but improving facilities which have already been reaching out to everybody. And that is the situation in developed countries. Developed countries don't have to contend with the pressures of increasing numbers. They have finished that many decades ago. Once we get into a stable population I think we would be in a position to upgrade quality very much in all areas, and have more of the capabilities of the advanced countries of the world.

Q. In the present situation - where we are right now, would you like to say anything?

A. I am not very familiar with current events. In fact this morning the Central Bank sent a Report on the year 1999. I just read the first para when you came. No, in the present situation, as you know, we're having this present conflict which is a great tragedy and if we are looking to a prosperous Sri Lanka we have to see it behind us. But having said that, we have also got to see in what direction our economy can evolve. We did suffer a bit by the S.E. Asian crisis because some of our export prices came down - jewellery and things like that, and since they had depreciated their

currencies a lot their competitiveness increased vis-a-vis ourselves. We haven't had a spectacular performance in terms of growth rates for several decades. When I was in the Planning Ministry we had 8% growth rates for one or two years. But that was because there were so many shortages. When we used the Recovery Programme to replenish raw materials and spares and machinery we got the existing capabilities going again. So for one or two years we had a very good performance.

As you know, the E. Asian countries have been having till the recent crisis, a sustaining growth rate of 6% to 8% per year - not just 3%, 4%. We have to turn our attention to achieving that and having a kind of mutually supportive relationship between our investments in education and health, and our economic productivity and dividends. So far we've had

good marks for the quality of life index from the UN and so on. Literacy, life expectancy - all that compares very well - morbidity rates, but that social performance has not translated into high growth rates. We've had this for 50 years. You may say it takes time. But 50 years is a long gestation period and it's about time we made it work. But in order to do that we have to look into the quality of the educational, health, and transport services and so on. Link it more to improving economic capabilities and productivities and vice versa, and so on. So, there is still a big challenge. Till the Asian crisis came people used to say, particularly in the Asian Development Bank and so on that S. Asia is poised to be the third wave of Asian development - after E. Asia, then S.E. Asia. Now you don't hear of that any more.

But I think we can still get on to that - become the third wave. But to do that we'll have to reach much higher growth rates. Our growth rate, if you take the whole period after Independence, has not been very different to that of India and Pakistan - average of about 4% per year. Some famous Indian called it the Hindu rate of growth. Well, the old idea - the economist's idea, was that growth is a function of investment, and if you wanted to have growth you have got to have a higher investment ratio than 15% or 20% - 35% of your GDP which means that you either have to save more or get foreign investment and so on. But now people are beginning to realize that in addition to the link between investment and output, the link between the quality of the working population and output is very important, and that you may be able to get higher growth rates particularly in the initial phases, without having to tighten belts so much, as to have a 35% investment rate and so on.

This interview was had with Dr. Gamani Corea, former Secy.-Gen. of UNCTAD, at his residence in Colombo on Friday, 25th February .

World Trade Organisation

A Dictatorship of Secrecy and Double Standards

In comparison to its predecessor, the GATT, the World Trade Organisation (WTO) has a much higher profile. The damage it has caused, which is most easily seen in Third World countries, put the WTO under a spotlight which exposed its hidden agenda. On 30 November WTO member state ministers assembled in Seattle, USA, to set the agenda for the millenium round of WTO talks. Organisers of unions and pressure groups opposed to the WTO promised enormous demonstrations to take place at the same time as the talks.

The WTO was launched into our living rooms amid media fanfares and excitement on 1 January 1995, promising a world of fair trade. The razamataz was confusing as few people knew what it was, except that it was very important, and supported by industrialised world governments. The propaganda suggested that the enormous power wielded by the WTO and the transnational corporations (TNCs) which it serves, is legally sanctioned. Yet if we look to where this power comes from, we see that it has been presumed as a natural right. The propaganda did not question why the WTO is virtually undemocratic and secretive. TNCs and governments have colluded in that propaganda to make it look as if the WTO and the momentous decisions it makes have some kind of collective authority. Yet it has none. Despite WTO claims of one-country-one-vote democracy, in practice

representatives from just a few developed countries make key WTO decisions, ignoring most of the WTO's 135 member countries.

This essay looks at some aspects of how the WTO works, and what it is really about.

The leadership fiasco

Everything is not rosy in the undemocratic WTO garden of enterprise. The media played down the seemingly endless wrangle over who was to become the new WTO director-general. The issues at the heart of this debate were personalised so they need not be discussed, and allowed a 'personal battle' to obscure the WTO's lack of democracy which had it existed could have cleared up the dispute at a stroke.

The argument over WTO leadership continued behind closed doors for over a year leaving the WTO leaderless. A solution was finally botched up earlier this year - instead of one director-general, there would be two, each taking the position for three years, making a mockery of the WTO system. Yet the media made very little fuss about this. Even less was revealed concerning the policy differences between the two candidates for the job, Australian Mike Moore, the US favourite, or Thailand's Supachai Panitchpakdi, preferred by the Third World, nor how the decision was reached. Only the imminent approach of the 'millennium round' of WTO talks forced the compromise, as the WTO would have looked downright silly making decisions on a global scale without a leader.



Keeping Corporate order with tear gas and faceless police on the city street in Seattle

In a television interview with Ronald Reagan's biographer (and admirer), Edmund Morris, an interviewer asked about Reagan's attitude towards the poor people in the USA. Morris was in no doubt that Reagan simply did not care about them. A remark in one of his books reveals a similar attitude in Mike Moore, WTO director-general for the next three years, and a government minister who implemented some of New Zealand's savage privatisation programme. He wrote, "To

close down a market economy because it fails the bottom 20 percent of the population would be a catastrophe". This typifies the attitude of rich and powerful supporters of big business, who do not actively wish poor people harm, they just do not care.

Origin of the WTO

With headquarters in Geneva, the WTO is the successor to the General Agreement on Tariffs and Trade (GATT), which was established in 1948 initially to liberalise trade in goods by eliminating import taxes. The GATT dealt mostly with goods, but during the last round of rules revision called the 'Uruguay round', which lasted from 1986 to 1994, trade in services was incorporated into the round because tertiary industries (services like banking, investment, insurance, telecoms, travel and tourism) have been growing faster than manufacturing. The GATT proved ineffective at providing the level of liberalisation of services demanded by the TNCs, so in 1994, at the end of the GATT Uruguay round, the much more aggressive WTO was devised to begin work the following year. All agreements and rulings made by the GATT are included in the WTO.

Judge and jury

Running out of new markets for overproduced goods in their native countries, TNCs are desperate to find new markets. Having completely saturated the markets at home, they are forced, by the dynamics of capitalist growth, to look further than national economies, seeking new markets abroad. But they are confronted by States which are trying to develop their own economies, and which provide protection and incentives to domestic firms. So TNCs have organised themselves, through the WTO, as judge and jury for international trade. Three unelected and unaccountable men comprise the WTO's Disputes Settlement Committee, which rules on arguments between member States, for example about the conditions under which Europe must buy bananas. The decision of this unaccountable court ignored the decision of elected European governments which attempt to protect the economies of former Caribbean colonies, where their export companies make regular profits.

Race to the bottom

The WTO ruled that the EU market must be open to cheaper bananas produced by TNCs operating with the latest technology and cheaper labour in Central/Latin America. This is where the concept of the 'race to the bottom' in international labour standards is very clearly demonstrated. The existence of this race is often denied by TNCs, which retort that all they want is a 'level playing field'.

However if we push their sporting analogy further, the hypocrisy of the TNCs and the WTO is revealed: teams at international level (TNCs), always playing at home and well prepared for the match, pitted against much smaller, less experienced teams (domestic firms). If those are not enough advantages, the referee (WTO disputes committee) belongs to an international club (WTO) run exclusively by international teams (TNCs). The result is a foregone conclusion. Powerful TNCs will beat the weaker competition by driving standards of production and labour down to the very lowest level. WTO director, Mike Moore, even admitted this recently at the University of Washington when he said that world wage standards must start from the same level before they can rise.

In a similar case to the banana dispute, because of the EU refusal to import US beef which is largely produced with the use of growth hormones, in March 1999 the WTO legitimated USA import sanctions on US\$117 million worth of goods from the EU. EU research scientists have produced convincing evidence that meat from cattle raised with hormones can cause cancer in the people who eat it. EU scientists showed one of the hormones used in USA beef production was a "complete carcinogen". But three WTO judges ruled that there was insufficient scientific evidence to substantiate the EU's refusal to import the meat. This decision making power not only increases the cost of products from the States being penalised, it also has a huge effect on the wages and conditions under which workers produce goods.

It is interesting that WTO rules are so TNC-friendly that the EU goods targeted by USA sanctions are not beef or even meat products.

At the WTO millennium round, the TNCs hope to upgrade or establish new rules which will allow TNCs to conduct global business with even more power to overrule national laws. Given the nature of the WTO's secret society, people opposed to the WTO machine have speculated about what will be on the WTO millennium round agenda. They say it is likely to include the General Agreement on Tariffs in Services (GATS), Trade Related Aspects of Intellectual Property Rights (TRIPS, though TRAPS would be more appropriate), the Agreement on Sanitary and Phytosanitary Standards (SPS), agriculture, and introduce a Multilateral Investment Agreement (MIA), a Global Free Logging agreement, and government procurement.

WTO Double Dealing

Strength of the State

The WTO has double standards on the power of

member States. The WTO demands that its laws overrule those of member States. This suggests that the WTO wants weaker States. However while it wants the State to be subservient to trade, the WTO wants the State to exercise stronger power over its workforce. This has led to countries weakening laws in the interests of international trade (for example over environmental and occupational safety standards, and workforce flexibility) but strengthening laws against labour and trade union rights.

Movement across national boundaries

In IBON's *Alternatives to Globalisation*, Martin Khor from the **Third World Network** quotes Nayyar (1995) discussing WTO agreements, "It would seem that the institutional framework for globalisation is characterised by a striking asymmetry. National boundaries should not matter for trade flows and capital flows but should be clearly demarcated for technology flows and labour flows. It follows that the developing countries would provide access to their markets without a corresponding access to technology and would accept capital mobility without a corresponding provision for labour mobility. This asymmetry, particularly that between the free movement of capital and the unfree movement of labour across national boundaries lies at the heart of the inequality in the rules of the game for globalisation in the late twentieth century. These new rules, which serve the interests of TNCs in the process of globalisation, are explicit as an integral part of a multilateral regime of discipline."

Khor goes on to say that although it has been suggested that the GATT talks were intended to extend liberalisation, it must be pointed out that GATT was selective in its attitudes to both liberalisation and protectionism. Although GATT liberalised aspects of trade in the interests of industrialised countries, it was protectionist towards ownership of technology and intellectual property rights, and refused Third World suggestions to liberalise the movement of labour between member States.

Labour rights and company rights

The WTO has double standards on rights, depending on who wants them. The WTO demands, strengthens and enforces rights backed up by laws in the interests of TNCs. Yet when workers demand rights, the WTO refuses them. This is demonstrated by a case ruled by the WTO concerning workers' wages in El Salvador. Even the pitifully low level of El Salvador's minimum wage at 60 cents an hour was too much for WTO fat cats who argued that this legal workers' right was an unfair barrier to trade. Because of this, the El Salvadorean government was forced to reduce the minimum wage to a derisory 36 cents per hour.

Subsidies

Under the pretext of 'fair competition' the WTO aims to remove government subsidies to domestic producers so that TNCs can muscle in and eliminate smaller local operations. Yet when TNCs open new plants, they frequently receive government subsidies. This happened in the UK with a variety of Japanese and South Korean companies, some of which have already cancelled production, arguing global overproduction as the reason to leave workers jobless.

At least one of these 'failed' 'inward investment' enterprises that the government says Britain needs, was allowed to start up a factory elsewhere in the UK producing different goods. The new plant received another enormous subsidy. The government is generous with subsidies for 'inward investment', but when workers are laid off, Prime Minister Blair claims there is nothing he can do about it.

The British government argues that subsidies are given to encourage 'inward investment'. Yet British companies are busy supplying 'inward investment' to countries elsewhere. One section of the GATT's Agreement on Agriculture concerns export subsidies. A Philippine non-governmental organisation, the IBON Foundation discussed subsidies in Special Release 43 which said, "The Agreement requires a 36 percent reduction of import restraint measures in general..."

Government support for domestic producers must also be reduced under the Agreement. Domestic subsidy is quantified, and countries have committed to limit the subsidy up to a certain level in 1995. The subsidy is then reduced every year.... Domestic subsidy is expected to be reduced by 20 percent."

"This provision.... prevents Third World countries from giving new subsidies since they have none but allows developed countries to continue allotting old subsidies with minimal reduction."

WTO policy also discriminates against Third World countries attempting to protect domestic industries by using import tariffs which cost almost nothing rather than subsidies which are expensive. Because industrialised countries can afford to give their domestic industry large subsidies, and negotiate to keep them largely intact as described above, by forcing poor countries to abandon both import tariffs and subsidies, this puts them at a huge disadvantage.

In Hong Kong, a massive government subsidy to a TNC will be given under the guise of a joint venture.

According to Hong Kong newspaper, *Ming Pao*, in Disney's latest enterprise, a gigantic theme park in Hong Kong, the government is supplying over 90 percent of the investment by agreeing to invest HK\$24.5 billion in the project compared to Disney's HK\$2.4 billion. Yet if the venture succeeds, the government will only receive 57 percent of the profit. Disney is really onto a winner here. If the venture fails, Disney will lose a tiny fraction of its total assets, but if it succeeds, Disney will receive almost half the profits for investing less than 10 percent of the total bill. This means the Hong Kong people will be robbed of the return they could reasonably expect from this investment. If it does not make a profit, they will lose all that investment, which Social Services desperately need to look after workers made redundant by companies pulling out of Hong Kong to make 'inward investment' elsewhere.

Throwing caution to the wind

In a case involving suspect beef, the UK's mad cow disease, Bovine Spongiform Encephalopathy, was killing cattle on an alarming scale. A link was made between this disease and a similar deadly human variant called Creutzfeldt Jakob Disease. This and other cases have made Europeans cautious about importing any product which they suspect may be dangerous. There is international consensus that caution in such instances is perfectly reasonable, and international trade in UK beef was banned. Despite the fact that European countries have now lifted the UK beef ban, the USA still bans it, erring on the side of precaution. Yet the WTO has ruled that caution is no longer sufficient reason to ban imports. The only acceptable reason to the WTO for banning an import is proven danger. This ridiculous logic therefore demands that consumers or the environment must first be proved to be damaged before the WTO will ban a product, by which time, in many cases, irreparable harm to people and the environment will be caused.

Hype

Because of bad publicity over globalisation's harmful effects upon the environment, WTO proponents issue propaganda about the 'greening of globalisation'. But giving more power to those very companies and organisations which cause environmental damage is not going to solve the problem. Using a method of model examples and phoney arguments, the WTO will showcase one or two stage-managed areas, and continue their unpublicised, destructive projects as before. Another tactic was used at the environmental meeting in Rio de Janeiro, where countries were given a 'permissible' quota of pollution. Third World countries are deemed to be 'underproducing pollution', and those overproducing (the USA topped the list) are

allowed to buy pollution levels not reached by 'underproducers', thus allowing the dirtiest/richest countries to sell their filth to the Third World, and continue to over-produce pollution just as before.

The WTO repeatedly condemns democratically devised laws as barriers to fair trade. According to the WTO, trade is the ultimate criterion for determining rights: rights for labour and the environment should not exist if they impede trade.

Many TNCs have economies actually bigger than some countries. 52 of the 100 biggest financial operations in the world are managed completely undemocratically by these corporations. This is a big problem for democracy, since the TNCs recognise it only as a barrier to trade. Yet the TNCs operate in many countries which claim to be democratic, but those countries' democratic decisions are limited or overruled when organisations which control such economic power are operating there. If we accept this argument, TNCs are the biggest threat to democracy since World War Two.

Protected by WTO agreements on ownership of knowledge, TNCs are now not only patenting new products and processes but ones that have been in existence for centuries, considered as common property by users. Unbelievably, according to labour researcher and activist, Gerard Greenfield, American TNC RiceTec has patented Indian basmati rice and has applied for a patent on Thai jasmine rice; another US TNC has backed a patent on traditional Thai medicine with sanctions against objections by Thailand; a Japanese company has patented Indian curry. Quite how this can be legal beggars belief. Clearly basmati and jasmine rice and traditional Thai medicines were no more invented or discovered by Americans than curry by the Japanese. To a lay person this looks more like theft or expropriation of other people's ideas, the very reason that patents were introduced. These patents are rapidly becoming known as biopiracy.

Conclusion

Governments with ministers who have fingers in the WTO/TNC pie say There Is No Alternative to globalisation, deregulation, privatisation and all the rest of the WTO's attack on labour. Yet workers have many alternatives. Let us hope that the demonstrations in Seattle on and after 30 November mark the start of a determined fight to reclaim all our hard won labour rights which are rapidly disappearing under the GATT/WTO's newspeak concept of 'fair trade'.

Courtesy: *Asian Labour Update (AMRC Hong Kong)*

Some areas of WTO authority

1. Multilateral Investment Agreement

The multilateral agreement on investment (MAI) was attempted at the Organisation of Economic Co-operation and Development (OECD), composed of the world's 29 richest countries. Third World countries were first to oppose the MAI. But once people realised the hold it would give TNCs over nation States, groups in developed countries also protested. As a result, the OECD abandoned the MAI in October 1998. Britain's influential newspaper, the *Financial Times*, and other economic "authorities" pronounced the MAI scheme to be finished. However, this was a smokescreen to hide the TNCs' attempt to bring investment into the WTO.

The MAI, renamed the multilateral investment agreement (MIA) for inclusion in the WTO, would liberalise State investment regulations to extend existing TNC rights over investment. MAI demands equal treatment for both foreign and domestic investment, removal of import controls and tariffs' and the same State subsidies for foreign companies which domestic industries receive. It would allow foreign companies to sue national States and local governments at a secret WTO court, where awards would be astronomical to force governments to change laws. Investors would not be answerable to national governments, making it virtually impossible to plan economic policy.

Because there is residual momentum against the OECD's MAI, it is being redirected against the WTO. This means that the WTO will probably not try to introduce the MIA immediately, but will wait for a more appropriate time or vehicle. It is rumoured that the TNCs might transfer global investment policy to the International Monetary Fund, which has a scheme to force the MAI on countries that do not owe it any money.

2. Intellectual Property Rights

These govern patents and copyrights, which are being extended to cover items which are common property, primitive life forms and human beings. (See next article at page 36)

3. Services

Under the rules of the General Agreement on Trade in Services, in addition to banking and insurance, exportable services now include telecommunications, health care and education. Telecoms and public transport are already well integrated into the WTO system, but health and educational services are now on the agenda for deregulation and liberalisation. There are various models which could be used to give private industry access to managing these services, without wholesale privatisation.

The WTO is particularly keen to extend TNC involvement in this area, as the TNCs regard it as a huge market, for example, US\$ 1,000 billion is currently spent on education world-wide, and is almost certain to increase as the number of students is increasing, particularly in the non-traditional field of 'cyber-education' via the internet.

In traditional education, 'Build-Operate-Transfer' (BOT) is the current WTO preference, whereby an enterprise (such as a school or hospital) is contracted out for perhaps thirty years, after which ownership reverts to the State. In Britain, the Blair government is pushing the BOT idea under the Private Finance Initiative schemes for hospitals, and Education Action Zones for schools. These are being strongly resisted by labour unions, which have calculated that each facility would cost the public many times more than under the current State-run system. If this type of privatisation is permitted on a large scale, health and education standards will be pushed back to pre-war levels, when access depended on ability to pay. This runs against the popular notion that all Brits are entitled to free education and health care, irrespective of ability to pay.

4. Global Free Logging Agreement

As if big business were not already wrecking the environment like a bull in a china shop, particularly regarding rapidly disappearing rain forests, the USA is behind the WTO's attempt to introduce a logging agreement to compound ecological damage.

The logging agreement seeks to abolish tariffs on timber and timber products, and to make national governments get rid of laws to protect the environment, because the WTO regards such legislation as a barrier to trade. The logging companies aim to accelerate environmental destruction by uncontrolled deforestation just when it is crucial to fell less trees.

5. Government Procurement

Governments allocate State money to provide jobs and services, introduce new technology, and to promote sectors of industry nationally. In this area, TNCs are demanding most-favoured-nation status and national treatment (particularly in relation to subsidies and other incentives), and to make sure this is applied by making the process more transparent.

Other major issues include:

Tariffs and Trade - largely agreements undertaken from the GATT to abolish import tax and have rights to markets. Agriculture Sanitary and Phytosanitary Standards See below in next article.

Courtesy: *Asian Labour Update*

The WTO, the World Food System, and the Politics of Harmonised Destruction

Gerad Greenfield

1. Introduction

Only five years after its creation, the World Trade Organisation (WTO) has had a dramatic and far-reaching impact on our lives. Rising unemployment and declining living standards brought about by the rush towards 'Bzero' tariffs and subsidies, destructive competition inflicted by Transnational Corporations (TNCs) under 'free market access', the reversal or revision of domestic laws and regulations to bring them into line with new international standards, and the undemocratic rulings on trade disputes involving everything from bananas to telephone directories, is proof enough that the WTO is capable of turning all our fears of the General Agreement on Tariffs and Trade (GATT) into a reality.

2. 'Levelling' Agriculture by 2000

Free marketeers claim that the liberalisation of agricultural trade under the WTO Agreement on Agriculture seeks to reduce tariffs and other trade barriers by the year 2000, creating a 'level playing-field' and opening up markets to 'free and fair competition'.

The reality is that the WTO is fostering greater inequality and increasing the monopolisation and centralisation of power in the hands of a few TNCs which dominate the agrifood industry. While the developing countries in the South are forced to abolish tariffs and other agricultural trade barriers by the year 2000, the major industrialised countries such as the US, the EU and Japan will maintain significantly higher tariff levels even after these reductions.

The US, EU and Japan maintain high import tariff levels on a wide range of agri-foods. Here are some examples:

USA

Sugar	244%
Peanuts	168%
Milk	83%

European Union

Beef	388%
Wheat	352%
Barley	361%

Japan

Wheat	388%
Wheat products	352%
Barley products	361%

So the 36 percent tariff reductions required by the WTO will still leave producers in these countries with high tariffs.

In contrast, countries like India must reduce import tariffs, and a range of non-tariff import restrictions which were not converted to equivalent tariffs during GATT negotiations must be eliminated completely, leaving totally free access to agricultural imports by 2000.

Second, competition is far from 'free and fair.' The WTO allows certain kinds of subsidies to continue, particularly export subsidies through export credits and direct income provision to farmers. These subsidies are common in the major industrialised countries, but developing countries tend to rely on less expensive measures such as tariffs. WTO obligations require the abolition of tariffs, but permit export subsidies like the US government's export credit scheme and direct income transfers under its Export Enhancement Programme (EEP). For example, through the WTO the US recently secured the opening up of the poultry, pork and beef market in Taiwan, leading to protests by thousands of farmers in Taiwan, who also face the opening up of the rice and meat market under WTO tariff reductions. A similar victory for 'free trade' under the WTO was achieved in South Korea. Yet US poultry, pork and beef exports to Taiwan and Korea receive more than US\$1 billion in export subsidies under the EEP.

The continued use of export subsidies and other forms of domestic support for big agri-business in the US and the

EU allows massive dumping of underpriced agri-food products in developing countries. At the same time access to markets in the South is secured through the Structural Adjustment Programmes (SAPs) imposed by the International Monetary Fund (IMF) and World Bank which have forced small farmers and peasants away from food self-sufficiency and sustainable agriculture.

More than anything else this reveals the logic of agricultural restructuring under the WTO as systematic destruction of local capacity for food self-sufficiency and sustainable agriculture through the consolidation of the power of agri-food TNCs. The conversion of land use to non-traditional agri-exports creates a paradoxical situation of increased dependency on TNCs for access to markets and distribution, and inputs - including seed - while importing heavily subsidised agricultural products that are the same as the traditional crops originally displaced.

For example, in the Philippines the government's promotion of cash crop exports to replace rice and corn involved the conversion of 2.5 million hectares of land used to grow rice and 2.5 million hectares of corn to livestock production. This was linked to the US Department of Agriculture's support for Cargill's (US-based agri-TNC) plan to become a major exporter of corn to the Philippines, making the Philippines a "regular corn importer" by the year 2000. (Cargill's former senior vice president drafted the US proposal on agriculture in the Uruguay Round of GATT which set in motion these policies.) The export subsidies paid to a US corn farmer was 100 times the average income of a corn farmer in Mindanao (Philippine island). It is because of this heavy subsidisation that the OECD predicted that "US corn exports would undercut Philippine corn prices by 20 percent by the year 2000."

Having converted to livestock production, this sector is now being 'opened up.' Heavily subsidised US pork and poultry exporters have gained greater access to the Philippines, reducing the share of Filipino producers of pork from 82 percent to 45 percent of the market and poultry from 94 percent to 49 percent.

The WTO ruling in favour of the US against import controls on pork and poultry in the Philippines will open this market up even further.

Of course this renders the logic of agricultural restructuring proposed by governments meaningless. It is not a transition from traditional to industrialised agriculture and cash crops. Rather, it is a series of unpredictable, dramatic and often contradictory transformations forced from above,

.... export subsidies... allows massive dumping of underpriced agri-food products in developing countries. At the same time access to markets in the South is secured through the Structural Adjustment Programmes (SAPs) imposed by the International Monetary Fund (IMF) and World Bank which have forced small farmers and peasants away from food self-sufficiency and sustainable agriculture.

determined by the strategies of TNCs involved in destructive competition. Ultimately, only the logic of capitalist agribusiness profits will prevail, and instability and uncertainty for farmers and agri-food workers will continue to rise.

In addition, the dependency on non-traditional agro-exports for small farmers' and agricultural workers' livelihoods traps them in a vicious cycle of needing to gain access to overseas markets - which requires further compliance with multilateral trade and investment agreements by national governments and even greater dependency on TNCs which have monopolised control over inputs, markets and increasing control over seed.

The relationship between this vicious cycle and the WTO regime is crucial. The WTO relies on the threat of trade sanctions, and these sanctions are only effective if the national and sub-national economies of countries are dependent on exports. Democratic systems of food self-sufficiency and sustainable agriculture would prevent the threat of sanctions from having their full effect, and would thereby weaken the ability of the WTO to exercise leverage over national governments to allow unrestrained exploitation by TNCs.

Finally, having described the extent to which the WTO benefits US interests, we should not be misled into believing that the growing US domination of the world food system is based on the abundance of food in that country. There is of course tremendous waste of food in the US. At the same time more than 30 million people in the US face severe hunger, four million of who are in the state of California which is a major agri-food exporter.

3. The Rules of the Game

Much of the power of the WTO lies in its threat of sanctions against those countries failing to abide by its "rules and disciplines", and is expressed through the WTO's dispute settlement mechanism. Here too there are crucial inequalities:

(i) The tribunals appointed for WTO trade dispute settlements are comprised of 'experts' who have already had previous experience working on the GATT trade agreements and who support trade liberalisation. Proposed tribunal members with expertise in health and environmental protection, workers' health and safety, labour standards, and so on, are excluded if they do not support trade liberalisation.

(ii) The WTO dispute settlement system is dominated by the governments of the major industrialised countries, acting on behalf of private business in their own countries. Out of 113 complaints to the WTO so far, developed countries account for 82 of the complaints.

The ruling against the EU's "trade and aid" banana import scheme for Caribbean exporters by the WTO in September 1997, reveals the extent of TNC domination. The complaint against the EU was filed by Ecuador, Guatemala, Honduras, Mexico and the United States, even though the United

Much of the power of the WTO lies in its threat of sanctions against those countries failing to abide by its "rules and disciplines", and is expressed through the WTO's dispute settlement mechanism. Here too there are crucial inequalities..

States is not an exporter of bananas. The US government filed the case on behalf of the US-based TNC, Chiquita, which dominates the Latin American banana industry. Chiquita claimed that this was a victory for 'free trade.'

Riding high on its WTO victories against "trade barriers" in Japan and South Korea (health and safety inspection of agricultural imports and the shelf-life of agricultural products), Hungary (export subsidy scheme), the Philippines (pork and poultry import controls), the EU (banana and beef imports), and many others, the US Trade Representative, Charlene Barshefsky, testified to the Senate Committee on Agriculture, Nutrition and Forestry, in May

that: "We will continue to use the WTO consultation and dispute settlement procedures, as well as our domestic laws, to remove these barriers."

(iii) The reference to "domestic laws" reflects another serious imbalance in the WTO. Despite the fact that under the GATT/WTO agreements unilateral trade sanctions are no longer permitted, the US government still uses Article 301 and Special 301 of its Trade Act to impose unilateral trade sanctions on other countries. What the US government cannot get through the WTO it will get through direct sanctions using its own laws, despite the fact that this violates the multilateral agreements under GATT/WTO.

There is a provision in GATT that enables a country to impose quota restrictions on imports if it faces Balance of Payment (BoP) problems to prevent an excessive outflow of foreign exchange. But industrialised countries have effectively withdrawn this provision by preventing its application. When a number of Third World countries represented in the WTO BoP Committee supported the Indian government's proposal that import restrictions be phased out gradually due to Balance of Payments (BoP) problems, the IMF intervened to support the industrialised countries' position. The WTO ruled against India's request.

4. Harmonised Destruction

Under the WTO, national and sub-national laws and regulations must be "harmonised" with international standards. Although these international standards are supposed to be a basis for local laws and regulations, any local standards which exceed these international standards are labelled unfair trade barriers. Since the definition of new international standards under the WTO is determined by private industry, there is an inevitable downward harmonisation.

This harmonised destruction is most evident in the implementation of the WTO Agreement on Sanitary and Phytosanitary Standards (SPS) and the Agreement on Trade-Related Intellectual Property Rights (TRIPs). The SPS Agreement concerns harmonisation of health and hygiene inspection of imports and TRIPs deals with the harmonisation of copyright and related rights, industrial designs, trademarks, geographical indications, patents, plant varieties protection, and integrated circuits.

It is important to note that the inclusion of SPS and TRIPs under the WTO means that they have been identified as

Constitutional Reform - Now or Never?

The last issue of the *Christian Worker* which appeared immediately prior to the Presidential Election of December 21 has since seen the revival of the People's Alliance (PA) Government's "political package" of constitutional reform and the strengthening of the Peace Process in the aftermath of the Elections. This could indeed be said to be a direct consequence of the electoral victory of the PA Government's candidate Chandrika Bandaranaike Kumaratunga at the presidential poll. The people of the country have increasingly come to recognize as never before that there is no 'military solution' to the crisis and that only a political resolution of the conflict through negotiation and constitutional reform can bring about the much desired peace that our people yearn for today.

The following sequence of events in connection with the presidential elections and its aftermath however need to be recorded so as to better understand the existing situation, including the political climate in the country. This issue therefore will necessarily cover events that have flowed into the first quarter of the year 2000 as well.

Why Constitutional Reform ?

Constitutional Reform is desired for two reasons basically. Firstly, to abolish the Executive Presidency, which is derogative of democracy. Secondly, to enable the enactment of the set of politico-constitutional reforms generally referred to as the "Devolution Package" which provide for the conveyance of State power to the provincial assemblies as a means of addressing the demand of the Tamil and Muslim minorities for greater self government in their respective areas. The latter is expected to lead to a settlement of the ethnic issue which has been bedeviling the politics, indeed, the life of the country, since Independence. Particularly it is regarded as the political solution to the civil war between the Government of the country and the Liberation Tigers of Tamil Eelam (LTTE) which has

been in progress for the past 18 year or so, being an extreme and militant form of the ethnic problem that plagues the country.

Two Main Motifs of the Election Campaigns

With these two causative factors of constitutional reform playing so paramount a role in the politics of the present era in Sri Lanka, it is, perhaps, no surprise, that the abolition of the Executive Presidency, and the devolution of powers to the provinces should have provided the backdrop to the Presidential Elections of 21 December 1999. As a sequel to possible peace initiatives with the LTTE, the question of Third Party facilitation, also came up as a theme of the elections. There has been considerable progress in this last respect as discussed below.

Terrorism

The very regrettable consequence of the militant form of ethnic combatancy espoused by the LTTE, namely, terrorism, was a phenomenon that intruded into the Presidential Elections. Its pervasiveness as a presence attendant on the political process as well as the lives of the people at large may be noted throughout this period. Its hand was seen in the ghastly incidents of the suicide bombing of 18th December 1999 at the terminal Colombo Town Hall election meeting of the government People's Alliance (PA) and the terminal Ja Ela meeting of the Opposition United National Party (UNP), on which more in detail below. It was also seen in the suicide bombing in front of the PM's office in Flower Road on 5 January, the time bombing at the Vavuniya Post Office and in the setting of time bombs in various buses and bus stations and trains and railway stations in many places from 30 January to 8 February. The introduction of a "pass" system in the Batticaloa and Amparai districts of the Eastern Province, effective 15 February, and the prison disturbances and killings at the

Remand Prison, Kalutara of 6-7 January, are part of the trauma of tension and suspicion and polarization between the ethnic groups that such terrorist acts create, as indeed they are intended to do by those who perpetrate them. There was also the yet unproven assassination of prominent Tamil Congress leader Kumar Ponnambalam on 5 January in Wellawatte which is obviously a part of the terrorist syndrome, whoever be the authors of the crime.

War in the North

Militancy *per se* in its conventional form of battle action was also a significant phenomenon during the course of the elections, though perhaps relatively unnoticed as it was confined to the North and not as newsworthy as the polls campaign itself. But a very determined and bloody attempt was made by the LTTE to secure the Army positions in Paranthan in and around Elephant Pass, which is the gateway to the Jaffna peninsula from 11 December 1999 to 14 January 2000. The recapture of Jaffna seems to be the latest strategic objective of the LTTE, for which see details below.

Attempted Assassination of President Chandrika Kumaratunga

The official ending of the campaign for the Presidential elections at midnight on 18th November was marred by the attempted assassination of President Chandrika Kumaratunga by a suicide bomber at the PA rally in Colombo Town Hall in a blast which killed 26 and injured over 100 others. Another blast the same night at the UNP rally at Ja-ela killed 12 and injured 45 others. Major General Lucky Algama understood to be the UNP shadow Minister of Defence was one of those killed. From her hospital bed on 19th December 1999 on national television President Kumaratunga appealed to the people to be calm and particularly not to carry out any attacks or cause any harm to any Tamil, instead to make it their bounden duty to protect them. Ministers G. L. Peiris and Alavi Moulana also received slight injuries in the Town Hall bomb blast.

Election Campaign

The tone of the election campaign was unfortunately lowered by the petty vilification of the candidates by their opponents. Little regard was paid to the important issues of economic and political significance. However, whether or not to negotiate with the LTTE was a key topic of the agenda of almost all candidates. President Kumaratunga asked for a fresh mandate to implement the PA's "package" of politico-constitutional reforms including devolution, with or without the 2/3rds majority in Parliament which such reforms would require to become law. The Opposition candidate Mr. Ranil Wickremesinghe said he would

de-escalate the war, set up an interim administration in the North and East inclusive of the LTTE, and evolve a solution on a clean slate with the participation of all Parties, including the LTTE.

Voting in the North and East

Regarding the elections in the North and East of the country, which were predictably idiosyncratic as a result of the abnormality of the socio-political environment, we would refer to the separate article in this issue under "Comments" titled 'Voting in the North-East and the People's Will' by Dr. Rajan Hoole. This, we believe, adequately and accurately depicts the situation in all its tragic complexity and stark uncertainty. Hence, we offer no comment except to commend Dr. Hoole's excellent analysis of an election process in a society that is not free but under siege from both the Army and the LTTE, and where the integrity of the process is, hence, under threat. Besides, as recounted below, renewed fighting in the south of the Peninsula and the north Vanni was endemic in the 30 days or so commencing 11th December 1999 and ending 14th January 2000, that spanned election day, and, hence, the security situation was more adverse than otherwise.

President Kumaratunga Sworn-in as 4th President Invites Opposition

On 22nd December President Kumaratunga was once again sworn in as President of Sri Lanka. She secured 51.12 % of the votes and captured 17 of the 22 Districts. She invited UNP Leader Ranil Wickremesinghe to join her in reaching a consensual agreement on a resolution of the ethnic conflict. In response Mr. Wickremesinghe said he would support government proposals to bring peace to the country.

Trends in Voting

Despite calls by some persons like Trade Union Leader Bala Tampoe and Bhikku Soma Thero to spoil votes, voter turn-out was 70-75 %. Sri Lankans showed their maturity in exercising their sovereign rights. In some polling divisions the number of persons who voted was as high as 80%. The number of rejected votes was 199,536 votes or 2.3 % less than at the Provincial Council elections where it was around 5 % and surpassed the total votes of the Janatha Vimukthi Peramuna (JVP) which came third. The JVP emerged as the 3rd force in this election too, but the number of votes polled was depleted compared to the provincial council elections. Their votes at this election were 344,273, roughly three times the number of rejected votes or 4.05% of total votes cast. The party performed best in its traditional strong hold - the Hambantota District.



Re-elected President Chandrika Kumaratunga took oaths for second term in office before the Chief Justice at Temple Trees. Looking on are Army, Navy, Air Force, Police Chiefs and Secretary to the President.

Courtesy: Daily News

President Kumaratunga PA leader secured 4,312,157 votes or 51.12%. Her chief contender Ranil Wickremesinghe won 3,602,748 votes or 42.71% votes. Nandana Gunathilaka, JVP candidate came third. Harischandra Wijetunga of the Sinhala Maha Sammittha Bhumiputra Party came fourth. Significantly the two main contenders polled between themselves 94% of the total valid votes cast with the JVP a further 4.1%. The remaining 10 candidates shared the balance 2% of the vote.

The UNP won the Mannar, Trincomalee and Batticaloa Districts in the North and East and the Wannu, Nuwara Eliya and Badulla districts. However the PA won Jaffna in the North and Gampaha, Kalutara, Mahanuwara, Matale, Galle, Matara and Hambantota in the South - all the polling divisions, Digamadulla, Kurunegala, Anuradhapura, Polonnaruwa, Monaragala, Ratnapura and Kegalle. However, the number of people voting UNP have increased from 1994.

Out of 144 polling divisions the PA won 122, with the UNP taking the remaining ones. The Colombo district was a close encounter with the PA winning 474,310 votes (49.18%) and the UNP 425,185 (44.98%). The UNP won in the polling divisions of Colombo North, East and West, Borella, Dehiwela and Colombo Central. The PA took Ratmalana, Kolonnawa, Kotte, Kaduwela, Avissawela, Homagama, Maharagama, Kesbewa and Moratuwa. Thus it wrested the key Colombo District. It also carried away the Western Province where the most number of votes were polled, winning in the Gampaha and Kalutara districts. The PA won easily in all polling divisions in the Kalutara District

and polled 281,217 (52.88%) votes while the UNP came 2nd with 217,423 votes (40.88%) votes. The PA swept to victory in the Gampaha District where it gained percentages of 65% and 61% in the Attanagalla and Gampaha polling divisions. The polling division of Negombo in the Gampaha District was closely fought i.e. PA - 28,515 and UNP 28,156 votes.

Monitoring

There was consensus reached regarding monitoring by foreign election observers. The Elections Commissioner hosted 26 observers from Commonwealth and S Asian countries including Bangladesh, Pakistan, India, Nepal, Australia, New Zealand and Canada.

The team issued a report with 18 recommendations for free and fair elections in future. At a Press Conference in December, the leader, Lord Meghnad Desai said that the Presidential elections had been free and fair.

The independent elections monitoring groups i.e. PAFFREL, MFFE and CMEV also had 48 observers from abroad accompanying local teams in different areas. Their reports expressed concern for levels of violence and violations of election laws and procedures on account of intimidation and violence.

Violence

Election related violence was mostly reported from the Central, North-Central and North-Western Provinces, same as where extreme violence had occurred at the Provincial Council Elections. The majority were made by the UNP and the JVP against the PA. There were 4 killings reported in the period 16 November to 12 December. A total of 1,156 reported incidents were lodged with the Police Election Secretariat by 21st December. The majority of complaints were related to attacks on party officials and individuals, harassment, intimidation and assault. The Election Commissioner's Department received over 500 complaints of election irregularity - 20 of them referring to MPs of the UNP and PA.

We append hereto a brief comment on election-related violence by a member of a monitoring team, who wishes to remain anonymous. However we are satisfied that it represents a true, fair, unbiased and objective view and therefore publish it in its entirety.

"Few if any presidential elections could boast an attempt on the life of the incumbent President at the close of the election campaign as was the case in Sri Lanka in December of 1999. Mrs. Kumaratunga is perhaps the only President to survive an attempt on her life and as such gained stature in the eyes of some who interpreted it as a divine indication of the result of the forthcoming election.

The election *per se* took place as planned and the presidential candidate of the party in power won. But then began the post mortem of the election. The election was also monitored by an independent election monitoring bodies and once again 'violence' was a recurring theme in all press releases and discussions that surrounded it. Violence has always (or so it seems) been associated with elections in Sri Lanka. So much so that we are in a position to quantify violence, for we condone some acts whilst condemning others. The two prominent organisations involved in monitoring the elections publicised diametrically opposed conclusions. One stated that whilst there had been a misuse of the State media and named districts such as Gampaha, Kandy, Kurunegala, Matale Anuradhapura and Nuwara Eliya as being violent concluded that the election process as a whole was fair although not pristine clean in its operation. The other felt that the extent and magnitude of violations that occurred during the election renders the overall result untenable.

"There is no question on whether this election too was riddled with violence, for the answer would be undoubtedly in the affirmative. Violence of whatever nature cannot be condoned and in that sense the latter conclusion expressed above is commendable. Having said that, was this election as violent as the others preceding it? Or was there a drastic reduction? Or was this merely an illusion? It would appear that people have learned that violence on the face of it is not a viable option especially when it is widely condemned. Therefore a more insidious but equally effective method, that of threat and intimidation, appears to have been used at this election. This was a more powerful tool for it not only effectively controlled the masses but was also extremely difficult to identify. Therefore in effect the violence appeared to be less.

"Should we be so exact when judging 'violence' at elections? Or is it better to acknowledge that this election was not as violent as some of the others? If so should we condemn it *in toto* as flawed or would not appreciation of

this reduction act as an incentive to do better at the next election? Are we being too exact? - interesting question, but the answer would be more so."

President's Invitation to Opposition and Response.

In her address to the nation following her election victory on 22nd December 1999, the President made an appeal to Mr. Ranil Wickremesinghe, Leader of the UNP to cooperate with her in the search for peace. In response on 24th December 1999 Wickremesinghe requested the President to put forward concrete proposals to resolve the ethnic issue. The UNP would support any positive effort that will bring peace.

However Wickremesinghe drew attention to the need for an independent Commission for Elections, Police and Public Service in order to consolidate democracy and bring law and order to the system.

Post-Election Preoccupations

The constitutional evolution with its corollary, power devolution to the peripheries, has been the key topic of political action, speculation and strategy since the results of the election announced on 22 December 1999 which gave the PA candidate, President Kumaratunga a handsome win with 51.12 % of the valid votes polled. We may understand better the course that events have taken since then, if we consider them in the light of the 2 criteria i.e. abolition of the Executive Presidency and the settlement of the ethnic question. The attention of both Government and Opposition have been largely focussed on these 2 political constitutional issues, as it is conceded that without a settlement and disposal of these issues no progress can be made in any other field of social, political or economic activity. With these guidelines in hand it is possible to plot a course through the political tangle of statements and events that crowd the stage in this immediate post-election period.

The Alternative UNP group

As early as 5th November 1999, 35 UNP members led by Dr. Sarath Amunugama and Mr. Wijepala Mendis called on President Kumaratunga at "Temple Trees" and pledged to support her victory at the forthcoming Presidential elections. The other 3 UNP members in the group were Mr. Nanda Mathew, Mr. Susil Moonesinghe and Mr. Chula Bandara. They all took up the position that they have not quit the UNP and remained very much as members but that they considered the setting up of a "National Force" under the leadership of Mrs. Kumaratunga for resolving the



President Kumaratunga rewarded UNP dissident, Dr. Sarath Amunugama by appointing him Minister of Special Assignments

— Courtesy: Sunday Times

national problem a higher duty and a priority of supervening importance over party loyalty *per se*. They were hopeful that in due course they could bring over the greater part of the UNP members in the house to joining them in creating what could be considered a Government of National Unity for grappling with the basic issues confronting the country, beginning with the politico-constitutional questions of the Devolution Package and the abrogation of the Executive Presidential form of government.

In retaliation the UNP working committee expelled the 5 MPs on 8th November. However on 9th November President Kumaratunga rewarded two dissidents, Sarath Amunugama and Nanda Mathew by appointing them Ministers of Special Assignments. The 5 MPs in turn petitioned the Supreme Court against the expulsion. On 3rd February 2000 the Supreme Court invalidated the expulsion of the rebel MPs and found it invalid for want of procedural propriety. In their letter to the UNP Chairman Karu Jayasuriya the petitioners have said that the judgment of the Supreme Court holds that their purported expulsion from membership was illegal, null and void; the Supreme Court has held that the party had violated their rights to natural justice by expelling them *ex parte* without a hearing.

President's Clarification

In a 3 hour televised appearance on 3rd January President Kumaratunga clarified certain issues arising from her address to the nation of 22nd December. She stated that the Opposition UNP would seem to have entered into a

secret pact with the LTTE some time back. Incidentally several cabinet members have affirmed that the assassination attempt on Mrs. Kumaratunga was the result of a 'conspiracy' between the LTTE and the UNP. President Kumaratunga claimed that a section of the Army had connived with the UNP-LTTE alliance to deliver a string of defeats to the Army in the Vanni in the first week of November 1999. She stated that on a statistical analysis of the Vanni and Eastern Province votes, she would have got 55-56% of the vote and Wickremesinghe only 36-37%. She stated that she had cause to believe that some of the media, certain businessman and sections of the army were in a conspiracy with the Opposition UNP.

She stated that she had never meant a National Government. What she had meant was the Opposition cooperation for bringing about peace.

The leader UNP, Alternative Force Dr. Amunugama substantiating the President's statements claimed on 15 January that the UNP and the LTTE had a secret understanding whereby 600,000 votes have been awarded by the LTTE to Ranil Wickremesinghe at the recent Presidential election. He drew attention to the fact that the UNP had not accused the LTTE of the bomb explosion at Ja-Ela rally on 18 December but had speculated on its having been carried out by pro-Government forces. These were clear signs of a secret pact. He predicted that at the next general elections the UNP would not get more than 45 seats. The Alternative Force itself would receive more than 15 lakhs of the 36 lakhs cast in favour of Ranil Wickremesinghe.

Members Conscience Bill & Extension of Parliament

In the context of the developments which seemed to portend a reversal to the previous adversarial, if not confrontational, stances of the Government and the Opposition we may very briefly touch on two measures sought to be undertaken by the rank and file of the SLFP, the leading party in the PA coalition as a means towards effecting at least the 2/3rds majority needed in Parliament by mustering the support of more UNP members for getting on with the agenda covering the Devolution Package and the Executive Presidency.

The first was a decision of 15 January of the SLFP Central Committee to table a Members Conscience Bill or Cross-over Bill on 18 January to pave the way for members to cross over. Such a bill would need a 2/3rd majority and were the process to pass it thwarted, steps should be taken for an early General election. Alternatively if such a Bill was passed early steps to be taken for implementing the Government's future plans.

The other was at the PA Executive Committee meeting of 14th January - the first after the President was sworn in, where views were expressed for moving a motion to extend the life of the present parliament by a further three years. This would need a 2/3rds majority in Parliament to be followed by a referendum. It was understood that a number of UNP MPs influenced by the rebel group were favourable and had told their party leadership to support as they feared a general election in August under the same threat and intimidation as in the recent presidential election. The UNP would face a financial problem, too, in going in for early general elections.

Extra Parliamentary Agitation .

Concurrent with the manoeuvres referred to above for expediting the major proposals of the Government as recently endorsed by the electorate there were two prominent moves in the shape of street demonstrations indicative of popular reactions to the strategies being formulated by politicians on both sides of the House.

The Conspiracy Theory

On 11th January, the Free Media Movement expressed fears for lives of journalists taking a critical stand, in the wake of the conspiracy theory, propounded by the President and propagated by the government media linking the Opposition UNP, sections of the military, media and businessman with the attempted assassination of the President on 18th December 1999. Varuna Karunatileke stated that there was an apprehension that the government was seeking to suppress independent media before the general elections and thereby resort to undemocratic means or extend the present parliamentary term by a referendum. With a new group claiming responsibility for Kumar Ponnambalam's killing it was dangerous to name a group of media personnel as working with the LTTE.

The Conspiracy Theory was similar to the Naxalite conspiracy formulated by J.R. Jayewardene in 1982 to harass his opponents and the media and detain them. Linking journalists with the LTTE could lead to a crackdown as in the late 80s and early 90 where people critical of government were killed by branding them as JVPers. Victor Ivan said that though this was not the first time the leaders have been assassinated, it is the first time such an attempt was linked with those who are critical of the government. He said it infers that for the first time the LTTE got involved with hundreds of people to carry out their mission.

Pro-Government Trade Union Demonstrations

Hundreds of pro-Government Trade Union members demonstrated at Lipton Circus on 19th January demanding

the sacking of government employees with UNP leanings in State and semi-State institutions. The demonstration was led by veteran SLFP Trade Unionist and Minister Provincial Councils and Parliamentary Affairs, Alavi Moulana, who is the leader of the Sri Lanka Independent Trade Union Federation (SLITU). Several unions eg. the Sri Lanka Nidahas Sevaka Sangamaya (SLNSS), Samastha Lanka Lipikaru Sangamaya (SLLS), Public Services Trade Union Federation (PSTUF) and others participated.

Chairman PSTUF, W. H. Piyadasa explained that the demonstration was organised to protest against elements in State institutions who are trying to stall the progress of the government. During the elections they had openly supported the opposition UNP. Now it was time to take action against them and they be removed from office. President Kumaratunga was urged to introduce the package to parliament. They demanded the death penalty for those plotting to assassinate the President and the members of government in collusion with the LTTE.

Killing of ACTC Leader Kumar Ponnambalam

All Ceylon Tamil Congress leader Kumar Ponnambalam was gunned down in Wellawatte on 5th January at about 10 a.m. in his car at Ramakrishna Terrace. Just about an hour previously at around 9.10 a.m. a female suicide bomber exploded herself outside the Prime Ministers Office on A. E. De Silva Mawatha, killing 14 others including police and security personnel and bystanders. The motive is not yet known. Kumar Ponnambalam contested the Jaffna seat in 1977 as an Independent and lost. In 1982 he contested the Executive Presidency and finished fourth. His brutal killing is a pointer that the politics of the gun have gained precedence over democracy. The irony of his death was that he was killed brutally in the same manner that hundreds before him were killed which he did not condemn. We reproduce certain guidelines for an assessment of this murder as provided in the January issue of the Information Bulletin published by the University Teachers for Human Rights (Jaffna) Sri Lanka and captioned *the Scent of Danger* which in our view is fair, rational and objective: "to call the politics of those like Kumar Ponnambalam sincere or insincere is misleading, Sincerity applies where there is constancy and commitment to human values. The politics of those like K.P is rather obsessive, blind to history and rooted in the present. The popularity KP built up among a significant section of Tamils in the South was because he gave voice to the gut feelings of resentment harboured by many Tamils against the State. This section does not represent all the Tamils who have grievances against the State, but is a segment of a very divided community. In the absence of freedom to discuss choices owing to internal

terror, this community takes a very diversified approach to both the State and the LTTE, often based on immediate experience.

"We are indeed faced with a most perilous situation when a large section of the community is driven by this psychology. It justifies and white washes the systematic repression faced by people living under the LTTE. Among the Sinhalese, this psychology exposes the Tamils to silent resentment. In the Hill Country this ultra nationalism is being fed to an alienated and discriminated population by politicians who hope to transfer resentment into votes as politics in the North and East did a generation ago.

"The fall out from this situation can only be handled by sensitive understanding and timely reform. The majority of the people who went to KP's funeral were of the opinion that he had been murdered by a State agency. . . . the feeling will persist if the government does not clear up the matter."

Opposition Offer on Implementation of Political Proposals.

On 19th January the Opposition UNP leader Ranil Wickremesinghe stated that he would not stand in the way of government's constitutional proposals despite his party reservations, but if that experiment failed the UNP intended introducing a new constitution and expected the government to extend the same cooperation. The offer drew attention to the need to incorporate an independent Election Commission and media reforms with responsibility.

Motivating factors of the Opposition Offer

We would construe the willingness expressed by the UNP to collaborate with the government in furthering its constitutional plans as a major break through in the country's history of constitutional change. The two previous changes in 1972 and 1978 were unilateral changes by governments in power. Such a PA-UNP consensus on constitutional reform would constitute the first occasion when political parties have joined hands in formulating a political solution to the ethnic question.

Even if the resultant consensus were insufficient to satisfy the LTTE, a positive precedent of bi-partisanship on the issue would have been set for the future. The unique im-

portance of this development in the annals of the country's constitutional evolution is best illustrated by a consideration of the circumambient factors surrounding the country's constitutional progress at this present juncture, some of which have been already touched on.

The first is the question hanging over the UNPs willingness to cooperate in the constitutional reform exercise, as to whether it stemmed from a genuine change of heart or from a political strategy to safeguard itself from a government-engineered break up led by its five rebels. There is general recognition that the Opposition Leader Ranil Wickremesinghe's letter of 19th January pledging its support to the government's devolution package was motivated by tactical consideration based on a hard-headed appraisal of the political circumstances where he was trying hard to keep his Party together against the efforts of the government-backed UNP rebels, and it was this that led him towards statesman-like policies.

The second is the hard fact that community leaders and political leaders who have been calling for a consensus between majority political parties for a solution to the ethnic conflict to emerge have glossed over, is that the Sinhala Community is still more or less divided on the question of political reforms that could lead to political settlement of the ethnic question. It is clear that the two political leaders are well aware of the divided nature of the Sinhala Community on the issues of war, peace and political compromise. Further that where the Sinhala electorate is not united in support of the government's political initiatives in respect of the ethnic conflict, both leaders may be pushed into positions of playing the familiar old game of partisan politics rather than the new one of joint problem solving.

Abandonment of Cross-over Bill and Extension of Parliament

The immediate effect of the UNP leader's letter of 19 January was that the Cross-over Bill which was a plan to help government in getting the required 2/3rd majority in Parliament to see the new constitution through was abandoned. Instead government was intending to obtain the 2/3rds majority through dialogue with all political parties. There would be no need to rush for a snap general election, as such would not be guaranteed to provide the required



Opposition UNP leader Ranil Wickremesinghe

— Courtesy: The Island

2/3rds majority under the present constitution and the proportional representational system of voting.

Government's agenda

Minister of Justice, Constitutional Affairs, Ethnic Affairs and National Integration, Dr. G.L. Peiris on 27 January unveiled 4 stages in the government agenda for a peaceful solution to the ethnic problem: 1. Talks within the PA itself, as "much water had flowed under the bridges" since government's first presentation of its proposals in October 1997. 2. The Tamil groups to join to forge a consensus. 3. The opposition UNP to be consulted and thereby accorded a real and historic opportunity of implementing the political proposals and 4. Direct negotiations with the LTTE also put on the agenda since the latter had indicated a willingness to do so. At this point the role of a facilitator was thought to be necessary since direct bilateral negotiations with the LTTE were not possible due to erosion of confidence on both sides and Norway was said to be willing to take on this role.

The above procedure would strengthen the government's hand in dealings with the LTTE as the entire polity of both the Sinhala and Tamil parties within the democratic mainstream would be backing the proposals. Earlier the LTTE had been in a position to query the validity of the proposals as there was no similar backing. Dr. G. L. Peiris made the point that the pivot round which the Presidential election campaign had revolved was the provision of a solution to the ethnic conflict. President Kumaratunga had made it the central theme of the election. She had placed the issue fairly and squarely before the people. She had taken a historic decision to consult the people directly and ask for a mandate and this the people had given her by a 51.12% majority vote.

Responses and Reactions

Opposition Leader Wickremesinghe's letter of 19 January, whilst it answered the call of political leaders in the South and North for a bi-partisan consensus between the PA and the UNP on the North-East problem, was not

reassuring to the Tamil and Muslim Parties who wanted a firm commitment and not a wait and see attitude. Further, while it constituted a response to President Kumaratunga's charges that the government had been unable to resolve the North-East Problem because the Opposition UNP did not extend support to muster the 2/3rd majority required to make the constitutional amendment in Parliament, it stood to lose the support of those Sinhala groups that opposed the Devolution Package. Again, the TULF has not unqualifiedly supported the package because it does not include a unit of devolution that merges the North and the East. This is what all the Tamil parties are insisting on. On the other hand the SLMC wants a South East Provincial Council if the North and the East are merged. The LTTE for its part has rejected the PA's proposal. If its hitherto intransigent position is not changed by foreign facilitation it would be left to the PA government to implement the political proposals with the support of the other parties and marginalise the LTTE politically in this regard.

Executive Presidency to go

On 6 February it was announced that the constituents of the PA had decided that the Executive Presidency will be abolished as promised in 1994 and reiterated in the constitutional reforms presented to parliament on 24th October

1997. Transitional provisions will be discussed with other political parties, said Justice, Constitutional Affairs, Ethnic Affairs and National Integration Minister, G. L. Peiris. In this connection see article by Minister Batty Weerakoon titled "Political Undercurrents in Constitutional Reform" appearing under 'Comments' inside.



The PA Committee on Constitutional Reform chaired by President Kumaratunga met the minority parties at Temple Trees.

— Courtesy: Daily News

The discussions among the constituent parties of the PA on

the new constitution were completed and the first stage was now over. Stage 2 was the following week's discussions with the Tamil parties who were invited for talks. The UNP was expected to come on board the week following. The LTTE would come into the process after consensus with all the other Parties had been realized. i.e. at stage 4 when consultations with the UNP would be concluded. This said Minister G. L. Peiris would significantly enhance

the prospects of implementation. It seems important, however, that the constitutional agreements should be tabled as soon as discussions with the participating Parties are over without necessarily waiting for the suggested discussions with the LTTE.

New Electoral System Mooted

Among other decisions taken by the PA's constituencies was that the present PR i.e. proportional representational electoral system will be retained for the next presidential elections as a transitional arrangement. But thereafter the PA sub committee on electoral reforms favoured a 50:50 arrangement of parliament elections based on the German model with around half the seats determined on the basis of territorial constituencies and half on PR.

Under the electoral reforms recommended by the PA, electors would elect 160 members elected on a first-past-the-post system, under a system of electoral divisions, 80 members elected on the district PR basis under the present proportionate system and another 20 members similar to the present National List - a total of 260 seats. In terms of this proposal the two major political parties may not dominate as at present in the elections. The minorities and the smaller political parties may be helped by the first to the post system to obtain seats. Such a system would perhaps have a beneficial effect at the regional level on the LSSP, CP and JVP, too.

Further it was noted that these reforms would need only a 2/3rd Parliamentary majority and no referendum to become law.

Transitional Measures

Other key constitutional amendments proposed by the PA as disclosed on 18th February were 1. Chandrika Kumaratunga to continue as President for the full term of 6 years. 2. The nature of the State to change from "unitary state" to "one sovereign and independent republic comprised of regions within an united State and shall be known as the Republic of Sri Lanka."

The former was clarified by Minister G.L. Peiris who said that there was to be a fully executive Prime Minister who would be the Head of Government. But at the same time you could not have an executive President who was also Head of Government. Hence, the transitional provision. During this period there will be an executive President; also there will be a Prime Minister and they will be two different persons. During the transitional period the President and P.M. would have the same powers under the present constitution.

Tamil Parties

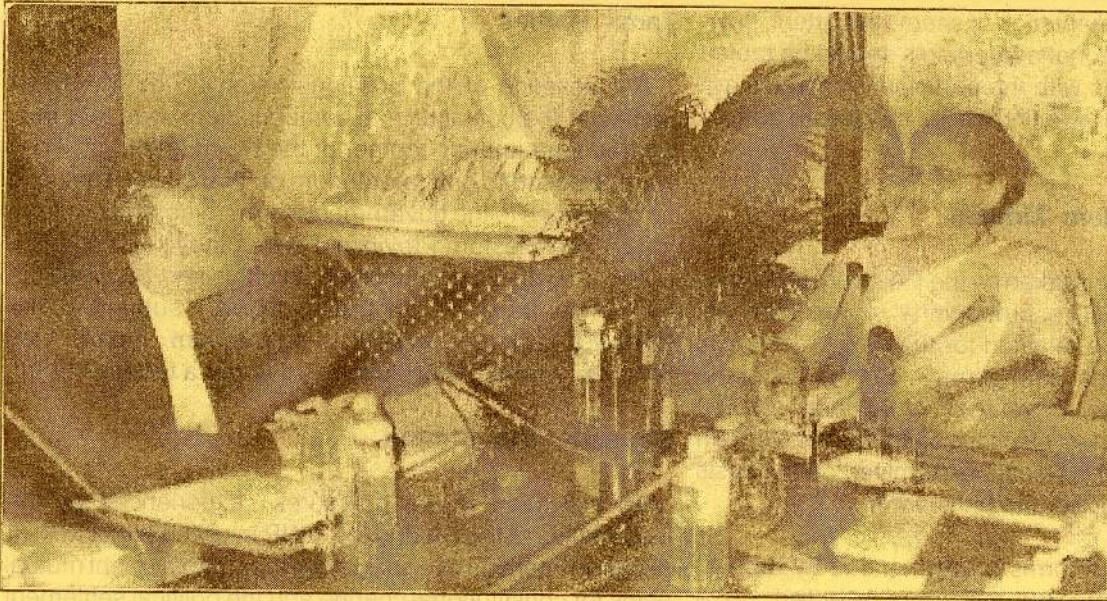
The essence of the positions taken up by the Tamil parties at the constitutional confabulations was that they wanted a permanent merger of the North and East. They were opposed to any referendum on that issue. They had no objections to the government de-merging Ampara from the present Eastern Province. Further they had no objection to a South-East Councils for the Muslims, provided the Sri Lanka Muslims Congress (SLMC) supported the North-East merger without a referendum. Finally they favoured a form of devolution as if under a federal set-up.

Stresses and Strains

An indication of the pressures experienced by the leaderships of the PA and the UNP in giving effect to their declared intention of working together to implement mutual plans for constitutional change and the political settlement of the ethnic crisis is evidenced by the exchange of correspondence between UNP leader Ranil Wickremesinghe and President Kumaratunga commencing with Wickremesinghe's letter of 10th February and continuing with the President's invitation to him of 18th February and ending with Wickremesinghe's further letter of 21st February. This correspondence seemed to suggest that UNP was not interested in the new draft constitution in process and wanted the constitutional document presented to Parliament on 24th October, 1997 to be brought to Parliament to give the required two thirds majority. Further that the UNP's stand as per their press release of 28th February seemed to be a reversion to the formula for the settlement of the ethnic issue and the North-East conflict enunciated in the UNP Leaders election "pledge" at the last Presidential elections.

Break-through

At this critical juncture, the strength of public opinion regardless of party affiliations or ethnic or any other loyalties or bias would seem to have intervened to put the constitutional process back on track. The break-through came when President Kumaratunga by her letter of 3rd March again invited UNP leader Wickremesinghe for a meeting on the 9th March to discuss the constitutional reforms proposed by the government, the Tamil parties, and the UNP in terms of their letter of 21st February and announcement of 28th February. This invitation as phrased seemed to be in response to Wickremesinghe's above letter of 21st. In her letter Kumaratunga stated her intention of reviewing the proposals of the UNP, the proposals acceptable to the Tamil parties, and the PA's proposals. The agenda for further discussions were to be decided upon on that day.



President Kumaratunga in discussion with Opposition Leader Ranil Wickremesinghe

Courtesy: Daily News

It was more than evident by this stage that throughout the country by and large, it was deemed a matter of national interest that the leaderships of the two main Parties should co-operate to resolve the burning issues of abolition of the Executive Presidency and devolution of power. Talks between the PA constituent Parties had apparently been very successful, where consensus had been reached on several key issues, including devolution and the executive presidency, after six meetings. Further meetings with the UNP for advancing the process of constitutional reform already realized via the proposals endorsed by the PA and the Tamil political Parties, seemed to be the obviously logical next step.

Great Leap Forward

UNP leader Ranil Wickremesinghe writing to President Kumaratunga on 8th March welcoming the opportunity to meet her, seemed to echo the strong public opinion favouring UNP participation in the constitution reform exercise, as reciprocated by the Leadership showing that it has national responsibilities that exceed seeking political advantage. The meeting of 9th March provided an opportunity for a new beginning. On 11th March it was announced that the PA - UNP were due to resume talks on 16th March, being their second meeting. Consensus was being sought on the resolution of war in the North and East and on the proposed constitutional reforms. It is important to note that the LTTE bomb and mortar attack of the 10th evening at Rajagiriya, which killed 28 people including six policemen, 14 civilians and eight Tiger rebels, did not deter the determination of the participants to persist in their endeavours to promote peace.

A New Beginning

In fact on 15th March President Kumaratunga reiterated her resolve to go ahead with her mission of finding peace, whatever the hurdles. As PLOTE leader D. Siddharthan expressed it, the importance of the main parties in Sri Lanka finding consensus on a political package was that it would neutralise the LTTE. In

his words, "If the UNP and the PA can place a reasonable solution acceptable to the international community and the Tamils, there would not be any need to talk to the LTTE."

We would conclude this part of the comment on the high note that for the first time in Sri Lanka's modern history the main stream political leaders have got down to forging a common position regarding issues of governance and ethnic power sharing. The leaders have put aside their personal and party rivalries. They have set a positive tone and agenda for further talks aimed at a bipartisan approach to politically ending the ethnic conflict.

LTTE's Negative Reactions

It is difficult to rationalise the LTTE attack of 10th March at Rajagiriya except as an attempt precisely to undermine faith in the political process. Being primarily a military organisation the LTTE apparently feels marginalised in such a scenario. But for that very reason the political arena must be maintained as the primary arena of contest. Without a degree of mutual trust it is difficult to maintain progress in negotiations. The LTTE after repeatedly making the point that the lack of a Government-Opposition consensus in the conflict was an obstacle to peace talks, has the day after the success of the Government-UNP dialogue sought to undermine it.

What is needed is an even more dedicated effort to progress through the talks. The successful early meetings between President Kumaratunga and UNP leader Ranil Wickremesinghe will hopefully set an irreversible tone and momentum for the future.

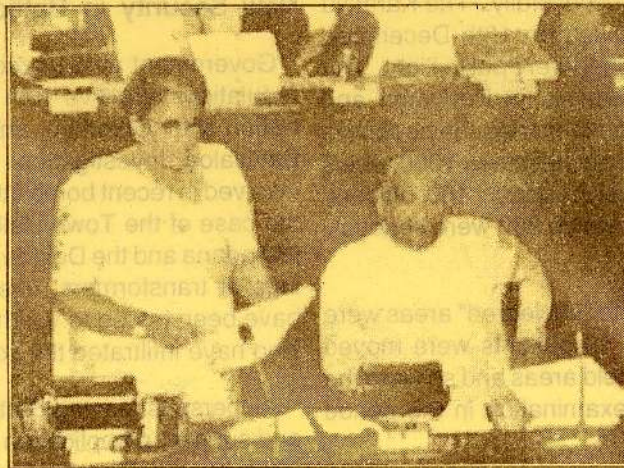
Budget 2000

The President broke with tradition when she opted to present the Millennium Budget 2000 herself, in her capacity as Minister of Finance, in Parliament on 14 February.

As we have a separate Annexure by Dr. Lakshman Goonewardena, on the multifarious implications of the budget after this "Comments/Review", we will content ourselves here with simply expressing the hope that the President's action will prove a happy augury for the future in terms of the on-going process for politico-constitutional reforms which will ensure an Executive that is directly answerable and accountable to Parliament.

Foreign facilitation

We have touched on this topic in the foregoing review. Such facilitation has become necessary in the eyes of all parties. The LTTE had also requested it. On the question of the facilitator Norway's Foreign Minister Knut Vollebaek was the most favoured candidate. It will be recalled that Norway's peace making role in Sri Lanka was first made public by the President in a BBC interview from London on 30th December. It seems Foreign Minister Kadirgamar and Vollebaek's representatives had been meeting in Geneva on several occasions to discuss Norway's role in bringing the LTTE to talks. The Foreign Ministry kept a low profile during a preliminary sounding mission last month by a Norwegian Foreign Ministry delegation, where the Ministry of Ethnic Affairs played a major role. The first round of talks aimed at bringing the LTTE to the negotiating table with the Government began in the second week of February with the arrival of Mr. Vollebaek. On this occasion Mr. Vollebaek met with President Kumaratunga, Mr. Kadirgamar and Mr. Ranil Wickremesinghe. The UNP has taken a position similar to the Government that there should only be third party facilitation i.e. the facilitator be licensed to make contact with the LTTE and report back to the Government, provide facilities for the discussion and even be present at them. Negotiations would come at a later stage and that would be only between the government and LTTE. Norway would not play the role of negotiator with power to impose a solution. The change of government in Norway on 10th March has not meant any change in plans. The new Foreign Minister of Norway - a former P.M. - Thorbjorn



The President broke with tradition when she opted to present the Millennium Budget 2000 herself, in her capacity as Minister of Finance, in Parliament
- Courtesy: The Island

Jagland has said that the new Labour Government would continue to work to end Sri Lanka's ethnic war and defuse other conflicts.

War and its effect on civilians

Parallel with the elections there was, as stated previously, an intensification of the war in the North with a determined attempt by the LTTE to take possession of Elephant Pass which is the key to the Jaffna peninsula. The heat of the election campaign and the censorship on news from the North and East blunted the perception of political leaders and people alike that large scale battles were raging throughout December in the southern parts of the Peninsula and the northern Vanni.

Fighting erupted on 11th December when the LTTE mounted attacks on the east and west of Elephant Pass base held by the 54 Division and also threatened the defences of the base south of it at Paranthan. The LTTE attacked Vettalaikerni and Kattakkadu in the general area east of Elephant Pass from 14th - 21st December, 1999 and aimed artillery fire at Chavakachcheri and the Pasaiyoor and Colombuthurai suburbs of Jaffna from 20th December to 14th January, 2000, despite ICRC calls to desist from attacks on civilian population in residential areas. The defence lines at Ariyalai army camp in yet another Jaffna suburb were pounded by Tiger Special Cadres (TSC) in the same period. LTTE units crossed the Jaffna lagoon in speed boats and landed in the Kilali area on 14th December 1999 and at Karativu on 18th December, 1999. They also beached at Thanankilappu, which is the coastal area of Jaffna across the lagoon from Pooneryn on 15th and 22nd December, 1999 and again on 14th January, 2000. There was heavy fighting in the LTTE assault on Paranthan garrison town on 17th December, 1999. A Russian made MI24 helicopter was downed killing all 4 crew, that day.

The heavy artillery and mortar attacks on Elephant Pass and clashes west, south and east of it from 11th December 1999 onwards extended north to Iyakachchi camp where there was a fierce battle on 3rd January, and Umayalpuram camp which is situated 3 miles away from Elephant Pass base. The multi-pronged attacks on Elephant Pass and Paranthan lost its intensity after 14th January. Although initially the Vettalaikerni and Kattakkadu areas were aban-

done, Army troops retaliated successfully. The Karativu landings by terrorists was repulsed on 18th December, 1999 and groups in Chavakachcheri were put to flight. The LTTE were subject to aerial attacks in Pooneryn and Sangupiddy from where they had launched the seaborne attacks. In the month-long battle an estimated 1000 rebels were killed. Army casualties were approx. 150 officers/men killed and 800 wounded of which 300 were seriously wounded.

The movement of food stocks to "uncleared" areas were said to have been maintained. 19 patients were moved from uncleared to government-held areas and so were the answer scripts of the "O'level examination in the period 6-17 December, 1999.

In the East in December 1999, a series of attacks were mounted on Police posts. 3 soldiers were killed at the Navalady Junction on the Valaichchenai-Colombo road. In the Vanni 3 policemen were killed by a landmine at Poovarasankulam.

Bomb blast at Vavuniya Post Office

On 28th January a bomb blast in Vavuniya Post Office killed 12 people including 3 soldiers, 3 policemen and 6 civilians among them one woman, and wounded 73 others, comprising 8 soldiers, 8 policemen and 57 civilians, among them 45 women. The bomb targeted the service personnel visiting the Post Office to mail money orders home, after receiving their January salaries. It was a claymore mine. The front of the office was destroyed and the sound heard for several miles. It was clearly a part of the LTTE's continuous attempt at crippling the civil administration in the North and East.

New Security in Batticaloa & Ampara Districts

Government announced on 26th January new security regulations effective 15th February to prevent LTTE infiltration into Colombo and other southern towns from Batticaloa. Investigations reveal that almost all activists involved in recent bomb attacks were from Batticaloa, as in the case of the Town Hall rally, the PM's office, the JOC Maradana and the Dalada Maligawa. The repeated bombings of transformers, telecom. cabinets and exchanges have been traced to youth from Parattheevu in Batticaloa, who have infiltrated the south as jewellery craftsman.

All persons leaving Batticaloa would be expected to fill and submit an application with a recent photograph to the Gramasevaka Niladhari to be forwarded to the Divisional Secretariat for clearance - a fortnight before the scheduled date of travel.

On 28th January the Tamil and Muslim MPs opposed the proposed control on civilian movements out of the Batticaloa District. This scheme include two separate systems to control people a) those living in "cleared" areas to have a permanent pass or certificate b) those in "uncleared" areas to obtain approval from the Police every time they want to leave the District, similar to that currently in operation in Vavuniya. Batticaloa people would not be able to visit neighbouring Trincomalee or Ampara. TULF MP P. Selvarasa pointed out that in any case Batticaloa people had to pass at least 10 road blocks, including Manampitiya in Polonnaruwa District where they are subject to intensive checks. There were 525,000 persons in the Batticaloa District - the majority in 8 Divisional Secretariat areas under army control, and the rest in 4 Divisional Secretariat areas under LTTE control. LTTE repeatedly infiltrated areas



Security Forces in the jungle of Vanni

- Courtesy: Sunday Times

under government control to target police and security forces. Such security measures would cause immense hardships to the Tamil and Muslim communities living in areas where there is a force or a police presence. Such irritants to the population should be suitably modified in enabling security to be maintained.

Disruption of Civilian life in Jaffna

The intensification of fighting in the peninsula from 11 December resulted in an exodus of civilians families from the areas directly affected by the shelling. These were Kilali, Kachchai, Thanankilapu, Koilkandy, Marawanpulavu and the Navatkuly coast as well as Columbuturai, Pasaiyoor, Gurunagar, and Navanthurai coast. Over 2000 persons were affected. Through its radio the LTTE had called on civilians resident in all areas facing the Jaffna lagoon to vacate; also to keep a mile away from the army camps or posts there. Shops in Chavakachcheri were shut and people remained in their homes.

Other reports said that 982 families comprising 4027 people had moved from Thanankilappu, Maravanpalavu, Kaithady-Navatkuly, Kovilkudiiruppu, Kilady, Nunavil East, and Kodikaman North; also residents of Kachchai, Kilali, Ketpeli, Usian and Mirusuvil. They had sought refuge in temples, schools and at friends and relatives houses. One civilian was killed and 14 injured in the shelling in the Thanankilappu area on 13th December. Two shells exploded within the precincts of the Chavakachcheri Hospital on 14 December but nobody was injured. On December 22, one civilian was wounded at Navatkuly due to shell attack.

Continuous shelling on 30 December caused shells to fall in Chavakachcheri fish market, Kachchai Road, Navatkuly Bridge, Chemmani and Kandy Road. Helicopters mounted aerial attacks on LTTE positions in Karatheevu-Sangupiddy areas and the Ariyalai - Maniyanthodan area.

Civilian Trauma in the Vanni

Following the setbacks incurred by the Army in the Vanni with the loss of Ampakamam, Oddusuddan, Nedunkurni and Olumaddu, Mankulam and Kanagarayakulam between 2-7 November 1999 and causing a re-drawing of the Defence Line at Puliyanakulam, a severe shortage of food and medicine was experienced in the Vanni owing to the virtual stoppage of food convoys, resulting from the disruption caused by the fighting and the subsequent failure of the LTTE and the Army to agree on a new land route for the transportation of these items. The adverse conditions created by these scarcities and by the rainy weather

affected almost 350,000 civilians reported by several people who travelled in the Vanni area to be near starvation. On 3 December North-East Governor, Asoka Jayewardene had urgent talks with the Government Agents of Mannar, Vavuniya and Anuradhapura referring to the situation. He then came to Colombo for urgent talks with government leaders.

After repeated appeals to the LTTE and the Army on 7 December the two sides agreed on a new land route to be used for transport of food and medicine to the Vanni and agreed to set up a new Civilian Safety Zone (CSZ) in Madhu, approx 5 km. long and 1 km. wide, located between Piramanalankulam and Periyapandivirichchan, in the West Vanni. Finally on 14 December 10 lorries of food were sent to Mullaitheevu. For a period 1 November to 14 December 1999, a lapse of 45 days, no food convoys were sent into the "uncleared" areas of the Vanni. The Ministry of Defence has permitted only 60 lorries to be used to transport food within the Vanni, to ply on only 3 days of the week at the rate of 20 lorries per day. As a result of this curtailment relief workers claim it is logistically impossible to transport the required quantity of foodstuffs for the month. For example only 18 lorry loads of food supply have been allocated to the Mannar District while the monthly requirement is 35 lorry loads. Further the CSZ as presently constituted is an arduous and inconvenient route from the Vanni to other areas as it entails taking a circuitous route to exit to southern areas from the Vanni.

Schools and examinations, however, returned to normal and arrangements were made for students to sit the G.C.E. (O/L) examination. The Department of Examinations sent some papers to the Vanni by boat on account of transport difficulties. Displaced students could sit the exams from their temporary residencies.

Three civilian dead bodies materialised - two on 2 December 1999 from two villages in the Mannar District were handed over to Vavuniya hospital by the Army, with gun shots in the head; the third was found washed ashore in the Mannar suburb of Pallimunai on 6 December 1999. This civilian had been previously arrested by the counter-subversive unit of the Mannar Police and released by the Mannar Magistrate, Mr. Illancheliyam on 14 October 1999.

East

Thousands of sea-travellers to Jaffna were kept waiting for weeks due to commandeering of all available transport for sending election materials and personnel. The 'Lanka Muditha' normally used for ferrying passengers, Trincomalee-KKS stopped functioning. 1800 passengers

with paid tickets were left stranded without warning. The charter was resumed by the Divisional Secretariat, Trincomalee on 30th December and voyages resumed on 3 January. The ICRC was to provide a 'shipping service for patients 5 times.

The hostility between the EPDP and the LTTE re-surfaced in many areas during election time. Nirmalan Nirmaladas, an EPDP member was shot dead at Karaitivu when leaving the EPDP office there.

Jaffna

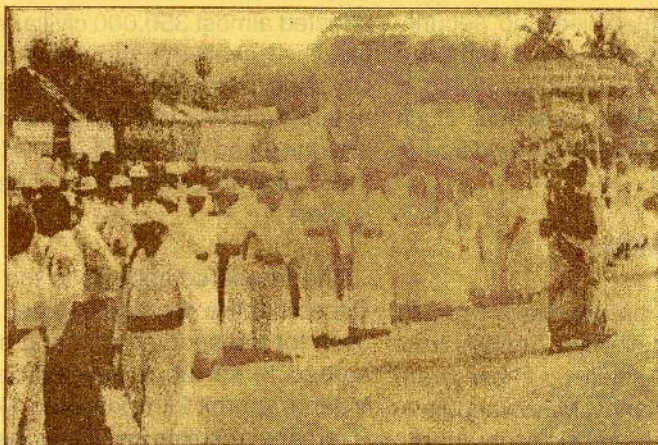
The day of mourning on 1 December organised by the Sri Lanka Tamil Teachers Association to mark the civilian deaths at Madhu Church on 26th June and 19th November 1999 was a success in the Jaffna District.

The eradication of land mines made good progress with 620 being defused. The majority were in the Jaffna Technical College and the Alaveddy Arunodhaya College premises.

There were 7 disappearances, 6 arrests and 3 detentions reported to the Human Rights Commission of Jaffna in December 1999.

Peace Walk in Jaffna

A Peace Walk was held in Jaffna on 25th March 2000. The theme was a call on all parties to the war to stop it and instead to establish peace talks immediately and accede to Third Party facilitation. The President of the Justice and Peace Committee and Rector of St. Patrick's College, Revd. Fr. Alphonsus Bernard said that the walk would commence at the Nallur Kovil and proceed to Alfred Duraipapp Memorial Stadium - 2 miles away.



Hundreds of men women and children took to the streets of Jaffna peninsula demanding the LTTE and the government put an end to the on going conflict. The protesters shouting slogans and carrying placards marched from Nallur temple to the Alfred Duraipapp Stadium where several religious leaders addressed a gathering of about 6000 persons.

-Courtesy: Sunday Leader

A large number of humanitarian agencies, including the Council for Peace and Goodwill for the N.G.Os of the Jaffna peninsula, and the consortium of Human Agencies, an umbrella organisation of 16 other member organisations, joined in this action. The Association of Minibus Operators offered a free bus service for participants. The Jaffna Brigade Commander, Col. Arun Jayatilleke, too offered his fullest co-operation.

Ban on Child Soldiers

On 26 January the good news was received that the UN had agreed to raise the minimum age for participation in armed conflict to 18 years. In doing so it has effectively banned the use of child soldiers. Ringing down the Final Sessions of the UN Working Group on the Draft Optional Proposal to the convention on the Rights of the Child on 21 January, Olara Otonnu, Special Representative of the Secretary-General for Children in Armed Conflict said that this

decision was a significant step towards eliminating the use of children as soldiers and their participation in conflict.

Article 4 of the draft Optional Protocol is explicit in stating that "Armed Groups distinct from the Armed Forces of a State should not under any circumstances, recruit or use in hostilities persons under the age of 18 years". The early adoption and swift ratification of the Optional Protocol will build on



Brutalised -yound LTTE ers

-Courtesy: Daily News

several developments in the movement to secure the rights and welfare of children in the context of armed conflict, including UN Security Council Resolution 1261 of 25 August 1999 which calls for intensification of efforts to end the use of children as soldiers.

However, according to the January 2000 Bulletin of the University Teachers for Human Rights (Jaffna), (UTHR(J)), the LTTE continues with impressing children to enlist. The movement needs 2000 recruits per year to maintain its cadres at 10,000, where over the past 5 years there has been an approximate morbidity rate of 10,000 or 2,000 per year. This means it must recruit 30% of those coming of age annually in the schools in the LTTE - controlled areas of the North and East.

Human Rights and Disappearances Board of Investigation - Jaffna

The Board of Investigation into complaints of disappearances in the Jaffna Peninsula chaired by Mr. Bandula Kulatunga, SLAS announced its findings on 3 December. Of the 2621 complaints received from all sources only 765 allegations were confirmed and could be proceeded with. Of these 201 were traced in custody - in prisons, detention centres, by examination of lists and information from Police Stations. The next of kin were informed of the position. 16 were dead, 14 allegedly at the hands of the security forces; 1 without any trace of evidence, and 1 in cross-fire. Legal action has been instituted in the case of the 14. There was no evidence in the case of 174 even to commence inquiries. Inquiries begun with available evidence in the case of 374 could not be proceeded with due to inadequacy of such evidence. The next of kin of the 374 have been informed.

Guardian Association for Persons Arrested and Disappeared in the North

The Missing Persons Guardian Association (MPGA) and the consortium of NGOs in Jaffna led 450 relatives of persons who disappeared under military custody in Jaffna in an 8 hour fast in front of the Human Rights Commission in Jaffna on 6 December to protest a letter of 11 November from the Ministry of Defence saying that all efforts to trace the 325 persons arrested by the Army 3 years ago, were futile. S. Satkunan, spokesman, MPGA and Inbarani Selyaraja, Chairperson, Missing People's Mothers Front undertook to continue protesting until the whereabouts of their children were confirmed.

Complaints

51 complaints were lodged with the HRC Jaffna in November. 49 of these cases were resolved. 21 persons

out of 36 arrested and interrogated, were released. Motions were filed in Jaffna District Court for persons arrested under Prevention of Terrorism Act (PTA) and detained at KKS Detention Centre be produced at Jaffna DC and not at Anuradhapura and in the South, as in the case of 2 males and 2 females. The ADJ, Jaffna Mr. S. Ekanathan ordered that the suspects be produced at the Jaffna DC on 10 January.

Chemmani

The military spokesman Brig. Sunil Tennakoon announced on 21 December that there were no mass graves in Chemmani in the nature of the original allegations of convicted L.Cpl. Somaratne Rajapaksha. State Counsel Yasanthna Kodagoda submitted a report outlining the findings of forensic investigations conducted by the team of forensic pathologists led by Professor Chandrasiri Niriella and international observers, to Jaffna Magistrate and Addl. District Judge M. Ilancheliyan on 7 December. He said that the international observers and forensic and soil experts had come to the conclusion that there are no mass graves at Chemmani. Soil and forensic experts said that there was no evidence of grave tampering at the locations indicated by witnesses and excavated by the investigators. The skeletal remains of 15 persons had been unearthed at Chemmani and Ariyalai in places indicated by the prisoners convicted in 1998 of the 1996 Krishanthi Kumaraswamy rape and murder case. These remains had been recovered from graves containing 1 or 2 individuals. Melissa Connors, forensic archeologist from the USA said that graves of this nature could not be called 'mass graves'.

Follow-Up On Disappearances

On 4th February a Monument to commemorate those who had been made to disappear involuntarily was unveiled at Raddoluwa, Seeduwa. A Wall of Tears was to be put up, too, for embossing photographs of the disappeared persons. A monument was erected earlier near Parliament at Jayewardeneपुरa prior to the Presidential election with the participation of some parents of the murdered Embilipitiya students, and to be called the "Temple of the Innocents". The question of "disappearances" has been one which *Christian Worker* has been tenaciously spotlighting over its past three issues for the good reason that it is a matter of acute concern and distress to thousands of our citizens who have lost their near and dear in circumstances beyond their comprehension. As our substantive article in this issue 'Monuments for the Disappeared - what do they Signify?' highlights, this is a phenomenon that is assuming very disturbing proportions in a manner that seems sadly peculiar to Sri Lanka. In our previous issue for the 3rd quarter 1999 we have recorded that the Presidential Com-

mission inquiring into Missing Persons has 10, 136 cases yet to be enquired into, carried over from previous commissions. Besides these, there were a further 10,000 fresh complaints relating to the previous regime, which, however, it is not mandated to inquire into. The Association of Parents and Children of Disappeared Persons had a list of 8173 disappearances and the Sri Lanka Muslim League and a people's organisation in Batticaloa, a further 6,400. The Commission had no power to investigate into these complaints either. The Organisation of Parents and Children of Disappeared Persons had planned to hand over 19,000 further complaints of disappearances 1987-90 to the UN Working Group on Enforced and Involuntary Disappearances which made their third official visit to Sri Lanka in 1999.

Christian Worker's position is that this is a very critical human issue and it will not simply vanish if ignored, because it is lodged in the hearts and minds of thousands of the people of this country, and they demand prosecution and conviction or, at least, disciplinary action, against those found responsible, by due process of the law. Is not there a place in our country for an institution on the lines of the Truth and Reconciliation Committee in South Africa, at least so that this anguish and trauma at the centre of our society is healed?

Mothers' Appeal

Members of the Mothers' Front and other organisations marked International Women's Day on 8th March by picketing on womens rights and with one group presenting a "Petition of Peace" from 100,000 signatories to President Kumaratunga. Whilst thanking the President for ending the fear psychosis and restoring democracy and human rights, and paying compensation to the families of disappeared persons, they however, pointed out that most of the politicians, security officials and others responsible for the horrendous crimes of 1988-89 have gone scot free. They appealed to the President to take action against them.



International Women's Day on 8th March saw picketing on womens rights

- Courtesy: Daily News

The President promised to take every possible step to redress the anguish of women who had lost their beloved ones, and increase compensation to women who have lost their bread winners.

Visit to Fasting POWs

On 10th February, 15 POWs i.e. 2 Navy personnel and 13 Army members went on hunger strike demanding release from LTTE captivity. These were among 30 security forces personnel said to have been captured between 1993-94. A further 12 civilians are reported to be in custody.

However, according to Ms. Visaka Dharmadasa of the Parents of Missing In Action Servicemen, there are close to 1,000 servicemen who have fallen into LTTE hands, but not acknowledged. On 19th February, Government agreed to allow relatives to visit the 15 POWs. By 22nd February, 28 such relatives entered LTTE-held territory. On 26th February the fasting POWs ended their hunger strike after 15 days. On 29th February it was known that the LTTE had agreed to release 4 of these captured security personnel, which leaves a known 11 more servicemen and 12 civilians in captivity.

The intervention at every stage by the ICRC, who planned and arranged the entire release is gratefully recorded.

Killings at New Remand Prison, Kalutara

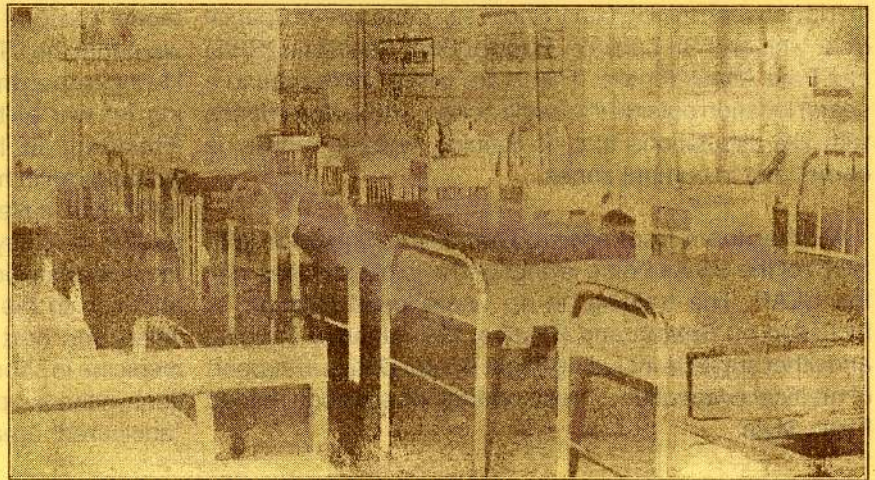
In a clash that occurred at the New Remand Prison Kalutara on 6 January between prisoners and prison guards, Siri Kumar, an LTTE suspect was killed and 24 prisoners and 10 prison guards wounded. On 7 January, Jesudasan, another LTTE suspect was killed when fresh clashes erupted injuring 11 prisoners and 8 guards. All

injured were dispatched to hospital. It seems prisoners in Block C prevented the guards from entering by attacking them with bottles and stones. The guards and police had been forced to open fire to quell them.

This prison is exclusively used to detain terrorist suspects. It has been a hot bed of tension for a long period because a large number of prisoners have been held in detention there for long periods,

in some cases up to 5 years, without investigations against them being completed and/or charges being framed in court. This procedure violates a fundamental human right.

The matter had been considered by the Committee to deal with unlawful arrest and harassment in early December 1999 attended by Mr Balapetibendi, Secretary to the President, and it had been decided that the Police should complete and submit to the Attorney General before 31 January all investigative reports regarding persons taken into custody before 1999. The Attorney General should, whenever he decides to do so, file indictments before 28 February. Those in custody and against whom such action is not taken were to be released.



Hospital scene when Doctors strike

Courtesy: Daily News

The TULF President, Mr. R. Sampanthan requested an impartial inquiry into the incident by an independent person. The frequency of such incidents demonstrates a deterioration of relationships between the prison authorities and prisoners.

Another Murder of an MMC in Jaffna

On 1 March Vairamuttu Anton Sivalingam, MMC, Jaffna, and an EPDP member was assassinated by the LTTE. He is the 12th elected representative of the Tamil people to local councils in the Jaffna peninsula to be killed by them since local government elections in 1997. These include the 2 Mayors i.e. Mrs. Sarojini Yogeswaran and Mr. Pon Sivapalan of the LTTE. The others were members of the TULF as well as the EPDP and PLOTE.

This killing has not been condemned by Human Rights groups. However, it must be recognised as a direct attack on the democratic freedom of expression of the Tamil people, in particular, and on Human Rights. As Mr. Lucian Rajakarunanayake, of the Prajatantra Foundation for Freedom of Expression says, "The absolute lack of respect for democracy displayed by the LTTE, through its violence against elected representatives is very dismaying."

Labour Front, Strikes Doctors' Strike

The government doctors on 29 November presented through their union, the GMOA a set of demands to government covering the following : (1) Risk allowance and air tickets be paid for doctors serving in the North and East. (2) the appointment of post internees (3) payment of compensation to those whose property was damaged during the last intensified strike. (4) appointment of the new Director General of Health Services (5) Recommendations of the Commission Report on maintaining health services

as an island-wide be implemented. This was a reference to the 6-member Commission appointed by the President in July 1999, where the Report was to be presented 1 month later. However it was presented on 29 November 1999.

On 13 December the GMOA launched its strike demanding that the President publish by gazette notification the recommendations made by the Presidential Commission for declaring the medical service a country-wide service. The President had asked for time till 7 January to do so. As of 17 December the GMOA escalated its strike by withholding emergency services. They wanted more to be added to the gazette notification of 15 December, as it did not change anything. The medical service was in fact already an island-wide service. What was needed was to close loop holes in administrative procedures which provincial authorities had been making use of in making appointment and transfers. They threatened resignation of members from hospital services island-wide. Their request was for a paragraph to be added to the gazette notification of 15 December to the effect that all parts of the Central and Provincial health services would come under the all-island service and under the national Public Services Commission. On 20 December citing the intervention of religious leaders, senior army officers and trade unions in the Banking, Postal and Railway services and appeals to call off the strike action in view of the following days Presidential Election, the GMOA discontinued strike action.

The GMOA however warned that it would resume strike action if the gazette notification was not modified according to the draft put forward by them.

Security Situation in the North - the Prospects

On 17 January US troops and solution forces began a Joint / Combined Exchange and Training (JCET) exercise code named Flash Style 00-1. It consists of 3 modules. The

first is between the US Navy Seal Team One and its Special Boat Unit and Sri Lanka's Special Boat Squadron (SBS) and Fast Attack Flotilla. These are being carried out in a secret location outside the battle zones, and in accordance with US stipulations that no training or other activity is carried out in combat zones.

Another team from special Operations Squadron (6th SOS) of the US Air Force is engaged in joint exercises with the SLAF. The training, in an undisclosed location, is focussed on Search and Rescue, Maintenance Training and other subjects including Flight Doctor Duties in support of medical evacuation. These operations are code named Flash Style.

A third team from the US Army Psychological Operations Group is training personnel of the S.L. Army Directorate of Psychological Operations on new techniques. This is code named Balance Style.

Lt. Col. Frank Rindone, Defence Attache of the US Embassy, Colombo has emphasised "the JCET is not in response to any current or specific events in Sri Lanka. It is a previously scheduled exercise - more than 2 years ago.

In the backdrop of these developments relative calm prevailed in the combat zone after the recent multi-pronged attacks on Paranthan and the Elephant Pass camps from 11 December 1999 - 14 January 2000. However intelligence sources say that were signs of an LTTE build up in the North and the Vanni. This was particularly so in the Elephant Pass area and the Mannar area. The LTTE's recent killing of 6 Tamil civilians and wounding 57

others when targeting members of the armed forces at the Vavuniya post office on 28 January combined with the string of bomb explosions at Polgahawela, Urugodawatte, Potuhera and Kadawata revealed that the LTTE was not only stepping up violence but were now oblivious to attacking civilian targets. It was significant that it came as part of the LTTE's efforts to step up the military campaign.

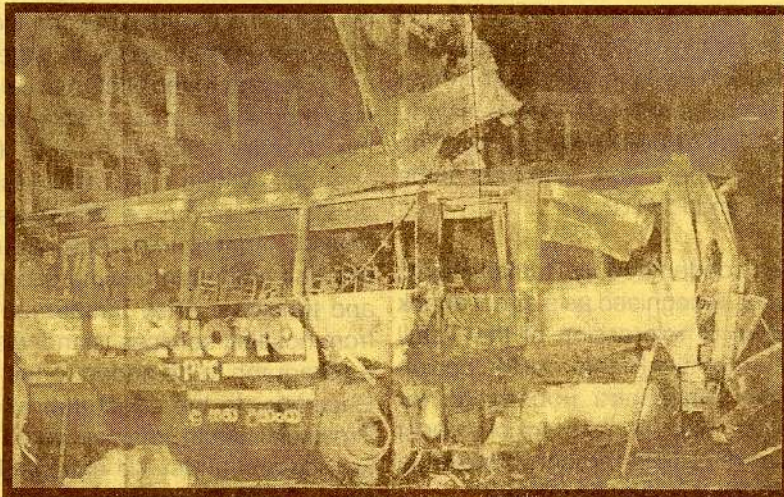
"The LTTE has designated the year 2000 as the year of war" His Lordship Thomas Savundranayagam, Bishop of Jaffna said. He confirmed that his observations during

recent pastoral visits to the Vanni sector of his diocese were that the LTTE seemed to be readying for all out war. He expressed the view that "the government is also preparing for war at the same time". He stated that both the President in her Independence Day address and Prabakaran in his Heroes Day address of 28th November 1999 had called for peace talks. However while both parties were saying it, they were preparing for war. It was the civilians who suffer as a result, he affirmed. He drew attention to the deprivations of the people of the Vanni where the cost of living was prohibitive, with food and medicine in short supply, and appealed for existing restrictions in the supply of food and medicines to be lifted to the "uncleared" areas of the Vanni.

LTTE Terror in the South

Against the background of these events, the stepping up of bus bombs blasts in the period 30th January - 10 February at Polgahawela, Urugodawatte, Kadawata, Nannanpuruwa Jnc. on the Bibile-Moneragala route, Bibile, Mabile Wattala and Central Bus Station Pettah is perceived as part of an overall LTTE strategy to mount pressure on the Government at a time when both peace

and war initiatives are being considered. four persons were killed and 103 injured as a result of these dastardly attacks. The spate of bus bombing was accompanied by other terrorists strikes e.g. the female suicide bombers explosion of herself outside the PM's office on 5 January, killing 13 persons including 6 policemen. There were also the two incidents concerning trains, - one at Negombo on 10 January and at Gal Oya



The Peoples Transport Service bus bound for Negombo from Colombo in which a bomb exploded at Mabile. - Courtesy: Sunday Times

on 30 January, involving bombs placed on the rail track and on the train, respectively. The latter killed K. Udaya Kumara of Boralesgamuwa who sought to remove the parcel.

These instances of small-scale bombing carried out as a campaign is as insidious as the earlier strategy of use of large-scale bombs. On the one hand it avoids international attention and reproach, as there is growing international abhorrence to terrorism. On the other hand, it creates public paranoia against the Tamils in the South, ties down

security forces personnel needed on the war front, increases the cost of vigilance out of all proportion to the damage caused by these bombs, has a negative effect on civil liberties i.e. freedom of movement, freedom from suspicion etc. encroaches on the life of the public and erodes the confidence of the public in the security situation and the ability of the authorities to cope.

On 11th March an LTTE strike in Rajagiriya in a botched attempt at ambushing a motorcade of senior ministers and government officials after they left Parliament, left 28 persons killed and 50 wounded. Among the 28 dead were 6 policemen and 14 civilians. The 8 Tiger rebels who were killed accounted for the balance.

This attack was the first to occur over several hours where after the initial explosion when one guerilla blew himself up, a gun battle ensued with 2 guerillas succumbing on the streets and a further 4 blowing themselves up and a 5th being killed the following day, the 11th March, after commandos raided their hiding places in the Serpentine housing scheme at Wanathamulla. These guerillas used RPG guns. It is believed there could be an arms store in Colombo. The arrests of 2 Tiger suspects in the Serpentine housing scheme, 3 more in Dehiwela and a further 8 youths and a jewellery shop owner in Sea Street has confirmed a connection originally suspected in August 1998 between many Tiger suspects who have infiltrated as jewellers into Colombo and some other towns in the country, hailing from traditional jewellery villages in the Batticaloa district.

Unless and until the political solution is effected the LTTE will be able with even limited cadres to carry on its war tactics against civilians too aimed at creating instability in the country. It is the situation of an unwinnable war for either side which is all the more reason to press for the speedy implementation of the political reforms which alone could lead to the achievement of the much desired peace in our land.

War Drums Again

On 16th February a further attack by the LTTE, timed to get maximum advantage from the peace discussions with

the facilitators, the Norwegian Government, was launched with artillery, mortar, RPG and machine guns on forward defence lines north of Paranthan base junction and East of Iyikachchi base, which are the closest points to the A9 route to Jaffna. LTTE boats from Pooneryn attempted to land at Kilali north of the lagoon, and also on the A9 route. All attacks were repulsed by the 17th February. Army casualties were 10 soldiers dead and 55 wounded.



An Antonov plane carrying troops from Palaly base to Anuradhapura was reported to have crashed at Talawa

On Feb. 17th an Air Force helicopter transported casualties from Elephant Pass to Palali crashed at Kodikamam killing two crew members. The remaining two crew and three wounded survived.

Indications that the December 1999 campaign and the February attacks were a preliminary to a renewed offensive on the Elephant Pass sector before the peace talks materialise were confirmed

when on 27 March the LTTE attacked Pallai base and battled with the Army in the general area Pallai. A number of Army positions were engaged simultaneously in the general area Vathiriyam. Boats with LTTE reinforcements attempted landings at Maruthankerni, Chempianpattu and Manmunai, where there were heavy LTTE concentrations. The army forced all LTTE boats to withdraw and Kfir aircraft were used to mount attacks on the land concentrations. As of 29th March 2 officers and 52 soldiers had been killed and wounded. The estimated number of killed and wounded among the attackers was 150.

The aim of the LTTE strike seems to be to break through defences at Kilali north of the lagoon from Pooneryn in the Thamankilappu area and Vathiriyam north of Vettilaikerni in a bid to gain the coastal route to Point Pedro. An Antonov plane carrying troops from Palaly base to Anuradhapura was reported to have crashed at Talawa, killing all 40 people on board on the 31st.

In an interview with a local newspaper on 20th February, Army Chief Lt. Gen. Srilal Weerasooriya said that the LTTE wanted Jaffna. The Wannii meant nothing to them. This was confirmed by Anton Balasingham, LTTE theoretician, as reported in a local newspaper on 29th March where he says, "I can only say that the LTTE is fiercely determined to open the gates to Jaffna".

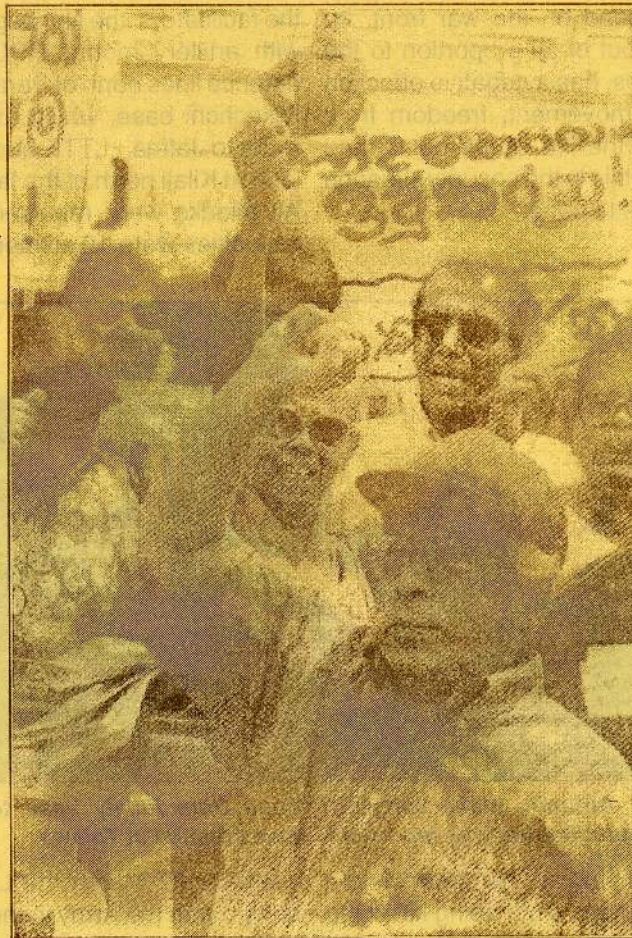
-Eppawala Project - Revived despite previous assurances

In previous issues *Christian Worker* has emphasised the disastrous effects that the proposal to hand over a total area of 800 sq.miles for exploitation of the country's phosphate reserves at Eppawala for strip mining inclusive of a further buffer zone to the US Company, Freeport McMoran, working through a US-Japan Consortium - IMC - Agrico and Tomen Corporation, would have on the integrity of the surrounding 26 villages, comprising 2000 families and 12000 persons. It would have further adverse, if not disastrous effects on the water levels of the neighbouring irrigation tanks, on the ecological system including the famous Jaya Ganga, and on the archeological artifacts in the area around Anuradhapura, which will be destroyed by the strip mining and bulldozing. The protest against this scheme led by Rev. Mahamankadawala Piyaratna

Thera of Galkande Temple, Eppawala, who has formed a committee for the preservation of the Eppawala deposits, has been strongly supported by this Quarterly.

This protest had led to a promise from President Kumaratunga that the proposal will be abandoned in favour of local development that will not be ruinous to the country and a decision was taken on 22nd October 1999 by the People's Alliance Executive Committee not to go ahead with it.

However it is now understood that despite all such previous assurances and guarantees the President has given the green light for the agreement to be signed in an apparent surrender to the Industrial Development Minister C. V. Gooneratne and the BOI. Cultural Affairs Minister Lakshman Jayakody has opposed it as threatening the traditional cultural profile of the Rajarata dependent on tank, temple and land. The National Science Foundation has emphasised the highly environmentally damaging effects of the scheme.



Science and Technology Minister Batty Weerakoon was among thousands who demonstrated against the sale of Eppawala phosphate reserves. - Courtesy: Sunday Times

A mass picketing by over 100 organisations involving over some 10,000 persons was held on 30th March opposite Fort railway station from 1 p.m. - 5 p.m. to demonstrate the people's opposition to the Government's proposal to implement the Eppawala phosphate project disregarding public protests for the past 7 years. Science and Technology Minister Batty Weerakoon who has constantly opposed this project in the Cabinet joined the picket. Trade Unions, peasants', organisations, women, Buddhist clergy and Christian clergy and representatives of numerous organisations, and various NGOs participated in this mass demonstration to show solidarity with the Eppawala villagers led by the ven. Mahamankadawala Piyaratna Thera and his Committee for the Preservation of the Eppawala Phosphate Deposit.

The multinational Freeport McMoran is facing trial by an international people's tribunal

in Britain at the University of Warwick for alleged human rights violations and environmental destruction in Indonesia. The Company is facing class action law suits in its own country - the USA. A documentary film titled "Blood on the Cross" has exposed the massacre of innocent people in Indonesia by the Company.

Its associate Company, IMC Agrico Authorities, through which the Eppawala Project is sought to be run, is currently involved in several environmental cleaning suits. The stance of the Government, more recently taken, is baffling in the context of the testimony of those whose livelihoods and communities have been or are being destroyed by the corporate-controlled global political-economy, as revealed at the sittings of the Tribunal, where Sri Lanka is represented by Bala Tampoe.

The campaign must continue until the project has been stopped and Government has irreversibly acceded to public demand.

31 March 2000

Postscript

At the time of going into printing, reactionary racist group are making desperate attempts to push back the ongoing peace process using Buddhist monks to demonstrate on the streets and voice protests against the proposed Constitutional Amendment. A section of the more extreme Buddhist and racist Sinhala organisations carried out a noisy demonstration on April 6 against the joint government-opposition initiative and Norway's proposed role in facilitating talks with the LTTE, picketing the Norwegian Embassy and symbolically burning the Norwegian Flag. BBC's Sinhala service correspondent in Colombo Elmo Fernando was also said to be beaten up by the demonstrators.

Tamil political parties have strongly condemned this agitation and Senior Vice President of the Tamil United Liberation Front (TULF) V Anandasangari was reported in the press as stating that this agitation resembled that which took place about 40 years ago to disrupt the Pact between the then Premier SWRD Bandaranaike and Tamil leader SJV Chelvanayakam which was the first move to settle the ethnic issue: if the Buddhist clergy had kept themselves away from disrupting that Accord forty years ago, there would not have been any bloodshed and thousands of lives would have been saved.

While all this is perfectly true, the TULF too in this situation has failed miserably to rise to the occasion and assert itself as the genuine political leadership of the Tamil people by opposing the terrorist politics of the Tamil Tigers. The TULF has instead sought to cowardly appease the latter and not even named them as responsible for the gunning down of TULF's own leaders! Nor has the TULF called upon the LTTE to give up the fratricidal slaughter it

is engaged in and enter the peace process by agreeing to Constitutional Reform in place of its cherished goal of a separatist State of Tamil Eelam.

Despite the on going peace process and talks on Constitutional Reform, the Tamil Tigers have persisted in their orgy of violence, which given their past record in breaking peace negotiations, casts serious doubts about any genuine desire on their part for a peaceful settlement short of their avowed goal. The LTTE's call for the withdrawal of the Army can perhaps also be viewed in this light. Even now heavy fighting is going on the North with the "Ceaseless



A Buddhist Monk carries the charred remains of the Norwegian flag they set ablaze outside the Norwegian Embassy in Colombo. The demonstrators demanded that Norway is kept out of the peace bid and the government should crack down hard against Tamil Tiger rebels.

— Courtesy, The Island

Wave 3" of the LTTE and the Security Force's "Operation Welikatarata". It was only after a 10 and half hour battle that the Security Forces were able to recapture on April 20 a key 4 kilometre stretch on the "Main Supply Route" which the LTTE had gained control of in a surprise attack designed to cut off Elephant Pass from the rest of Jaffna recently. As stated earlier by us, the Tigers are putting all their fire power and cardre power in their attempts to overrun or take control of at least a significant part of the Jaffna Peninsula if not all of it. The latest reports show that the army has had to abandoned a strategic and the key Elephant Pass base in the face of tiger attack. Situation therefore is extremely furious.

Notwithstanding all impediments, the mass pressures for peace must be kept up until the Constitutional Amendment is tabled in parliament for discussion and final resolution. For it is only such a course that can ultimately lead to an ending of the conflict and peace in our land. And given the present situation and political climate, the favourable time for such constitutional reform would appear to be right now.

23 April 2000

The First Budget of the Century

Introduction

In previous years of the Peoples' Alliance Government when we made our comments on the Budget, we never failed to comment on the incongruity of the Minister of Finance not being present in the House to deliver the Budget speech. It was very unsatisfactory that the Deputy Minister had to oblige by having to read the Minister's Budget Speech. Ironically enough, as though unconsciously agreeing with our comments, the Finance Minister herself conies forward this time to present her Budget speech. It is, of course, a coincidence that the Minister in this instance is also the President. It is specially appropriate that in this Millennium Year, she surprises us on St. Valentine's Day by appearing before us in person: With her speech in hand, it is very welcome that several Parliamentarians appreciated her coming before them. In particular, it augurs well that the Leader of the Opposition welcomed the President's presence in the House and requested her to participate in the Budget debate.

This is the sixth Budget of the PA Government but the first in the President's second term of office. Initially, it appeared appropriate for the President to justify her arrival in Parliament by quoting Article 32(3) of the Constitution. The President shall, by virtue of this office, have the right at any time to attend, address or send messages to Parliament." It is relevant to underline the political importance of this event. She is responsible to Parliament. This, in turn, may highlight the weakness of the Executive Presidential system, where, it seem difficult for the President to take on an important ministry like that of Finance, while being President.

Vote on Account

In November 99, the Deputy Minister of Finance presented a Vote on Account for three months and this was sufficient to roll over the transitional period till after the Presidential Election in December 1999.

Budget Summary

Generally, this Budget more or less continues with the present policies of Government, keeping the status-quo. It is an election. year and therefore attempts to consolidate

the policy structures, intending to be a voter- friendly budget with no abrupt changes in policy direction.

The overall parameters of the Budget may be summarised as follows.

Total Revenue	Rs. 234 billion
Total Expenditure	Rs. 329.8 billion
Deficit	Rs. 95.9 billion

This deficit is to be bridged in the following manner.

Foreign Grants	Rs. 8 billion
Foreign borrowings	Rs. 1.4.2 billion
Domestic borrowings	Rs. 43.7 billion

The remaining Rs.30 billion, is to be raised from the sales, of public ventures and assets.

This year's budgetary figures indicate a marginal reduction in the budget deficit from 8% + to about 7.6%. of GDP. Even the military expenditure which has been a sore point appears to have climbed down marginally.

Military Expenditure

In earlier budgets, the focus was on the escalation of expenditure on the war. From Rs. 25.5 billion in 1994, it has increased phenomenally to Rs. 52 billion, in 1999 which is about one-sixth of the projected total expenditure. This year it is slightly below this.

But the war remains the most critical problem. Peace and devolution are the questions that have to be tackled. On another level however, there is in a sense a redistribution, of income in the payment of salaries to Army employees, allowances, perks and compensation, on deaths.

The resilience of the economy has enabled the country to manage and even reduce inflation, though fighting an expensive war. The standing army is about 110,000 and is probably the largest army on a per capita basis.

Macro Standards

A growth rate of 4 to 6 per cent has applied in recent years despite the war. It is envisaged that this would go up to 7% and 8%. during the next year or two. The per capita income

is also climbing up and is approaching US \$ 1000. External assets stood at US \$ 2500 and inflation has come down to about 5% - 7% from the earlier 10%. Interest rates have been coming down from 30% to about 14%. National savings rose from 19% to 23% of GDP. The economy has remained, sufficiently strong and resilient despite the losses on central economic targets consequent to LTTE attacks like those on the oil refinery at Kolonnawa, Central Bank, the Galadari Hotel and the Dalada Temple. Further one of the

worst droughts occurred in 1996 and there were series of power cuts in 1997 and 1998 when Sri Lanka weathered the effects of the East Asian Crisis. Even under the worst scenario, eventually the boat has not rocked too disastrously.

Currency Rates

Over recent years, the Sri Lankan rupee has depreciated somewhat steeply against the US dollar and the Sterling Pound. For instance, the rupee presently stands about 50% depreciated against the US dollar. A few years back it stood at 48 Rupees for a dollar, but now it is 73 Rupees.

This has had a 'ripple' effect on trade and exports. Our exports have dwindled somewhat because of a decline in world commodity prices. Industrial exports are also affected.

Advantageous Provisions

There are several portions of this year's budget that bring relief and are advantageous to the community. It may be useful to list some of these:

- (a) Additional provision, of Rs. 750 million for a monthly increase in pensions. Those who receive a pension, of less than Rs. 4000 a month would get an increase of Rs. 400/- per month. A committee has been appointed to look at the present anomalies so that a coherent national policy on pensions may be drawn up.
- (b) Exemption of Goods and Services Tax on burials, cremations, artificial limbs, crutches, hearing aids, wheel chairs etc. In order to promote local production of industries, GST would apply in respect of cement, timber, meats and poultry.
- (c) Annual TV and Radio licences are removed as they are a constant irritation, and do not bring in sizeable revenue.
- (d) Standard maximum tariff rates are reduced to 25%. Current tariff rates are to be replaced by two bands of 10% and 25%.
- (e) Tax incentives are given to local film production
- (f) Premiums paid on life insurance and medical insurance

are to be allowed as a deduction and a qualifying payment up to a limit of Rs. 25000 or h of assessable income.

- (g) A special 35% duty rate on agricultural products, potatoes, onions, chillies, rice etc. in order to provide a protection, to the farmer.
- (h) No additional increase in the prices of commodities eg. petrol, cigarettes and liquor.

This has to be qualified somewhat as there was a pre-budget increase in prices of gas, kerosene and diesel. This has had a cascading effect on consumer prices. Transport had been adversely affected, as a result of the increase in diesel prices. The increase is up to Rs. 21.75 a litre, the new price being Rs. 151.96 a litre. Gas has been increased by Rs.30/- to Rs.365/- per cylinder. The increase in kerosene prices will hit the rural poor and the urban under-privileged. Government could not continue to subsidise these products. The increase in transport would increase prices of commodities, vegetables and fish. School vans may have to put up their prices and prepared foods in hotels, restaurants would go up.

Infrastructural Expenditure

One of the promising aspects of the budget is the intention, of the Government to go ahead in building roads, highways, bridges and railways. An expansion, in hospital construction, schools, drinking water projects, bazaar complexes and housing is a welcome sign for improved community service.

Millennium City projects are planned out within industrial estates. Athurugiriya, for example, is a proposed satellite town. Electricity and telephones have been given to more people.

The major highways like the Matara-Colombo road, the Katunayake - Ratmalana road going across Baseline road, Elvitigala Mawatha and the extension, of railways from Matara to Tissa would take much time, but a progressive commencement would enable the commuters to appreciate that Government is acting. Similarly, the ports expansion, in the South and -the East, including Colombo would be expectantly awaited.

Poverty Alleviation.

The core problem in Sri Lanka remains to be poverty. Although GNP and per capita incomes have gone up, poverty is still the major question. The Samurdhi Movement has only tackled the surface. It is indicated that the Samurdhi Programme has touched about 2 million families. Samurdhi banks have also been opened to help in small businesses started by the underprivileged, but the gaps between rich and poor have grown wider and more precarious. Sluggish

progress has been witnessed in the agricultural sector, particularly in the rural non-estate areas. The problem is to create adequate skills and and lessen unemployment. Training centres and institutions have been opened, but there is a need for well-equipped welfare programmes. The Samurdhi lists should be reviewed to eliminate need-less recipients.

There has been a gradual fall in unemployment and under-employment. The figure which had at one time stood at 800, 000 or or at 14% is said to have come down to about 600, 000 or 8% despite the inflow of 500,000 new entrants every year. Presently about 10,000 graduates are unemployed.

It is heartening to note that the growth in foreign employment is a mild inoculation against poverty among the lower classes, particularly those going for employment to middle-east countries, Malaysia, Korea and the East. The high returns of foreign exchange received has been from this sector.

Passport Charges

In this context, the increase in passport charges appears to be a retrograde step. The charges on same day issue of passports have increased from Rs. 3000 to Rs.5000. The passports to the middle-east have been raised from Rs. 1500 to Rs. 2000 This would badly affect the new employees to these countries. One critic has described this as the worst feature of the budget.

Information Technology

Certain incentives have been provided for the enhancement of information technology and the advanced, technology package, including a five-year tax holiday. This would provide an expansion in employment and an encouragement to technological industries. BOI projects and ventured capital undertakings have been given a ten-year tax holiday.

Vision 21

The main thrust of this year's budget has been a new vision for the 21st century. The Budget seeks to bring about a structure of financial discipline, increasing savings. The intention is to increase productivity and ensure competitiveness in global market conditions.

The Budget seeks to enhance foreign equity ownership in the Stock Market, allowing foreigners to invest in Unit Trusts, making use of new Unit Trusts and expanding avenues of investment. Insurance could be an attractive investment for foreign entrepreneurs. 60% of the banking sector would be open for share speculation for foreign investors. Robust private investment is encouraged.

The Free Trade Agreement with India is intended to open

investment areas for Indian industrialists. The President intends to implement the Sri Lanka - India Free Trade Agreement immediately. Greater protection, is to be given to local industries. Duty reductions are given to raw materials coming from India. This is a key factor for increasing productivity.

Other Proposals

These include the following:

- (1) The National Security levy has been extended. Initially it was intended as a one-year tax, but now it is re-imposed annually. Water and electricity are not affected.
- (W) The Goods and Services Tax would soon be applicable to Hotels and Tourism would be affected.
- (iii) The Duty-free facility for replacement of vehicles by the Board of Investment has been withdrawn.
- (iv) Stamp duty on mortgages has been reduced.
- (v) Establishment of Revenue Protection. Unit to increase collections of revenue.
- (vi) Abolition of monopoly in petroleum and gas. Five-year monopoly of the Gas Company ends this year. Two more new gas companies have been approved by the Board of Investment.
- (vii) A committee is to be appointed to look into the salary structure of public servants.

Finally in bridging the deficit, much emphasis has been placed on increasing the revenue potential. Tax revenue has been 14.5 % in 1998 and 14.9% of GDP in 1999. In 2000 it is estimated to become 16.1%. As it an Election year, the Government is not increasing rates of tax, but depending on better enforcement. Borrowings dominate the spanning of the deficit, both foreign and local. The sale of assets and the "family silver", so to speak, is another controversial area, where previously there has been much criticism.

The present problem of spiralling poverty, under-employment and unemployment by low growth, dwindling production, dwindling manufacture, dwindling exports and sluggish stock market transactions is doomed to stay with us, as there is no revolutionary leap- forward envisaged in the Budget. Agricultural production is also not likely to be enhanced, as there is no increase in the fertiliser subsidy nor any fresh enhanced re-planting subsidies.

In view of this, me could describe this as a "stay put" Budget.

By Dr. Lakshman Goonewardena

20.02. 2000

potential trade barriers, and 'harmonisation' is about removing these barriers.

The international standards on which the WTO enforces the SPS Agreement is based on the standards devised by Codex, an international standard-setting body established by the World Health Organisation (WHO) in 1962. US-based agri-food TNCs participate in Codex meetings and determine the position taken by governments. As a result, Codex standards are extremely lax. In the near future new (lower) international standards on agro-chemicals in the WTO will be based on Codex standards.

Monsanto is one of the TNCs which has a powerful influence in Codex. The US won its case against the EU's ban on imports of beef raised using growth hormones. The WTO decision was based on Codex, and the growth hormone concerned is a product of Monsanto.

In 1998 US Trade Representative Barshefsky testified to the Senate Committee on Agriculture, Nutrition and Forestry, that the US will continue to attack food health and safety inspections as trade barriers, arguing that: "We must guard against the increasing use of SPS barriers as the trade barrier of choice".

The importance of the SPS Agreement in supporting the expansion of US agri-business into overseas markets is clear:

"Our ability to invoke an agreed set of international principles and rules on protecting plant, animal, and human health - which we did not have three years ago - is a key tool for influencing the decisions of many of our trading partners on these issues. Armed with this Agreement, the Administration has made progress in removing unjustified trade barriers and opening the door to increased agricultural and food exports."

Legitimate restrictions and controls to protect public health, the environment, and workers' health and safety are irrelevant as long as the goal is the maximisation of corporate profit. This corporate power is further consolidated by the privatisation of the definition, monitoring and enforcement of international social, environmental, health and labour standards.

The other major area in which the harmonised destruction of the collective rights and livelihood of working people is evident is in the international legalisation of biopiracy -

In December 1997, a mass movement of farmers, fisherfolk, indigenous peoples, and community organisations protested against the destruction of community systems by "the rampant pirating and monopolisation of biodiversity and related knowledge through the extension of intellectual property rights to life forms." They announced the 'Thammasat Resolution', which asserts the need to protect community/ collective rights and the exclusion of biodiversity-related knowledge from any intellectual property rights system, including TRIPs in the WTO.

the theft of nature and traditional knowledge through patent rights under the WTO TRIPs Agreement. Intellectual property rights under WTO are like land use rights under the World Bank. Rights are established in a legal system so that they can be legally - and more efficiently - appropriated by capitalists.

The patent on Indian basmati rice by the US company, RiceTec, gives us a clear sign of what the future holds under TRIPs. RiceTec now holds 20 claims under the patent (11 on plant, five on grain, three on breeding methods and one on the seed). It has already started selling 'Texmati' and 'Kasmati' rice as authentic basmati.

But replacing exports from India is only the first step. The next step is to seek financial compensation from Indian farmers who use the name basmati rice, then to monopolise control of seed and through the use of biotechnology ensure that seeds cannot be reproduced through harvest but must be bought from RiceTec. Having stolen basmati rice from farmers and their communities in India, RiceTec is now trying to steal jasmine rice in Thailand.

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the 'Thammasat Resolution', which asserts the need to protect community/ collective rights and the exclusion of biodiversity-related knowledge from any intellectual property rights system, including TRIPs in the WTO.

The US government has amended its own trade laws to impose unilateral trade sanctions on any country where failure to adhere to TRIPs conflicts with the interests of US

such it is enforceable through the threat of trade sanctions. This means that developing countries would have to give up their right to regulate transnational corporations (TNCs) under the threat of sanctions being placed on their exports.

A new right of TNCs which has been institutionalised will have a far-reaching impact: the right of private companies to sue governments of other countries for passing laws which affect actual or potential business activities. Under NAFTA, corporations have 'private legal standing' to sue governments directly for damages under 'Investor to State' dispute resolution mechanisms. Companies can seek compensation for both actual and future earnings losses, as well as for the cost incurred in repairing the company's public image as a result of the case.

In 1997 the US chemicals giant, Ethyl Corp, used this NAFTA provision to sue the Canadian government for a ban imposed on MMT, a gasoline additive produced by Ethyl which is toxic and hazardous to public health. Ethyl claimed that the ban "expropriated" its assets in Canada and that "legislative debate itself constituted an expropriation of its assets because public criticism of MMT damaged the company's reputation."

Related to this is an attack on the right to public debate, more than 13 States in the US have passed legislation criminalising public criticism of any "perishable food product or commodity" as unsafe for human consumption. In particular, criticism of genetically engineered foods as unsafe and potentially hazardous to human health is illegal.

What the Ethyl/NAFTA case shows is that governments will no longer be able to draft and implement legislation which protects environmental, health and social standards without risk of investor-to-State complaints. Ultimately, private corporations will have the right to assert that their profits have a legitimate international legal status over and above any public concerns.

In just five years the WTO has come to symbolise the instability, uncertainty, inequality, imbalances and destructiveness of the globalisation process, as it seeks to secure the monopolisation and centralisation of control under TNCs and the commercialisation of all social life. To achieve these ends the WTO 'locks-in.' the State through the harmonisation of national legislation with the new international trade and investment rules. With an MIA in the WTO, States will be further locked in to the regime of rights protection for transnational capital.

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companies, even if the WTO rules that these countries are abiding by the TRIPs Agreement.

5. The WTO and the 'Rights' of Transnational Capital

Although mass protest movements around the world have succeeded in stalling the proposed Multilateral Agreement on Investment (MAI) in the OECD, the same agreement, called the Multilateral Investment Agreement (MIA), is likely to be attempted through the WTO:

The Japanese government has argued strongly for the MIA, claiming that "investment-friendly" policies are far more important than "development friendly" policies. As such the protection of investor rights and guaranteed "national treatment" must be included in the mandate of the WTO and related agencies.

A closed process of bargaining and concessions is likely to see the core of the MIA in place, with some concessions around the edges, but the main objective will be achieved: "national treatment" for foreign companies and treatment "no less favourable than to domestic investors" will be guaranteed. The MIA will also prevent governments from giving preference to domestic investors when privatising industry or services.

Concurrently, the IMF and World Bank are stepping up privatisation programmes, especially in countries like China.

Like the MAI, the MIA will constitute an international charter for the rights and freedoms of TNCs.

The added significance of an MIA in the WTO is that it is linked to the trade agreements under the GATT, and as

6. The WTO Against Democracy: 'Locking in' the State

There are three important dimensions in this process of locking in the State:

i) What is presented as unanimous agreement on the rationality and common sense of free trade is in fact based on the threat of sanctions by the WTO or restrictions on access to multilateral loans and 'development' aid by the World Bank and IMF. Similarly, what appear as voluntary and openly negotiated agreements are in fact bargained through a process of threats, coercion, concessions and business deals that are the exclusive domain of technocrats and private business.

The multilateral agreements under the WTO are bargained through secret dealings and trade-offs, and are subject to struggles between local and global capitalists, and conflict between the regional trading blocs centred around the EU, US and Japan. Not merely is the complete absence of democracy in the WTO a problem, but its hostility to democracy.

ii) The State in Third World countries is not a victim of this process, and does not become powerless as a result. There is a contradictory process of ensuring that the State is "effective" in repressing social and labour movements and all forms of opposition from below, while restricting State power so that it cannot act against the interests of transnational capital.

Precisely because TNCs are employing flexible strategies of indirect control rather than ownership (to reduce direct exposure to political risk and social unrest), they require more State intervention to regulate these relationships and support flexibility. As such 'locking-in' the State is about redefining State power and embedding it in the new networks of power of transnational capital. Furthermore, the State is transformed into a corporate entity itself, an actor in the global economy that can be subordinated to corporate regulation.

iii) The process of 'locking-in' States to the neoliberal globalisation project overlaps between different agencies and is designed to place external pressure on different fronts, creating vulnerability where it does not exist, and providing incentives which are soon diminished by other measures

It is important to recognise that this is not a smoothly coordinated strategy but involves contradictory policies and practices which generate even further uncertainty. But any crisis that arises out of contradictory policy recommendations and demands from different agencies serves the overall project of neoliberalism. 'Crises' more easily allow neoliberal solutions to be imposed immediately as 'emergency' measures - with immense social costs. The 1998 experience of the response of the World Bank and the IMF to Indonesia's financial crisis (now a depression) clearly demonstrates this.

Proponents of free trade present the WTO as both a necessary and inevitable outcome of globalisation. However we should recall that the WTO is as much a product of the neoliberal globalisation project as it is a powerful mechanism for the enforcement of this project. It is not inevitable, and it is certainly not natural. Moreover, we have seen that the WTO is fundamentally hostile towards democracy.

If we accept this reality, then the widespread grassroots pressure on national governments to withdraw from the WTO, and the mass movements worldwide calling for the abolition of the WTO, present us with the basis of a long-term strategy for opposing the harmonised destruction of the world food system.through organising and through democracy, not through attempts to work with or reform agencies like the WTO. For it is democracy against the global capitalist system and TNCs that will eventually bring an end to neoliberal projects like the WTO and restore our egalitarian goals.

If we accept this reality, then the widespread grassroots pressure on national governments to withdraw from the WTO, and the mass movements worldwide calling for the abolition of the WTO, present us with the basis of a long-term strategy for opposing the harmonised destruction of the world food system. As part of this strategy we must be clear that the defence of the collective rights and interests of agrifood workers and small farmers and their communities can only be achieved through organising and through democracy, not through attempts to work with or reform agencies like the WTO. For it is democracy against the global capitalist system and TNCs that will eventually bring an end to neoliberal projects like the WTO and restore our egalitarian goals.

About the writer: *Gerard Greenfield is a labour research activist, South East Asia; Courtesy: Asian Labour Update*

"Gross Inequalities" Between Rich and Poor Countries

UN Report on world "consumption" outlines the inequalities between the rich and the poor.

A child in an industrialised country consumes, throughout his or her life, the same amount as 50 children in developing countries. This is just one example of the scandalous inequality that exists between the richest and poorest countries, according to a UN Development Programme's (UNDP) report on consumption.

According to the criteria used by this organisation - health, education, life expectancy and level of decent consumption - Canada ranks number one in terms of human development, followed by France, Norway, the United States and Iceland. Spain continues to be the eleventh best place to live. At the end of the list are Burundi, Mali, Burkina Faso, Niger and, in last place, Sierra Leone.

The report states that consumption has increased this century at an unprecedented rate, reaching US\$24 trillion in 1998, nearly double that of 1975.

This dizzying statistic shows that wealth has increased greatly, but it has not been shared equally and there are 1.2 billion people on the margins of any kind of consumption, living on US\$1 a day. The UNDP speaks about the "gross inequality" of opportunities in access to necessary services. UNDP Administrator James Gustave Speth says "the abundance of consumption is not a crime, but it is scandalous that the poor cannot consume even what is necessary to satisfy their basic needs."

Of the 4.4 billion people who live in developing countries, or poor countries, 2.6 billion do not have sewage services, nearly one-third do not have access to drinkable water, one-fourth are homeless, 900 million do not have access to basic health care and an equal number of children do not make it to the fifth grade.

Overwhelming Data

"Gross inequality" takes on a human face when we find out that the fortunes of the world's three richest men, Bill Gates, the Sultan of Brunei and Warren E. Buffet, are greater than the gross domestic products of the 48 poorest countries, or

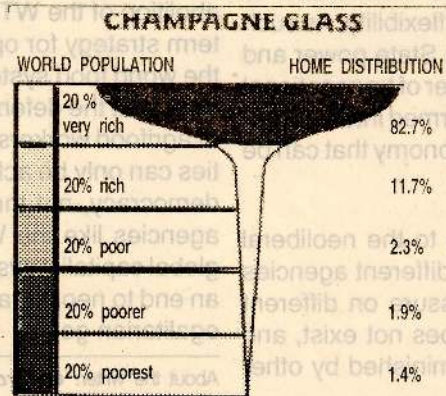
that 225 people have accumulated the same amount of wealth as 2.6 billion people.

The statistics on inequality are overwhelming. One fifth of the world's population, those who live in the rich countries, consume 45 percent of all the meat and fish products, 58 percent of energy; they have 74 percent of all telephone lines, consume 84 percent of all paper and own 87 percent of all vehicles. To demonstrate the lack of focus when it comes to consumption, the UNDP states that universal education would cost roughly US\$ 6 billion, less than the amount spent on cosmetics in the United States, which is US\$ 8 billion. Offering drinkable water and sewage systems to all people would cost US\$ 9 billion, while Europeans spend US\$11 billion on ice cream. It would cost US\$12 billion for all women to have access to reproductive health care, the same amount spent in the United States and Europe on perfume. It would cost US\$13 billion to offer basic nutrition and health care to people, while in the United States and Europe US\$17 billion is spent on pet food. That is, US\$ 30 billion is needed to achieve universal coverage of basic services worldwide, which is less than the US\$ 35 billion the Japanese spend on recreation, the US\$ 50 billion Spent by Europeans on cigarettes, the US\$105 billion spent on alcohol, the US\$ 400 billion spent on illicit drugs and the US\$ 780 billion spent on weapons. A good part of this consumption is stimulated by publicity, on which US\$435 billion is invested each year.

According to Fernando Zumbado, UNDP director for Latin America and the Caribbean, who presented the report in Spain, "with all these statistics we are presenting a reality.

This does not mean that we are against the market, but we are in favour of States adopting some sort of rules. The market does not distribute wealth, but tends to concentrate it. I think that if we continue like this all the benefits of a more integrated world will go into the trash."

Because the report does not want to be catastrophic, it also presents the achievements of the past three decades: life expectancy in the developing countries has increased from 46 years to 62



years, literacy rates have risen from 48 to 70 percent, access to drinkable water in rural communities has risen from 10 to 60 percent and malnutrition has been reduced by one-fourth.

For Zumbado, "it is hard for the inhabitant in the North to understand that he affects poverty in this world, although it seems far away. Poverty is not only a problem of governments, but of society, because we have to be more responsible for the management of goods." He added that the "great challenge is increasing the level of consumption of people who live in inhuman conditions."

Scarcity in abundance

The UNDP report also states that the problems are not only limited to the underdeveloped societies, but are also present in the midst of the abundance, and even opulence, in the industrialised nations.

In countries that are members of the Organisation for Economic Cooperation and Development, there are more

than 100 million poor people and 37 million who lack adequate employment. This is a problem that affects mainly the young, overwhelmingly so in the population between the ages of 15 and 24, given that 32 percent of young women and 22 percent of young men in France are unemployed, 39 of young women and 30 percent of young men in Italy are unemployed and in Spain it is a "record, with 40 percent of young women and 36 percent of young men unemployed."

In addition, 8 percent of children in countries as wealthy as Canada, Australia or the United States live on the threshold of poverty. Nearly 200 million people do not reach the age of 60 and 100 million do not have adequate housing.

Other examples are that in the United States 30 million people, including 13 million children under the age of 12, are hungry, and in Canada 2.5 million people received food aid in 1994. In the industrialised countries, 55 percent of the people are anaemic because of a lack of iron.

*CRIE, November 1998, No. 371,
LADOC (Peru) Noveber 1999*

Violence caused by loss of economic perspective

At present a worldwide and massive transformation process is taking place. Under the name of "globalisation" it subjugates nearly all regions of the earth to the logic of capital utilisation. People in different countries are affected by it in different way. Not rarely it leads to crises and conflicts solved more or less violently..

Violent escalation is then especially probable when - as in some African and Asian countries - the direct economic effects of globalisation go hand in hand with disintegration of State and social structures.

The result is then chaos and massive outbreaks of violence like in Liberia, Sierra Leone, Rwanda, Burundi - or civil wars like in Sudan. Nevertheless it is possible to observe that processes, of democratisation and independence result in massive outbreaks of violence, too. If the at present ruling cliques like, e.g. in Nigeria or also in East Timor must, be afraid of losing their economic privileges, they often try to stop this process violently.

In each, country there are specific pre-conditions for outbreak of of massive violence. But it is common for all of them that loss of economic perspective plays, a central role. It is a struggle for survival and it produces victims and those who profit from it. It is also common for all of them that the international community, first of all the economically powerful States, take substantial initiatives for ending the violence only there where their own interests are affected.

The conflicts and their consequences

Violent conflicts inside States have not only various reasons but also strongly divergent structures: from former "typical" form of guerilla struggle against military dictatorship through ethnically and/or religiously loaded clashes between civil groups, gang wars between competing war lords till "traditional" class struggles, like those between great land-owners and landless peasants in Briazil.,

While the violent conflicts bring profit to a small group, for the largest part of a nation they mean a heavy mortgage effective still a long time after the end of the war: violation of human rights, traumatising experiences, children and youth who for years learned just one thing: to shoot, plunder and kill. To this belong also ecological damages, empteen thousands of small weapons spread among the population, mined tracks of land, land robbery and glaring exploitation.

Options and Possibilities of Securing Peace

For securing peace "peace making measures" are needed as well as attempts to negotiate with various groups solutions acceptable for both sides. These activities used to be concentrated on political elites. But from this part only limited and conditional peace ability can be expected: on the one hand, the primary interest of political elites is to keep power, the other hand, they often dance according to the whistle of international actors - we need only to think of the influence of International Monetary Fund.

In order to achieve lasting peace it is necessary to restore confidence and peace readiness among people on local level. What is needed is also an additional strategy which turns to those directly affected instead to their leaders and which tries to build bridges among groups instead of barricades. This strategy is known tinder the name of peace building.

Courtesy: *CPC Information*

WTO Conferennce a Flop

The recent World Trade Organisation ministerial conference in Seattle has ended in failure. A significant factor contributing to the failure is the inability of the US and the EU to bridge their differences. However, the more basic cause of the failure is the non-transparent and undemocratic nature of the WTO system, the blatant manipulation of that system by the major powers and the refusal of many developing countries to continue to be bullied.

By Martin Khor

It was an amazing week. In Seattle, the contradictions of globalisation revved to a climactic conclusion. At the end, the World Trade Organisation (WTO) Ministerial Conference that was supposed to launch a new Round collapsed, suddenly, in almost total chaos, like a house of cards.

There is no new Round, no Seattle Declaration, not even a brief joint statement to thank the hosts or decide on the follow-up process.

Protests

In the aftermath, there will be many theories and analyses on what happend. Some will focus on the protests by civil society groups representing labour, environment, consumer, pro-poor and Third World concerns. There were also the 'direct action' activists who blocked delegates' access to the Opening Ceremony, which had to be cancelled.

The main message of the protestors was heard loud and clear, that the WTO has gone much too far in setting global rules that 'lock in' the interests of big corporations at the 'expense of developing countries, the poor, the environment workers and consumers. The impact of grassroots protests against globalisation, already evident in the campaigns against the multilateral agreement on investment (MAI) and against genetic engineering, had its coming-of-age in the street battles of Seattle.

Some will also pin-point the inability of the US and EU to bridge their differences as the immediate cause of the collapse. This was, of course, a significant factor. The two giants of the trade system were striving for a compact in which the EU would agree to significantly reduce their agriculture subsidies, and in return the US would agree to start negotiations on new issues like investment and competition.

As a last chip, the EC also threw in its support to the, US to form a WTO working group on biotechnology, but this fell foul of the European Environment Ministers who objected to the EC's move, for which they said the EC had no mandate. This open spat between the EC and the ministers further muddied the last-ditch attempt of the EU and the US to agree to a new Round.

Basic cause of debacle

However, the more basic cause of the Seattle debacle was the non-transparent and undemocratic nature of the WTO system, the blatant manipulation of that system by the major powers, and the refusal of many developing countries to continue to be on the receiving end.

The seeds of the North-South battle were sown in Geneva in the weeks before Seattle. Developing countries voiced their disillusionment - that five years after the WTO's creation they had not seen any benefits. Worse, the poor countries face potentially enormous dislocation when they implement their obligations arising from the WTO's many agreements.

They put forward dozens of proposals to resolve the 'problems of implementation' of the WTO agreements, including changing some of the rules. But most of their demands were dismissed by the major powers that, instead, pushed for their own proposals to further empower the WTO through introducing new areas such as investment, competition, government procurement, labour and environmental standards.

The developing countries, in general, opposed these new issues which they saw would open up their markets further to the rich nations' big companies, or would give these rich nations new protectionist tools to block Third World products from the North.

Worse yet, the WTO Secretariat was used by the major powers to engage in non-transparent procedures, such as holding informal meetings on crucial issues in small groups to which most developing countries were not invited. These so-called 'Green Room' meetings infuriated the Third World members of the WTO.

At Seattle, in contradiction to her promise to run a transparent meeting, the US Trade Representative Charlene Barshefsky presided over a totally undemocratic process. She announced on the second day her 'right' as Chairman to use procedures of her own choosing to get a Declaration out of the meeting, a statement that, infuriated the developing country delegations.

Barshefsky and the WTO Director-General Mike Moore set up several 'Green Room' meetings, some running simultaneously, on key issues of disagreement. Only 10 or 20 countries (the major powers plus a few selected developing countries) were invited to a typical Green Room meeting.

The plan of the organisers was to get the major powers (mainly the US and EU) to agree among themselves, then apply pressure in the Green Rooms on a few influential developing countries to go along, and then pull together a Declaration to launch a new Round which all members would be coerced into accepting in a special meeting on the last day.

The vast majority of developing countries were shut out of the whole Green Room process. They were not even informed which meetings were going on or, what was being discussed. Ministers and senior officials of most developing countries were left hanging around in the corridors or the canteen, trying to catch snippets of news or negotiating texts.

Their anger at the insult of being at the receiving end of such shabby treat-

ment boiled over on the third day of the Conference. The African ministers issued a strong statement that there was 'no transparency' in the meeting, that 'African countries were generally excluded on issues vital to their future, and that they were concerned over the intention to produce a ministerial text at any cost.

"Under the present circumstances, we will not be able to join the consensus required to meet the objectives of this Ministerial Conference."

Similar statements were issued by the Caribbean Community ministers and by some Latin American countries.

Barshefsky and Moore were thus faced with the prospect that if a draft Declaration were presented at a final session, there would be an explosion of protests and a rejection by developing nations.

That would totally expose to the public and the world media the manipulative methods by which the Seattle Conference, and more seriously the WTO in general, had been run.

Collapse

In the end, it was less embarrassing to decide to let the Seattle meeting collapse without attempting even a brief Declaration. But the breakdown took place so fast that Barshefsky at the final plenary did not even try to get the ministers to adopt a formal statement on the procedures for follow-up talks.

All that was left is a transcript of Barshefsky's off-the-cuff closing remarks, in which she admitted that 'we found that the WTO has outgrown the processes appropriate to an earlier time ... We needed a process which had a greater degree of internal transparency and inclusion to accommodate a larger and more diverse membership.'

Does the Seattle debacle and Barshefsky's remarks give hope for reform to the WTO's decision-making system? That depends really on whether the developing countries can now make use of the impasse to press for a democratic system, for example, by abolishing the Green Room process that belongs to the feudal age, and which ultimately sank Seattle.

The big powers will, however, try hard to cling to their privileges. Both Barshefsky and the EC Trade Commissioner Pascal Lamy announced that the WTO Director-General had now been delegated with the authority to carry forward the Seattle process. Lamy even told the media that Mike Moore would report directly back to the ministers.

The implication is that the post-Seattle negotiations would be led by the Director-General, who is known to be biased in favour of the major powers, rather than the WTO's General Council, the majority of whose members are developing countries.

Are the major powers setting up one more device to control the post-Seattle process so that they can rebuild the house of cards in line with the same old global trade architecture? And will the developing countries, which never agreed to the Barshefsky-Lamy decision to put the already discredited Moore in the driving seat, refuse to 'join the consensus' and place the authority of the follow-up process with the General Council, where it appropriately belongs?

These will be some of the immediate issues that trade negotiators must face when Moore begins his 'consultations' to bridge the 'remaining gaps' using the final press conferences of Barshefsky and Lamy to assert control over the 'empire'.

- *Third World Network Features*

Fallout from "battle of Seattle"

Protests at the World Trade Organisation meeting had repercussions in Latin America.

ON THE EVE OF THE BATTLE OF Seattle - the startling street protests in that US city against the World Trade Organisation (WTO) and the impact of neoliberal globalisation - 200 horsemen galloped up to the doors of the Mexican Senate and demanded an audience with Commerce Secretary Herminio Blanco.

Denied admittance, the members of *El Barzon*, a union of farmers and small-business owners frustrated by their unpayable bank loans, dismounted, tied their steeds to the Senate gate and set fire to bales of cotton in the street.

The farmers, who are particularly concerned about a flood of cheap US cotton, meat and apples that they say displaces their homegrown products from the Mexican marketplace, had been on the road for two months, hoofing it from Ciudad Juarez on the US border, over mountains and across deserts.

"There goes your free trade!" bellowed one rider as the nervous horses all but buried the Senate steps in steaming horse dung.

The next day, Nov. 30, Blanco was in Seattle, heading the Mexican delegation to the WTO's "Millennium Round" of trade talks meant to set the agenda for world trade into the next century.

Also on hand were thousands of protesters, including small farmers, labourers, indigenous groups, anarchists and pensioners, during four days of some of the largest public protests seen in the United States since the Vietnam War.

Formed in 1995, the World Trade Organisation oversees international trade agreements and settles disputes under the principles of the General Agreement on Tariffs and Trade (GATT), which espouses the doctrine of open borders and markets.

Bottled up in their luxury hotels by protesters and the corresponding police repression, delegates complained to the press.

"We can't let (labour and environmental) issues contaminate the free trade agenda," Blanco said.

"*Mano - dura* (heavy hand) in Seattle!" Mexican headlines cried in language usually reserved for military dictatorships.

On Dec. 11, protesters and striking students from Mexico's National Autonomous University (UNAM), retaliated against police treatment of marchers in Seattle by stoning the US Embassy in Mexico City in the most violent demonstration against the fortress-like facility in recent memory.

The Seattle meeting adjourned without agreement on an agenda, let alone the start of trade talks, rattling cages in Mexico and other Latin American nations. The marchers' global message, calling for solidarity among diverse causes to confront the impact of free trade on the world's workers and marginalised peoples, was decried by Latin American and other delegates as a conspiracy to protect US and European interests.

Brazilian President Fernando Henrique Cardoso said his country "made it clear that the multilateral trade system has to choose between two alternatives: a regime that protects the rich and hurts the poor, or a universal system that also gives just access to markets for less-developed countries."

Mexican President Ernesto Zedillo, an outspoken champion of free trade, said "it would be a tragic step backward for the liberalisation of worldwide commerce if the protesters' issues were accepted" by the WTO.

Now-reviled former President Carlos Salinas raised the ire of US environmentalists when he appealed to GATT to penalise the United States for boycotting Mexican tuna after fishing methods and nets used by Mexico's fishing fleet were blamed for the mass slaughter of dolphins.

Nonetheless, Mexico has often given in to such human and environmental rights

regulations in order to consummate commercial treaties. Labour and environmental side agreements, criticised as largely ornamental, were attached to the North American Free Trade Agreement (NAFTA) at US insistence, and the recently inked free trade pact with the European Union requires compliance with international human rights norms - issues the Mexican government considers illicit protectionism.

Despite anti-protectionist rhetoric from the country's politicians, however, economic barriers to trade are repeatedly thrown up to ensure a continued monopoly for a handfull of favoured groups. This month, for example, the finance ministry required a deposit of up to US\$800 on cars driven by migrant workers returning from the United States to spend the Christmas holidays with their families in Mexico.

The vehicles are sometimes sold or left behind in Mexico, allegedly hurting national auto sales. Ironically, the Mexican auto industry is dominated by transnationals, and many of the Fords, Dodges and Chevrolets being driven home were originally made in Mexico.

The power of public protest forced the government to cancel the deposit regulation when Mexicans across the United States threatened to boycott Mexican imports like Corona beer unless the fee was dropped.

Likewise, the magnitude of the Seattle protest drew Latin Americans' interest to the battleground, despite the geographic distance, and viewers gasped or cheered according to their political persuasion and class allegiance.

Latin America's homegrown anti-globalisation movements welcomed the events in Seattle. In Mexico, the battle against globalisation has been spurred by the largely Mayan Zapatista Army of National Liberation (EZLN), which rose up in arms on Jan. 1, 1994, during NAFTA's first hours.

In early December, the third edition of the EZLN's international "Encounter in Defence of Humanity and Against Neoliberalism" in Belem, Brazil, brought together 3,000 trade unionists, environmentalists and indigenous representatives.

Ski-masked Zapatistas played a tape of EZLN spokesman Subcomandante Marcos, who told the gathering, "We want a world that includes all the worlds - the world needs to be the world."

- From Mexico City, John Ross
-Latinamerica Press

EAST TIMOR

A new beginning

The Indonesian occupation of East Timor is over, but it has left a legacy of under-development, repression and distrust, as well as physical destruction. The following is taken from *Timor Link* (UK):

Many aspects of the territory's future remain unresolved. The following demands are addressed to the international community, which has accepted responsibility for East Timor's transition to independence:

Political demands

To heads of government, foreign ministries and the United Nations:

- The international community should press Indonesia to cooperate fully with the UN inquiry into human rights violations.
- The international community, if requested by the East Timorese, should assist with the pursuit and prosecution of individuals suspected of war crimes.

- The Indonesian government should immediately end all forms of support to the militias operating along the border with, and in the refugee camps in, West Timor.
- The international community should press Indonesia to end persecution of East Timorese throughout Indonesia, and facilitate their safe passage to third countries according to their preference.
- The new UN transitional authority, UNTAET, should include full East Timorese representation.

Humanitarian demands

To heads of government, foreign ministries and the United Nations:

- Refugees, particularly those detained in West Timor, must be allowed to return home as soon as possible.
- The international community should honour the financial commitments it has

made to East Timor so that reconstruction can begin without delay.

- The Indonesian government should allow the UN High Commission for Refugees, and other humanitarian organisations, full and unrestricted access to the refugees in West Timor.
 - The Indonesian government must cooperate fully in efforts to trace missing persons
- To the UN High Commission for Refugees and humanitarian organisations:
- Humanitarian organisations must provide a well co-ordinated response to the crisis, fully consulting East Timor's political leaders and involving the wider East Timorese community.

To these ends, CIIR urges:

- An indefinite embargo on arms sales to Indonesia, and on European and US military links and military training.

Courtesy : *Timor Link* (CIIR UK)

CHILE

Controversial return of Pinochet

Opponents of Gen Augusto Pinochet, outraged by his return to Chile from England on March 3, charged that he had duped British officials by feigning poor health.

Pinochet was released after British Home Secretary Jack Straw, who reviewed a medical report filed in January, announced on March 2 that the former dictator (1973-90) would not be extradited to Spain to face torture charges because he was medically unfit to stand trial. Pinochet had been under house arrest in London since October 1998.

Pinochet arrived in Santiago, the Chilean capital, to a ceremonial welcome organised by the military and attended by chiefs of the armed forces right-wing politicians and business people. The Chilean government, which has supported

Pinochet's return, called the lavish welcome an "embarrassment."



Augusto Pinochet

Almost immediately after disembarking from the plane, Pinochet from his wheelchair and walked to a waiting car, shaking his cane above his head in triumph, which led many observers to charge that he had faked his medical condition.

"The world has been deceived, because he is obviously not as ill as we were made to believe," said Viviana Diaz, who heads the Families of the Detained Disappeared.

"The nightmare is over," Luis Cortes Villa, head of the Pinochet Foundation, said.

While supporters celebrated, however,

thousands of Chileans took to the streets to protest Pinochet's return.

Despite the ruling against extradition, some international human rights organisations said the case was a victory in the struggle against impunity in crimes against humanity.

"While it's a terrible disappointment for Pinochet's thousands of victims that he will not face trial in Spain, the fact that he was arrested and his claim of immunity was rejected has already change the calculus of dictators around the world."

Reed Brody, of US-based Human Rights Watch, said.

Chilean Judge Juan Guzman, who is investigating 61 lawsuits against the former dictator for crimes committed during his military regime has petitioned an appeals court to lift the immunity Pinochet enjoys in Chile as a senator for life.

"We are going to demand justice. We do not want impunity," Diaz said. "He is going to be put on trial in Chile."

-Courtesy: *Latinamerica Press*

Pakistan Sinks Further as the Army Strikes Again

Ramesh Gopalakrishnan

It was manifestly a blind-folded chessgame of power when Pakistan Prime Minister Nawaz Sharif ordered the Karachi and other airports not to allow the Pakistani International Colombo-Karachi flight of the evening of October 12 to land. His adversary was none other than General Pervez Musharraf, appointed by Sharif himself as Pakistan's army chief over the heads of two senior generals. Musharraf was sacked from his job by the Prime Minister when he was in Colombo as the official representative of Pakistan attending the 50th anniversary celebrations of the Sri Lankan Army. Even as the decision to sack him was made, Musharraf had boarded the flight after completing a golf game at Colombo and a sight seeing trip to the Buddhist pilgrim town of Kandy. Operating from the flight cockpit, Gen. Musharraf proved too clever for Sharif and simply took over the airport using his ground troops and airforce allies. Sindh police chief Rana Maqbool, who had been ordered to arrest the general in case the flight landed at Karachi, also promptly disappeared!

Sharif's attempt to divert Gen. Musharraf out of Karachi and other airports in Pakistan failed, with the result that India and Iran heaved an immediate sigh of relief. Otherwise, they would have had to allow the PIA flight to land in Ahmedabad or Teheran and play host to an unwelcome military chief and bear the burden of embarrassment! However, the wily general, immediately after landing, took over the reins at Pakistan and ended up embarrassing the whole world, including the United Nations' secretary-general Kofi Annan and the International Monetary Fund bosses, not just the United States' government of Bill Clinton which had been aiming for an at least a temporary reconciliation between India and Pakistan.

Army Take-over

Sharif's battle with the armed forces was over and the army takeover was smooth

and apparently even bloodless, starting with airports, television stations, supreme court and legislative buildings and the prime ministerial and other official residences. Last year, Sharif had sacked the charismatic army chief, General Jahangir Karamat, and nothing had really turned up hot. Sharif had served up the marching orders, a few days ago, to naval chief Fasih Bohkar and nothing, he thought, would turn up against the move. However, Gen Musharraf has now proved that he is of very different mettle.

The key issue in the power struggle between Sharif and his general was, of course, the Pakistani defeat or climbdown at Kargil two months ago. The army chief had made it clear that everyone was aware of the Kargil operations right from the word go. However, Niaz Naik, a Sharif aide, who had made a secret trip to Delhi to meet the Indian leaders during the Kargil crisis, disclosed last month that Sharif came to know about the Kargil operations of the Pakistani military establishment only in April/May around the same time when the Indian government learnt the news through Kashmiri shepherds.

This statement had earlier been corroborated by Indian defence minister George Fernandes who indicated a deep divide between the civil/political establishment at Islamabad and the Pakistani armed forces directing the Kargil operations.

The next move came from an expected quarters - the United States government - which kept issuing warnings against any extra-constitutional takeovers in Pakistan. With the US decisively backing Sharif, his tussle with the armed forces seemed to intensify, but he soon decided to make up with Gen. Musharraf by extending his term as joint chief of staff till October 6, 2001. Sharif also placated Gen. Musharraf by retiring Quetta Corps commander Tariq Pervez for having an "unauthorised meeting" with the Prime Minister and sacking

intelligence personnel who put out reports indicating a divide within the army establishment.

All this went for a toss when Sharif struck sacking Gen. Musharraf in mid-night on the fateful evening of October 12. The north-west bound plane got the message from the Karachi television tower that Gen. Musharraf was replaced by Lt. Gen. Khwaja Ziauddin, the chief of the Inter-services Intelligence, who is regarded as a Sharif loyalist. Both Sharif and the ISI chief were confined to the Prime Minister's residence as Gen. Musharraf prepared rehearsing his 580-word-long terse speech after landing at Karachi. The irony was not lost on anyone comparing Pakistan with India where former prime ministers V P Singh, I K Gujral, Chandra Shekhar and P V Narasimha, Rao and shadow prime minister Sonia Gandhi exhibited grace by participating at the swearing-in ceremony of the democratically-elected Atal Behari Vajpayee the next morning.

Consequences

However, India has to share the blame for the genesis of the latest crisis in Pakistan. Vajpayee's Pokhran nuclear blasts had triggered Pakistan's Chagai blasts last year, following which Vajpayee was forced to come to terms with Pakistan by performing the Lahore bus ride in March last. Sharif too had responded to this move despite the impediments created by his army. The Lahore declaration went silent on the entire Kashmir issue and Sharif saw no option but to push through the Kashmir issue by acquiescing in the army move to push through, along with the Mujahideen, into Kargil. The defeat, or climbdown, resulted in a worsening of the political and financial crisis faced by Pakistan and the power tussle had got more intense.

Pakistan, unfortunately, is a cursed State, with its political leaders repeatedly failing mid-way through their tenures, handing the country on a platter to the waiting military generals. The much-hated political leaders are out, and indeed, the majority of the people in the country simply acquiesced in the army takeover, with none of the ruling Islamic Jamhoori Ittehad leaders and legislators protesting against it. Also, former Prime Minister Benazir Bhutto, despite earning the wrath of the army establishment during her tenure, chose to blame only Sharif and not the army for the sudden

change of guard. Hers was a carefully worded interview, coming as it did from London where she has been staying, to please the western democracies disgusted with the army takeover, even as her Pakistan People's Party cadres celebrated Sharif's departure from office courtesy the army! Curious logic indeed!

Gen Musharaf has made all the noise about Sharif's bid to get rid of him, his interference with the armed forces' functioning, his party's corrupt governance and other exigencies, necessitating the army

takeover as a "last resort". Having suspended the powers of the courts to oust him and dissolved the legislatures, he has, however, had nothing much to state on the contours of the new regime at Islamabad, except that he would function as the chief executive, probably with an advisory council consisting of civilian experts. President Rafiq Tarar, who was considered a Sharif loyalist, now cohabits with Gen. Musharaf. The fact that such a regime would lack legitimacy in the international arena does not seem to have bothered Gen. Musharaf at all.

Times, indeed, are going to be tough for the subcontinent. The Pokhran-Chagai blasts have had their political toll at last, with whatever little left of democracy in Pakistan simply snuffed out. With the military fully ensconced at Islamabad, the political resistance to nuclearisation of the subcontinent does not even appear possible. This should indeed be heartening news for the hawks on the Indian side as well.

Courtesy: *Tamil Times (UK)*

BJP Coalition Triumph

T.N. Gopalan

The apprehensions of the Indian liberals have come true. A BJP-led government will be firmly in the saddle at the Centre, at least for a couple of years from now. The BJP and its pre-poll allies, banded together under the banner of the National Democratic Alliance, have totted up more than 300 seats in the Lok Sabha, the Lower House of the Indian parliament, though by itself the BJP could win only 180 seats.

The Congress and its allies bagged only 136 seats, the Congress itself nosediving to its worst-ever performance with just about 110 seats or so at the time of going to the Press. The Left parties also watched with dismay as their own share declined to only 41 seats, the CP1, especially, winning in only four seats, thus in distinct danger of losing its recognition as an all-India party.

It was unmitigated disaster all round for the secular forces, but the stock markets exploded with joy, the BSE index touching a record 5,000 mark.

The Moody's Investors Service, a leading international credit-rating agency, promptly upgraded India's sovereign rating outlook from 'stable' to 'positive'.

To quote an obviously exulting economic correspondent, "The move has been triggered by strong fundamentals, and an overall belief that the new government will

be able to stay in power longer. The upgrade is also an acknowledgement that the Indian economy has grown stronger despite the sapping side-effects of global financial crises and nuke-related economic sanctions. All this translates into good news for Corporate India

Whether what is good for the corporate India is also good for the rest of the nation is perhaps a moot point. But before going into the possible implications of the Va payee's second stint in power, a brief look at the NDA's victory would be in order.

Election Results

Most opinion polls and exit polls' had indeed predicted that the alliance could notch up to 300 seats. But there were quite a few skeptics. The expected decline in the BJP's fortunes in Uttar Pradesh and possibly in Gujarat would be too much for the party to compensate, even if there would be some gains down south, it was argued.

Thanks to internal bickerings in UP, the party's tally did plummet from a high of 59 to a low of only seats. In Punjab the BJP-Akali Dal combine was routed, and in Kamataka too the Congress emerged a surprise winner in both the Assembly and Lok Sabha elections.

But there was unchecked disaster in store for the party in most other places. In

the New Delhi province itself the BJP swept to victory in all the seven seats, for the first time in history. Encore in Haryana.

In Orissa the Congress managed to scrape through only in two seats.

In Gujarat, the BJP won 19 of the 26 seats at stake, belying the general perception that the Keshubhai Patel government had become unpopular.

Though a resurgent Congress under Sonia had swept the Assembly polls less than a year ago in Delhi, Rajasthan and Madhya Pradesh, the BJP successfully reversed the trend now.

In Rajasthan the BJP won 16 of 25 seats at stake. That is attributed to the Jat anger over their non-inclusion in the list of the other backward castes (OBCs). But how does one explain the defeat of the Congress in Madhya Pradesh where the Digvijay Singh has won all round plaudits? The BJP won 28 out of 40 seats here. Observers are indeed intrigued.

But by far the most stunning shock came from Bihar where the BJP and its allies bagged 40 of the 54 seats at stake, something quite unforeseen in the Laloo land. The avowedly charismatic Laloo Prasad Yadav himself bit the dust at the hands of his one-time mentor Sharad Yadav. He lost by a margin of 30,000 in Madhepura, a Yadav-dominated constituency. This was a blow few had expected. A bulwark of secularism had fallen by the way side.

The ever cocky Laloo would not even meet anyone from the outside world

for the first couple of days after the results were out. Whatever his failings, the fact that he was seen as the guardian of the Muslim interests in an increasingly hostile milieu, was a saving grace. A coalition of the upper castes, some intermediate castes ranged against the Yadavs and some sections of the Dalits did him in. With the Assembly elections to follow in the next five months, Laloo should be a worried man.

But not just Laloo alone. Already the Republic of Bihar, as a journalist has trenchantly dubbed it, is in a class all of its own, where anarchy reigns supreme in most places, the Dalits, the intermediate castes and the upper castes flying at each other's throats. But the Muslims felt safe thanks to Laloo.

What will happen now? Will the upper caste-Dalit coalition fostered by the BJP move forward to consolidate itself leading to war with the Yadavs? There are some indications that certain intermediate castes like the Kurmis - former Railway Minister Nitish Kumar and the leader of the Samata Party, an ally of the BJP, is a Kurmi - could be apprehensive of the future and move back to a closer relationship with the Yadavs. This could even result in a renewed assault on the Dalits. The future is indeed pregnant with many grim possibilities.

Yet another stunning show was in Andhra Pradesh. The Telugu Desam Party and the BJP together emerged victorious in 36 of the 42 seats at stake, leaving a mere five for the Congress. In the Assembly elections held concurrently, the TDP swept to power winning 180 seats. The Congress could secure only 90 seats.

The developments in A.P. and Bihar seem to show that the electorate are swayed less by ideology or even by caste and that they are willing to back anyone who could deliver the goods and also reject anyone who would not bother to attend to their day to day problems, whatever his or her image might be.

TDP chief and A.P. Chief Minister Chandrababu Naidu himself is no great charismatic figure. He tried to make up for it by trying to fashion a relatively responsive government.

Though he did derive a lot of mileage in

the media, nationally and even internationally, with his stress on reforms and his penchant for net-working, the hard-pressed people of A.P. did not seem too very elated over his obviously elitist approach. And when Sonia arrived on the scene, she drew huge crowds everywhere, giving a lot of sleepless nights to Naidu and company.

But by devising some schemes which took the administration to the villages and hamlets and adopting some populist measures, Naidu did seem to regain some lost ground.

Further more his tie-up with the BJP seems to have yielded him rich dividends. After all when the Congress was groping in the dark over the future Prime Ministerial candidate, here was Vajpayee projected as a most acceptable man for the top job. Both Naidu and Karunanidhi were shrewd enough to realise the vote-catching value of Vajpayee, though Naidu was reluctant to the end about formally forging an alliance with the BJP. Anyway in order to thwart the Congress, he finally took that step, wisely as it has now turned out.

In Maharashtra the BJP-Shiv Sena combine benefited by the Sharad Pawar rebellion, they managed to win as many as 28 of 48 seats at stake there despite the powerful anti-incumbency sentiments. In fact in the Assembly elections, no party has secured a majority, the Congress emerging as the largest single party. Pawar's Nationalist Congress Party too has done well and there is again talk of the two again coming together to form a government and thus frustrate the Shiv Sena. If only the clique around Sonia had not allowed Pawar to break away the Congress might have put up a much better show, given the sorry track record of the Shiv Sena-BJP government.

Ultimately whether tying itself in knots over the issue of the Italian origin of Sonia or projecting a prime ministerial candidate or handling dissidence inside the party, the party high command has proved itself woefully inadequate to the demands on it.

Hitting out at Sonia's arrogant refusal to prop up a non-Congress government after the fall of Vajpayee, noted columnist Saeed Naqvi said: "After the Mandalisation of politics, the BJP reacted swiftly and sought to accommodate all tiers in the Hindu soci-

ety into the power structure. The BJP, for all its weaknesses, is a politically alert organisation. Look how it created space for powerful regional parties in its framework. The Congress, under the leadership of political illiterates like Sonia Gandhi, has persisted with its self-defeating upper casteism. "No., no, no to coalition." Now let the party go in for a spell of reflection in the political wilderness of its own making." Still the fact remains it was the arrival of Sonia which prevented the Congress from a complete disintegration. And the people themselves seem to have rejected outright the foreigner angle. The Congress has lost out because of various other factors, some cited above.

Disturbing Situation

It is a disturbing situation. Even in West Bengal the Trinamul Congress which has made common cause with the BJP is making serious inroads into the rural areas. The ageing Jyoti Basu has made plain his concerns. When many avowedly secular parties resign themselves to cohabiting with the BJP for their own vested interests, the situation is disturbingly reminiscent of Germany during the run-up to Hitler's ascent to power.

V. Krishna Ananth, an incisive social commentator, recalls the Communist International's analysis of the Europe of the times: Fascism constructs an economic basis for the organisational unity of large capitalists, rural exploiters and urban petty bourgeoisie, adopts a foreign policy of militarism and imperialist aggression, mobilises an organisational force of cadres from the urban petty bourgeoisie and the backward sections of the working class, adopts populist slogans and finally in place of liberal democracy, it establishes a structure of direct authoritarian rule.

Does not the BJP talk of a Presidential form of government?

The second government of Vajpayee looks like more enduring than the previous one. Before long the Sangh Parivaar would unsheath their swords, though the BJP itself pretends to have put in the backburner all controversial issues. When the knives are out, the burning of Father Staines and his sons would look like child's play. Agonising times are ahead for India.

Courtesy: *Tamil Times*

IRAQ:

The UN Sanctions

The sanctions are the most draconian ever imposed by the United Nations. The UN is caught in the ambiguous position of being both the cause of suffering and the body responsible for alleviating it. These are the only sanctions this century imposed as a complete embargo on all trade (with a few exceptions) rather than just an embargo on particular goods or areas. In this sense, says Sabah Al-Mukhtar, an Iraqi living in London who is President of the League of Arab Lawyers, 'the whole country is being kept prisoner and denied the basic requirements for survival.' Denis Halliday, who resigned from his post as Humanitarian Co-ordinator in Iraq rather than administer the sanctions regime, puts it even more strongly: "We are in the process of destroying an entire nation. It is as simple and as terrifying as that. It is illegal and immoral."

The figures speak for themselves. UNICEF believes that between 5,000 and 6,000 children die each month as a direct result of sanctions. The mortality rate for children under five has risen from 48 per 1,000 in 1990 to 122 per 1,000 in 1997. One in four children is malnourished; a rise of 73 per cent since 1991.

And yet the country is sitting on probably the second-largest oil reserves in the world. In May 1996 Iraq was allowed to sell a limited amount of oil in return for food, but this improved the situation only marginally. The infrastructure does not exist to pump the allocated oil, and oil prices in any case

remain very low. With 47 per cent of the oil money siphoned off by the UN, the Iraqi Government ultimately gets around \$1.5 billion worth of humanitarian goods over a six-month period. It costs \$600 million to give each person one kilo of sugar over the same period.

Reactions

The deprivation is not only physical, but emotional as well. Many parents of the young people growing up today were well-educated, well-fed and well-travelled, but the new generation is angry, hungry and isolated from the world. New young cadres in the ruling Ba'ath party believe that President Saddam Hussein and the current Government have compromised too much with the West, and take a much harder line. Other children simply see the US as the enemy. This is brought home to me when I meet Dina, aged 7, whose mother and father are both civil engineers. Dina is keen to show me her drawings, which are detailed and imaginative. Many are the princesses and mermaids, mummies, daddies and school friends that you would expect from someone her age.

But then I come across one of a soldier. He is standing on the right of the page and seems to be shooting something on the left. 'What is this?' I ask her. She whispers something shyly. Her parents are clearly embarrassed: 'She says this is an American soldier and he is shooting the flowers.'

'But why?'

'She says Americans don't like flowers'. It is not surprising. Dina, like all children in Iraq, has known only an aggressive, punitive West. The flowers in her family's garden bloom, but up to half the palm trees - in a country which formerly exported 80 per cent of the world's dates - have died. This is due to not only a lack of agricultural equipment and chemicals but also the fallout from the Gulf War which has so polluted Iraq's environment. Radioactivity from depleted uranium (from Western bombs and shells) leaves a terrible blight on the lives of those Iraqi children who suffer from cancers and leukaemias.

In addition, in the north and south, people face almost-daily bombings, which began when the US and the Britain launched Operation Desert Fox in December last year. The death toll then was over 10,000. And the bombing has never stopped.

Jawdat al Kazzi is a priest from southern Lebanon who has lived in northern Iraq for 13 years. He is grey-haired, with a quiet manner which somehow makes his fury palpable: 'If Clinton and Blair were really Christians they wouldn't do this to us.' His voice is clear, determined.

'But then, you see, a capitalist society cannot be truly Christian because it puts money before everything else. Dollars before people. Here in Iraq, we have no money any more. Iraqis have lost everything. But they still have their morality; they are a very moral people.'

We sit in the flickering light of an oil lamp in a Dominican church, whose French connections go back to the wife of Napoleon III who donated the church bell. The priest points out the inconsistency of the American stand: 'There is one rule for Iraq, another for America's friends, like Israel. America allows Israel to break all the rules, to ignore 37 UN resolutions; to invade and occupy Palestine, Lebanon and Syria; to have a nuclear bomb and chemical weapons... and what happens? Nothing. Yet Iraq has honoured the Security Council resolutions but the US will not permit the lifting of the embargo.. This is hypocrisy of the highest order.'



Closing the door: a sale of second-hand refrigerators and washing machines.

'Sanctions' said us Secretary of State Madeleine Albright, 'are amongst the most powerful and lethal weapons in our armoury.'

The Irony

Yet the other irony in all this is that the sanctions and bombing regime has achieved the opposite of what was intended. It has consolidated rather than weakened the Government's power; Saddam Hussein has become for many in Iraq - and indeed in the Middle East - a symbol of Iraqi resistance and determination never to bow to Western pressure.

Amnesty International in its 1999 Annual Report finds the regime guilty of 'torture and illtreatment of prisoners and detainees'; hundreds of.. executions and thousands 'disappeared'; a record that echoes that of many other dictatorial governments in other parts of the world.

And yet prior to the Gulf War, Saddam Hussein was seen as a good guy, armed and supported by the West in the Iran-Iraq War. Even after the chemical bombardment of the Kurds in the town of Halabja in 1988, the US Commerce Department continued to export military equipment to Iraq - including chemicals necessary for the manufacture of nerve gas.' Military regimes such as Iraq's are in many ways a product of the West, born of the Cold War when proxy battles were fought throughout the Majority World and dictators spawned with the fire power to keep a, tight and often repressive hold on their own people and to freely implement their masters' desires. The West also fears Islam. After the Iranian Revolution, it supported Iraq as one way of keeping the Shi'a regime there in check.

But Western alliances have a habit of changing when it suits other strategic objectives, as Tariq Aziz, Iraq's Deputy Prime Minister, points out: 'You know, 12 years ago, when I was received in Washington at the White House, Yasser Arafat was a terrorist. Former terrorists in Northern Ireland are now received in Washington and London. But now our specification as an ally has changed, and Iraq is the monster, the terrorist'.

Inside the country many people point to the undoubted development that took place under Saddam Hussein's re-

gime in the 1980s when Iraq was a prosperous country despite the crippling Iran-Iraq war.

Between 1984 and 1989 Iraqis were on average eating about 3,372 calories a day (compared with a minimum requirement of 2,100). Adult literacy had risen to 95 per cent (Iraq won the UNESCO prize for literacy three years in a row); 92 per cent of the population had access to safe water and 93 per cent access to a clinic or hospital. Both education and health were free and Iraq's welfare system was 'one of the most comprehensive and generous in the Arab world'.

So was its aid programme. Iraq prided itself on the support it gave to countries in need and the important role it played in the power balance of the Middle East. Economic rights were a priority, civil liberties were not. Now the Iraqi people have neither.

Sanctions were originally imposed by the UN on 6 August 1990 - before the Gulf War - to get the Iraqis out of Kuwait. So why weren't they lifted after this was achieved militarily?

The regime refuses to comply with UN resolutions, says the West. But the US has at various points tied the sanctions to the continued rule of Saddam Hussein - not inspections or disarmament. Conditions for the lifting of sanctions have now been made so complex that they are almost impossible to comply with. Not surprisingly, people in Iraq are pessimistic, and believe US motives to be tying Iraq's hands as a political force in the region and keeping Iraqi oil off a volatile market.

In 1996 American journalist Lesley Stahl pointed out to Madeleine Albright, then US Ambassador to the UN, that half a million children were reputed to have died: 'that's more children than died in Hiroshima. Is the price worth it?' Albright did not question the figures but replied 'I think this is a very hard choice, but the price - we think the price is worth it.' !

Courtesy : *New Internationalist* excerpts

Five steps to ending the deadlock

- The UN should lift the sanctions - with the exception of military hardware.
- Once the sanctions are lifted, Iraq needs to be given support from the UN and the international community in order to rebuild on all fronts - the equivalent of a Marshall Plan.
- Iraq should have the debts that it is paying under the Compensation Fund - at present at least 30 per cent of oil sold under the Oil-for-Food deal - suspended and reduced until such time as it can afford to pay.
- There should be a ban on the sale of arms to Iraq - as 80% of arms were sold by the five permanent members of the UN this should not be difficult to enforce. International monitors should return to ensure that weapons of mass destruction are not being built.
- A UN multilateral or unilateral guarantee of frontiers to prevent further invasions is already in place - but does not cover Turkish incursions into northern Iraq. Kuwait has signed defence treaties with the five permanent members of the UN and others. There is also a big US army presence both on Kuwaiti soil and in the region, preventing any aggression on Iraq's part.

UN Chief condemns UN sanctions in Iraq

The resignation of three senior UN officials in Iraq within the last one and half years in protest of the continuing economic sanctions underscores the rank failure of the UN sanctions. It also calls into question the effectiveness of the UN relief programmes in Iraq.

On 14 February 2000, Mr. Hans von Sponeck, the UN assistant secretary general and humanitarian coordinator in Iraq announced his resignation after strongly condemning the economic sanctions for unjustly punishing the innocent Iraqi people. He called for an end to the sanctions, saying his conscience cannot be silent over a 'true human tragedy' that had no end in sight.

'As a UN official, I should not be expected to be silent to that which I recognise as a true human tragedy that needs to be ended' he said.

"How long the civilian population, which is totally innocent on all this, should be exposed to such punishment for something that they have never done?" he asked.

Two days after von Sponeck's resignation, on 16 February, Ms Jutta Burghardt, the head of the UN World Food Programme in Baghdad, also offered her resignation to protest how the economic sanctions against Iraq are eroding its society.

In a telephone interview with *The Washington Post* from his office in Baghdad, Mr. von Sponeck said he and Ms. Burghardt resigned after concluding that the latest UN Security Council resolution passed last December, provided false hope that the suffering of ordinary Iraqis would soon be eased.

von Sponeck's predecessor, Mr. Dennis Halliday, left the same position after 13 months in September 1998 also cited similar concerns for his resignation calling the sanctions a 'totally bankrupt concept'.

Mr Halliday who had had a distinguished UN career spanning 34 years said the economic sanctions violated the UN charter and UN conventions on human rights and that he 'could not continue to take part in a policy that was deliberately causing grave and widespread suffering throughout Iraq, while failing to address the root causes of the humanitarian crisis.'

All of Iraq's oil revenue earned through the above relief mechanism are controlled by the Security Council. After allocations are taken

out to pay billions of dollars for Gulf War reparations and UN administrative expenses, the amount of money which reaches the average person in Iraq is, a mere 25 cents per person per day which is hardly enough for survival.

Under the same programme, the US has manipulated the vague category of dual military and civilian use to stop or delay further study of contract applications already approved by the UN Sanctions Commission. By January 2000, the suspended contracts reached 813 in number valued at US\$1.183 billion.

In fact Mr Kofi Annan, the UN Secretary General had in October last year sent a letter to the Security Council indirectly criticizing the US for holding up approval of hundreds of contracts for humanitarian goods under oil for food.

This means many basic items such as chlorine which is essential for water purification, are banned because of their alleged potential use in chemical weapons production. Such policies have made many other vital infrastructures providing amenities such as waste and sewerage treatment, electricity, food and oil production impossible to be rebuilt and/or repaired.

The Oil-for-Food deal cannot solve the health problems in Iraq because it was intentionally created to serve that purpose. It is another tactic which the US uses to divert attention from the genocidal effects of the sanctions.

Mr. von Sponeck's outspoken views on the sanctions, failure of the UN's humanitarian programme and his intention to release a farewell report on the effects of the continued bombing in Iraq on the civilian population have infuriated Washington and London.

The resignations illustrate increasing opposition to the UN's near decade of sanctions on Iraq.

Immediately following the protest resignation of Mr. Von Sponeck and Ms. Burghardt, the call to pressurise the UN and US in ending the comprehensive economic sanctions on Iraq is gaining momentum.

Last Wednesday, on 16th February 2000, seventy US Congress members held a joint press conference with Arab-American groups in Washington for this purpose.

The group's spokesman, Mr. David Bonior, a Democrat for Michigan State described the current sanctions 'infanticide masquerading as policy.' He added, 'Our message is simple. We're saying.. millions of children are suffer-

ing and we refuse to close our eyes to the slaughter of innocents.'

The seventy members of Congress had earlier signed a letter urging President Clinton 'to do what is right: lift the sanctions.'

Within the same week, thirty six Nobel Peace Prize laureates appealed for an end to the sanctions in Iraq. They include Nelson Mandela, Aung San Suu Kyi, Mikhail Gorbachev and the 14th Dalai Lama.

In their call addressed to the UN Security Council, UN General Assembly and Heads of States of all member countries of the UN General Assembly, including the media, they made the following appeal:

- That all Heads of States cooperate in the lifting of all of the sanctions against Iraq except those which limit the trade of items which can only be used for military purposes and that the President of the United States and the Prime Minister of Great Britain do everything in their power to ensure that the sanctions are lifted;
- That the United Nations Security Council votes to lift the sanctions against Iraq and that the representatives from the United States and Great Britain do everything in their power to ensure that the sanctions are lifted;
- That the General Assembly works to ensure that the sanctions are lifted;
- That the Legislators of all States cooperate in the lifting of the sanctions against Iraq and that the Congress of the United States of America and the Parliament of Great Britain pass bills to that effect and do everything in their power to ensure that the sanctions are lifted;
- That the media around the world fulfills its obligation to expose the catastrophic suffering that are the result of the sanctions against the Iraqi people and that the media do everything in their power to ensure that the sanctions are lifted
- That all citizens of the world do everything in their power to ensure that the sanctions against Iraq are lifted.
- Sanctions are not the humane alternatives to war. We cannot remain inert while allowing the sanctions to continue murdering 300 children everyday. It is time we expose the human face of this new weapon of sanctions, especially the children.

S. M. Mohd. Idris

Cordinator, Third World Network
28.02.2000

THE SEARCH FOR HUMAN RIGHTS.

An outstanding Leader of the Timorese Liberation struggle, this article was written by Bishop Bello before the referendum where the people of the East Timor voted resoundingly in favour of independence. (see last issue of *Christian Worker*)

Bishop Carlos Bello

Any one who knows Asia knows that it is a continent of the young, of the poor, a world diverse in culture, religious traditions, language, race, topography, climate and class. It is also an arena where world powers compete for scarce resources and to sell arms and to balance their payments. While a few of the local economic and political elite gain, the vast majority of Asians are left to cope with poverty and misery.

Viewed from the perspective of Asia's great human potential and rich religious heritage, the presence of multinationals in repressive States, the culture of materialism and consumerism taking over the core of the human being and technology transfers devoid of a humanistic philosophy become all the more depressing.

The promotion of democracy and human rights in Asia today is a sacred responsibility. Throughout the region, we witness the emergence within national cultures of a new consciousness of democratic ideals and self-awareness.

With colonialism now history, many nations have expressed this consciousness in an assertive nationalism. This has joined with a steadfast will to take charge of the life and destiny of the nation. In East Timor, the patriotism that has resulted in 24 years of armed resistance against the Indonesian military, seeks to discover and affirm an identity that is interwoven with a heritage of distinct values, beliefs and traditions. A quiet revolution is drawing the peoples of Asia to the portals of a promising 21st century. There is a deepening quest for new paradigms in the understanding and praxis of democracy and human rights.

In the forefront is the shift of focus from individual - rights to the 'common good' paradigm. It is becoming more and more evident in Asia that in the process of globalisation, the State has become the servant of the market and is unable to protect the rights of the individual and community. According to the latest U.N Development report, the world's 225 richest people have a combined wealth of over 1 trillion US \$ also the total income of 47% of the poor, who number 2.5 billion. For the powerful the emphasis on individual rights serves to shelter the possession and disposal of property. We must somehow shift the focus to the common good, a notion that is fundamental in Catholic social teaching. It implies that the welfare of the whole community is to be promoted, so it presupposes societal solidarity.

The second shift of focus is from civil and political rights to a social-cultural-economic rights paradigm. At a time when the State, as well as globalisation forces, have turned out to be the most hardened violators of human rights, civil society has a crucial role to play. The post - colonial States of the south, both authoritarian and those, apparently democratic, have aggregated more power in the name of development. Coupled with economic liberalisation and the market, development has become an ideology and a justification for violating the basic rights of people. An example is the displacement of indigenous or tribal peoples for so-called development projects. In the 1971 synod of Bishops on justice in the world, the Catholic Church clearly stated that people should not be hindered from attaining development in accordance with their own culture. All peoples should be



able to become the architects of their own economic and social advancement.

The third shift of focus in the paradigm search is from ethic-and-reason to compassion-and spirituality. It is in responding to the demand of its spiritual future that the 21 century will be able to make the transition from a necessary tolerance to the positive convergence of a global village' says a 1997 UNESCO commentary. Today, a reality underlies the new order, faintly discernible and struggling toward visibility. It is essentially the nature of the spirit. Some scientists believe there is something in the human person deeper than ethics and reason. We have the capacity to be moved by the suffering of others. This inherent power serves as the foundation for respect for others and the relief of their suffering. Humans are compassionate beings. In this perspective, human rights are expressions of compassion for the suffering poor. Suffering and compassion offer the spiritual key to interpret human rights as the rights of the poor.

'in the context of globalisation, we need a new form of solidarity. We need to be proponents of life and peace,' says Anthony Rogers of the office for Human Development of the Federation of Bishops' Conferences. We cannot afford to separate the civil and political rights from the cultural and economic rights of individuals and communities. Violation of human rights of the majority of the Asian peoples in the third world is the result of global injustice. It is the task of the universal church," he says to make charity, integral human development and the promotion of justice as our redefinition of the meaning of human rights in the Third Millennium."

Courtesy: *The Mirror N.C.J.P. Pakistan*

Aung San Suu Kyi's tribute to Neelan

"To think of Dr. Tiruchelvam is to feel warmth and humility, and a sense of loss. I did not have the good fortune to know him personally but he possessed such unusual qualities of heart and mind, his concern for the cause of democracy in Burma gave me as much comfort as the sympathy of my dearest friends. His keen intellect grasped the essence of our struggle to create a plural society rooted in a respect for human values and his caring heart understood our aspirations and our troubles. He not only understood and cared, he acted. His espousal of our cause within the Sri Lankan parliament particularly moved us. It was an act of conviction truly rare in our part of the world" said Aung San Suu Kyi of Rangoon in a tribute to Dr. Tiruchelvam read out the Neelan Tiruchelvam Commemoration programme on January 30, The message went on to say:

"We desperately need people like Dr. Tiruchelvam and his death is an utter loss to us and to the world. He believed that humanity deserved, - and was capable of, tolerance, understanding, peace, and harmony. And because he demonstrated by his actions that these abstract qualities could be translated into concrete practice, his message of non-violence was empowered. His death itself serves only to prove that he was a force for peace so great it was a threat to those who had chosen the path of violence.

I would have wished to be with you today, to learn more about Dr. Tiruchelvam, his thoughts, his work, his hopes, his life. However, even though separated by land and sea, I believe that we are close to one another in sharing the rich legacy of Dr., Tiruchelvam. He referred to the historical ties between Sri Lanka and Burma when he stood up for our present day struggle. He, would have wished to see dawning in both our countries an era of genuine peace, founded on the resolution of conflict through dialogue and negotiation It is for those who valued him to carry on with his work. Let us honour Dr. Neelan Tiruchelvam, a great and beloved son of Sri Lanka, by joining together in the endeavour to make our world a bastion of the best, most compassionate human values.

Burma

While the Burmese Junta Government has miserably failed to start negotiating among all factions in that country to create conditions for a sustainable peace, its cruel harassment instead of democratic activists and minority groups has led to the spilling over of refugees into Thailand especially on the Thai - Burmese border. Instead of playing a strictly neutral role in the conflict, Thai troops have joined hands with the Burmese authorities in suppressing the minorities and other refugees who have sought temporary shelter and need humanitarian aid to injured civilians children and women after being subject to Burmese military atrocities. The international practice has been to permit and provide such aid to civilian refugees.

On January 25 elite Thai commandos stormed a provincial hospital seized by ten young Karen rebels of a fringe group known as 'God's Army'. There were no casualties among hundreds of hostages and just 8 officers were injured. According to reports some of the Karen rebels did not even fire back during the assault though they were all killed.

In a similar incident last October, five gunmen seized the Myanmar Embassy in Bangkok. The hostages were released unharmed but the gunmen were allowed to go free. The Junta in Rangoon was enraged and promptly closed its border with Thailand. Analysts believe that the Thai Government has taken a tough stance to appease the Burmese junta and reassure its citizens against being caught up in future sieges. However the human rights situation in this regard is disturbing.

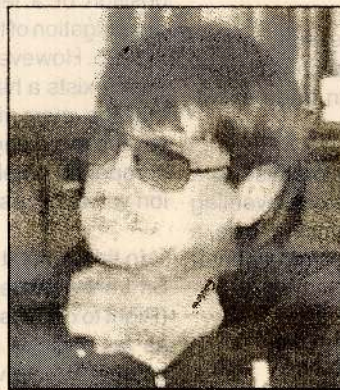
American Peace Activist Arrested in Thailand

The reaction has been very firm and strong among many leading human rights activists against the arrest of Norman Max Ediger, 53, from 'Burma Issues'. Ediger was arrested under the possible charge of harbouring illegal immigrants. Along with Ediger eight other people were arrested. Human rights organisations have said those arrested are genuine political refugees, and not illegal aliens as charged.

Ediger has in the last 15 years been involved in the work towards a peaceful solution to reinstating democracy in Burma. His work is in many ways a very unique one seeking peace and justice in Burma through non-violent means This approach has been acknowledged by human rights groups throughout the entire world.

Max Ediger who is well known in the non-governmental organisation circles, has

worked with Empower, an NGO that provides help to Thai prostitutes through education and skills training. He has also worked on a number of development projects in several slums in Bangkok, as well as on drug rehabilitation with addicts at the Thanyarak Hospital. He worked with mine victims during the Indochina War and has spoken out against both the military regime in Burma and some of the ethnic rebels fighting the junta.



Max Ediger

At this moment it is not clear as to whether or not the charges will be pressed against Ediger and his colleagues. We hope that the charges will not be pressed and that the government will instead acknowledge Ediger's work towards peace and democracy in Burma.

Adapted from
Human Rights Solidarity (Hong Kong)

Trade Union Recognition welcomed

BY M.T.R

The Government at last presented to Parliament the Industrial Disputes (Amendment) Bill which was suddenly withdrawn when it was earlier presented, three years ago. It was the pressure of the employers which made the Government to withdraw the Bill from Parliament on July 23, 1996. This time it was the pressure of the left parties in the P A and the exigencies of the Presidential election, and the need to win workers' support for the P A candidate that compelled the Government to push through the Bill in Parliament.

The Bill seeks to incorporate a new part immediately after Part V of the Principal Act of 1.950 and is titled "Unfair Labour Practices". Among the unfair labour practices are the following:

- "No employer shall -
- (a) require a workman to join or refrain from joining, any trade union, or to withdraw from, or to refrain from withdrawing from, his membership of a trade union, of which he is a member, as a condition of his employment;
 - (b) dismiss a workman by reason, by reason, only of his membership of a trade union, or his engaging in trade union activities;
 - (c) give any inducement or promise to a workman for the purpose of preventing him from becoming, continuing to be, a member, office bearer or representative of a trade union;
 - (d) prevent a workman from -
 - (i) forming a trade union or
 - (ii) supporting a trade union by financial or other means;
 - (e) interfere with the conduct of the activities of a trade union;
 - (f) dismiss, or otherwise take disciplinary action against any workman or office bearer:
 - (i) for any statement made by such workman or office-bearer in good faith before any tribunal or person in authority; or

(ii) for any statements regarding acts of omissions of the employer relating to the terms and conditions of employment, of the members of such trade union made by such workman or office-bearer, in pursuance of an industrial dispute for the purpose of securing redress or amelioration of working conditions of such members;

(g) refuse to bargain with a trade union which has in its membership not less than forty per centum of the workmen on whose behalf such trade union seeks to bargain". The above provisions in the Act have earned the ire of the Ceylon Employer class. But why? This is the perplexing question.

Trade Union Rights

In Sri Lanka the right to belong to a union is an unfettered right guaranteed by the constitution, itself in terms of Article 14 (1) (c) and (d). Actually trade unions enjoy the position of a legal personality since the promulgation of the Trade Union Ordinance in 1935. However, it has to be admitted that there exists a hiatus in these provisions in that the mere right to form trade unions and/or to belong to it do not necessarily compel an employer to recognise the union within his establishment.

In this context it is well to remember that Sri Lanka ratified ILO Convention, No.98 (Right to organise and bargain collectively) as far back as December 1972 and the present PA. Government ratified Convention No.87 (Freedom of Association) as lately as July 1995. The ratification of these ILO Conventions casts certain obligations on the government, some of which are:

- (1) Workers shall enjoy adequate protection against acts of anti-union discrimination, in respect of their employment.
- (2) Such protection shall apply more particularly in respect of acts calculated to

(a) make the employment of a worker subject to the condition that he shall not join a union, or shall relinquish trade union membership;

(b) cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities.

Against the above backdrop it is evident that the provisions, contained in the proposed amendment to the I.D.Act regarding trade union recognition and anti-union discrimination only guarantees to unions what has been agreed to by the government in relation to freedom of association, and what is basically envisaged in Article 14 of the Sri Lankan constitution.

By objecting to these obligatory measures our highly pampered and heavily subsidised (sweeping tax reliefs are in reality subsidies) entrepreneur class is refusing to take cognizance of the changes taking place in the field of labour rights worldwide.

Our neighbour, India brought in amendments to its Industrial Disputes Act in 1984 which spell out unfair labour practices. They are wide-ranging in scope and far-reaching in their effect whereas our proposed Bill relates only to trade union recognition, and anti-union, discrimination. The opposition of our entrepreneur class is therefore neither reasonable nor justifiable.

It appears to be hell-bent in pushing Sri Lanka to the position of 18th century Europe when any combination, of workers was considered treason. Since the late 1970s the trade union, in the industrialised countries fearing that it would lose out to the developing countries on the employment front began an international campaign to push for minimum standards of remuneration, and conditions of employment and this movement is presently gathering momentum with the industrialised countries seeking to exploit to further their own protectionist objectives via the World Trade Organisation.

The Main Culprits

The concern of Western unions is of course, the multinationals. But, here in Sri Lanka, the MNCs are not present in a significant way. However, the experience

is that it is much easier to unionise and bargain with multinationals than with local entrepreneurs. In our setting, it is the local entrepreneurs and the small-time foreign investors of the foot-loose type who have been found to be the main culprits in denying to workers their legitimate rights under me pretext or other. At the core, is their hostility to trade unions.

Trade unions have been considered lawful organs since 1935 and this position got reinforced by the amendment to the Trade Union Ordinance in the '50s and the various provisions of the Industrial Disputes Act and the constitution, of Sri Lanka. The latest amendment to the L.D. Act only seeks to provide further clarity by making the denial of trade union rights by employers, an unfair labour practice.

In other words, what is sought to be done through the proposed amendment is to give protection, to the right to organise as is required by Part II - Article 11 of the relevant ILO convention. To our local entrepreneurs and the foot-loose manufacturers who are after a ready supply of docile and cheap labour, the right to organise and freedom of association for workers are anathema.

There is also the false notion that restrictions on freedom of association, and collective bargaining would attract foreign investment. If the present trends emerging in international trade and investment are any indication, such considerations are only marginal to foreign investment.

Unions to resist attempt to snip away holidays

At a workshop held recently under the aegis of the National Association, for TU Education, and Research, leading trade unions came together to resist the incessant demand of the employers to prune the existing holidays enjoyed by workers. The workshop noted that there is a wide disparity in leave & holiday benefits between public sector employees and private sector employees and between private sector workers covered by collective agreements and those not covered by such agreements. It was pointed out that **the position of the employers that there is a surfeit of holidays and leave in the private sector is both unfounded and misconceived.** The large majority of private sector workers are entitled only to the minimum benefits stipulated by either the Shop and

Office Employees Act or the Wages Board Ordinance. The 5 day week law does not apply to establishments that commenced business after 17.02.77, Shops the plantations and export industries. All shop employees do not even get their 1 - 1/2 day weekly holiday entitlement as the amended closing orders under the Shop and Employees Act permit shops to be kept open all seven days in the week. It is only the public sector employees and those in the fast disappearing State corporation sector and a few employees in the more established companies who enjoy this privilege. Hence the popular belief that there are 104 non-working days due to week-ends is without foundation. The fact of the matter is that **the large majority of Sri Lankan workers including 800,000 plantation workers, several thousands in the transport sector, the Garments and Textile sector, the retail and wholesale trade and over 200,000 (BOI) workers inside and outside the FTZs work a minimum of six days a week** and some including shop workers and those in the plantations and in certain FTZ companies work seven days in the week. It was also highlighted that there are many enterprises within the Katunayaka and Biyagama zones that work upto 300 days in the year. It is significant to note that the plantations constituting over 75% of Sri Lankan workers are employed on 272-282 days in the year. This explodes the myth that, Sri Lanka workers are on "holiday half the year". **However there is the problem in the State sector where the working, days per annum are only 191.** The vast majority of private sector employees are entitled only to 14 days annual leave they are not entitled to either casual leave or sick leave (apart from shop and office employees). The public servants however get 45 days leave: a reduction of leave from 45 to 14 by the Government will not be tolerated by the public sector unions. There are 8 statutory holidays granted to workers in the private sector whilst the public servants are entitled to 13 public holidays. **The problem seems to be the lack of uniformity in holidays between the State sector and private sector.** The existing leave and holiday structure has survived for over 50 years. Workers have been used to this pattern of leave and any attempt to unilaterally reduce the holiday entitlement will be resisted by workers and their trade unions. Any curtailment of religious holidays is bound to have political implications.

Worker Protection to Go ?

It is learnt that the authorities concerned are considering amending "the Termination of Employment (Special Provisions) Act N6.45 of 1971, giving into the demands of the employers to make the labour market more flexible so as to enable employers to hire and fire, workers at will as was the case before 1971.

The Termination of Employment Act (TE Act) came into force at a time when employers began retaliating by mass dismissal of workers against the Government's imposition of import restrictions and foreign exchange controls in order to correct the distortions in the economy. Since 1971, the T.E. Act has served as a shield protecting workers against unjust dismissals by employers. Despite such restrictions on employers' rights there have occurred many instances where unscrupulous employers have been found violating or attempting to circumvent this law. Recently, the Appeal Court had to reject an appeal made by Magpek Ltd which closed the establishment without informing the workers or without obtaining prior approval from the Commissioner of Labour to stop the work of employees in terms of the T.E. Act. before the closure of the company. Nearly 1,200 workers were affected as a result of the company's action.

In the FTZs too foot-loose foreign employers have bolted from the country leaving their employees in the lurch. Trade unions have time and again brought these matters to the notice of the authorities. **What is presently required is remedial measures to plug the loop-holes in the law and not make the labour laws more flexible to serve the interests of employers.**

E.P.F. to Pension

Another proposal that is said to receive the attention of the authorities concerns the Employees Provident Fund - the savings of workers which provide some security in the evening of their lives. Under the guise of bringing about greater benefits to EPF members the authorities are toying with the idea of investing the life-long savings of workers in the ever volatile and risky stock market.

It is also being suggested that a Pension Scheme with EPF funds be formulated to

bring long-term benefits to workers. What is known up to now is that the suggested scheme is no different to some of the "Pension Schemes" operated by Insurance Companies in the country.

These moves are all taking place behind the backs of workers and trade unions to meet the requirements of the World Bank and IMF who insist that EPF funds be freed for investment in the open market. Previous moves of this nature were successfully resisted by trade unions. But with the present split in the trade union movement with the unions associated with the ruling P.A. in the service of the Government the schemers against workers interests are hopeful that they can win the day this time. However, unions outside the influence of the PA. trade union combine are keeping vigil over any possible sleight of the hand operation by the authorities concerned.

The Budget

The Budget presented by H.E. the President in her capacity as Minister of Finance on 17th February offered no relief to the wage earners and the mass of the people at large. It pampers the rich with all kinds of incentives and tax concessions hoping that they would serve to "usher in a prosperous new millenium". With the private sector, being held up as "the engine of growth" the Government has no other choice. The wage earners have been asked to await the recommendations of a salary revision committee which is yet to be appointed, to get financial relief. What is not being realised in the present context is that the real wages of wage-earners have taken a nose dive despite claim of inflation being kept down through financial wizardry.

The problem of 1980 strikers remains yet to be addressed despite the ritualistic demogogy indulged in previous budgets. Those who were politically victimised by the previous regime continue to languish in despair despite the near 6-year rule of the PA Government. With discontent developing on the labour front the PA trade union combine has mapped out a diversionary strategy to draw the attention of workers away from their pressing problems. The PA unions recently held a demonstration against what they called suboteurs in State institutions as if these suboteurs are the cause of workers woes !

Agitation for Better wages

Several Trade Unions have already begun to raise question of adequate wages in the context of present cost of living.

The situation seems to have been aggravated further by the recently announced increase in the emoluments payable to ministers and members of parliament.

Reproduced below a demonstration led by Government Press Trade Unions pressing their demands for all public servants to be given better wages. They said ordinary workers were heavily burdened with rising prices of food and diesel while parliamentarians were getting a thumping package as salary arrears.



Private Sector Banks Threaten Employees' TU Rights

Private Sector Banks have more recently sought to disrupt the functioning of the branches of Ceylon Bank Employees Union (CBEU) and seek to promote "in house" unions instead, i.e.. company unions that they would be able to pressurise and control. This is in line with the general private sector attempts to encourage "enterprise union" as against branches of National trade unions and so weaken workers' struggles. The PA government has dis-

pelled the fears of bank workers the State banks would be privatised and be subject to similar pressures. The new chairman of -people's Bank Mano Tittawela who is also Chairman of PERC (Public Enterprises Restructure Committee) and member of the Securities Exchange on his assumption of office recently in the Peopl's Bank reiterated that the Government would not privatise State Banks.



Ceylon Bank Employees Union (CBEU) held a picketing campaign in front of the Colombo Fort Railway Station on 23rd March. - Courtesy The Island

Women Workers in Sri Lanka

In Sri Lanka, women outnumber men not only in the 18 million population, but in the total workforce of 8 million too. The main reason attributed to this phenomenon is the war which has been dragging on for two decades in the Northern and Eastern parts of the island, leaving behind thousands of widows of both the warring parties as well as among innocent civilians not only in the border village, but in the capital city which is hundreds of miles away from the battle zone.

The reign of terror during the late '80's and the early 90's also contributed towards the involuntary disappearances and killing of mostly men amounting to 60,000. Now there are many families with women as the sole breadwinner.

Workers' organisation in the formal sector

Although workers' organisations in Sri Lanka have a long history dating back to the 1980's, it is ironic that a mere 5% of the total labour force are members of trade unions, today. There have been very powerful unions in both the public sector and the private sector, but since the general strike in July, 1980 many have suffered a set back.

For instance, the Clerical Service Trade Union of the public sector which boasted of a 12,000 membership in 1980, has approximately 5,000 members today, though the number of clerks have not changed. It has lost its bargaining power with the ruthless crushing of the July '80 strike by the then government.

Many other trade unions suffered the same fate and the collapse of the socialist bloc was a contributory factor along with the liberalisation of the economy.

In most of the traditional trade unions over 75% of the membership constitute women, but they are not represented at the decision making bodies and leadership except in the Nurses Union.

When women are absent at higher levels, decisions are taken from a male point of view and gender issues are ignored, discriminating women and making them lose interest in the union.

However in the tea plantations where the majority of workers are Tamils of Indian origin, the women are keen on organising, though they may never get the opportunity to hold any office. It is heartening to note their enthusiasm specially when they are extremely oppressed both as a community and as women.

Workers' Organisation in the Free Trade Zones

Opening Sri Lanka's door to free trade was one of the first items on the agenda of the J. R. Jayewardene Government, when he became the executive president in 1977 and the very next year the first-ever Export Processing Zone was established in Katunayake to promote export oriented industries in order to bring foreign investment in to our developing country. It also provided employment to approximately 200,000 unemployed youth, mainly women, easing the major problem of unemployment to some extent.

However, as the investors were lured with special incentives such as long term tax holidays, relaxation of labour laws and introduction of new legislation for the protection of investors, they were able to make huge profits by paying the workers low wages for a large amount of work done. The second and the third zones came into operation in 1984 and 1991 respectively.

In spite of the oppression in the FTZ in general, there was not sufficient resistance from the workers collectively although some individual landmark strikes took place in certain factories. Lack of Trade Unions in the FTZs made it difficult for the workers to win their just demands. The management of the factories always have a negative attitude towards those who speak on be-

half of the workers, while the overworked workers do not have the time or the inclination to form organisations; in the consumerist society they needed more money from overtime work or other incentives to enhance their meagre pay, all these and more contributed to the non-formation of trade unions in the zone during the two decades of its existence.

The government has introduced workers' councils in place of trade unions in factories, but many do not function properly. Women workers participation in the workers council are high, as they are the majority in their workplace, and in the Joint Council of Workers' Councils, it is better with three women being elected to Key posts.

However, there are some women's organisation that function in the FTZs, trying to organise women workers in various ways: Dabindu Collective, Women's Centre, 'Kalape Api' (We are of the Zone) and Friendship House are among the few organisations that look into the grievances of women workers in the Katunayake and Biyagama Zones. Some provide welfare measures as well as conduct training programmes and workshops on workers' rights, legal aid, health and nutrition.

Lack of enthusiasm and time to organise and empower themselves is the major problem faced by these women's organisations.

At the same time their membership varies owing to the departure of many workers after completing five years of employment. Some active workers leave to marry and settle down in their villages.

As the majority of women workers in the FTZs are migrants from rural areas in the country it is difficult to organise them properly into a strong movement which is able to win their demands to better the lives of workers specially that of women.

(Presented by Ms. Shanti, Uva Vellasa Farmers Women's Organisation at the committee for Asian Women's South Asia Subregional Workshop on Promoting Women Workers Participation in Workers Organisation in September 1999 at Kathmandu, Nepal)

Courtesy: *Asian Women Workers Newsletter (Thailand)*

Some Facts on Migrant Workers

Migrant workers are found all over the world especially working in agriculture, hospitality and tourism, in people's homes as domestic workers, in factories, and in the construction trade.

Many economies of poor countries in the South depend on the money which migrant workers send back home. This money is essential not only because it supports workers' families, but also because it provides foreign currency needed to make debt payments to international creditors.

Migrant workers contribute a significant amount to many economies. For example, migrant workers from the Philippines send back home approximately \$5.3 billion (US) per year. ALL of the investment from foreign sources (for example, business investment) amounts to approximately \$1.3 billion—roughly 1/4 of what migrant workers contribute to the economy. Yet, governments tend to address the needs of investors more than migrant workers.

The International Labour Organisation estimates that there are 70 - 85 million migrant workers worldwide—16 - 20 million in Africa; 6 - 9 million in Asia; 20 million in Europe; 16 - 20 million in North America; and 6 - 7 million in the Arab states. **Many of these workers are women. From the Philippines, Indonesia and Sri Lanka, more than 80% of the migrant workers are women.**

Many countries actively promote their citizens to employers in other countries. This enables governments to deal with both unemployment problems at home

and also to gather foreign currency, which will be sent back home by workers. At the same time, though, governments do very little to assist their citizens once they go to work in another country. For example, the Indonesian government advertises its workers in Singapore and Hong Kong, emphasizing that their workers are cheaper and more obedient than workers from other Asian countries.

As of the fall of 1999, 12 countries had ratified the International convention on the Protection of the Rights of All Migrant Workers and Members of Their Families—Azerbaijan, Bosnia and Herzegovina, Cape Verde, Colombia, Egypt, Mexico, Morocco, the Philippines, Senegal, Seychelles, Sri Lanka and Uganda. Three other countries had indicated an intent to sign the Convention—Bangladesh, Chile and Turkey. Canada has indicated that it will not ratify this convention.

Countries like Canada and the US argue that there is no need for a new Convention, saying that the rights of migrant workers are already guaranteed through other Conventions and agreements. Groups engaged in the campaign for a Convention argue that it is important to bring all of the rights of migrant workers together in one Convention, which should make it easier to defend their rights and to monitor abuses of rights. As well, it is clear that many countries apply existing human rights Conventions only to citizens or nationals, excluding migrant workers.

Courtesy: **Canada-Asia Working Group**

Meet migrant workers

Glenda Lorio, a 31-year-old Filipina woman working in Hong Kong, was killed by her employer in May 1999. She sought work overseas when her husband's wages as a fisherman could no longer support their family of four.

Glenda had complained of assaults from her employer before, and had sought shelter in a government sponsored workers' centre. Her employer found her there and killed her on the premises.

Neither the Hong Kong government nor the Philippines government assisted Glenda's family in paying for sending her remains home or her funeral nor have they offered any assistance to her family, which is dependent on her earnings.

Forty migrant workers from India working in the construction industry in Malaysia are facing a host of problems because their employer is refusing to pay their wages.

The workers originally signed a contract with the employer, agreeing to a certain rate of pay, but the employer then contracted out the workers, and took a portion of their wages before paying them.

The workers sought the assistance of the Indian High Commission to obtain the documents necessary to prove the rate which was promised in their contract, but they were refused.

The immigration laws of Malaysia prevent migrant workers from working for any other employer. Previously, the employer paid the costs for housing, food or utilities and now also refuses to pay for these. Many of the workers cannot even return home, as the employer continues to withhold the passports of some of these workers.

'Return Stolen Art Treasures to the South'

The United Nations General Assembly is expected to adopt a resolution soon on the return or restitution of artworks and other cultural objects to the countries of origin. Many of these treasures, which were stolen from Third World countries, are now in developed nations.

By Thalif Deen

The head of the United Nations' highest policy-making body has warned that there can be no reconciliation and healing in Africa until the continent's sacred relics, icons, artworks and other priceless cultural objects were returned to their rightful owners.

'Africans were not pleased that those stolen treasures adorned public museums, libraries, art galleries and private homes in foreign lands,' Theo-Ben Gurirab, president of the 188-member UN General Assembly, told delegates on 7 December.

Gurirab, who is also Foreign Minister of Namibia, said the return of priceless African art and icons was equally applicable to the cultural treasures that had been illegally exported from other countries throughout the centuries.

'The lapse of time did not diminish ownership or the need for restitution,' he noted.

Gurirab said the subject of stolen treasures was first raised in the General Assembly by the late Mobutu, Sese Seko, former president of Zaire (now Democratic Republic of the Congo), as early as 1974.

Mobutu had made a very eloquent speech, 'stressing the injustice', Gurirab said. 'I believe that now is the time - as we search our souls and reflect on our common humanity in the context of the millennium - for these priceless African treasures to be returned to their rightful owners.'

Gurirab said some of these treasures were in the United States, Canada and Europe, among other places.

'The importance of cultural artifacts was not simply one of aesthetics, but rather they formed an integral part of defining the identity and personality of the African family,' he stressed.

The General Assembly is expected to adopt a resolution later this month on the return or restitution of cultural property to the countries of origin.

Ambassador Sotorios Zackheos of Cyprus told the Assembly that combating illicit trafficking in cultural property was a task that required perseverance and multifaceted efforts.

Many artifacts from Cyprus, he said, had become objects of illicit traffic, especially those removed illegally from the territory of the island currently outside the government's control.

Plundering & Destruction

The plundering of the cultural heritage of Cyprus had been so widespread that it had led to a decision by the United States last April to impose an emergency import restriction on Byzantine ecclesiastical and ritual ethnological material, unless such material was accompanied by an export permit issued by the government of Cyprus.

Mohammed al-Humaimidi of Iraq said his country was a depository of the treasures of civilisation. For that reason, Iraq had become the first victim of thievery. Many foreign museums were packed with Iraqi treasures and artworks, he said.

Moreover, the bombardments of Iraq had led to partial or total destruction of

many artifacts. 'That constituted a crime against human heritage,' he said.

Pointing out that many States had refused to return Iraqi artworks, he urged the international community to focus on forcing the return of stolen antiquities.

The efforts of the UN Educational, Scientific and Cultural Organisation (UNESCO) to raise public awareness of the problem were welcome, he added.

Ambassador Ouch Borith of Cambodia said that earlier this year, more than 100 Khmer sculptures dating back to the 12th century had been stolen from one of his country's principal temples.

The archaeological site of Angkor Wat, that extended for some 200, square kilometres, had been one of the areas most affected by consistent plundering, he asserted.

That tendency, he said, had been encouraged by the fact that demand remained high, and collectors were willing to pay very large sums for rare items.

He said Cambodia fully intended to recover its stolen cultural property, and supported UNESCO's efforts to achieve that goal.

In 1996, a dealer in London had returned several pieces of his private collection to the Cambodian government, and in 1997, New York's Metropolitan Museum of Art returned a head of Siva. Also, Thai authorities had restored more than 100 objects that belonged to Khmer temples.

Guma Ibrahim Amer of Libya told the Assembly that for five centuries, Libya's cultural property had been stolen by various groups.

Colonialism had also opened the way for an orchestrated campaign of theft. Hundreds of pottery pieces, gold and bronze coins, as well as many other artifacts, had been stolen over the years,' he added.

Commending the Italian government for its positive response, he said that Libya had signed an agreement with Italy which had agreed to return the famous Venus Virgin.

- *Third World Network Feature*

Melodic Revival

The new-found popularity of Cuban tunes raises the question of royalties for a famous folk song.

THE SUAVE OLD CODGER KNOWN AS "Compay Segundo" glides onto the stage wearing his traditional Panama hat. Waving his fat cigar like a baton, he signals his *muchachos* to strike up what many consider the signature song of Cuba, *Guajira Guantanamera*.

Suddenly the Mexico City audience is up and singing along with their potbellied, 92-year-old idol, just like audiences in the United States and Europe have done ever since Compay and a clique of largely forgotten veteran Cuban musicians recorded The Buenavista Social Club three years ago.

The "Buenavistas" won a Grammy and sold millions of CDs to US fans who didn't have the vaguest idea what the old men were singing about.

Sliding into decrepitude on a Cuban music scene where rock and rap shouted down the graceful *sones*, *guajiras* and *boleros* of another era, the old men's -turn has come again. Their newfound popularity has revived a genre that brings some blessed lyricism to the cacophony of urban industrial styles dominating the pop music world.

Unlike many of their contemporaries, the Buenavistas, who are old enough to remember the bad old days of pre-revolutionary Cuba, did not or could not abandon the island. One reward for sticking it out: last year, Compay Segundo was roughed up by a mob of Cuban exiles during a stopover in Miami.

Missing out on the sudden fame and possible fortune of the revival, however, is Joseito Fernandez, the man who gave the world *Guantanamera*, or more properly *Guajira Guantanamera*, which means "farm song from *Guantanamo*."

With or without lyrics by Jose Marti, the patriot poet who led the struggle for liberation against the Spanish at the beginning of the 20th century, *Guantanamera* was a favourite all over the island long before

*I am a sincere man
from the place where the palm
tree grows,
and before I die I want
to see these verses from my soul.*

— Jose Marti

folksinger Pete Seeger took it to the United States.

Fernandez sang it for 20 years on a popular radio show and recorded it for RCA Victor's Latin division in the 1940s.

Two hundred versions of the song have been cut by everyone from Seeger to the Sandpipers to jazz musician Paquito de Rivera, and the lilting melody has been used in soft drink commercials and the recent film, *Antz*.

Most of those versions are pirated, says Agustín Rodríguez of the General Society of Songwriters and Editors in Havana, which is demanding millions of dollars in royalties for the family of Fernandez, who died in 1976.

As the story goes, Pete Seeger first heard *Guantanamera* sung at a children's camp in upstate New York. The campers allegedly had been taught the tune by Hector Angulo, a Cuban-born instructor at a Manhattan music school, who claimed to have inserted the Marti lyrics.

Seeger fell in love with the celebrated lyric, "*Yo soy un hombre sincero de donde crece la palma*" (I am a sincere man from the place where the palm tree grows").

Fall River Music quickly picked up the publishing rights. According to Irwin Silber, one-time publisher of *Sing Out!* magazine, the US boycott of Cuba prohibited Fall River from paying royalties to Fernandez. The publishers won a court decision in December 1998 in New York against demands by Fernandez's heirs for a share of the international royalties.

Fernandez's memory still breathes in Los Sitios, a corner of old Havana where few tourists tread. Ask the locals on any street corner, and they will point to the alley where his daughter, Migdalia Fernandez, maintains a tiny, private museum in her father's honour.

Behind security gates in a dilapidated tenement, Migdalia displays the old troubadour's guitar. Fernandez's formal shirt, or *guayabera*, is neatly hung on the back of his chair, and his straw sombrero hangs on a wall covered with photos of performances he gave throughout Cuba. There are altars to the Virgin of Charity, Cuba's patroness, in both rooms.

"My father was a hero in this neighbourhood," Migdalia says. "He would walk in the middle of the street and the people shouted from the balconies, begging a song. The children followed him everywhere

Migdalia says her father was *un hombre sincero*.

"If he saw or heard of any injustice, he would make up a song. He stood with the ones who had fallen," she says.

According to the songwriters' society, Fall River now argues that *Guajira Guantanamera* is really an old Cuban folk song and that Fernandez only popularised it, a view shared by exiled Cuban novelist and critic Guillermo Cabrera Infante, which causes Migdalia great pain.

"Everyone in Cuba knows my father wrote *Guantanamera*. Even Pete Seeger acknowledges it," she says, displaying a condolence letter from the US folksinger, who met and embraced Fernandez on his first trip to Cuba at the end of the 1960s.

"Your song will continue to reach out and touch souls around the world," Seeger wrote.

"My father's prophecy was that we are all brothers," Migdalia says. "I don't blame Pete Seeger for any of this. He didn't steal the song with bad intentions. He liked the melody and he sang it, and people liked it, and it exploded in the world."

John Ross from Havana and Mexico City
-Latinamerica Press

Does Buddhism Have Any Future?

Some Thoughts on the Possibilities of Buddhist Responses to the 21st Century

By Leslie E. Sponsel and Poranee Natadecha

Introduction: A Buddhist Puzzle

There is a Buddhist story about a rider on a horse rushing very fast along a road. At first a bystander sees a cloud of dust approaching, then eventually it becomes apparent that it is a horse with a rider. As they approach, the bystander yells out to the rider, where are you going in such a great hurry? (Story, from Thich Naht Hanh 1987:65). In some ways this story parallels humanity's ride into the 21st century. It is hard to know where we are heading.

i. Enduring Wisdom of Increasing Relevance

There have been tremendous changes within the 20th century. For example, even just within our own lifetimes, we have witnessed the computer revolution and the rise of the information age. (Now 1 in 5 humans is on the Internet. Perhaps humanity will eventually become united in cyberspace!) Given such tremendous changes in the 20th century? Actually, it is quite easy in principle, at least from a Buddhist perspective. We just look to the fundamental principles in the teachings of the Buddha which have endured for the last 25 centuries, and apply those to the 21st century and Asia in particular.

People have found Buddhism meaningful in very different historical periods, cultures, and environments over the last 2,500 years. For example, in the U.S.A. there has been an explosion of interest in Buddhism during the 1980s and 1990s. Now in the U.S.A. there are more than a thousand Buddhist centres. Clearly many Americans find Buddhism quite relevant, even though they live in a context far different in most respects from that in which Buddhism

originated or in which it is currently practiced in Asia.

If Buddhism has been so relevant to many millions of people for such a long time and in such diverse contexts in many parts of the world, then it seems most likely that it will continue to be so in the 21st century in Asia and elsewhere. Indeed, it is probable that Buddhism will become even more relevant in the future, considering its basic teaching, together with the challenges humanity faces in the 21st century.

ii. The Three Kinds of Separation as Delusions

What are the ultimate causes of our problems today and into the next century? From a Buddhist perspective, the ultimate cause is, in a word, separation. The cause is separation from nature, from other people, and from ourselves. Primarily ignorance and greed feed this separation. The main result is suffering in its diverse manifestations.

Separation, however, in any respect is a delusion. Let us briefly consider, for example, the human body in relation to the environment. That is, each human organism is constantly, exchanging, energy and matter with its environment simply by breathing, eating, and so on. Furthermore, the human body is host to a multitude of other organisms: bacteria, fungi, viruses, mites and the occasional flies, mosquitoes,

lice, fleas, bedbugs, ticks, and leeches. Indeed, it is not so clear where the human organism ends and the environment begins!

Separation from other people is also a delusion. To the extent that everything is interconnected and interdependent, whatever an individual does inevitably has some impacts on other individuals, at least indirectly to a certain degree. For example, if an individual drives in a car or flies in an airplane, the waste products from the engine contribute, even if in a minute way, to air pollution and global warming. Those problems arise from the collectivity of such minute individual human interactions, which are additives and synergistic in effect. One conservative estimate is that by the year 2070, global warming, will increase temperatures by 2-4 degrees resulting in the melting of glaciers and rise in sea level by 20 - 40 centimeters. In turn, sea level rise will threaten the half of humanity that is concentrated in coastal zones, and have repercussion on the rest as well.

Humans are also, ironically, separated from themselves but this is another delusion. Many individuals are rarely, if ever really alone for any substantial length of time, unless under special circumstances such as solitary confinement in prison, or in deep meditation in the case of a Buddhist monk alone in a forest or cave. Instead, even if alone, most humans are separated

Until individuals know themselves through cultivating meditation, they cannot deeply appreciate the delusions of separation, or for that matter, the delusion of self. As long as individuals are not at peace with themselves, so will genuine peace elude society. Indeed, most societies even discourage such individuality as somehow abnormal or anti-social, ironically.

from themselves by television, music, or other material diversions. Accordingly, most individuals do not really know silence or peace, let alone themselves as individuals. Until individuals know themselves through cultivating meditation, they cannot deeply appreciate the delusions of separation, or for that matter, the delusion of self. As long as individuals are not at peace with themselves, so will genuine peace elude society. Indeed, most societies even discourage such individuality as somehow abnormal or anti-social, ironically.

Consider Sumano Bhikkhu's Wise Thoughts

Skilful meditation is practice in letting go. In letting go of the things we constantly cling to, we find a freedom we only tasted as children, or stepped into by sheer accident as a teenager walking along an isolated beach, or got a glimpse of while hiking alone in a national park. The miracle that can happen to us, the miracle awaiting us, is recognizing the workings of the prison that binds our life, and then walking the path out of this prison and into freedom. Freedom is the essence of spiritual quest. For one who practices diligently, more and more openings appear through which freedom can be known, until finally all that unfolds in one's life is timeless freedom. We realise this as the ultimate happiness and peace or enlightenment.

iii. Ideals and Priorities

What about the ideals we supposedly hold on to so dearly? All religions include a system of morality or values. The great scholar of comparative religion, Huston Smith refers to religions as the wisdom of humanity. Whether Buddhism, Christianity, Islam, Judaism, or another religion, all have noble ideals. However, the underlying problem here is the frequent discrepancy between ideals and actions. Thus, one of the greatest challenges facing humanity in the 21st century is hypocrisy!

As another example, in Sri Lanka, since 1956, there have been sporadic episodes of violence and civil war between Sinhalese Buddhists and Tamil Hindus. The result has been more than 50,000 deaths and half a million refugees. Even some Buddhist monks have been involved in the violence. Once Gandhi was asked what he thought about civilization; he replied, "I think it would be a good idea." The same applies to the practice of Buddhism in Sri Lanka!

For example, in principle Buddhism would seem to be environmentally friendly, but in practice many Buddhists in Asian countries, like Thailand, are not very friendly toward the environment to say the least. The rampant deforestation throughout Thailand, mainly in this century and mostly

since World War II, should be viewed from a Buddhist perspective as sacrilegious, given the relationship between the Buddha and forests as well as the long history of Buddhism in relation to forests.

As another example, in Sri Lanka, since 1956, there have been sporadic episodes of violence and civil war between Sinhalese Buddhists and Tamil Hindus. The result has been more than 50,000 deaths and half a million refugees. Even some Buddhist monks have been involved in the violence. Once Gandhi was asked what he thought about civilization; he replied, "I think it would be a good idea." The same applies to the practice of Buddhism in Sri Lanka!

Also recently the U.S.A. and Europe have been concerned about gross violations of human rights in Kosovo, but in the past they largely ignored genocide in other places like Rwanda, East Timor, Irian Jaya, Cambodia, and the like. What hypocrisy for the U.S.A. and Europe! But not only them. About 95% of the people in Cambodia are supposed to be Buddhists, and that includes the Khmer Rouge perpetrators of the mass genocide of some three million people in the mid 1970s.

Indeed, instead of calling our species *homo sapiens*, meaning humans the wise animal, it would seem more appropriate to call our species *homo hypocriticus*, the hypocritical animal. So often we believe or say one thing but do another. This discrepancy between ideals and actions is also at the heart of our problems.

One means of dealing with the discrepancy between ideals and actions is through education; that is, to demonstrate the negative consequences of some kinds of behaviour. Consider, for example, the epidemic of school shootings in the U.S.A. in recent years. Certainly there are many causal factors. However, we can't ignore the fact that in the U.S.A., the average teenager has

watched more than 100,000 acts of violence and 8,000 murders in television, movies, and video games. Can it really be possible that violence in the media has consequence for anyone's action? In contrast, how often in the media are we exposed to prosocial acts such as nonviolence and compassion? Who are the heroes and role models of the youth? They probably aren't people like Mahatma Gandhi or Mother Teresa of India, Aung San Suu Kyi of Burma, Thich Nhat Hahn of Vietnam, or the Dalai Lama of Tibet, to mention a few from Asia. Assuming most people will not completely abandon television, how might Buddhism critique and improve programming?

Where are our priorities? What will be our priorities in the 21st century in Asia and elsewhere? Today our priorities are quite clear. For example, what are the three largest industries in the world? The answer is the military at 800 billion dollars annually, the illicit drug trade at 500 billion and oil at 450 billion. At the same time, every year some seven million children die of hunger and 800 million are severely undernourished, to mention just one example of human suffering. Furthermore, severe malnutrition during childhood can lead to mental retardation and limit the individual's future potential for personal development and for contributing to society.

As another example of hypocrisy and misplaced priorities, consider India. Ahimsa (nonviolence) is a pivotal principle of the great religious philosophies of Buddhism, Hinduism, and Jainism, which originated in India. However, the recurrent conflicts over Kashmir between India and Pakistan since the first war in 1948, have fed an arms buildup, including nuclear weapons in recent years. This militarisation is certainly diverting the relatively limited government money from positive human and social investments to promote human well being to death and destruction instead. Since 1990 alone, up to 25,000 have died in Kashmir, up to 20,000 Kashmiris have been detained in jails in subhuman conditions by the Indian government, more than 150,000 Kashmiri Hindus are in refugee camps in the plains, etc. Where are the priorities of the Indian and Pakistani governments? Similar situations of grossly misplaced priorities in immoral political policies of governments can be found elsewhere in Asia and beyond.

The U.S.A. fought a war with Iraq primarily over oil. But how much did the Gulf War cost? Among many other things, it cost the lives of 56,000 Iraqi soldiers and 3,000 civilians, and some estimates are much higher. Another cost is a 100% increase in the infant mortality rate in Iraq from 1990-92. Sanctions continue to contribute to this and other suffering in Iraq for nearly a decade now. Up to 1.8 million pieces of unexploded ammunition remain in Iraq as time bombs for innocent victims.

IV. Suffering and Compassion

What are some of the pivotal points of Buddhist wisdom? Suffering and the individual are central concerns in Buddhism. The Four Noble Truths, in brief, are that:

- 1) life is suffering;
- 2) the cause is ignorance and craving
- 3) the cure is reduction of ignorance and craving; and,
- 4) the prescription is for individuals to follow the Noble Eightfold Path, the precepts, and other teachings of the Buddha

Among the precepts are nonviolence, compassion and a good vocation (e.g., not making or selling weapons). What if that 800 billion dollars spent annually on the military of the world, or at least a portion of it, were channeled instead to such things as nutrition, health care, education, and fulfilling other genuine basic needs? Maybe eventually there would be no need for the military and war!

V. Ahead, Challenges and More Challenges

What will be the challenges for Asians and others in the 21st century? There is no doubt that suffering, including conflict and violence, will continue, and probably even escalate. The reasons are mostly those envisioned in previous centuries by Thomas Robert Malthus (1766-1834) - population growth, famine, disease, and war. For example, world population will increase from the current six billion to ten billion just within the next 50 years, and 95% of this will be in the poorest regions of the world. However, to Malthusian concerns we must add growth in materialism, consumerism, and so on - the very factors that contribute to suffering.

The growing disparity between the rich and poor within countries, as well as between countries, is increasingly becoming simply morally intolerable. As a result of these population and economic pressures, the basic needs recognised by Buddha - including food, clothing, shelter, and medicine will continue to be a problem for much of humanity in the 21st century. Consider these current statistics: among the 4.4 billion people in the so-called developing countries of the world - 3 in 5 live in communities lacking, basic sanitation; 1 in 3 goes without safe drinking water; 1 in 4 lives on less than \$1 a day. This situation is bound to get worse with growing population, increasing pressure on

resources as a result of this growth plus increasing consumerism, and probably continuing decline in the economies of most countries. Also consider that AIDS will continue to be a growing health and economic problem in Asia and elsewhere, this worldwide epidemic is still not even close to peaking. Indeed, AIDS now causes more deaths than any other infectious disease.

How can humanity deal with such challenges in the 21st century in Asia and elsewhere? Again, from a Buddhist perspective the answer is easy at least in principle, although not so easy in practice. Meeting such challenges of the 21st century in Asia and elsewhere will require Buddhists to:

- 1) practice the Buddha's wisdom, voluntary simplicity, loving kindness, and compassion;
- 2) reduce their ignorance and craving;
- 3) reduce their separation from nature, other people, and their own self;
- 4) reduce the discrepancy between their ideals and actions; and
- 5) be more mindful of the negative consequences of some of their individual behaviour.

Collectively the net result of such efforts would help reduce suffering significantly.

From this perspective, in the 21st century Buddhism may become more relevant than ever before! For Buddhists in Asia and elsewhere, their greatest resource is not their bank accounts and financial investments, or at the national level their Gross National Product (GNP), but the fundamental principles which have endured from the Buddha's teachings 25 centuries ago. Fortunately, any individual can strive to cultivate and realize the fundamental principles of Buddhism, and in so doing.

Finally, another challenge in the 21st century for Buddhists and non-Buddhists will be how to deal with each other, given sometimes their very different views... Also there are many decades where we have witnessed inter-faith dialogues and cooperation at unprecedented levels. Also potentially of great significance is the growing convergence in thinking on a number of points such as the need for spiritual ecology.

change as an individual, thereby contributing to change in society. Even the poorest of people can pursue the fundamental principles of Buddhism, monks are supposed to do so even with a vow of poverty. Accordingly, Buddhism can contribute significantly to meeting the challenges of the 21st century in Asia and elsewhere.

V1. Non-Buddhists

Finally, another challenge in the 21st century for Buddhists and non-Buddhists will be how to deal with each other, given sometimes their very different views. It should be recognised that Asia covers an enormous area, and many Asians are Muslims, such as in Indonesia and Malaysia. Also there are many Christians, such as in the Philippines. Also there are many decades where we have witnessed inter-faith dialogues and cooperation at unprecedented levels. Also potentially of great significance is the growing convergence in thinking on a number of points such as the need for spiritual ecology, including identifying viable environmental ethics in each religion for its adherents. So all of this leads us to be somewhat hopeful for the 21st century which is likely to be the century of ecology, peace, and rights.

Courtesy: *Seeds of Peace (International Network of Engaged Buddhist, Thailand)*

Will Christians Contribute to Building the 21st Century?

Leonardo Boff, a Brazilian theologian, says that Christians have within them the spirit to build a more just world in the next century.

Humanity today finds itself at a difficult crossroads. It is passing from the national to the international, from the international to the cosmos, from mass and energy to information and communication, from the "macro" to the "micro" (miniaturisation of machines), from the visible to the invisible (nuclear energy, lasers) from the exterior to a greater internalisation, from materialism to holistic spirituality, from linear logic to dialectic and complex logic.

This movement is not happening without complexities, contradictions between the old, which tries to defend itself, and the new, which struggles to be born. This does not happen without great suffering. Nevertheless, just as with mothers who are about to give birth and who are caught between the pain of labour and the joy of new life, we too are happy that a new child is being born, a planetary humanity that is more human and more generous.

Everyone, in the south and the north, agrees on one thing: we are living through a radical crisis. It is a crisis of civilization, a crisis of the global meaning of our existence in the world.

How can Christianity help humankind overcome this crisis? And more to the point, how can Christianity help us abandon the 20th century with hope and begin the 21st century with more confidence? I am profoundly convinced that we must start with an ethical perspective and not simply a political perspective. In other words, it is important that we begin by being honest.

Being honest means talking about reality the way it truly is. We cannot hide from the realities of the world, from the suffering of the vast masses of people, who are desperate and condemned to die an early death.

This ethical perspective is created politically in the south, where two-thirds of the crucified humanity live, and in those parts of the rich north where people still live in poverty and marginalisation.

Situation in the south

What is the situation of the humanity in the south? The UN Development Programme recently released these statistics:

- More than 1 billion people (three times the population of the European Community) live in absolute poverty;
- Nearly 900 million adults are illiterate;
- Nearly 2 billion people lack drinking water;
- 100 million people (the combined populations of France, Spain and Belgium) are homeless;
- 800 million people live in constant hunger;
- 150 million children under the age of five are malnourished;
- 14 million children die each year before their 5th birthday.

We find ourselves in the midst of a profound globalisation process in the economy, science, technology, information and the dominant cultural tendencies.

The key word "development" is used less with each passing day. Instead, we hear the word "market," which is the integration of continental markets within the global market. And the magic word on the lips of all the heads of State is modernisation or modernity.

And what is behind the expression modernisation/modernity? Is it a new social utopia to replace the words capitalism and socialism? How do we get to modernity? The answer, we are told, is through neoliberalism. Neoliberalism has moved to the pinnacle of history, which is why all countries need to modernise through neoliberalism.

How can Christianity help build the 21st century?

What contribution can Christianity make to create, together with other spiritual traditions, a truly global spirituality that offers a new meaning to life?

Before anything else we should recognize, as many theologians have done, that Christianity is an accomplice to the current crisis. It used historic practices, biblical texts and doctrine to reinforce the idea that humankind is the master of creation.

The way Christianity is socially organised, with power centralised in the hands of the clergy, excluding women and marginalising the laity, makes it responsible for the current crisis. Seen from the south, Christianity is still Eurocentric, western, exclusive and not very universal.

The gesture made by Ramiro Reynaga, a Bolivian indigenous man, during the pope's visit to Bolivia in 1985 was symbolic. Reynaga gave the pope a letter that read: *"As indigenous people of the Andes and America, we have decided to take advantage of your visit to return to you the Bible, because for five centuries it has not given us love, peace or justice. Please, your holiness, receive your Bible and return it to our oppressors because they need its moral precepts more than us. Since Christopher Columbus' arrival, a culture, a religion and values that belong to Europe, have been imposed on us by force. The Spanish sword that attacked and assassinated the bodies of Indians by day, at night became the cross that attacked their souls."* The pope could not say anything. He had a dignified response, he cried.

Official Christianity is committed to the culture of domination, so we should not expect much of it. It is not the only Christianity, however. There also exists a communitarian Christianity.

Communitarian Christianity: The dream of Jesus

Within communitarian Christianity there are many figures, groups, movements and theological currents searching to recuperate the dream of Jesus. They inaugurate a new paradigm in Christianity that holds to a good relationship between humanity and nature.

a) *The logic of unlimited inclusion*

There is a brutal aspect that challenges the human conscience and Christianity at the end of the century: two-thirds of humanity are literally crucified people. The poor are certainly not resigned to accept the death sentence passed on them by the rich. They will struggle, looking for global solidarity to survive and participate in the common destiny of justice and life.

If the churches do not take these crucified people seriously they do not know what they are saying when they preach about the Cross, the Crucified Christ and Resurrection.

If we do not see as fundamental the problem of the poor and miserable of this world in our reflections and Christian praxis, we will not be able to save Christianity from cynicism and historic irrelevance.

God's option for the marginalised is opposed to the current logic of exclusion in the global society. God includes everyone, beginning with the "Hebrews" of each people, or those who are condemned on earth.

It is a decisive move to bring the crucified down from the cross. We can only do this if we help them build a social democracy, a different economic and political order, which is conceived from love and looks for the common good of humankind and the cosmos. We need to move from an economy of unlimited growth to an economy that is sufficient for all people.

Each year we spend, and this is happening after the end of the Cold War, \$3 trillion on war machines, atomic and chemical weapons. Instead of this, that money could be spent on housing, health care, education and free time for all humanity. Why aren't we doing this?

Pulling the people down from the cross is

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important, but even more important is creating conditions for resurrection. Resurrecting a people is being with them so that they can live in peace with others, develop according to their humanist ideals, express their souls according to the codes of their culture and feel, through faith and prayer, as friends and people of God.

b) *A new blood alliance*

Our God is a God who is incarnate in history and who descended twice, as God who became a man and as man who lived a poor and oppressed life. God descended to the most humble level of human life.

This is not the only point of encounter, but it is the privileged point. If we omit this, then the other points become problematic. We are continually reminded of this in the writings of Salvadoran theologian Jon Sobrino, a friend and advisor to martyred Archbishop Oscar Romero.

Christ founded a new alliance, not with words but with his own blood. Blood that continues to be shed today in the blood of the Turks killed in racist violence in Germany, the blood of street children killed in Brazil and Latin America, the blood of the Yanomami indigenous people of the Amazon, who are being exterminated by gold prospectors and the Brazilian government's integration policies.

c) *Strength of the little ones*

There are many people saying, "There are so few of us, how can we transform

global relations? How can we make our molecular revolutions viable?"

Christianity has a word for this. There is a secret strength in the little ones; all we need to be is authentic.

The liberating Messiah was defined as the "refuge of humanity" (Is. 53:3). And it was through Him, according to the Christian creed, that the universe was given meaning. We need to believe in the revolutionary strength of the seed. If we are convinced of the justice of this cause and build on it day by day then this is how we will create the future. We will only be able to walk 10,000 steps if we have the strength to take the first step. Mao once said, one weak person plus another weak person do not equal two weak people, but a strong person because strength is found in unity.

Let us be eagles, not chickens

When, I was a student I heard a story in Germany that I want to tell you. One day a peasant found a newborn eagle, brought it home and raised it with his chickens. The peasant was visited one day by a naturalist who knew about eagles. He told the peasant: "This bird isn't a chicken. It's an eagle. Eagles cannot conform to pecking corn like a chicken. The eagle is called to fly higher than the mountains."

The peasant responded: "But this eagle has become a chicken. It doesn't know how to fly." One morning the two men climbed to the top of the mountain with the eagle. The naturalist took the bird and pointed it toward the sun, then he tossed it into the air. The eagle, who had only lived among chickens, felt the eagle being born within it. It started to fly, first zigzagging, but then steadier and higher until it disappeared into the morning sky.

Brothers and sisters who share in the dream and hope: within each of us there is an eagle. Our culture and the system of domestication has turned us all into chickens pecking at corn, but we are called to something higher to infinity. We need to free the eagle that is hidden inside us. We cannot allow ourselves to be condemned to mediocrity. Let us fly toward freedom. And let us drag others with us, because all of us have an eagle inside us. We are all eagles.

Courtesy: **Ladoc** (Peru)

Adios, Don Samuel

With the resignation of Bishop Samuel Ruiz, one more leading liberation theologian exits the scene.

Playing wooden flutes pounding drums and strumming harps, Mayan catechists led thousands of indigent people through the cobbled streets of San Cristobal de las Casas, Chiapas, to say goodbye to Bishop Samuel Ruiz, "Don Samuel," as his flock calls him, one of the last beacons of liberation theology in Latin America.

Ruiz reached the mandatory church retirement age when he turned 75 on Nov. 3, reluctantly tendering his resignation at "one minute before midnight." Observers say that what happens next in this high-stakes ecclesiastical chess match will have a profound impact upon the future of liberation theology in Mexico and Latin America.

Acceptance of Ruiz's resignation could come as early as January, but Mexican bishops have sometimes stayed on as long as five years after reaching the mandatory retirement age.

Pressures

And while San Cristobal Coadjutor Bishop Raul Vera has pledged to continue in Ruiz's footsteps, powerful religious and political forces in Mexico and Rome are believed to be massing to block his appointment.

Ruiz's celebrated option for the poor has drawn the ire of the Chiapas ranching oligarchy and political class, who accuse him of tending to the needs of indigenous people above those of the middle-class white and *mestizo* people of the State capital.

The bishop's experience in Chiapas transformed him from a conservative, Rome-educated church scholar into an outspoken defender of indigenous rights and proponent of liberation theology.



"I was like a fish who slept with its eyes open and never saw anything," is how Ruiz describes his early years in a city where racist protocols forced indigenous people to step into a gutter whenever a white citizen passed on the sidewalk.

The bishop has created an army of 10,000 indigenous catechists and deacons who form the bedrock of the *iglesia autoctona*, or native church, which Ruiz says "reflects faith through its own culture, and which has its own structure of catechists, deacons and presbyteries."

In his four decades as head of the diocese, the bishop has outlasted seven presidents, 13 governors and at least four assassination attempts - the latest in November 1997 in northern Chiapas, when local paramilitaries shot at a van carrying Ruiz, Vera and several church workers.

Between 1994 and 1997, the diocese's

Fray Bartolome de las Casas Human Rights Centre recorded 251 acts of violence against church personnel and property, one every six days.

Ruiz has also been chastised by the Vatican for preaching a supposedly Marxist interpretation of the Bible. On his visit to Mexico in January, Pope John Paul II said he suspected San Cristobal's *iglesia autoctona* of being a Marxist front.

Ruiz's interactions with the Zapatista Army of National Liberation (EZLN) have been at the root of persistent attacks by the government and conservative members of the church hierarchy. In the wake of the EZLN's 1994 uprising, government officials suspected Ruiz knew about the Zapatistas' plans or even had a hand in organising the rebellion.

While sympathetic to many EZLN demands, however, Ruiz has always reproved the group's use of violence. He became a key factor in negotiations leading to the signing of the San Andres agreements between the EZLN and the government in 1996.

But last year, Ruiz dissolved the national mediating body he headed, which had been the last thread between the Zapatistas and the government, citing President Ernesto Zedillo's failure to honour the accords and unceasing government attacks on the diocese.

Ruiz was the last remaining Mexican bishop appointed by the progressive Pope John XXIII (1958-63), and his exit will leave only one other liberationist in the Mexican Bishops' Conference. Bishop Arturo Lona of Tehuantepec, Oaxaca, is also nearing mandatory retirement age and saddled with a conservative coadjutor poised to reverse his diocese's long-standing option for the poor.

Liberation theology - "the church of the poor" - flourished in Mexico in the 1960s and 1970s, reaching its apogee under so-called "red" Bishop Sergio Mendez Arceo of Cuernavaca, who knitted together a powerful tapestry of Christian base communities that horrified conservative elements in the hierarchy.

The Pacific-South Seminary, which serves the impoverished, indigenous States of Chiapas and Oaxaca and oriented a generation of priests to the option for the poor, has been shuttered by Mexico City Archbishop Norberto Rivera.

And while Vera, San Cristobal's vigorous, 54-year-old coadjutor bishop, who shares Ruiz's vision, was nominated in 1995 with the right of succession, church observers say trouble is brewing.

According to church law, if Vera is still coadjutor on the day the Vatican accepts Ruiz's resignation, he automatically assumes the post, but there are numerous ways to manipulate this deceptively simple equation.

Even if Vera is confirmed as the new bishop of San Cristobal, he could be shifted to another diocese.

"Club of Rome"

Arrayed against the coadjutor's elevation is the so-called "Club of Rome," an influential clique of cardinals and bishops who are determined to use Ruiz's retirement to eliminate the San Cristobal diocese as the last bastion of liberation theology in the Mexican church.

The "Club of Rome" conspired with the Rev. Girolamo Prigione, the former papal nuncio who spearheaded a thwarted campaign for Ruiz's removal in 1993, and now wields the balance of power in the increasingly conservative bishops' conference.

Lona was the only member of the bishops' conference to attend Ruiz's farewell, and the absence of Ruiz's two fellow Chiapas bishops was particularly glaring. But the EZLN hierarchy and government officials also snubbed the event.

Ruiz irked the Zedillo administration two years ago in Spain, when he accused the Mexican government of organising paramilitary units in Chiapas soon after the massacre of 45 Tzotzil people in Acteal.

In July, Mexican Foreign Minister Rosario Green spent three hours at the Vatican, reportedly lobbying against Vera's succession. The government's so-called Chiapas peace coordinator, Emilio Rabasa, has visited Rome claiming the San Cristobal diocese is biased in favour of the EZLN rebels. And when Ruiz travelled to Rome just before his resignation, seeking a sign from the pope to confirm his coadjutor's succession, he was not granted a meeting.

But even if the plot to remove Vera from San Cristobal is successful, church observers say liberation theology could still survive

in 1995 soon after Vera was named coadjutor, he and Ruiz initiated the third synod in the diocese's long history, to chart the course of the San Cristobal church into the new millennium.

The 600-page document of synod conclusions, comparable to diocesan legislation, was signed during Ruiz's farewell celebrations and reaffirms the diocese's option for the poor and commitment to social struggle.

"A new bishop will have a difficult time undoing the synod," Miguel Alvarez, Ruiz's private secretary, says.

"Anyone they bring in here to change the direction of this diocese is going to have to fire hundreds of priests and nuns, 300 deacons, and 10,000 indigenous catechists, plus close down our human rights centre," Alvarez says. "2000 is a Jubilee year. I don't think this pope wants that kind of trouble."

- From San Cristobal de Las Casas, John Ross
Courtesy: *Latinamerica Press* ■

Equal Rights to Dalit Christians

At the dawn of Independence and the adoption of the new Constitution of the Republic of India, proactive legislation was enacted to empower the Dalits who had suffered from three millennia of subjugation and discrimination. This laudatory Constitutional provision was however communalised when through a Presidential order in 1950, the rights and privileges were limited only to Hindus. Later, it was amended twice to include the Sikhs and Buddhists, who through sustained struggle, won for themselves all privileges and rights given to Dalit Hindus. The Dalit Christians however are being still denied these privileges accorded to other citizens of their status in the Indian society. This discrimination violates all norms of natural justice and is against the avowed principle of secular India. Successive governments gave assurance but failed to fulfil it.

The Father of the Nation, Mahatma Gandhi and the architect of the Constitution, Dr Bhimrao Ambedkar himself a Dalit, have unequivocally stated that a change in religion does not bring about any change in the social status of the former untouchable convert. They continue to suffer from the same social, economic and educational infirmities. In fact the situation worsens for them as they are denied all facilities in many areas which are given to their kin.

Personal Laws

The following legislation too has yet to be tabled before the Indian Parliament:

1. The Christian Marriage Bill (the existing one is over 100 years old)
2. The Divorce Bill (which apart from being more than a century old, is also discriminatory against women)
3. The Christian Adoption Bill (At present Christians are discriminated against as they can only assume guardianship of a child, while Hindus can legally adopt children.)
4. The Succession Bill which regulates equitable share of property among heirs.

All four Bills have been pending with government for long, and successive ministries have not brought the Bills before Parliament. The Christian community is deeply distressed at this apparent lack of concern by the governments in power.

A memorandum was presented on these matters to Prime Minister Atal Bihari Vajpayee at his residence in Delhi on December 6 by the national Leaders of the Christian Community who called on the Government to meet the pressing demands of this small community affecting both their rights and their physical security.

(Human Rights Solidarity Hong Kong) ■

A declaration of love for the total revolution in Cuba

Bishop Pedro Casaldaliga, of Sao Felix do Araguaia, outlines the importance of the Cuban Revolution to the people of Latin America, the church and to him as a bishop.

I a left-wing bishop, poet in the making, from other worlds but inserted in the Great Homeland like a mixed seedling of cultures and desires, a missionary with a certain vocation to evangelise "Macedonians," and a Claretian like the former archbishop of Santiago de Cuba, make this declaration in February 1999 with the hope that this "aimazing and cruel" millennium will not end so badly even though postmodernism continues without direction and we are told that we are "tired" of utopia.

I come from Brazil, which is also Latin American, from Rio Araguaia, that borders the moon, birds and the struggle of the Amazon. I come from the Sanctuary of the Martyrs of Great March, which keeps alive the "dangerous memory" of the blood that was spilled for liberation.

"A Declaration of Love," not one of hate, scorn or indifference, because this is our revolution, the revolution of the Great Homeland that is our America.

It is a declaration in a raised voice and with an open heart so that it can be heard by the waves of the Caribbean, the silent expectations of the Andes and the cold windows of Wall Street. It is a parable to be understood as nothing more than a story, but those brothers and sisters who want to, can understand it from their hearts and with hope.

Complete Revolution

Accosted and accused, the revolution must continue, but it has to be complete. And it must know that failure can be a procedural failure, a fragment of the great Pascal failure that ended with the triumph of life.

Adjectives are substantive qualifiers. at times, which is why I say "complete," revolution. *Revolutions, as we know, can be partial, party-oriented, and geared only toward the present. It is Christian to say and believe that God's Revolution "has happened, but is still waiting to happen." It has to be complete because this revolution we dream about and that we want for our beloved Cuba, our America, and the world, is a revolution of souls, a revolution of relations, a revolution of structures. But it has to be - a revolution, because we are tired of the reforms undertaken by formal democracies. What we want is "is the full dignity of man (and woman)," as "apostle" (Jose Marti would say. The "integral exercise" he wanted for his homeland and in which "liberty did not run -any risks of triumph."*

All that sociology can proclaim to this human, family of God can be reduced to a dialectic of the two greatest aspirations of our lives and our peoples: Liberty and justice.

The faith of the followers of Jesus, all personal realisation and construction in history, consists of knowing how to conjugate the dialectic of the Gospel, the world, the Kingdom and the church. (This church that is a mystery and a mission, but is also a history of holiness and infidelities of power and blindness). The Kingdom is God's dream, the passion of Jesus (according to the Gospels) "the destiny of the human race" (according to the South African theologian) and "only the Kingdom is absolute, everything else is relative" (according to Pope Paul VI). All life and history, with all of its processes, is raw material for the Kingdom under the loving action of the Spirit of God.

Capital Sin

Capitalism is a capital sin. Socialism can be a cardinal virtue: we are equal, we are brothers and sisters, the earth is for everyone and, as Jesus of Nazareth repeated, we cannot serve two masters, and the other master is capital. When capital is neoliberal, profit all-important, the market everything and the vast majority excluded, then capital sin is openly mortal.

We need to socialise, to distribute as if we were a family, the suffering, beautiful, human family of God. There will not be peace on earth or democracy worthy of this profane name if there is not a level of socialisation of land in the countryside and the city, in education and health care, in communications and science. You can have, if the other can also have, but you cannot accumulate if your brother remains naked. Private property is essentially wicked when it is only concerned about being private and privatising. Do you remember the parable of multiplying the fish and the loaves of bread? It was not a magic trick, but an act of sharing. There is bread in the world, enough of it for all humanity, and there are innumerable fish in the sea. Sharing, evidently, flies in the face of the programmes supported by the World Bank, International Monetary Fund, multinational corporations, the billionaires and many times against our own post-modern and egotistical hearts.

Cuba continues to anguish through the "special period." A very special period in the entire world. Neoliberalism touches all the banks, all the governments and many computers. Cuba is an island, surrounded by the sea on all sides, but also circled by neoliberalism. But we continue, Zapata! Brothers and sisters of the Great Homeland do not tire of blowing the flutes of utopia and beating the drums of rebellion. Mothers and fathers of the Great Homeland, Juan Diego, Lempira, Las Casas, Tupac Amaru, Marti, Camilo Torres, Che Guevara, Dona Tingo, Romero, Margarita Maria Alves and so many others both before and after the conquest in the always fertile Ayba Yala, continue offering their wisdom and their song, their struggle and their blood, their resistance and their hope.

Cuba is an island and an island is a space that is disconnected from the rest of

the world, yet connectable. "That the world open its doors to Cuba," asked the pope, "and Cuba open its doors to the world." That Cuba opens itself to Cuba, that the church open itself to the people, that the State open itself to the people, that the people open themselves to the people, that all people open themselves to the Kingdom, the liberating politics of God.

We are not going to give to anyone the "pearl of the Caribbean," and we are not going to close up like a clam. Cubans, brothers of the world, who have given so generously in health care, education and liberation beyond the borders of Cuba, we will continue internationalising love, and globalising solidarity and utopia.

What can we do, God, in this neoliberal world? What are you doing? You need to always be seen as the God of the poor! We need to let them see you like this. That the church, the churches, the church of Jesus Christ, an ecumenical witness to the Risen Lord, be free but always in service of the option of Jesus and the strength of his passion. No one wailing and no one being crucified. No militants, not on one side of the aisle or the other, we are one people and we need to undertake the same task with the same hope. The lay nature of the State does not mean that the people are not religious. The space occupied by the

What can we do, God, in this neoliberal world? What are you doing? You need to always be seen as the God of the poor! We need to let them see you like this. That the church, the churches, the church of Jesus Christ, an ecumenical witness to the Risen Lord, be free but always in service of the option of Jesus and the strength of his passion.

church does not have to translate into power. It has to be the church of Jesus, light, salt, ferment, as He dreamed, the humble diakonia of the Kingdom, a prophecy that comforts the people and accompanies them, the Good News that denounces death, that does not put out the flame of achievements and dreams, and that never plays the game of the larger enemy.

God has "not entered Havana" because He never left Havana, just as He never left the hearts of those who declare themselves atheist. God past, present and future, within us. That the church and society welcome Santeria with the respect de-

manded by an indigenous presence of God, the God of all names that goes beyond any folkloric manipulation.

Never do "without" what can be done "with." The church cannot replace society, pretend to be a perfect parallel society. Society should not play the game of the Stateless market that tries to replace the State, because where a sovereign and participatory State is lacking, there is no society. "From the fundamentalism of the State we have moved to the fundamentalism of the market" says the International Monetary Fund: after having helped carve apart the State with this new fundamentalism. Today it says that we "must reinvent the State."

We are anti-imperialist by the will of God, who made each people dignified, free and unique - the collective image of God as each individual is the individual image of God - and this is why we demand, before God and history an end to the blockade, a crime against Cuba and a crime against humanity. We are anti-imperialist and this is why we reject, together with Cuba, paying the foreign debt, which we have already paid with interest and which does not allow our countries to cover their social debts of life and dignity.

- Excerpts reprinted from :
Exodus Ladoc (Peru)

WCC Delegation visits Cuba



Rev. Dr. Konrad Raiser meets with Cardinal Jaime Ortega Roman Catholic Archbishop of Havana during the visit

A visit to Cuba by a WCC delegation led by the general secretary, the Rev. Dr. Konrad Raiser, featured a meeting with President Fidel Castro that lasted for more than four hours. Their conversation ended at three in the morning after dinner at the massive headquarters of the government's Council of State in Havana. Discussion with the 73-year-old ruler ranged over a wide variety of topics, from the thinking of St Thomas Aquinas to the problem of foreign debt.

In Geneva, Dr Raiser described the four-day visit to the Caribbean island as a mark of solidarity with Cuba's churches and people "in the very serious economic situation resulting from the increasingly restrictive embargo imposed by the USA". He said the embargo was a part of the legacy of the cold war that had outlived its purpose. One of the strongest arguments against sanctions was that they were politically and ethically counterproductive. It was time for America and Cuba to move towards reconciliation and mutual respect.

Caridad Diego, the Cuban communist party's head of religious affairs, spoke during the visit of a maturing of relations between the party and the island's churches. She told Dr Raiser that he had come at a good time "to learn more about Cuba. "You'll find we're not as bad as our enemies say, nor as good as we would like to be."

In common with the National Council of the Churches of Christ in the United States of America, the WCC has repeatedly criticized the embargo policy. Earlier this year the NCCCUSA welcomed new openings towards Cuba announced by the United States government but regretted it had turned down a senator's call for a bipartisan commission on relations with the island.

WCC News, Geneva

(Contributed by the Christian Workers Fellowship (CWF))

A UNIQUE RESTRUCTURING PROCESS - 2

This is the Second Report on the Restructuring Process of the C.W.F. The First Report appeared on pages 50-51 of the previous *Christian Worker* which was the December 1999 issue. It was in two parts. The first was on The Background and the Point of Departure to the Restructuring Process. The second was called The Restructuring Process as a Collective Dialogue in Deep Learning, Unlearning and Relearning. The First Report covered the period June to December 1999. This second covers the period January to March 2000.

Concept and Scope

Let us begin by reconnecting with the concept and scope of the word 'Restructuring' with a quote from the previous report. "The CWF Restructuring Process proper is primarily an essay in self-challenging each Core Group member to individually and collectively engage in a dialogue of total learning. By this we mean an attempt at collective demystification of myths and illusions, of probing and understanding concretely the causes and factors which predisposed CWF to take the path it actually took at each stage in its evolution, why CWF's institutional culture inexorably changed from a highly sensitive and spiritual praxis to a wooden personality-based cult-culture where money called the shots etc. etc. In this process of sustained inward critical probing into the actions of CWF, one invariably confronted the original springs of its being - its organic identity as it were - and how there was always existing a powerful resource of carefully analysed text and deeply spiritual liturgy which lay almost unused and forgotten as the money-led process raced ahead. After interrogating the same set of questions over and over again until clarity was reached, there began the process of synthesising, drawing concrete lessons and moving to the last phase of drafting the concrete restructuring steps for each core area of CWF."

Ongoing Steps

The focus of this Second Report is on two vital aspects of the next transition. The first of these is the preparatory step of carefully and critically drafting the Draft Restructuring Guidelines which is being subjected to intense discussion and scrutiny. The second aspect relates to the equally important exercise of Respiritualising the CWF, which is unfolding in parallel.

The Draft Restructuring Guidelines have been completed in the Sinhala language with

several annexures. This is also being translated into Tamil. By April, both the Sinhala and Tamil versions will be available. They are yet in 'draft' form because they have not reached the stage of getting formal approval from the Working Committee, the Board of Trustees and most important of all, the full membership at a General Meeting. The Draft Guidelines are yet the work of the Restructuring Core Advisory Group.

The Draft Guidelines were discussed at a first Workshop held in Colombo for members from CWF's branches from evening of 3 March to the afternoon of 5 March at the Rural Development Training and Research Institute. Twenty one members in all participated. Invitations were sent to all branches. Ratmalana, Kandy, Kegalle, Anuradhapura, Batticaloa, Colombo, Kantale and Badulla were represented. Galaha, Wattala and Hatton were absent. The Draft was carefully gone through line by line. A very full and unhurried discussion took place so that every participant could internalise both the spirit and the text of the Guidelines. This first testing out of the Guidelines in public as it were achieved much. The need for Restructuring as being the only option for CWF and that it was utterly strategic was underscored again. There was a clear consensus on this. Then there was a consensus on the specifics of Restructuring also. That is, the group of participants endorsed the holistic, rigorous and thorough going manner in which the Restructuring was sought to be done. The content was immediately understood. Several valuable suggestions were made by way of improving the text. Several gaps were filled in. For example, the proposal to have a simple system of Internal Auditing came from the floor.

The Workshop ended with a decision to have a second follow up Workshop, also in Colombo, on 1 April, for a larger group of members. The numbers for this would be around 65. Apart from everyone who came for the first Workshop, there would be larger groups representing their branches. Again the aim is to help members to understand what exactly is involved in Restructuring. When the members come for this second Workshop, they would have had the benefit of their peers who came to the first Workshop going back to their branches with the texts which were discussed, having discussed the subject already within the branch. Of course the second Workshop will be discussing a revised and improved version of the Draft Guidelines, incorporating the revisions sug-

gested at the first Workshop.

The Draft Guidelines are in three parts. The first part is an Introduction. The second is called Restructuring Lessons. The third is Financial Restructuring. This is followed by several annexes containing the core documents and information needed to better appreciate the nuances of restructuring.

Some of the elements dealt with in the Guidelines are as follows. There is a two year time period set apart for the Restructuring Process to unfold and be completed. CWF is challenging itself to live up to its vision of being a People's Movement. The culture of such a movement and its implications are carefully analysed. Inter Institutional Relations are another feature. Accountability and Transparency are emphasised throughout the whole text. Specific steps to operationalise these two concepts are incorporated. A special core group is entrusted with the task of monitoring the Restructuring Process and periodically submitting written reports to the Working Committee, the Board of Trustees and also the general membership on actual progress being made or not being made. Financial Restructuring is a separate section, seeking to achieve economy, financial discipline and accountability.

The Evaluation Report of 1996 is being printed in Sinhala, Tamil and English because it is the source document for the Restructuring Process and will be available for constant reference together with the Restructuring Guidelines. These will be ready in April.

Spirituality

Now coming to the process of Respiritualising the CWF. A study of this first took the form of a two day Retreat-workshop on Spirituality at the Tulana Research Centre in Gonawala, Kelaniya, on the 27th, 28th of November 1999, led by Lalith Perera and Fr. Aloy Peris SJ. This was followed by yet another 2 day study session on 8th and 9th January 2000 at Kamkaru Sevana Ratmalana, open to other CWF working committee members too. This was led by Mr. Lalith Perera.

This exercise included the examination of an ancient (said to be over 2000 years old) method of self-discovery called the 'Enneagram' (the theory of 9 in Greek). It is a method by which the core nature and base motivations of human-beings are understood in the light of 09 unique personality types with typical perceptions of reality, self, others, and how to deal with life. The enneagram which was used by mystic Sufi Muslims in the Afghanistan region for many centuries trickled down to the rest of the world in the last 100 years. By this method all human beings se-

lect one way of being fulfilled, one way of dealing with life and one way of meeting challenges at the expense of all other possible ways. It is a narrowing down of reality to deal with it, and thereby a distorting of reality. This is the reason why the same clear logical explanation of a reality is perceived and responded to in a hundred different ways by a hundred individuals. The enneagram also explains the 'hidden sin' (selfish or self-interested motive) in even the greatest natural act of a normal human being. The study of the enneagram brought all the participants face to face with an another reality that should be urgently dwell upon. For the transformation of groups not only is structural changes necessary but the need also exists for a deep inner transformation and motivation of each individual member.

The under mentioned four step method was presented as a means of coming to grips with one's inner reality and reaching beyond. Though most of the wording has strong Christian overtones it is equally experienceable in any other religious terminology.

1. To begin the process of transformation by getting in touch with what is truly happening in each one's depths. This is done by quietly accepting the truth of what is happening within. If one is angry or frustrated or reactive or hurt or fearful or joyful etc, one needs to accept it. This needs to be done without denying it or justifying it or rationalising it. We deal with the truth within ourselves, because it is only when we deal with the truth that the truth can set us free!

2. Lift up whatever is burdening you - what is overwhelming you - what you can't deal with to a power that is greater than yourself. A power of good, *maithri* or love that governs and leads the universe to a meaningful purpose. Accept that there exists a power that is greater than yourself and who cares for you more than even you care for yourself. We can name this power with many names, Dharma, the Word (Logos), God etc. Jesus in the gospels makes it crystal clear with the words 'come unto me all who burdened and weary and I will give you rest.'

3. Surrender your life to God, the dharma or the truth as the only way to find true purpose and meaning to your life. This surrender makes energy flow from God/dharma/ultimate reality to within each one of us. This empowers us within. A power to live for the truth, a power to rise above petty self-interest, a power to sacrifice for a higher cause or purpose and a power even to lay down one's life.

4. Open and experience the power flow through you as you surrender. Often we are

limited by a character formed within us in childhood and are strong and weak in proportion to the inner strength we acquired, our personality. Even the strongest person is as strong to the extent of his personality and no more. But when power from above is poured within by God's Spirit/Dharma or Ultimate Reality, it is an empowering that leads us way beyond our own ability or limitations. Not only does it become living for a higher purpose but also living with a higher power.

This should permeate the collective too and make it responsive to the demands of the Reign of God/Dharma. For what is practiced regularly at the individual level must invariably find expression at the group level in an even deeper way. It is here also that the rich resource of liturgy within the CWF should help us all the better in this process and in recovering and keeping to our original vision, vocation and thrust as a people's movement.

The CWF Restructuring Core Group will be very glad to hear from readers of *Christian Worker* for their contributions to the Restructuring dialogue. Useful resource inputs by way of Texts will also be gratefully received. Responses on the steps already taken are also welcome. These could be addressed to the CWF Restructuring Core Advisory Group c/o: *Christian Worker* Kamkaru Sevana, 10/1 Attidiya Road, Ratmalana.

CWF Badulla

The Christian Workers Fellowship of Badulla celebrated its Thirteenth (13th) anniversary on the 6th of January 2000, with the participation of a large number of members of its several groups in the Uva Province including the estate sector and invitees from other CWF Centres such as Kegalle, Kandy, Kantale, Batticaloa, Anuradhapura, Colombo and Ratmalana. The Workers' Mass was conducted by Fathers Keerthi Fernando and Sarath Hettiarachchi.

Activities at the Centre

Religious Worship at the Chapel is conducted daily in the morning. Oriental Music and dancing classes are held in the weekends. Two English classes, one for GCE (O/L) students and another for school leavers are conducted on three days a week. Karate classes too are held for a group of about 20 students twice a week.

Three (3) Pre-schools organised by the Centre are conducted amidst great financial difficulties. The pre-school class at the Centre, the class at Andeniya and the other at Haburugala in Embilipitiya are conducted on all week days. The CWF Branch played an active role in organising the following aware-

ness building programmes conducted in the Uva Province.

- Workshop on vocational guidance for youth conducted by UNDP.
- Peoples Movement for Peace conducted at the Muthiyangana Sacred Temple for creating an awareness among the people of all Communities of the need to end this disastrous ethnic war.

• Workshop for students conducted by the Centre for Society and Religion, at several leading schools in Badulla town for creating a culture of peace among the school children.

• Shramadana Campaign conducted by the Ministry of Health and Indigenous Medicine to make Badulla a "model healthy town".

Govi Nipayum Alevi Sanvidhanaya

This legal affiliate body of the CWF - Badulla held the 6th Annual General Meeting on January 6th afternoon. The anniversary celebration of the parent organisation, and the Annual General Meeting of the affiliate body were conducted on the same day so as to make maximum use of resources available to the organisation. The members of the Working Committee of the Christian Workers' Fellowship and the members of the Council of Management of Gami Seva Sevana, and Kamkaru Sevana were specially invited for this meeting in order to discuss about the role of legal bodies within the re-structuring programme of the parent organisation. The Chief Secretary of the Uva Industrial Council and the Government Agent, Badulla were invited as Chief Guests at the opening ceremony. The Chairman, presenting the report of the Council of Management made a brief survey of the progress made during the last 6 years and the steps taken by the 'Govi' for the furtherance of the objectives of the organisation. The progress of activities identified for implementation during the year under review were described at length. The attempts made by the "Govi" to organise a market for fresh vegetables and fruits produced by the farmers in Uva had met with limited success due to following reasons.

- (1) Reluctance of the actual farmers to - participate in marketing activities thus leaving room for middleman at the village level to undertake this activity.
- (2) Village level middlemen who volunteered to participate in the marketing process acted as collectors for wholesale dealers in Colombo. Hence they sold high quality products to their regular wholesale buyers and reserved poor quality products for retail sale at the market organised by us.
- (3) The desire of these middlemen to earn maximum profits by selling poor quality products at higher prices.
- (4) Difficulties in price determination due to daily price fluctuation of vegetables.

Efforts made by the Govi to seek the assistance of the State to turn out agricultural implements required by the farmers did not materialise as the sizes of implements recommended were considered to be too small for the NERD to handle. Perhaps the workshop at the Kamkaru Sevana, Ratmalana, could make an endeavour to help the farming community in the country by turning out some of these implements.

The Soya-based food production programme launched by the 'Govi' in 1994 on a small scale has steadily grown over the last few years to win the confidence and acceptance of the consumers in Badulla town; this programme has enabled the 'Govi' to render a great service to two sections of the community, namely the soya-bean cultivators and the consumers. Purchase of soya beans at Rs.22/- to Rs. 25/- per kilo enable farmers to earn about Rs.18,000/- per acre per season by growing this soil enriching, environment friendly leguminous, plant. Protein rich soya products such as Soya milk, soya icecream, soya yoghurt soya pulp and soya based pastry products and a wide range of soya flour based bakery products have enriched the health of the consumers. The performance of the 'Govi' in this food industry during the last two years would point the way to the other CWF centres to launch similar programmes and endeavour to place themselves on a self financing footing.

If the CWF were to guide its three legal bodies to identify and commence income generating projects in consultation with the CWF branches in various parts of the country and operate them in a complementary manner, sufficient funds could perhaps be generated to place the CWF on a self-supporting basis. The 'Govi' on its part could help the other CWF branches by training personnel and sharing the technological and managerial skills acquired by the Govi.

It must be noted that income generating projects cannot be run on a commercial basis by CWF activists who are least equipped to manage such commercial ventures. Hence the management of the commercial ventures must be left in the hands of experienced managers who should be guided and supervised by experienced professionals. Fortunately the CWF can muster sufficient support from qualified and experienced professionals in various disciplines to serve on Boards of Management to manage such commercial ventures. A share of profits from these ventures could then be allocated to the CWF for it to conduct its religious, cultural and conscientisation activities.

P Subasinghe
Chairman Govi Nipayum Alevi Sanvidhanaya

CWF Anuradhapura

A successful radio programme by the H4/403/M Farmers' Organisation with the participation of the CWF Anuradhapura Branch was held on March 6 in Palugaswewa involving

also the officials of Farmers' Organisations and other representatives of Eppawala's Mhaweli Zone area and the rice millers.

The aim of the programme was to remind the Government of the need to raise the price of paddy in the context of paddy being harvested in all the villages of the Mahaweli. H Zone and in fact in the Anuradhapura district as a whole.

The Minister and Council Members of the district, the officials of the Cooperative Wholesale Establishment (CWE) and the Central Bank of Ceylon were linked by telephone to this radio discussion programme.

One of the concrete results of this radio programme was that the Provincial Council Minister of Agriculture took steps to cancel the bank debts payable by farmers' organisations who were unable to repay their loans. So also the promise given to increase the number of CWE outlets for the purchase of paddy by the State. The previous Government tragically dismantled the Paddy Marketing Board which had rendered yeoman service in this regard and even sold off the huge barns which stored this paddy in the rice producing areas of the country.

The period 1999 to 2000 recorded higher paddy yields than in previous years in Sri Lanka. As a result the price of paddy dropped drastically - a kilo of Nadu to Rs. 8 - 9, a kilo of Samba rice for Rs.10 - 14, as against the minimum of Rs 13 per kilo anticipated by the farmers. The areas cultivators will therefore face a difficult situation during the Maha harvest. Most mill owners too have become debtors to State Banks because they were unable to sell the paddy harvest of the previous Yala season at a reasonable price. Consequently the number of persons in the area who are qualified to receive bank loans has dropped appreciably.

Apart from the pressing problem of marketing for farmers comes the need to once again re-start agitation to keep the Eppawala area of Anuradhapura clear of the cruel transnational Mc Moran which has ravaged countries elsewhere in its search for profits through the mining of phosphate.

While President Kumaratunge and the PA Executive Committee had committed themselves firmly to resist the overtures of Mc Moran and its subsidiaries and had made this an election promise of the Alliance both in 1994 and before the recent Presidential elections, the matter has once more revived with persons like the Minister of Industries C.V. Goonaratne and the Chief Minister of the Province who are said to be backing this move. The CWF branch members therefore joined the farmers of Eppawala and elsewhere along with farmers organisations, workers organisations, religious, cultural, environmental and scientific bodies in the massive protest agitation against this move held in front of the Colombo Fort Railway Station on March 30th.

Fr. Nicholas Rose

*On February 16 we bade farewell to an old friend and reader of **Christian Worker** who died of a neglected pneumonia at the age of 66 years - Fr. Nicholas Rose.*

His body simply dressed in an alb with a red rose in hand lay at Kurunagala's Cathedral of Christ the King where a very large crowd paid their respects despite the very short notice given of the Requiem Mass and cremation which took place the next morning following his death. The unusually large number receiving communion at the Mass in the crowded Cathedral church building despite its being a working day, was ample testimony to the affection and high regard in which Fr. Nicky as he was popularly known was held by people from all walks of life but more especially the poor.

Brought up in an English speaking home and educated in an elitist school, Nicky might well have had a comfortable time in city parishes of the Colombo Diocese. He chose however to serve in the poor and rural Diocese of Kurunagala where he learnt his Sinhala and even learnt to chew betel like a villager in Talampitiya soon after being ordained a Priest.

*During his youth, Nicky was involved in the printing trade and worked at Harrison and Crossfields, at which time too he came into contact with trade unionists and left wing political activists. He joined the Christian Workers Fellowship in the early days and never ceased to be a reader of **Christian Worker**. He also had close contact with Devasaramaya in the Kurunagala Diocese which perhaps naturally led him to opt for work among the villages of that Diocese despite his city background. His attempt at running a collective farm at Galgamuwa in the dry zone North Central Province however was a failure and Nicky returned to Kurunagala to work with Bishop Lakshman Wickremesinghe in the Cathedral and later served in the parishes of Anuradhapura and Kegalla. He made a significant contribution to the liturgical renewal in the Diocese of Kurunagala and served on the Liturgical Commission and the Joint Theological Commission of the Church of Ceylon for several years.*

*"I have fought the good fight, I have finished the Race, I have kept the faith"
-2 Timothy 4:7*

May Day 2000 - C W F's Millennium Message

Having come to the crossroads of the century, the Christian Workers Fellowship (CWF) as it looks ahead with hope, faith and enthusiasm, is deeply thankful for the presence of God /Dharma in our midst as we celebrate May Day this millennium. Following on the early days of the first May Day in Chicago, we with the organised working people have kept the Red Flag flying even in distant Sri Lanka where our prayers, commitment and aspirations have generally been the same - the building of an equitable social order bridging the ugly gaps between the ultra-rich and marginalised poor and this today in the face of ever widening inequalities, the worsening brutalisation and corruption in our present "globalised" capitalist (dis) order.

The May Day Mass we celebrate today is the 42nd we have had uninterrupted over the years since 1959. Human conscience and religion is challenged at the end of the 20th century by the fact that two-thirds of humanity are now literally crucified people. The poor are certainly not resigned to accept the death sentence passed on them by the rich. They will struggle looking for global solidarity to survive and participate in building up a society of life with justice and May Day is committed precisely to the ushering in of such a day by the working people through struggle in solidarity with all sections of the oppressed and marginalised.

Third World leaders recently at a summit in Havana (133 member nations of the Group of 77 -so called because of the Group's 1964 founding with 77 members) were intent on forging a unified front to carry on the struggle for their rights from the 1999 chaotic World Trade Organisation (WTO) meeting in Seattle ending in rebellion both inside the conference and outside on the streets against attempts by the rich countries to hijack the WTO meeting for their own interests. (The richest 20% of the world's population earned 82 times more than the poorest 80% -up from 30 times more in 1964!) IMF-World Bank meetings at Washington in April this year have also been marked by angry protest demonstrations outside.

In viewing our present day capitalist world we would do well do heed the words of that dogged freedom fighter and prophetic Latin-American People's Bishop **Pedro Casaldaliga** when he wrote last year: "Capitalism is a capital sin. Socialism can be a cardinal virtue: we are equal, we are brothers and sisters, the earth is for everyone and as Jesus of Nazareth repeated, we cannot serve two masters and the other master is capital. When capital is neo-liberal, profit all-important, the market everything and the vast majority excluded, then capital sin is openly mortal. We need to socialise, to distribute as if we were a family, the suffering, beautiful, human family of God. There will not be peace on earth or democracy worthy of that name if there is not a level of socialisation of land in the countryside and the city, in education and health care, in communications and science. You can have if the other can also have, but you cannot accumulate if your brother remains naked. Private property is essentially wicked when it is only concerned about being private and privatising. Do you remember the parable of multiplying the fish and the loaves of bread? It was not a

magic trick, but an act of sharing. There is bread in the world, enough of it for all humanity and there are innumerable fish in the sea. Sharing evidently, flies in the face of the programme supported by the World Bank, International Monetary Fund, Multinational corporations, billionaires and many times against our own post - modern and egotistical hearts."

And it is precisely this miracle of the act of sharing that we enact at this Workers' Mass when we offer at the Altar through the Bread and Wine reinforced by the Red Flag and implem-entations of work - our whole life and struggle together with the unjust social and economic structures we live in, to be refashioned by God and transformed into Christ's Body - the sharing community we are called upon to be as evidenced in the act of communion (sharing). The Holy Communion thus becomes the symbol and foretaste of the Reign of God / Dharma the future classless society we are pledged to build up outside this Service though strengthened by it, in the world in which we live.

Sri Lankan Reality

It is good for us in Sri Lanka to remember Bishop Casaldaliga's words quoted above especially in the context of our having a Peoples Alliance (PA) Government which has so far disappointed the working people who put it into power by carrying on economic policies which are virtually a continuation of the IMF-World Bank prescribed policies of the previous United National Party (UNP) regime, said to be followed now as "a market-oriented programme with a human face"

In particular we would draw attention to the scandalous attempt to betray the national interests of this country by selling out the excavation rights of the rock phosphate fertiliser deposits of Eppawala in the heart of the North Central Province to the US fertiliser giant 'Freeport McMoran Company' and its 'local collaborator' and front 'Saarabhum Resources Development Company'. Although the opposition demonstrated by the residents of the ancient villages (headed by the Ven Mahamankadawala Piyaratana Thera incumbent of the Galkanda Temple in Eppawala) who would be losing their traditional rich agricultural lands in such a sell-out and the stiff opposition manifested by the Research Scientists, Geologists, Chemical Engineers, Hydrologists, Environmentalists, Ecologists, Archeologists, and other public spirited and national minded persons, voluntary organisations, trade unions and clergy of various religious denominations compelled the Government and McMoran to hold this project in abeyance, the issue appears to have surfaced again in the Cabinet with Minister of Industrial Development C.V. Gooneratne and the Chief Minister of the North Central Provincial Council said to be backing the sell-out but with strong opposition from Minister of Science and Technology Batty Weerakoon. The massive protest picketing in Colombo on March 30 (blacked out by the State media) was the public response to this callous and criminal move to go back on the election promises and the clear statements made by President Kumaratunga herself and the decision taken by the PA Executive Committee on

this issue. This agitation therefore needs to be kept up to ensure that the PA Government honours its election pledge and desists from effecting the sell-out of this national asset.

Peace and Democracy

We must focus attention too on certain other election pledges of the PA that remain as yet unfulfilled including the abolition of the authoritarian system of executive presidential rule, now said to be covered by the proposed Constitutional Amendment. So also the question of action in regard to the involuntary disappearances especially those between 1989 and 1992 which officially totals 30,000 (15% of whom were under 19 years of age) and which has left a deep sense of hurt and grievance which cries out for redress. Only resolute action against the perpetrators of such atrocities including exposure in public of their political patrons will suffice in the interests of democracy and justice.

But above all it is early action on the proposed Constitutional Amendment by its being tabled in Parliament and passed by the requisite two-thirds majority that is the avowed need of the hour. For it is the devolution of power and the other matters contained in this Amendment that can solve the ethnic conflict and help end the wasteful and senseless war, ruinous in terms destroying the flower of our youth on both sides, in addition to the billions of rupees poured into it, which have only benefited providers of armaments and earners of commissions on them.

While we have reason to be gratified that the Government and the opposition UNP have now come together to try effect a consensus on Constitutional Reform so as to enable the Constitutional Amendment to be passed in Parliament without much difficulty, mass pressures must be kept on especially in the face of the attempts being made by reactionary and chauvinist forces to disrupt this effort and undermine the on-going peace process. This becomes all the more important since the favourable time for effecting such a Constitutional Reform would seem to be right now.

If the Liberation Tigers of Tamil Eelam (LTTE) now engaged in war with the Government in a determined effort to capture the Jaffna peninsula or at least a part of it, continue to be inflexible and intransigent (despite suggested facilitators) on their cherished goal of a separatist State of Tamil Eelam and thus refuse to enter the peace process, the PA Government must not delay the Constitutional Amendment but effect it early with the support of the other parties and so marginalise the Tigers and leave pressures to be brought on them by the Tamil Community so that they would desist from pursuing further their sterile and counter - productive armed struggle in the light of the Constitutional Reform effected. If this is done we have every prospect of anticipating peace in our land during the millennium year with the guidance of the Mighty Liberating God/Dharma present with us as we strive towards that end.

Torture

Torture
then...

Torture
still continues.

PROMOTE THE UNITED NATIONS CONVENTION AGAINST
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