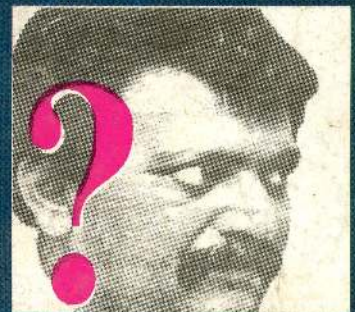
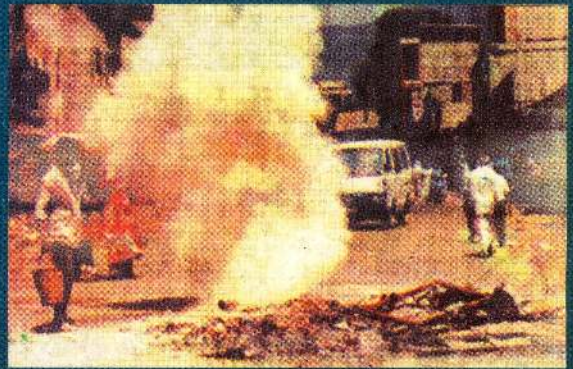


CHRISTIAN
WORKER
 Quarterly in the Interests of the Working People

SETTLING WITH THE TIGERS



Selling the Earth's Blood!
↳ Hemantha Withanage

Prompt Response to Human Rights Violations Imperative
↳ MCM Iqbal

Police, Democracy and Good Governance
↳ Kingsley Wickremasuriya

Trade Union Recognition: Government Plays Hide & seek
↳ TMA

Challenges Facing Our Education System
↳ Dr. Premadasa Udagama

IMF and World Bank Come Under Scathing Attack
↳ Martin Khor

To Our Readers

Christian Worker commences the 21st year of its publication in year 2001. We are happy to report the formation of a support group to help keep this magazine going and have just received some funding too that should enable it to come out as a regular quarterly in 2001.

We request the support of our readers in helping to widen the circle of our subscribers and in securing regular outlets for the magazine's sale and distribution. Those willing to help should please contact us.

Thank You

Friends of Christian Worker

10/1 Attidiya Road,
Ratmalana

Dates to Remember

13 April

Good Friday Programme

Kamkaru Sevana - Ratmalana

CHRIST IN DESPAIR!

8.30am

(Good Friday Reflection on the Nation and Religion)

Study led by

The Revd Dr. Hilarion Dissanayake omi

(Former Professor at Ampitiya Seminary)

12 noon

Good Friday Liturgy

1st May

MAY DAY WORKERS' MASS

St. Michael's Polwatte

Colombo 3

9.00 am

Procession from the Parish Hall at 8.30

Sermon in Drama form

All are Welcome!

CHRISTIAN WORKERS FELLOWSHIP

39, Bristol Street, Colombo.

Kamkaru Sevana

10/1 Attidiya Road, Ratmalana

SETTLING WITH THE TIGERS ?

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FROM OUR READERS

Divine Rites and Human Rights A True Christmas Story From Today's Sri Lanka

This is a true story about a poor working woman who is named after the Mother of Jesus. It took place in the season when Christians the world over are preparing to celebrate the birth of Jesus Christ. It is in the light of the life that Jesus of Nazareth lived, what he did and taught, but above all the circumstances that led to his terrible death on the Cross that his birth takes on historical significance.

The Last Judgement (Matthew 25.31ff)

In the period that Jesus was born Jewish society was bristling with rebellion and charged with Messianic expectations. The Jews believed that their God would soon send down a liberator from heaven to defeat their enemies and raise them to their rightful place as the people chosen by God to be at the head of all the nations of the earth. This hoped for liberator was called the Messiah. The advent of the Messiah, the Jews believed would be preceded by a cataclysmic end of the world. After which the Messiah would arrive to judge the good and the evil. The Jews, as the Chosen People, were absolutely certain that they would be on the right side because they worshipped the true God and had kept faith in him.

Jesus took the popular belief about a Last Judgement and vested it with a radically new content and thereby reversed the values of conventional religiosity. The Last Judgement will indeed take place, he said. The Son of Man will separate the good and the wicked just as a shepherd separates the sheep from the goats. He will then invite the good, as ones blessed by God, to take as their heritage the kingdom prepared for them since the foundation of the world. He will then turn to the wicked and banish them as accursed people to the eternal fires of hell. What is interesting is the criterion that Jesus uses to separate the just and the unjust. Remarkably, he excludes external observances of religion as the decisive criterion. The wicked are condemned to hell for failing to do what those who were

blessed by God had done: "Depart from me you cursed into the fires of hell for I was hungry and you did not feed me. I was thirsty and you did not give me to drink. I was naked and you did not clothe me. I was sick and you did not come to see me. I was in prison and you did not visit me". The condemned ask. "Lord when did we see you suffer these hardships and failed to come to your help?" The Son of Man replies: "I tell you, whatever you failed to the least of my brethren you failed to do to me. So depart from me and go to your eternal punishment". *Visiting the imprisoned is one of the standards by which a Christian will be judged.*

What is remarkable is that the just did not know that when they helped a person in distress, they were helping Jesus. It was a spontaneous welling up of compassion that impelled them to relieve suffering whenever and wherever they saw it. No religious affiliation, no social class or ethnicity is mentioned as a criterion for being justified before God.. Just the quality of a person's heart and humanity.

Mary, The Name of Jesus' Mother.

To return to the poor woman who is named after the mother of Jesus. She has lived her life in the shadow of her parish church. For about fifteen years decades she has been handwashing and ironing the cassocks, clothes and bed linen of the priests of this church. Her two daughters were baptised in this church and the younger daughter teaches catechism to children in Sinhala every Sunday.

About 8.30 on the morning of Monday the 4th of December, Dr. S., a retired university lecturer, received a telephone call from this woman. She was in a state of great distress. In words broken by sobs she told him: "Help me sir, I have no where to go. Our eldest daughter was taken away by the police last night on a complaint that she had stolen a gold watch. She was kept the whole night in the station. We stayed on the roadside till two in the morning. We were threatened by the police and asked to go home and return in the morning. When we did, our daughter told us she had been severely beaten.

The daughter a young woman of 25 had been working for a young, wealthy Roman Catholic couple as a day cleaner.

In a choked voice the mother told me: "Last night when she was taken away, I rushed to Father X and pleaded with him to go to the police station and ask the police not to harm her in any way. The priest told her he already been already apprised of the alleged theft by the mother-in law of the young woman whose watch had allegedly been stolen. She is a wealthy matron - a close friend and devoted patroness of the priest in question. He also knew the poor distraught woman well. On the basis of his rich friends' opinion, he had not found it necessary to apply the principle of the presumption of innocence until found guilty after due process. Assuming guilt he had told the poor woman: "There is little I can do for you. Get hold of a lawyer and go back to the police station!." The poor woman had replied "Swamy, how can I find lawyers at this time of the night - can't you help?" The priest refused and added. "Instead of standing there and grumbling in my ear, go home and search the place to see if the watch has been hidden there". Later that night when it became clear that the young woman would be held overnight by the police, her father had gone to where the priest resided to beg the priest to intervene. Though it was about eleven at night, the gate of the compound was locked and all the lights had been put out. The desperate man had kept banging on the metal gate shouting "Father, I ask you in God's name, please save my daughter". His cries for help fell on deaf ears. The lights were not put on. Neither the priest nor his servants responded to the poor man's heart rending cries.

Shanty town people have no social influence. The only people they can turn to in a time of need are the religious leaders who minister to them. When her daughter told her that she had been beaten in turn by three policemen, the poor mother rushed back to the priest and asked him to go to the station and inquire about her daughter. The priest again refused to do so and had again told the desperate mother to find a lawyer and go the station. It is then that in a last desperate bid that she had decided to call Dr.S. She knew him because she goes once a fortnight to wash and iron his clothes for which she is a paid a full days wage. Before he undertook any action he called the priest and requested him to go the police station as the mother of this girl was his

washerwoman. He said he would. But he had not.

Serving The Poorest Of The Poor

Dr.S. got the number of The Institute of Human Rights, Colombo, from a friend and asked for a lawyer that she recommended. Fortunately he was present and unhesitatingly agreed to act on the matter. This young lawyer is a Buddhist and a dedicated human rights advocate. By the time Dr.S. went to the police station the lawyer had already arrived. The complainant couple were seated at the desk chatting familiarly with the officer in charge of the case - the man who had allegedly taken the young woman away from her home, in civilian clothes and in the car of the lady to whom the watch belonged. Seated on a bench in the next room, trembling with fear, was the young woman - still in the clothes she had been wearing the previous night. Dr.S. later told a friend that he could not believe she was 25 years old. Raised in poverty in a shanty town and malnourished, she was a skinny wisp of a woman who could pass off for a sixteen year old. Another night's beating might have been fatal or may have left her seriously disabled.

Dr. S realised that the situation called for greater intervention than merely providing legal aid. To protect the girl publicity had to be given to her case. There is a convent of nuns adjoining the church where our man of God had been parish priest for several years. Dr.S. went there and asked the nuns if they could go and visit the girl. They proved to be true ministering angels. They immediately agreed to go and visit the young woman who is well known to priest and nun alike in this parish. The doctor also spoke to a priest serving in this parish. Though recuperating from a debilitating illness he promptly got on to his scooter and came to see the girl in custody and spoke to the officers present of his concern for her welfare.

The two nuns had found the young woman in a state of extreme distress. She had pleaded with the nuns not to let her be kept in a police cell for another night: "I am terrified that I will be beaten again tonight. I told my father if I will not be released to bring me some poison to kill myself". Dr. S. was standing outside the police station

when the nuns came out. They were worried about what would happen to the young woman and asked him, "Can you take us in your car to meet Fr. X.. He can ask his friend, Mrs Y, to plead on behalf of this girl". S. did not know the priest's address but the nuns said they would direct him to the place. To his amazement it was about a mile away at the end of a lane on the same main road as the police station - a five-minute drive by car. This priest heads a non-governmental welfare organisation. It is located in a parish which is served by a religious congregation of which the priest is a member. He does not however live in community with his confreres. He resides in a comfortable little cottage he has built for himself, adjoining the large bungalow which serves as the office of his welfare organisation.

The nuns stated the purpose of their visit and pleaded that he speak to his dear friend the rich matron, and ask her to tell the police not to harm the girl in their custody - that this was not their intention when they reported her as a suspect to the police. The priest declined to do so and the asked the nuns to go visit the lady if they were that concerned. Realizing that this would be a fruitless exercise, Dr.S. dropped the nuns off at the convent and returned to the police station, where he kept watch with the parents and other friends and relatives from the shanty town. Standing in the burning sun, with these helpless and frightened people, he pondered the irony of the motto chosen by the priest for his organisation: "To serve the poorest of the poor".

The Priest Passed By On the Other Side
(Luke 10.25ff)

That afternoon S. was standing with his back to the road in front of the police station together with the family and neighbours of the detained woman. It must have been around 5.30 pm when the people told him: "There, there, father is going" They pointed to a double cab going past the police station on the other side of the road. When S asked "Where is he going?" the people said "He is going to say evening mass in the small church up the road". "Do you realize", S asked, "that this is exactly what happened in the Gospel?" There, by the wayside, on a Sunday afternoon, Dr. Swaris, a Buddhist scholar explained the Gospel to a group of poor and powerless people.

Jesus taught a new law, which would supersede the Mosaic Law: "Love thy neighbour as thyself." Peeved by his insolence, the Pharisees, led by a lawyer asked him the cynical question: "Who is my neighbour?" The question was essentially self-centred. They wanted Jesus to give them a legal definition which would in turn delimit the extent of their obligation. Is 'neighbour' those who live in my immediate neighbourhood? People of my own religion, race or kinship group? Jesus, seeing through their casuistry decided to tell a story instead. A certain man (no race, no religion) was travelling from Jerusalem to Jericho. He fell into the hands of bandits who "stripped him, beat him and made off leaving him half dead". Then, says Jesus, a priest and a Levite (a member of the Jewish priestly tribe) came by and when they saw the wounded man they passed by on the other side. Then, in a devastating blow to the false religiosity of these pious men, Jesus said: "A Samaritan came along and seeing the wounded man was moved with compassion when he saw him. He went up to him and bandaged his wounds, pouring oil and wine on them. He took him to an inn and looked after him. The next day, he took out two denarii and handed them to the innkeeper and said 'Look after him, and on my way back I will make good any extra expense you have". Turning to his questioners Jesus then asked: "Which of these, do you think, proved himself a neighbour to the man who fell into the bandits' hands?" The legalist replied, "The one who showed pity to him". Jesus said to them, "Go, and do the same yourself". Jesus tells the true believers that a pagan had understood the great commandment of love better than the priests and acolytes of their religion. The 'neighbour' is whoever is in need - irrespective of gender, ethnicity, creed, class or caste.

The Prince Of Peace

On the night Jesus was born in a cattle shed, we are told that a host of angels appeared in the heavens and sang: "Peace on earth to people of good will". He was seen as the Prince of Peace spoken of by the Prophet Isaiah. Today in Sri Lanka a merciless war rages on in the North and the East. On both sides of the conflict it is the sons and daughters of the poor who are its combatants and its victims.

As the well to do plunge into an orgy of

revelry, carolling, gorging themselves and burn millions of rupees in firework displays - deadly firecrackers continue to kill and maim people. People outside the theatre of war have preferred to ignore the plight of the victims of a war supposedly fought to safeguard their national security. But it is there, in the war torn lands, away from the holy and unholy places of the city that the real Christ-event is taking place. In this region of death, more than a million displaced and forgotten persons, Sinhala, Tamil and Muslim live in fear, deprivation and uncertainty about their future. There, like Mary the Mother of Jesus, displaced mothers give birth to their children in unhygienic hell-holes and wrap them up in rags. As on the first Christmas, those who are wise enough, will like the three kings, see the Star shining over these hovels which are worse than cattle sheds.

Paul castigated the Corinthians for taking their disputes to gentile judges. "Can it really be that it is impossible to find in the community one sensible person capable of settling questions between brethren?" (1Cor 6.1-11). The name of the woman whose daughter was taken away is Mary. She is a Roman Catholic. The priest had baptised her daughter and given her her First Communion. Those who accused her are also Roman Catholics. Both families worship the same God in the same parish church. The poor woman's Christian instincts were right when she turned to the priest for help, even though she probably had never heard of the Pauline injunction. Again and again, the rich couple and the priest stressed that the lost wristlet was a gold designer watch worth about seven thousand U.S. dollars. Many seem to know the price of a bauble but few the value of a human life.

By the choice of parents and the conditions into which he was born, the Son of God revealed his predilection for the poor and that he brought a message of deliverance for them. *The Holy Night was not a silent night.* It thundered a message which Christians in general have found convenient to ignore and which many who are called to speak in his name seem to have forgotten. Today Christmas is celebrated in Cathedrals of Consumerism.

Nalin Swaris

Dehiwala
06.01.2001 (Epiphany)

New Year Message to Brothers and Sisters

Ah, is there a worse waste
As wasted blood?
Land does not revive
By such blood
None sing for or celebrate
Such waste
Mothers' regret powerlessness
to stop or prevent
This waste of their loves
Emotions and dreams, their sons.
Brothers dear brothers rebel
Rebel, against this waste.
Sisters dear sisters, rebel
Rebel against this waste.
Father dear fathers rebel
Rebel against waste of your blood.
They, who were to raise the trees
Water the future
Die, paying for follies
Of fools—indeed exceptional fools
March, march to the places of fools
Stop this waste
Waste of blood
Of your brothers, sons, fathers.

Basil Fernando

Hong Kong
January 2001

The war god

The war god asks human sacrifice everyday
He asks our sons and daughters,
to be offered on his altar of battle field.
He asked our properties and belongings
to be offered through his devotees to him.
He asked our monies and financial assistance
to be offered in his collection bags.
Do not believe the god of war.
Do not worship the god of war.
but believe the God of life.
She will give the light to our life.
She will give the life to our life.

Rev. Fr. S.D.P.Selvan

Vanni
20.11.2000

The Demise of Sirimavo

The world's first woman prime Minister, Sirimavo is no more
'Cos after exercising her franchise
Had a sudden and peaceful demise

The first woman PM of Ceylon
Eighty four years ago she was born
At age forty three she was widowed
Nurtured in politics in her illustrious husband's shadow

After his assassination
The task for the SLFP's resuscitation
She reluctantly accepted
As the masses earnestly entreated

Despite her household chores
'Cos of the people's woes
In 1960 she led the SLFP to victory
In the interests of the country's democracy
For the welfare of the poverty stricken masses

She took certain measures
Which the richer classes did not like
Hence her measures they did spike
Their opportunity came with the Lake House take-over bill
Their ambitions to fulfil
They resorted to bribery
Of her MPs, to commit treachery

For five years languished she as Leader of the Opposition
But did not succumb to frustration
As the UF headed by her
With a two-third's majority came to power

After the first JVP insurrection
She crafted a republican constitution
Sri Lanka the country was re-named
Though for Ceylon tea the country was farmed

The socialist economic policies enforced
Many problems to the people did pose
Her leftist allies, made scapegoats, left her fold
When out they go, they were told

International prominence she did attain
Which till death she did retain
Despite her civic rights being taken away
When a vengeful Parliament held sway

After serving her country
In the interests of democracy
Has gone to her inevitable rest
Will be remembered among Lanka's best

S. Kaviratne

20, St Rita's Road
Mount Lavinia
13/10/2000

From the Bishop of Solomon Islands

Warm New Years greetings. I write from Malaita where I have had a pleasant Christmas with my parents (both going strong at 82), my sister and nieces. I'll arrive back in Auki on February 10th. Mostly the trip is holiday but I'll be preaching at three Toronto parishes, visiting various church national offices and taking part in a mission conference in the Diocese of British Columbia. But already I miss Auki!

As you probably know from the media or previous letters, the past year has been a very difficult one for the Solomons. During the first half of the year, the conflict between the two militant groups, the Isatabu (Guadalcanal) Freedom Movement (IFM) and the Malaita Eagle Force (MEF) intensified, culminating in the takeover of Honiara by the MEF and elements of the Police (both regular and paramilitary) on June 5th, including the capture of the Central Armoury, all the police stations, Telecom and Solomon Islands Broadcasting Corporation and the house arrest of the Prime Minister resulting, in his resignation a few days later. The meeting of Parliament that followed elected a new Prime Minister, one acceptable, if not beholden, to the MEF. All this disruption on the streets of Honiara, not to mention the continuing fighting between the two groups on both edges of the city, resulted in the decision by Australia to evacuate all its nationals from the Solomons; this decision spread to other embassies and high commissions in Honiara, as planes and ships were sent in to evacuate expatriates. Needless to say, I continued on in Auki without any difficulties.

To make a long story short, through the hard work of the Deputy Prime Minister and others, eventually the two militant groups signed a ceasefire in August and a Peace Agreement on October 15th in Townsville, Australia. Since then there has been considerable improvement in the overall situation. A week after the signing, the militant groups themselves, ahead of the schedule in the Agreement, organised a public reconciliation event in Honiara which lasted three days and nights. All the bunkers and checkpoints were pulled down, Guadalcanal people flooded into (largely Malaitan) Honiara and Honiara residents were finally free to go out into the Guadalcanal countryside. Guadalcanal and Malaita families and friends were finally able to see each other, eat together and sleep in each others homes again. There were many tears – both of sorrow for those who had died in the conflict (often young students forced to fight against their wills by the militant leaders) and of joy of discovering, that friends and family were still alive. Honiara is again full of people and the Central Market is again full of fresh food.

Implementation of the Townsville Peace Agreement has slowly proceeded. A few days before I left Auki, there was an MEF hand-over of weapons at the Auki Police Station to the International Peace Monitor Team, police from Australia and New Zealand. The former leaders of the MEF announced that the MEF is now formally disbanded. However, the hand-over was a bit rowdy, with many weapons given a final shot into the air before being handed in. There are still many weapons hidden in rural areas or with police who joined the MEF or IFM. There are also still many stolen properties, especially vehicles, that have not been returned.

The country remains in terrible economic shape with almost all foreign exchange earners (oil palm, fish, mining, copra, tourism) not working. Many people have lost their jobs or been sent on unpaid leave both from government and private employment. As usual, the subsistence village economy absorbs people but many families are facing the crises of not being able to cover school fees and other essential items. There are some hopes that the economic picture will improve in 2001 but much depends on the security situation of the country and the wisdom of the government in the distribution of its limited income, including foreign aid. Much needed new elections are also coming up in 2001.

The Diocese and I have been in the midst of all the mess, facilitating humanitarian assistance, trying to discourage human rights abuses, encouraging peacemaking and reconciliation, encouraging the church simply to do its work at the local level, especially with youth, moulding church institutions to respond, etc. As most of the MEF (both leaders and rank and file) were Malaitans who had already spent some generations on Guadalcanal and did not feel especially accountable to anyone back in Malaita, Malaita itself was fairly quiet throughout the conflict, aside from attempts to recruit young Malaitan men into the MEF which did, of course, happen. Now we are trying to integrate these returning, militants back into Malaitan village and town life. Some militants have come back deeply disturbed, never really having killed anyone before, or addicted to kvaso (homebrew) or marijuana, and very anti-social. The police who joined the MEF and are now being re-integrated into the police are also a problem. The Diocese is organising a series of ecumenical conferences on peace and reconciliation issues around Malaita covering such issues as models of development, customary land tenure, human rights, environmental issues, women as peacemakers, working together as a community, the Townsville Peace Agreement, etc., involving chiefs, church leaders and ex-mil-

itants. The first conference was held in North Malaita in early December and was quite successful, bringing together 200 participants. We plan another for Central Region in June.

I am glad to be out of the situation for a short break, as at times it has been stressful. At times Auki is a "cowboy town", with anyone (militants, criminals, the police) shooting off guns for no good reason. While I have been regarded with respect, the judgment of drunken police or ex-militants is not very good. The lack of outside telephone services (including fax and e-mail) in Auki since last May, with no end in sight, is also difficult. Recently Auki has been without water although with the rainy season has come back. Electricity is also a bit dicey (especially in Honiara) but Auki has been all right except for a month last Christmas when we lived by lamp light. We have shortages of imported food but the local market abounds. We continue to house and feed our many visitors.

Despite all the problems, generally the work of the Diocese and my work went well last year. I thank God for that. I look forward to returning. I have greatly appreciated the support of the Diocese, the rest of the Church of Melanesia and housemates. Thank you also for your prayers and support. May you have a blessed New Year.

How are you doing? The Sri Lanka news (what little I hear) continues to be confusing. I'm glad to have a bit of a break from the Solomons. I think I mentioned I had a good stay with the Lionel at SSF in Brisbane last March. He seems very happy. Have a blessed and happy 2001.

+ Terry

The Rt. Revd. Terry Brown

Bishop of Solomon Islands
Bishop House, POBox 7, Auki, Malaita
Province, Solomon Islands
January 1, 2001

The Village

In the morning of my youth
I lived in a Village
a beautiful Village
Towns were far away
But people were so near
Waters were so placid
and not as murky as they are now
In the dawn of my old age
I still live in a Village,
the horrendous Global Village?

K. Sivapalan

Trincomalee

Prof. Carlo Fonseka & the UGC

We have to be thankful to Prof. Carlo Fonseka as a reputed human rights exponent for having acted in the interests of the pioneer teachers of the Institute of the Aesthetic Studies of the Kelaniya University, on the eve of his departure as Acting Director of that Institute. He has sent a letter calling on the UGC to implement the Lionel Fernando Committee recommendations of 1996 even at this late stage and to afford these teachers opportunities to obtain practice-oriented post graduate qualifications at appropriate institutes abroad in their relevant fields.

The grievances of these pioneer teachers date back to the time of their initial absorption to the University service in 1974 when a scheme of recruitment specially designed for them was not followed but recruitment rather made on an ad hoc basis, completely leaving out 13 teachers despite their undoubted suitability and their qualifications according to the said recruitment scheme.

After the adoption of yet another committee report to rectify these anomalies by the Kelaniya University and its recommendations, being endorsed and forwarded to the UGC, these teachers were appointed to the post of **probationary** Assistant Lecturers with effect from August 1st 1991 although they had already taught in degree classes and that too alone for over 17 years! And this despite the clear recommendations of the Committee report that these teachers "be absorbed to a post of Assistant Lecturer proposed by the Prof. Ariyapala Committee with effect from 01.05.1974 and be appointed to a post of Assistant Lecturer of the University with effect from 1.10.1982". The teachers affected accepted their appointments only under protest and a protracted correspondence followed. However it was only in 1996 that the matter was fully considered by Lionel Fernando Committee already referred to. The deliberations of this Committee also included an exhaustive examination of qualifications and suitability of the teachers concerned by way of even personal interviews. Accordingly this Committee recommended that the affected teachers be appointed Senior Lecturer Grade II with effect from 1.7.1996 and be placed on the relevant salary scale. However post-graduate qualifications would be needed for their promotion as Grade I Senior Lecturer. (By way of marked contrast a similar recruitment of pioneer teachers to the Institute of Indigenous Medicine of the Colombo University was correctly carried out according to their scheme together with the rectification of

anomalies from the date of their absorption in 1976. Why there should have been a difference in the method of recruitment at the Institute of Aesthetic Studies is beyond understanding.)

Although the Ariyapala Committee at the very inception of absorption had recommended that all opportunities should be given to the teachers who were in service to obtain necessary post-graduate qualifications for promotion, no such opportunities have been offered these pioneer teachers to date, even though they have single handedly produced University Graduates through their University courses and preparation of question papers, marking answer scripts and assessing of practicals! Ironically the graduates whom they had taught and passed were then given opportunities as graduates to obtain practice-oriented post-graduate qualifications by sending them abroad and thereafter even placing them most iniquitously over the heads of their own teachers! The latter were by-passed and not given promotion or even increments on the ground that they did not possess post-graduate qualifications! **Can any action be more perverse?**

It is now learnt that the UGC members have perhaps been influenced and guided on this issue by the jaundiced views of a functionary who has served as an additional secretary to that body. And this despite the clear recommendations of several official committees appointed to look in to this matter which we are sure the UGC members have not even properly studied. It is after all convenient for UGC academics to fall back on "experienced" non-academic functionaries however reactionary and prejudiced, rather than tax their own brains in arriving at fair and just decisions. This is not unlike what happens to many Ministers of Governments too who tend to be heavily dependent on bureaucrats who have their own agendas, in place of examining issues properly themselves. The results in both cases are disastrous when it comes to the institutions concerned and the persons affected, not to speak to the public!

Another factor that seems to have weighed heavily in unfairly discriminating against the affected teachers is the fact their skills were of a different kind from those of the academics on the UGC. They included artistes distinguished in their own fields which did not involve library research and doctoral theses. A clear instance is that of the three

drumming teachers. One of them is an acknowledged expert in Kohomba Kankariya and other Kandyan dance traditions (perhaps beyond the comprehension of most academics and others on the UGC), while the other two have been repeatedly acclaimed for their performances by audiences of culture lovers abroad. (It is not surprising if they are not appreciated and understood by their own less enlightened countrymen!) Perhaps UGC members are also ignorant of the fact that these teachers also have conducted workshops, demonstrations and master classes in foreign universities. That some of the academics on the UGC egged on by the ignorant functionary already referred to should have even sought to denigrate these Masters of the Art of Drumming and contemptuously refer to them as common or garden "BERAKARAYAS" is not only an unwarranted insult but also an inexcusable piece of class/caste prejudice which is quite unworthy of the teaching profession, let alone academic achievement.

We hope the UGC will in this instance see sense and act justly now that one of its own members has apparently been convinced of the wrong done and made the only recommendation possible in the circumstances.

Another Human Rights Activist

1 February 2001

To those who did not return

The mournful funeral march plays
for the soldier who was lucky
to have returned in one piece
In Uniform and Boots and Buttons
with a golden sheen.

In another village mother and the widow
or is she not still one?
mourn with pain in mind
of their son and husband who
is missing for so long.

Was he captured and tortured?
Or was he maimed or done away with?
Will he return in one piece one day
Even in tattered clothes?

For whose benefit or for what are they
Losing their lives for?
When lives of the poor are in tatters
War mongers thrive and live in
Luxury and with power
When the poor and the unfortunate
Mourn forever.

K.Sivapalan
Trincomalee

Selling the Earth's Blood!

Hemantha Withanage

Executive Director
Environmental Foundation Ltd.

Although Sri Lankan Constitution is silent on water resources, the South African Constitution states that "Everyone has the right to have access to sufficient water"

This should be the same right for the all living beings including Sri Lankans and their eco-partners.

Sri Lanka is the country that owns the most historical irrigation system. Today the new generation of the King Parakramabahu has stated in its National Water Resources Policy "that all surface and ground water are owned by the State and managed by the government in partnership with water users on behalf of all Sri Lankans."

Fundamental Rights

King Devanampiyatissa was told three centuries before the birth of Christ, we are its guardians not owners. The government is the trustee of the water resources and they cannot be the owners. Water is a fundamental right of the people. Can the Government breach that right?

If water becomes a government property, would we have a fundamental right to use such water? If the government does not allow the use of water should we stop cultivation, drinking and using water for other purposes? Can the government be the owner of the water under the soil of our land? If the water is owned by the State then what happens to the air we breathe? If the government says that the air is owned by the State should we get a permit to breathe? If we accept that State owns water then the question is who owns the rain?

However, more and more water is being taken out of the hands of the small communities, siphoned-off for bigger causes, and later reallocated at higher prices. The human and environmental consequences of short-sighted management cannot be underestimated.

Water is a powerful symbol throughout the world, carrying with it ideas of baptism and new life, cleansing and healing, and the promise of growth and prosperity. In contrast, in a region of growing demands on a limited resource, the increasing scarcity of water could result in devastating conflicts and catastrophes.

In this context water should be managed, conserved and protected. Colonial rulers brought the laws to get the land rights through the Waste Lands Ordinance. At that time the land was a scarce item since they wanted big lands for the cultivation of Tea and Coffee. In those days water was available throughout the country. Clearing of such watersheds made water a scarce material. Now the Multinationals who are behind the World Bank, ADB and the IMF want to rape both land and water in the name of globalisation.

Dr. Baouman of the Intentional Rice Research Institute states that

"If we force farmers to save water, then land productivity will go down. Land will no longer be the scarcest commodity. And, if farmers must pay for their water, then they'll want to measure their efficiency in terms of water productivity."

If the water is owned by the State then what happens to the air we breathe? If the government says that the air is owned by the State should we get a permit to breathe? If we accept that State owns water then the question is who owns the rain?

The big argument of the policy makers is that paddy farmers waste the water resources. If we take the amount of water used by the plants, and compare this with the amount that is getting lost through seepage, percolation, and evaporation in the field, then we get an average efficiency level of about 30 percent.

That means 70 percent of irrigation water is lost. "But is it really lost?" Large amounts of it flows back into the system and is used again downstream.

So the issue is not whether farmers waste the water, but whether our

irrigation system is efficient enough to reuse that water. In most recent irrigation systems once water flows out of the field it is never used for irrigation again. What king Parakramabahu did was construct a system that collected the water leaving the paddy field. That is how he ensured that a drop of water will not go into the sea without being used for agriculture.

Furthermore, we had rice varieties which did not need such large amounts of water. The brother organisation of International Water Management Institute (WMI) which is International Rice Research Institute (IRRI) destroyed these varieties during the Green Revolution. Now they want to discourage people from engaging in paddy cultivation. The constitution of this organisation clearly spelled that water pricing and preparation of water policy is within their mandate.

If the policy considers the flow from the paddy field as a waste of water, why didn't it considers the pollution downstream? A single industry can pollute the entire water in Kelani, Kalu, Bolgoda, Lunawa, Muthurajawela and Negombo lagoons. Shrimp farmers polluted the whole Lagoon system in the North Western Province. How can they be not responsible for the water wastage? If the policy really considers the wasting of water, the water taxes should have started from those polluters. The polluter tax could have the alternative way of doing the same.

Water is already a disputed resource. People in the Kirindi Oya Basin already have disputes with Pelwatta Sugar Company on this issue. Water in Kantale Tank and even in Mahaweli is subject to disputes. In spite of this the poor farmers still have access to water, because there is no written right or entitlement to those powerful companies.

National Water Resources Policy

However the National Water Resources Policy will ensure that the water users need to obtain the Water Entitlement from the proposed National Water Resource Authority.

It is clear that the proposed Water Resource Law is bound to protect the rights of the water entitlement holders.

If the small users do not have such entitlements the Law will not protect their rights. Who can believe that this will not happen in the future?

The policy further states that "Small users will be exempted from the requirement to hold water entitlement, BUT local governments will be encouraged to register small wells and to apply guidelines on well density in ground water management areas".

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While ground water management is necessary, this statement implies that the public will have to register their small wells.

Regulation 3 (1) states -

"An application for a water entitlement shall be submitted to the Authority in triplicate, and shall:- (e) be accompanied by the fee specified in schedule 11 hereto."

Schedule 11 indicates the application fees which are -

(a) **Registration of existing use Rs. 500**

(b) **Application for water entitlement Rs. 1000**

The Draft Water Resource Regulation states that

"After the date specified in a Notice under section 23 of the Act, no person indicated in that Notice shall divert, abstract or use water resources, except under and in accordance with a water entitlement issues to him by the National Water Resources Authority"

The policy also states that

"the right to water will be granted through Water Entitlement".

It also states

"Small scale users and individual water users supplied through group schemes will be exempted from the requirement to hold an entitlement."

(c) Renewal of water entitlement Rs. 500

(d) Declaration or transfer of water entitlement Rs. 150

(e) Application for transfer of water entitlement Rs. 1000

Therefore one can believe that the registration fee for an existing well is also Rs. 500..

Ambilipitiya Pradeshiya Saba already collects Rs 500 from a user of a tube well. This could be another scheme for the implementation of this policy.

It is clear that not only an application fee but also an entitlement fee will be levied. This will depend on the quality, scarcity, etc. of the water.

The said water entitlement can be transferred, mortgaged or sold to any other person. Also this entitlement is necessary for drawing water from a surface water well, tube well, aquifer, river, reservoir, tank or any other water sources.

Regulation 8 states that "the holder of a water entitlement may apply to the Authority for the renewal of his entitlement, at least (six) months before the date of expiry of that entitlement."

This shows that the entitlement is not forever and that the holder has to pay a fee from time to time to the authority. Although the small users do not need to get an entitlement, the Farmer organisations or the water distribution facilities will have to obtain that entitlement. This means that finally the cost will be levied on the small farmer or the individual users by those entities.

Therefore the price of electricity, water and all other products which use water as a raw material or in the process will definitely increase.

At present the Policy states that the users will have to bear the cost share of the water schemes. In the future the Government can ask the people to pay the full cost

since the government does not have money to manage those schemes. I do not see any limit to the price increases.

Also the share of the entitlement fee will be included in every service and product such as GST. The National Water Resources Policy .. and Institutional Arrangement approved by the Cabinet of Ministers on 25th March 2000 clearly shows that the government is targeting pricing of water thus treating water as an economic good.

Therefore it is clear that although the Minister of Irrigation denies the imposition of such a water pricing mechanism under the proposed Water Resources Act, the above provisions of the proposed Act shows that this is indeed true.

Water Policy rejected

This water policy was already rejected by the US farmers in Florida. Thousands of Bolivians took to the streets in protest against this bad policy . The people in Bolivia made it very clear that they do not want water companies to enter into the public water systems. The Bolivian Government which was so committed in protecting the water companies declared martial law and killed at least 5 people during the protest in April 2000. That was declared as a water war in Bolivia. A general strike and road blockade began in Bolivia and finally the Bolivian Government had to break the water contract.

British-led investors were in Sri Lanka few weeks back. The British water mission to Sri Lanka from 18-20th December states that as Britain strengthens its trading link with Sri Lanka, new opportunities are opening up in the water sector, fuelled by economic development and environmental awareness coupled with the need to meet ever tougher quality standards set in legislation. In particular these British companies are keen to explore the scope for developing joint ventures with Sri Lankan Companies to operate in both Sri Lanka and possibly, third markets. The Bechtel Water who was responsible for the problems in Bolivia also attended. If the government says that there is no fear in water privatisation through the proposed legislation why are these companies so interested in Sri Lanka?

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WATER BANK who assist water rights transactions that is Wastewater Resources based in New Mexico invites the water rights owners to sell their water entitlement through the Internet. The entitlement numbers and other details are available in the web. Is this what we are trying to do through the new legislation? This transferable water entitlements will give an opportunity to the private sector to enter into water business. The experience in United Kingdom shows that their water sources are now managed by French Companies.

Are we ready to sell the water rights in Kalawewa, Parakrama Samudraya or in the Mahaweli reservoirs?

This is the vision of the World Trade Organisation followed by the World Bank, Asian Development Bank and other international Financing Institutions. The Technical assistance for this policy formulation has been provided by the Asian Development Bank, Food and Agriculture Organisation of the United Nations and the Government of Netherlands.

Although the said policy document states that local authorities, private sector and the non-governmental organisations participated in the consultations we found that they were not aware that these consultations were for the pricing of water. Such policies always should be very transparent and all public should have access. But unfortunately only 300 copies have been distributed by the Water Secretariat so far. This shows how this policy was kept a secret.

Disastrous and Destructive

The related projects that have already been started in various rural areas are very destructive.

Rural Sanitation and Water Projects funded by the Asian Development Bank removes existing water users from the water sources Concreting of the canals under the Japanese International Cooperation Aid funded project in the Walawe left bank has been destructive to the ecosystem due to the lack of water.

Rice is the staple food of our society. Nothing can compensate the loss of rice. The access to water is vital for

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the cultivation of rice. Therefore the new development must accept this reality and the water should be shared on a equitable basis, so that the needs of those without access to water are met, so that the productive use of water in our economy is encouraged, and so that the environment which provides us with water and which sustains our life and economy is protected.

The proposed policy not only harms the water rights but also the food security of the country. We are already in a debt crisis. If we do not have money, will the rice producing countries provide us with rice? When people, or companies go bankrupt will they not sell their water rights? Then what happens to an individual's

sense of water security?

The National Government should act as the custodian of the nation's water resources and its powers in this regard will be exercised as a public trust. All water in the water cycle whether on land, underground or in surface channels, falling on, flowing through or infiltrating between such systems, should be treated as part of the common resource.

Water is a basic need of any live creature and charging for pure water will certainly destroy the ability of the people to afford suitable water. The access will certainly depend on the purchasing power of the people, and the poor will lose their ability to get pure water. The water required to meet basic human needs and maintain environmental sustainability should be guaranteed as a right. All other water uses should be recognized only if they are beneficial to the public.

There is no guaranteed security mechanism to protect the poor in this water entitlement business. Therefore more and more poor will lose their rights. We once again state that water is owned by the PEOPLE and not by the STATE. The public is the guardian of this natural resource. The privatising of nature could become a very disastrous political move. The loss of commoners' rights over water, will definitely create serious impacts in society and the environment.

Courtesy: *The Island*

An Analysis of the 2000 General Election Result

by D.E.W.Gunasekara

Approximately 75.61 per cent of the total number of registered voters cast their votes at the General Elections held on October 10 this year for the 11th Parliament. Taking into consideration the number of Sri Lankan voters employed abroad the number of voters who have exercised their vote this time despite the civil war situation in the country is encouraging when compared to previous elections.

1970	1977	1989	1994	2000
85.2%	86.7%	63.39%	76.2%	75.6%

The total number of registered voters is 12,073,263. Altogether 29 political parties and 99 independent groups contested the election. The percentage of rejected votes has increased to 5.27 per cent. The percentage of rejected votes at the 1999 presidential election was 2.3.

There has been an increase in the number of rejected votes since the introduction of the preferential vote system. This is an adverse feature. The factors which have influenced this are the increase in size of the electoral districts and the resultant increase in the number of candidates.

	1976	1977	1989	1994	2000
Electoral districts	145	168	22	22	22
Candidates	441	756	1,396	1,440	5,048
No. of elected MPs	151	168	196	196	196
Percentage of Rejected votes	0.53%	0.53%	6.13%	4.8%	5.2%

Elections Result		
	1994 General Elections	2000 General Elections
Peoples Alliance	48.94%	45.10%
UNP	44.04%	40.21%
JVP	-	5.99%
NUA	-	2.28%
Sihala Urumaya	-	1.47%
TULF	-	1.22%
ACTC	-	0.31%
TELO	-	0.30%
EPDP	-	0.58%

When compared with the 1994 general elections the main feature this year is the decrease in total number of votes polled by the PA by 3.84% and the reduction of the votes polled by the UNP by 3.83%. We can assume that a major part of this total of 7.67% votes lost by the two major parties would have gone to the JVP while the balance (lesser part) would have gone to other smaller parties including the Sihala Urumaya. Although the vote bank of the party in power can diminish at an election, a question arises why the vote bank of the main opposition party gets reduced. It is clear that the UNP has failed to attract the votes that broke away from the government party.

Percentage of votes

District wise, the PA has received the biggest percentage of votes from Nuwara Eliya (52.33%) and the smallest percentage of votes from Batticaloa (8.85%). The UNP has received the largest percentage of votes from Polonnaruwa (46.32%) and the smallest percentage of votes from Jaffna (9.60%).

In six districts the PA has received more than 50 per cent of the votes.

They are Matara, Galle, Ratnapura, Nuwara Eliya, Matale and Digamadulla.

When you leave out the North-East on account of the war situation and take the other districts into account the PA has received the lowest percentage of votes from the Colombo District (38.86%). The UNP has received the lowest percentage of votes in the Gampaha district (38.33%).

The JVP has received the biggest percentage of votes from the Hambantota district (15.22%). However the JVP has failed to retain the 20% received at the Provincial Council elections.

The Sihala Urumaya has shown its strength from the Colombo District (4.89%) and electorate wise it has shown its strength from Kotte (9.40%). The Sihala Urumaya has been able to receive only 2.86% from the Kalutara District which was represented by its General Secretary Tilak Karunaratne twice. In Anuradhapura, Polonnaruwa and Moneragala, the districts facing the war which are considered as consisting Sinhala border villages it has received only between 0.17% and 0.41%. From this you can gauge the political stand of the Sinhalese living in these areas.

Puravesi Peramuna

The Puravesi Peramuna led by Sirisena Cooray has been able to obtain only 2,879 votes from Colombo district which is considered as its stronghold. Its highest percentage of votes was from the Batticaloa district (1.03%). This is a fine example to show voters flocking around benefits are going after better benefits. Needless to say, he is a person who has rendered yeoman service; much more than the 1,236 votes he has received from his electorate, Colombo Central.

From among Tamil parties, the TULF has won 3 seats in Jaffna and 2 seats in Batticaloa making a total of 5 seats. The second party EPDP has won 4 seats in Jaffna while the third party TELO has won 3 seats from the Wannu district. The All Ceylon Tamil Congress as an old party has been able to secure only a single seat. From these

results we can visualise a tendency among Tamils in the North-East to escape from the clutches of terrorists. When you consider the percentage who have voted i.e. Batticaloa (71.74%), Trincomalee (68.52%), Wannu (42.13%) and Jaffna (21.32%): it shows that the Tamils are slowly moving towards the democratic stream. The ability of the UNP and the PA to win 9 seats from Trincomalee, Batticaloa and Wannu districts is an encouraging development. Actually this trend should be further stabilised.

When we take this year's election results as a whole we can come to several clear conclusions.

Firstly, it has been re-affirmed that both Sinhalese and Tamils reject communal, extremist and fundamentalist forces. Just before the dissolution of Parliament certain sections attempted to create communal tensions as in 1987 making the introduction of the new Constitution Bill a ploy. But election results have shown that the Sinhalese won't fall prey to such attempts again. The results clearly show that it is the educated urban middle class which supports the Sihala Urumaya.

Tamils in Colombo

The Tamil-speaking people in Colombo were not inclined to vote for the ACTU, CWC or an extremist Muslim party this time. This too is a favourable trend. It is clear that these sections reposed more faith in the UNP.

Tamil leaders in plantation areas contested the elections this year either through the UNP or the PA. Accordingly they have been able to obtain representation through those two parties. The people in the North and East have tried to escape from the clutches of the LTTE in exercising their votes. The ACTC which acts as a puppet of the LTTE has been able to win only a single seat. The Tamil people volunteered to vote for either Tamil parties opposed to or distanced from the LTTE or the UNP or PA. This too is a favourable trend. The national duty of all political parties is to stabilise this favourable trend seen in the plantation as well as the North-East.

Secondly it can be felt that the election frauds and violence which prevailed before, during and after the election influenced the election results in various degrees. We can say that this clearly influenced the preferential vote result more than

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the election results proper. This clearly shows that the electoral system should be amended without delay.

Unlimited spending

Thirdly, it must be stated that the unlimited spending of money for the election campaign undoubtedly influenced the preference votes. Apart from this, media publicity too influenced it. Outdated election laws must be amended forthwith. Since there was one law for State media while the private media had the freedom to act on its own without any legal binding, there was a situation where money could build public opinion during the election campaign. We should accept that the fact that the use of 20 private radio and television channels more in favour of a single party had a strong impact on the election result. This is one of the factors preventing a fair election.

Either freedom should be given to all institutions or else there should be one common election law covering all of them.

Fourthly, this is the first instance since independence that a government in power won an election for the second consecutive time under the same leadership.

In 1952 the UNP contested the election under the new leadership of Dudley Senanayake. The term of the 1977 government was extended for another five year term by postponing the General Election due in, 1982 through a fraudulent referendum. In this context the victory gained by the PA cannot be belittled. The unity of the democratic and progressive forces was the main factor which contributed to this victory.

The second factor was the UNP's weak leadership. Before starting its new programme of work the PA should engage in a self-criticism of its past record. It should not be contented with a mere cabinet reshuffle or by adding new faces to the cabinet. Constituent parties of the PA should approach that criticism both collectively and individually. They should activate internal democracy within their parties.

Fifthly, the vote bank of the UNP is constantly depreciating. The 17 years curse is firmly embedded in the hearts of the people.

The PA should engage in a self-criticism of its past record. It should not be contented with a mere cabinet reshuffle or by adding new faces to the cabinet. Constituent parties of the PA should approach that criticism both collectively and individually. They should activate internal democracy within their parties.

Although six years have elapsed, the UNP has still not conducted a self criticism about this. It has not been induced to do so because its class compulsions do not allow it to shelve that political culture.

Sixthly, the JVP has been able to win 10 seats due to the proportional representation system of elections. Undoubtedly, it is a forward march. As a whole it has received 5.9% of the votes. They have failed to reach the 6.2% they received at the Provincial Council election. The JVP should draw its attention to the need to leave its world of fantasy and approach a more pragmatic political process. At least now it should think of leaving the inclination towards a communalist and facistic stand.

The New Left Front and the Left Democratic Alliance do not see reality at all. Although they act outside the government it is not too late for them to arrive at a pragmatic political approach.

People's Alliance

The LSSP, CP and the SLMP which are constituent parties of the PA have won only 5 seats. At the 1994 General Election they won 9 seats. These parties which were caught up in the preference war were unable to retain their seats due to the massive 'preference war' comprising financial and advertising power. But comparatively, they have received an unprecedented amount of preference votes even in non-traditional areas. There should be new thinking on strategies to reconcile the differences between self-centred politics and principled politics.

The JVP had been unable to come close to the percentage of votes received by the LSSP and CP separately or together. We should realise that no other problem could be solved without first finding a solution to the ethnic problem. We have no strength to overcome the adverse and damaging effects of globalisation on our society because the ethnic problem remains unsolved. Protection of the PA's social base is a compulsory requirement. The PA suffers from the weakness of forgetting this social base very often after coming to power. This social base comes to mind only on the eve of an election. This wrong should be corrected.

About the writer: DEW Gunasekara is the former Chairman and present General Secretary of the Communist Party of Sri Lanka and was the until recently Chairman of the Sri Lanka Rupavahini (TV) Corporation.

Police, Democracy and Good Governance

✍️ Kingsley Wickremasuriya

Introduction

The word 'Police' originally had the widest possible connotation in relation to organised society for it was used as a synonym for organised governments and even for civilisation itself. In earlier history it was synonymous with all non-ecclesiastical administration. It is said that the word police stems from the Greek word *polis*, the Greek word for a city-state. The word had a much wider meaning in the Greek city-states including all the institutions of government. Police is also derived from the Greek word *Politeia* meaning citizenship and connoting the control and regulation of a political unit such as a nation or a state, and then from the Latin word *polita*. The Greek *politeia*, like the Roman *politia* meant the art of governing the city-state for its comprehensive good, including the power to regulate in the public interest, security, order, supplies, morality and welfare. Although the Greeks provided the word it was the Romans who provided the great bureaucracy of police administration. The *politia* eventually became the strong arm of the municipal authority wherever the Roman Empire spread. The police powers consequently came to be regarded as central to State authority.

In the Oxford Dictionary sense it is a body of men officially instituted or employed to keep order, enforce regulations, or maintain a political or ecclesiastical system. It is also described as civil administration, organised government; the regulation, discipline, control of a community, enforcement of law and public order. The department of government concerned with the maintenance of public order and safety and the enforcement of the law, the civil force to which is entrusted the duty of maintaining public order are yet other ways it has been described. It further means, enforcing regulations for the prevention and punishment of breaches of the law. It is only in recent times that policing has been linked mainly to law and order. Today we mean by the word 'police' the primary constitutional force for the protection of individuals in their legal rights.

Modern day Police perform a multitude of tasks, from law - enforcement to mediation, responding to various

types of emergencies, to other social therapy functions on the continuum. The demand for the police seems virtually insatiable. Thus a police officer has to play the role of an arbitrator, a social worker, lawyer, doctor, soldier, priest and artist simultaneously without being trained as any of them. This has generally come to be accepted by the community as the contemporaneous role of the Police. The role of the police, therefore, continues to develop adding to their growing workload as the society keeps constantly changing.

Overall, the average policeman today as a result of his being having made an all-purpose public servant by parliament, is called upon to play not one role but a wide variety. Society has unceasingly continued to entrust the police with new responsibilities. These responsibilities have grown in scope and complexity with time. Modern governments have chosen them to be their agents for dealing with everything from aliens to cats marooned on trees, drug addicts to drunk driving etc. The police function has thus become an admixture of elements of control and social support. To perform this role effectively police need to be trained to respond to social, psychological, and physical needs of the people.

Police are the most available public servants and are the government's most visible representatives. They are the agency available seven days of the week, twenty-four hours of the day, to respond to citizens when they need help. It is the institution of government that poses the most constant presence in the life of many citizens. Because they are the agents of government who are most frequently in contact with the public, and because they are accessible round the clock, police are often contacted regarding services provided by other government agencies. Therefore, the fact that although the government provides many services the people turn to them for many emergencies is not surprising.

Police being so closely in touch with the public and, therefore, forced by circumstances to be so responsive to current trends and aspirations in order to keep pace with the rapid social changes that are taking place, can

themselves contribute to the quality of society of the future. In this context Police becomes not merely an instrument of social control but also a vehicle for social advancement and integration.

People in every modern society, therefore, recognise that the police function is essential to their survival. A democracy in particular is heavily dependent upon its police to maintain the degree of order that makes a free society possible. Police are expected to prevent disorder, resolve conflicts, provide security, and protect democratic processes and rights. One may even argue that the strength of a democracy and the quality of life enjoyed by its citizens are determined in large measure by the ability of the police to discharge their duties without fear or favour. Police, therefore, perform the vital democratic function of maintaining the good order of the society. Being so readily available police carry not only the burden of the law but also the symbolic burden of all that is government. The way police handle situations, therefore, can contribute substantially to mutual antagonisms, disaffection with government, and disrespect for the law. Their service to the citizen affects his respect for the government in general and the police in particular. As much as they may quell a riot they could even cause one by their thoughtless actions. The danger is axiomatic. As such democratic policing acts, at least in theory, as a balance between the rights and the needs of the citizen as an individual and his responsibilities as a member of the community.

Admittedly police are one of the main bulwarks of a democracy. This is in theory. But looking at what is in practice particularly in this country, one wonders as to how credible this theory is. The demonstrations that were held against the police not long ago in several places and the cry for an Independent Police Commission in recent months are some of the manifestations indicative of this doubt. What is in question seem to be the impartiality of the police.

The Problem

We have already referred to the police as one of the main bulwarks of a Democracy. As such, the importance of keeping the Executive from arbitrarily interfering in their duties goes without saying. But, arbitrary interference by the executive unfortunately has become rather the norm than the exception since Independence. Much has been written about the genealogy

of this malady with regard to the Public Service. The general view of writers like Gunnar Myrdal and Niel Fernando was that constant political interference and attacks had contributed to the reduction of the effectiveness of public bureaucracy and weakening of its morale.

Wijewardena, a former Secretary to the Public Service Commission in a recent article published in the *Daily News* traced the history of this tragedy to the 1972 Republican Constitution when the Public Service Commission was abolished and the Cabinet of Ministers was vested with all powers of appointments, promotions, transfers and the disciplinary control of the Public Service. A Public Officer as a result had necessarily to align himself or herself politically with the party in power even to some degree if he/she were to be successful in career and sometimes for the very survival. That is how politics crept in to the Public Service according to him.

Continuing he said that, it is in this context that we come to hear from the newspapers almost daily of public officers, more particularly of police officers, being accused that they have acted on occasion in violation of the Rule of Law merely to please or at the request of some politician or other. Some persons according to him have enjoyed so much political patronage that they even appear to have been above the law, rendering the law enforcement officers utterly helpless and ineffective.

Thus even the police have not been left untouched by this general malady. The *Daily News* in an editorial written in 1982 said that the demoralising effect of political pressure under government after government eroded the authority of every division of the police. There was a time that at least one outstation Superintendent of Police declared in exasperation that the Inspector-General in Colombo may be his boss, but that he had to take orders from his Member of Parliament!

There was a time that at least one outstation Superintendent of Police declared in exasperation that the Inspector-General in Colombo may be his boss, but that he had to take orders from his Member of Parliament!

Basnayake Police Commission as far back as 1970 went to great length in analysing this problem. The Commission said that a prerequisite to the efficient maintenance of law and order by the police is non-interference with the performance of their duties. The members of the Service should have the freedom of discharging their duties without the fear of pressure from outside. They said that available evidence went to suggest that there was political interference in

appointments and promotions. Such interference affects the independence of the members of the Service and the impartial discharge of their duties. They further said that such interference would also induce the members of the Police Service to invoke the aid on their behalf of the politicians whom they oblige and pointed to evidence that disclosed several known instances where members of the Police Department invoked the aid of politicians. This, they said undermines the morale of the Service.

The Jayasinghe Committee (headed by Mr. W. T. Jayasinghe, a former Secretary to the Ministry of Defence) appointed by the government in 1995 to inquire in to and report on the reorganisation of the Police Service, confirmed what Basnayake Commission had to say in 1970. They said that all the officers who appeared before them were agreed that undue pressure was brought to bear in the matter of appointments, promotions, postings, and even transfers. These undue pressures were mostly from politicians and those close to politicians. They also agreed that this was one of the main reasons for the breakdown of discipline, loss of morale and high incidence of corruption in the police.

Research Findings

In 1997, whilst still serving the Police Department, I ventured to make a scientific study to find out the prevailing status of the relations between the police and the public. This study was carried out through an opinion survey.

The survey lasted from 4th Oct. 1997 to 5th May 1998. It covered 51 Police Divisions (34 Territorial and 17 Functional), the Special Task Force (STF) and the area covered by 87 Divisional Secretariats in 25 Administrative Districts. The area covered included the 'operational areas' of Jaffna, Vavuniya, Mannar, Trincomalee, Batticaloa and Ampara as well.

The survey focused its attention on issues affecting both the Police and the Public. Accordingly, responses were recorded from both groups.

In this National Survey I used a random sample of a total of 4196 selected from amongst members of the public (1812) and the Police (2384). The survey was completed in mid 1998. The methodology used in gathering data was two fold

Questionnaire and Interview. Two separate questionnaires were used during the survey - one for the police and another for the public - using all three languages, Sinhala, Tamil and English. The responses were computer-analysed with the assistance of the Department of Census and Statistics.

The main focus of this survey was the performance of the police. The results of the survey have shown that there is a congruence of opinions both of the police as well as the public on many matters regarding the police and their performance. Opinions expressed are not confined to a particular time period in the history of the police, but forms a general view of things as seen since Independence.

Put very briefly, the survey showed that a large majority in the lower and the middle grades of the police held the view that the performance of police is not at all satisfactory. So much so that many of them admitted that they would not go to a police station, even in their own hometown, if they could help it. Even some of the senior ranks have shared this view. **To admit that the police themselves would avoid going to a police station for want of confidence, to say the least, is a sad indictment on the police by their own admission. Does this not drive a point home?** (Editor's emphasis)

On the other hand, more than half of those **civilians questioned during the interviews** were themselves not satisfied with the present system of policing. They **believed that the police are corrupt, incompetent, and susceptible to political pressure, partial and have no sense of justice and fair play. They also believed that police lacked civility and concern for the problems of the common man.** (Editor's emphasis)

Causal Factors

What are the causal factors for this disaffection? There are many according to what has been revealed by the reports submitted to government by the different Police commissions and my own research - the opinion survey conducted recently. However, the chief among the major causal factors and the most disastrous is the politicisation of the police. There is overwhelming evidence to show that undue political influence and pressure extends from recruitment, transfer and promotion even to placements.

....undue pressures were mostly from politicians and those close to politicians.

....this was one of the main reasons for the breakdown of discipline, loss of morale and high incidence of corruption in the police.

The officers in-charge of Police Stations are now being appointed not according to merit but on political considerations on the request of the local politicians of the ruling Party. This has facilitated what now seems to be a common occurrence for politicians in the ruling party to use the police not only for harassing their opponents but also protecting their law-breaking supporters. It has not only compromised the legitimacy of the police but has also led to corruption in the police. (Editor's emphasis)

...the continuing process of politicisation of the police. This has resulted in arbitrary executive interference being brought to bear on all matters pertaining to the police. Politicisation of the police, therefore, stands as a strong impediment to justice, fair play and even change - change from a colonial to a modern democratic police.

Police have to be bribed to get their attention, however trivial the matter may be. The unlawful business activity that some seniors as well as junior officers are engaged in taking advantage of the political patronage they enjoy gives this belief further credence. Further, big business in illicit liquor and narcotic drugs thrive, either because they have political protection or the police are in the pay of these businessmen.

Recruitment policies have also suffered as a result. Applicants are not subject to stringent screening of their family background unlike in the past. This is more due to undue political pressure than due to errant recruitment policies. As a result several recruits from families with criminal background have crept into the police. This has led to a general deterioration of discipline in the Police.

The cumulative effects of all or several of the foregoing contributory factors have led to dissatisfaction amongst the public as well as the police. The major causal factor responsible for disaffection, therefore, is the absence of justice and fair play, mainly a result of arbitrary executive interference and undue political pressure in the affairs of the police.

Conclusions

The forgoing discussion points to overwhelming evidence that one of the main reasons for the absence of justice and fair play is undue political pressure and as a consequence how it affects the democratic rights of the citizen. It also points to how arbitrary executive interference has resulted not only in the general deterioration of the quality of service but has also led to corruption and demoralisation in the police. In the final analysis what all this have assailed is the legitimacy of the police. It has in

turn seriously affected whatever confidence the public had in the police. Public support for the police that is becoming increasingly marginal is a reflection of this trend. A similar trend is visible amongst the rank and file of the police vis a vis their senior officers. **This trend of dwindling support, both from within and outside the police is ominous.** (Editor's emphasis)

If police are one of the main bulwarks of democracy, it is now evident that the very persons who have sworn to protect democracy are undermining the process meant to protect it. The result is the gradual erosion of public confidence in the police and the progressive loss of their support and the consequent build up of antipathy not only towards the police, but against the entire

democratic process as well. In the final analysis public support is vital for efficient and effective policing. So is the support from within the Police. Support generated from within and outside the police is vital for democracy, human rights, law and order, public security and good governance. The lack of support can ultimately lead to social unrest and to violence. Politicisation of the police and undue political pressure as exerted on them in whatever form is counter-productive and is wrought with grave consequences for all concerned. It can be suicidal not only for effective policing but also for Democracy and Good Governance as well.

In summary, the general public expects the police to carry out their duties without fear or favour. The least they expect from the police is justice and fair play. On the other hand, justice and fair play is what the rank and file of the police themselves expect from their senior officers in the Department, especially in matters of placements, transfers and promotions. But police have not yet been freed from their colonial shackles of having to serve their political masters. This is owing to the continuing process of politicisation of the police. This has resulted in arbitrary executive interference being brought to bear on all matters pertaining to the police. Politicisation of the police, therefore, stands as a strong impediment to justice, fair play and even change - change from a colonial to a modern democratic police. ■

About the writer: Kingsley Wickremasuriya is a retired Senior Deputy Inspector General of Police and presently serves as Member of the Bribery Commission.

REFORM OF THE CRIMINAL INVESTIGATIONS AND PROSECUTIONS SYSTEMS:

The Real Key to Reducing Crime in Sri Lanka

Statement by the Asian Human Rights Commission

✍ Basil Fernando

The recent decision of the Sri Lankan government to re-introduce the death sentence adds to the already deplorable human rights record of the country. The argument that the increased crime rate requires the re-introduction of the death sentence does not stand up to examination. There are fundamental failures in the criminal investigation and prosecution system in Sri Lanka that allow criminals to go scot free, however serious their crimes. The hangman is a poor substitute for efficient criminal investigators and competent prosecutors.

Spiralling Crime Rate

The spiralling crime rate in Sri Lanka must be blamed on the criminal investigation authorities and on the prosecuting department which in Sri Lanka is the Attorney General's Department. However, the relationship between these two departments themselves is inherently defective. As it exists now, criminal investigation is entirely the function of the police and if they fail to investigate, the prosecutors can wash their hands by saying that there is no evidence with which to prosecute. While this situation remains, all that the hangman can do is to send a few poor people to the gallows as a deterrent to others. This will only be a further mockery of justice in a country where justice is becoming a fading dream.

Instead, we call upon the government of Sri Lanka to seriously address the defects in the justice system that make the increase in crime possible and the incidence of serious crimes inevitable. The most vulnerable place in the present system is the absolute separation between the criminal investigation function and the prosecuting function. Without ending this anomaly, crimes will not only increase but more serious crimes will elude prosecution.

Recommendations

We make the following recommendations to end this unsatisfactory state of affairs:

1. *Bridge the absolute gap that exists in Sri Lanka between the criminal investigation function and prosecution function*

With the system now obtaining, it is the task of the police to investigate crimes and in the case of serious offences, to present the file to the Attorney General's Department. The Department may thereafter prosecute the case. If the police do not investigate a crime or do so very badly there is hardly anything that the prosecutor can do except to say that there is not sufficient evidence to prosecute. Thus the ultimate responsibility of prosecuting a crime rests with the police. If the vicious circle that produces the 'no evidence' argument is to be broken, it is necessary to build a link between the prosecutors and the investigators from the very inception of a case. This would mean that from the receipt of the first complaint up to the finalisation of investigations the prosecutors would be informed of the investigations and could take suitable steps to guide them.

2. *Bring the Sri Lankan law into line with the developments of other common law countries*

The Sri Lankan practice of absolute separation between prosecutors and investigators is based on a 19th century British practice. However in all of the major common law countries including the United Kingdom, United States, Australia and India no such separation exists. In these countries the prosecutor's departments have extension offices in all areas and the police departments coordinate their activities from the very inception of such inquiries. It would be useful for Sri Lanka's law drafters, legislators and the legal profession as a whole to study the developments that have taken place in other common law jurisdictions. In the French legal system the link between prosecution and investigation is established through the office of the investigating judge.

3. Create a body of professional prosecutors

The present practice of conducting prosecutions through the Attorney General's Department deprives the country of the development of professional prosecutors. Under the present set-up, lawyers in the Attorney General's Department spend a few years in prosecution work and then move on to other work. The Attorney General's Department has many functions and its lawyers are shifted from one to another. However, as with any other serious profession, the acquisition of professional prosecuting skills takes a long time. Besides this, it allows individuals the option to enter and stay in this profession for a long time. In any profession, personal choice and aptitudes are important. This also has an impact on training. If prosecutors are going to be in this profession for only a short time, there is no purpose in investing in their training. However, modern prosecuting calls for a high level of training and specialisation. The mere fact of being an attorney-at-law is not sufficient qualification to be a competent prosecutor of serious crimes.

4. *Develop institutional habits within the prosecuting system*

Professional habits are developed with difficulty. The credibility of any institution of professionals will depend on the way these habits are formed and transmitted. The present system, as it operates through the Attorney General's Department, is not conducive to the development of such professional habits and to ensure a continuity to a tradition of proper conduct of prosecutions.

5. *Address the problem of increase in crime in a rational way*

The government admits that there is a vast increase in crime. The only real answer to this is proper criminal investigation and certainty of prosecution for all crimes. The system as it exists now fails to do this. It is an unavoidable fact that the system needs to be corrected.

6. *Deal with crimes committed by law enforcement agencies*

It was only a few months ago that about 26 persons were massacred in the presence of about 60 armed police. Each day brings reports of crimes in which law enforcement officers are implicated. Over 30,000 disappearances have put Sri Lanka among countries with the worst records in the world. It is simply ludicrous to leave these crimes to be investigated by the police alone. The repeated argument that comes up is that there is not enough evidence to prosecute these crimes. The evidence depends on competent investigations which, in turn, depend on proper systems of accountability. To allow the present system of separation between prosecutions and investigations to

continue is to connive with crimes done by law enforcement agencies.

7. *Respond to international criticism*

Disappearances

The United Nations' report of the Working Group on Enforced or Involuntary Disappearances (25-29 October 1999)" (E/CN.4/2000/64/, Add 1) issued on 21 December 1999 and presented to the UN Commission on Human Rights Session in April 2000 contains among other things, the following recommendations:

"(a) The Government should establish an independent body with the task of investigating all cases of disappearance which occurred since 1995 and identifying the perpetrators.

(b) The Government should speed up its efforts to bring the perpetrators of enforced disappearances, whether committed under the former or the present Government to justice. The Attorney General or another independent authority should be empowered to investigate and indict suspected perpetrators of enforced disappearances irrespective of the outcome of investigations by the police."

In a statement presented to the United Nations Commission on Human Rights in the year 2000, the Asian Human Rights Commission summed up the central problem relating to prosecution of those responsible for the disappearances in Sri Lanka as follows:

"It is an elementary principle of Criminal Law that the investigation into crimes determines the prosecutions. Because of the lack of criminal investigations into cases of disappearance in Sri Lanka, the cases cannot be prosecuted. Thus the first step towards any real prosecutions of these cases must be to begin criminal investigation.

"As the police were mobilised to cause the disappearances, it is not possible to investigate through this apparatus. Thus, an independent body for conducting criminal investigation must be the first step towards the carrying out of prosecutions."

The inadequacy of the Sri Lankan criminal investigation and prosecution system is now a well known fact worldwide. Sri Lanka has even been classified as one of the most dangerous places on earth. There can be no real answer to these criticisms until the defects inherent in the system, particularly the absolute separation between criminal investigations and prosecutions, is done away with.

11.01.2001

About the writer: Basil Fernando is Executive Director of the Asian Human Rights Commission based in Hongkong, besides being a graduate in Law of the Colombo University and an Attorney-at-Law.

Prompt Response to Human Rights Violations Imperative

✍ M.C.M. Iqbal

Despite all the attempts of the Government and the Human Rights Institutions both Governmental and Non-Governmental violation of human rights is continuing in Sri Lanka unabated, though at a lower pace now. Consequent to pressures exerted by the UN agencies and other interested organisations overseas, the Ministry of Foreign Affairs recently set up a Permanent Inter-ministerial Standing Committee on Human Rights under the chairmanship of the Foreign Minister himself. According to a recent news report, he had re-iterated the urgency of expediting responses to action in respect complaints of violations that are pending. This had been done to avoid embarrassing questions being asked from representatives of the Government of Sri Lanka who are to attend the forthcoming sessions of the Human Rights Commission in Geneva. This Standing Committee which was set up in November last year is entrusted with the task of collecting the relevant material to prepare and transmit responses to communications from UN agencies with regard to the obligations of the Government of Sri Lanka in terms of the International Human Rights Instruments such as the Universal Declaration of the Human Rights, International Convention on Civil and Political Rights and the Convention against Torture. This appears more to be a defensive mechanism set up to meet International criticism of its Human Rights record rather than an attempt to effectively put an end to violations. **The need of the hour is to swiftly and effectively deal with violators and restore the good name of the country** which has been tarnished by the excesses committed both by the Security Forces and the Police. In most of the cases the Government's attitude appears to be that the security personnel and the Police should not be held accountable or punished for human rights violations in the course of their operations against

terrorism. The Krishanthy Kumarasamy case and the case of the bodies found at Mirusuvil following Operation Kinihira to regain Chavakachcheri are exceptions. But these are only tips of an iceberg. There is no doubt large scale violations are taking place in the country in general and the North and East in particular.

Disappearances

Following the violations of human rights that took place during and after 1988, successive Governments have appointed several Commissions of Inquiry into Disappearances. This is the most prevalent type of violation that took place and continues even today though not as widely as before. Disappearances reached its peak in 1988/89 and declined steadily. But illegal arrests, detentions and torture continue. The massacre of the inmates of the Bindunuwewa Rehabilitation Camp and the discovery of the remains of eight civilians tortured, killed and buried at Mirusuvil, allegedly by the security forces, are examples of the violations that are continuing. In the circumstances it would be worthwhile to see why such violations continue despite proclamations to the contrary by the State.

Protected

The security personnel who indulged in violating the rights of persons between August 1977 and December, 1988 found themselves protected by the infamous Indemnity Act No: 20 of 1988. This virtually amounted to the Government in power then condoning the violations committed by the security forces and the police. Even though this law has not been applied in any case so far, the very fact that it is in the statute book is a threat to the rights of individuals.

Disappearances reached its peak in 1988/89 and declined steadily. But illegal arrests, detentions and torture continue. The massacre of the inmates of the Bindunuwewa Rehabilitation Camp and the discovery of the remains of eight civilians tortured, killed and buried at Mirusuvil, are examples of the violations that are continuing.

The Emergency Regulations continue to allow the security forces to wield sweeping powers. Following vehement protests by Human Rights Organisations, the President issued specific directives to ensure that rights of individuals taken to custody are not violated. The need for receipts to be given at the time of arrest of a suspect; the requirement that the Human Rights Commission be informed as soon as a person is arrested giving his place of detention, etc are some of these directives. **But often these directives are not complied with. The directive does not stipulate the penalty for non-compliance.**

It appears that the Government has no will to prosecute violators except in a few high profile cases which have attracted publicity to show that "serious action is being taken". Even in such cases whether the prosecutions will be conducted in all earnest is doubtful.

The Prevention of Terrorism Act which had been found to be the major obstacle to the prevention of human rights violations in Sri Lanka still continues to be in force and has been the main enactment that enables errant security force personnel to commit gross violations of rights of persons taken to custody. Amnesty International has pointed out this fact in its **Report on Disappearances and Political Killings: Human Rights Crisis of the 1990** (in Sri Lanka)

As the Asian Human Rights Commission has said in one of its reports, the law enforcement system in Sri Lanka is adequate only to deal with petty crimes. Even that seems to be on the increase now, as the police officers are often engaged more in traffic control and providing security to politicians, than for prevention of crime.

Inaction

The upshot of all this is that human rights violators continue with impunity due to inaction protected or rather the sluggish action that is being taken by the Government against human rights violators named in the findings of the three Presidential Commissions of Inquiry into Disappearances appointed by the Government in 1995 and the All Island Commission appointed in 1998. The implementation of the recommendations of these Commissions are not been done as vigorously as was pledged during the election campaign in 1994 which brought this Government to power.

Though a Missing Persons Unit in the Attorney Generals Department and a Disappearance Investigation Unit in the Police Department were established on the basis of the Report of the Commissions, if one is to go by the number of convictions these Units have obtained, the seriousness of the work of these units become questionable. They appear more to be embellishments to impress observers.

The fact that these Units are not too keen in pursuing the few cases they have already instituted could be seen from the fact that most of the police and army officers against whom these cases have been instituted continue to be in service. Provisions of the Establishment Code which sets out the rules governing State employees clearly stipulate that any State employee against whom a criminal case has been instituted should be interdicted from service until the conclusion of the case and later dismissed, if found guilty. Such employee should be dealt with for violation of departmental rules in respect of the offence they had committed, even when the court case is pending. This

is not being done. **The Missing Persons Unit is helpless to ensure the Police Department follows these rules.**

No will

It appears that the Government has no will to prosecute violators except in a few high profile cases which have attracted publicity to show that "serious action is being taken". Even in such cases whether the prosecutions will be conducted in all earnest is doubtful. In the trial against those responsible for the killing of attorney-at-law Wijedasa Liyanaratchi; the Wavulkelle case; the Hokandara case; the 21 bodies of Tamils in the Bolgoda Lake case where 22 STF personnel were accused, are all instances to prove that prosecutions against rights violators are not pursued in all earnest.

Now we have the Chemmani Mass Graves case, the Bindunuwewa Rehabilitation Camp case and the Mirisuvil Mass Grave case. One has only to wait and see whether these too fail for want of effective prosecutions. It is quite clear that the steps taken so far to end human rights violations are not adequate to convince those concerned with. The human rights violations in Sri Lanka. that the situation could improve in the near future. The ball is now in the Court of the Inter-Ministerial Standing Committee on Human Rights under the foreign Minister. Let us hope at least this committee will ensure that swift, effective and meaningful steps are taken to deter future violations in Sri Lanka.

About the writer: *The writer who is presently a consultant in the Law and Society Trust was formerly Secretary of the zonal and later All Island Presidential Commission on Disappearances and Involuntary Removal of Persons.*

Hangings not the Answer!

Christian Worker strongly deprecates the government's decision implement again the death penalty and commends the dispassionate statement of the Civil Rights Movement reproduced below for the study and serious consideration of its readers

The Government's stated intention to revert, after a lapse of almost a quarter of a century, to the practice of judicial hangings, is a matter of very serious concern to the Civil Rights Movement.

Recent horrific murders; the growth of organised crime

The Civil Rights Movement (CRM) is certainly mindful of the horrific crimes that have shocked us all in recent times—the Rita John rape and murder case, the Hokandara murders, the kidnap and killing of eight year old Sadeepa Lakshan, the murder of Inoka Sewwandi, and – preceding these – the rape of Krishanthi Kumaraswamy and the killing of her and her family. These and other gruesome and dramatic events have hit the media headlines; yet other equally grave crimes of violence against individuals take place with less or no publicity. CRM is also mindful of the change in the nature of crime in recent times, the alarming growth of underworld and organised crime including large scale drug trafficking and contract killings. Our organisation by no means underestimates the serious law and order problems facing the authorities. CRM also notes that it is apparently not the government's intention to implement the death penalty in every case in which sentence of death is passed, and that certain safeguards have been spelt out.

Resumption of hangings no solution

The return of the hangman as part of our public life is, however, in CRMs view, unacceptable in any circumstances. The State should not assume the role of executioner.

Defence of life and defence of the State may sometimes justify the taking of life by law enforcement officials, but even in such cases the use of lethal force is constrained by legal safeguards to prevent abuse. Judicial execution, on the other hand, is not an act of defence against an immediate threat to life. It is the premeditated killing of an identified prisoner for the purpose of punishment, a punishment which could take another form. Moreover the safeguards envisaged are woefully inadequate. In any event, executions are no answer to the problem of law and order and will only serve to make the national scene more brutal than it already is.

Nowhere has the death penalty (as opposed to other punishments such as long term imprisonment) been shown to have any special power to deter the commission of crime. The most recent international survey of research findings on the relation between the death penalty and

homicide rates, conducted for the United Nations and revised in 1996, has concluded that this research "has failed to provide scientific proof that executions have a greater deterrent effect than life imprisonment and such proof is unlikely to be forthcoming. The evidence as a whole still gives no positive support to the deterrent hypothesis". On the contrary, reliance on the death penalty diverts attention from the real solution, which is prompt and efficient investigation of crime followed by effective prosecution and conviction. "The greatest deterrence to crime is the likelihood that offenders will be apprehended, convicted and punished. It is that which is lacking in our criminal justice system." (South African judgement of 6 June 1995 in which all eleven members of the Constitutional Court held the death penalty unconstitutional).

"....reliance on the death penalty diverts attention from the real solution, which is prompt and efficient investigation of crime followed by effective prosecution and conviction.

"The greatest deterrence to crime is the likelihood that offenders will be apprehended, convicted and punished. It is that which is lacking in our criminal justice system."

Retribution

The death penalty is, furthermore, based on outmoded concepts of vengeance and retribution, as opposed to modern penal policy which aims at rehabilitation of offenders. Admittedly, there is sometimes a demand from some elements of the public for retribution. This may be understandable, but that does not mean it should be allowed to prevail over other considerations. Over the centuries, there has been a steady progression away from this type of punishment -- away from public executions, mutilations, and other torture, inflicted sometimes for comparatively trivial crimes. Society today looks back with abhorrence at such practices. It is the responsibility of an enlightened government to give the lead to this movement towards the adoption of more rational and humane approaches to the ills of society, and to resist a reversion to earlier attitudes. The resumption of hangings in Sri Lanka today would be a retrograde step in the progress of our country.

It is the responsibility of an enlightened government to give the lead to this movement towards the adoption of more rational and humane approaches to the ills of society, and to resist a reversion to earlier attitudes. The resumption of hangings in Sri Lanka today would be a retrograde step in the progress of our country.

The absolutely cruel nature of the murders, and the appalling suffering of the relatives, that has obtained publicity in recent times, cannot be gainsaid. This does not detract from the fact that the ending of a particular individual's life at a particular place, date and time, as a deliberate and predetermined act of the state, is in turn an act of extreme cruelty. Persons who have had personal contact with condemned prisoners and their family members, in the days when hangings did take place, have experienced at close quarters the particular horror of this punishment, and feel it is one the State has no right to inflict on any human being. As the Constitutional Court of South Africa recently pointed out, punishment should be commensurate with the offence but it does not have to be equivalent or identical. "The State does not have to engage in the cold and calculated killing of murderers in order to express its moral outrage at their conduct".

On the issue of vengeance and retribution, CRM would also point out that much of the problem is not only that many crimes go unprosecuted or unpunished, but also that when a death sentence is commuted a uniform sentencing system applies. Rather than hanging some offenders, the alternative is a system of categorising murders into various degrees, which carry different minimum prison sentences, coupled with appropriate review mechanisms which take

into account the circumstances of the crime. There should be parole boards to consider remissions of

sentence; in appropriate cases these might give a hearing to relatives of victims. Such measures would go a long way to satisfy the public outcry raised when persons convicted of particularly grave crimes are released after what appears to be an unduly short period.

Irreversibility and the danger of executing innocent Persons

We said earlier that the death penalty has no proven special deterrent effect. At the very highest, its effect is uncertain. Two things about the death penalty are, however,

certain beyond dispute. One is that it is irreversible. The other is that sometimes innocent people have been convicted and executed. These certainties are another compelling reason why this particular punishment should have no place in our criminal justice system. The most prominent miscarriages of justice in the UK in recent years have been for crimes that produce the greatest outrage and the loudest calls for vengeance.

Can we say that our investigative, law enforcement and legal system is such that there is no real possibility of innocent people being convicted and scapegoats being hanged? It is crucial in this whole debate to keep in mind that the process which may end at the gallows begins, not at the trial stage, but at the initial stage of investigation of the crime. The integrity and reliability of the police investigation is absolutely crucial, for it is from this that the evidence emerges on which a man may be eventually executed. The poor and the disadvantaged, who do not have the capacity to search for evidence that would indicate their innocence, and who have less access to competent and experienced lawyers, are the most likely victims of miscarriages of justice CRM is also disturbed by indications that underworld elements appear to have support of politicians who in turn influence police investigation.

Of course the danger of wrongful conviction applies equally to crimes punished by imprisonment. But the unique nature and awesome finality of the death sentence places it in a category apart. There have been several instances in other countries of persons executed on evidence that later proved to be unreliable. Notably, there have been cases where the police or the prosecution have suppressed evidence favourable to the defence. It is here

that the inadequacy of the safeguards listed by the government – the recommendation of the trial judge, the Attorney General, and the Minister of Justice, become apparent, for their role arises at a very much later stage. There are other obvious reasons too why this is not an ideal mechanism for arriving at a life and death decision, in which political considerations and the pressures – and countervailing pressures – of outcry from various elements of the public, are bound to sometimes be a factor.

Moves towards abolition abroad and at home

There is a clear international trend towards abolition of the death penalty, over half the countries of the world having now abolished it in law and in practice. Over 30 countries (drawn from Asia, the Americas, Africa and Europe) have, during the past ten years, abolished the death penalty for all crimes. Notable among them is South Africa despite its serious problems of violent crime. The Human Rights Commission of the United Nations in April 2000 has reiterated its call on all States to consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights aimed at abolishing the death penalty, and has meanwhile called for a world wide moratorium on executions.

In Sri Lanka, attempts to abolish the death penalty commenced before independence, when as early as 1928 the Legislative Council adopted a resolution moved by D.S. Senanayake that capital punishment should be abolished. Resolutions to this effect were thereafter at various times proposed by Susanta de Fonseka of Panadura, Dr A.P. de Zoysa of Colombo South, and MP for Kandy Fred E de Silva. The most serious attempt to abolish the death penalty, however, was made when as the result of a decision of the very first Cabinet meeting of the new government of S.W.R.D. Bandaranaike in 1956 the Suspension of Capital Punishment Act suspended the death penalty for a trial three year period, and the famous Norval Morris Commission was set up to examine the issue. However in the aftermath of the assassination of Prime Minister Bandaranaike the Act was repealed by the caretaker government headed by W. Dahanayake. Executions resumed, but fell into disuse again after 1976. History shows that in our country over a long period of time repugnance at the death penalty has been felt and expressed by individuals of varying political colorations, and

It should be recalled that the Sri Lankan government itself, at the public hearing of its report to the Human Rights Committee of the United Nations at Geneva in 1995, gave a categorical assurance that it would not resume executions

"The Government then made it clearly known that even in cases of particularly cruel acts, it would not take a decision to execute the condemned person"

is a matter that should and can be taken out of party politics.

Lack of study; Public opinion

CRM is disturbed that this momentous decision is being taken without the careful study that one would have expected, apparently on certain untested assumptions of a public opinion, which in any event is liable to shift on such issues. The State has an obligation to calmly weigh the pros and cons of a question of such importance, without being influenced by uneven moods and sudden passions generated by gruesome murders. People may seize upon the death penalty impulsively when they hear of a gruesome crime, but tend to

change their minds when its special deterrent effect is shown to be unproved, when alternative punishments of long prison sentences are suggested, and when the danger of conviction of the innocent is remembered. It should be recalled that the Sri Lankan government itself, at the public hearing of its report to the Human Rights Committee of the United Nations at Geneva in 1995, gave a categorical assurance that it would not resume executions. Sri Lanka's representative on that occasion said that although there had been a proposal that the death penalty should be implemented when a murder had been committed under particularly odious circumstances, public opinion was aroused and non governmental organisations appealed to the President and the Minister of Justice "The Government then made it clearly known that even in cases of particularly cruel acts, it would not take a decision to execute the condemned person" (Translation from the French summary record, UN doc. CCPR/C/SR.1437 of 28 July 1995). This assurance was formally welcomed by the UN Human Rights Committee in its final comments at the end of the hearing.

There is an urgent need for careful and serious study of crime in Sri Lanka and the problems of investigation and law enforcement. CRM urges that executions not be resumed under any circumstances, and that real solutions to violent crime, both short and long term, be identified and meticulously pursued.

CRM
Suriya Wickremasinghe, Secretary
 31 Charles Place, Colombo 3
 16 January 2001

The Sinhala Sangha and Caste

✍️ D. Amarasiri Weeraratne

The responsibility of a monk towards his parents is acknowledged in the Vinaya. But it is not the custom for monks to continue to mention their family or caste after they gain admittance to the Sangha. The Buddha in the Paharada Sutra advocated that all such lay relationships should be abandoned just as the waters of the Ganga, Yamuna, etc. lose their identity on entering the ocean. In the Dasa Dhamma Sutra the Buddha exhorts all monks to reflect constantly on ten themes, the first of which is "I have become casteless". The early disciples of the Buddha and monks in the early Anuradhapura period in Sri Lanka appear to have conformed to these ideals and practices. According to the Mahavamsa one place where monks from noble families lived was known as Issara Samanaka. Where monks who came from the vaisya caste lived came to be known as Vessagiri. But there is no other evidence or even a hint that there were caste differences in the Sangha during the Anuradhapura periods. In fact the commentaries mention the case of a slave woman and her son escaping from Anuradhapura and settling down in Ruhuna. There the son becomes a monk. The pious master grants him a free pardon. We can cite this instance as evidence of the non-recognition of caste in admission to the Sangha. In fact we have no clear evidence to prove or disprove that caste existed during the Anuradhapura period.

The Mahavamsa mentions that members of the royal court were among the first monks ordained by Mahinda. Some time later we find lay patrons extending favours to relatives of monks they held in respect. King Kasyapa V [914-932] gave rice and clothing to kinsmen of Pansakula monks. Vijayabahu I [1055-1110] granted land endowments to relatives of forest dwelling monks. From this we get an idea that admitting a

son to the Sangha brought social recognition and material benefits to the family. This shows that monks failed to completely sever connections with their families.

Land endowments by pious kings and nobles, as well as incomes from tanks, paddy fields etc. turned the frugal ascetic monks to the richest class of landlords in the country. Originally the monks were entirely dependent on lay society for their sustenance and maintenance. Very early in medieval times laymen became dependent on the monastery for their living. Tenants of monastic estates had to pay taxes and render services for their land holdings. Royal officials could not enter these lands even to arrest lawbreakers without permission of the chief monk. These lands and endowments were exempt from taxes to the king. Thus the monks became a privileged class.

Dambadeni Katikawata

In the Dambadeni Katikawata we find rules being laid down for ordination and appointment to high ecclesiastical posts. Dr. Sri Rammandala who was originally a Buddhist monk has clearly shown that caste and class differences crept into the Sangha during the Dambadeni period. [Sahitya Dambadeni Kalapaya 1958.] Sir Baron Jayatillaka in his Katikawat Sangara 1945 had meant this when he referred to only those who were socially fitted being admitted to the Sangha. From the fourteenth century we see clearly that efforts were made to get men of noble families to enter the Sangha. The Nikaya Sangrahaya mentions that Virabahu co-regent of Bhuvaneka V took steps to get sons of noble families to become monks. This included his own son, according to the Culavansa. Vickramabahu who ordered a purification of the

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Sangha at the end of the fifteenth century had 350 sons of noble families admitted to the Sangha.

From the sixteenth century onwards we notice special steps being taken to confine the Sangha to the privileged caste under the title 'noble families'. Vimaladharmasuriya [1592-1604] restored higher Ordination with the help of monks from Arakan [Burma]. He had 35 young noblemen ordained.

The Dambadeni Katikawata stipulated that positions of Nayaka Thera should be reserved for members of the Sangamu and Ganavasi families. These families were privileged in the religious affairs of the country and constituted the elite whom Queyroz the Portuguese historian meant when he said "only the Appuhamies or their gentlefolk are entitled to become Buddhist monks."

Sangaraja Dharmakeerti

Sangaraja Dharmakeerti was one of the ecclesiastical luminaries during the fourteenth century. In the Gadaladeniya inscription he says he hailed from the Ganavasi family. The Saddharmalankara and the Nikaya Sangraha confirm this. The Sangaraja and his kinsmen mention their clan to come in line with the Dambadeni Katikawata which preserved high posts in the Sangha to privileged families. The close connection which the monks had with their families made them conform to and associate with the caste-system on which Sinhala lay society functioned. That is why several Sangha leaders at the time did not hesitate to identify themselves with their privileged caste positions. The Saddharma Ratnakaraya says that

Sangaraja Dharmakeerti II was a lamp unto the family called "Madoliyawansa". Totagamuve Sri Rahula, the Sangaraja of the fifteenth century, claimed descent from Kandavurukula of Dematana in two of his poetical works, Kavyasekera and Paravi Sandesa.

Kelani Inscription

In an inscription at the Kithsiri Kelani Vihare, Mahami Vilgammula claimed descent from a family called Gangatalan Karambavalan. A monk of the same family invited Sri Rahula to write his Padasadana Tika. The monk author of Kokila Sandesa also claimed descent from this family. The chief of the Kelani Vihare at the beginning of the fifteenth century was

a descendent of the Ekanayaka family of Kosgama. One such Ekanayaka was a minister of King Parakrama Bahu VI of Kotte [Hansa Sandesa verse 48]. The Kelani inscription referred to above records that for ten generations the members of the family of Rev. Vilgammula monopolised the Kelani Maha Viharaya according to the nepotist system of ordination called bhandusisya paramparawa.

The Kelani inscription 1344 A.D. is the earliest document which refers to the sisyanu- sisyaparamparawa or kindred pupil succession. It is by this method of ordination that in Kandyan times the Govikula came to monopolise all viharas with lucrative temporalities and ultimately even entry into the sangha itself. As mentioned earlier Queyroz observed that only their gentlefolk called Appuhamies were eligible to become Buddhist monks. This is clear proof that prior to the establishment of the Siam Nikaya during the reign of King Kirti Sri Rajasinha and the drawing up of the Kirti Sri Rajasinha Katikawata it was clearly laid down that only members of the Govigama caste should be given ordination.

Siamese Sect.

With the inception of the Siamese Sect in the reign of King Sri Wickrama Rajasinha, Mihiripenne Dhamaratana a pupil of Sitinamaluwe Dhammajothi who received ordination prior to the ban at Kandy submitted a petition in verse to the King appealing against the ban on the ordination of the so-called low-castes. The first few verses eulogise and praise the King. Then the humble appeal to open ordination to persons of "low- castes" who wish to tread the Buddha's path to Nirvana is made. This appeal was not considered with the sympathy it deserved. Therefore in the year 1803 Ambagahapitiye Gnanawimala founded the Amarapura Sect in order to break the caste-monopoly in the Sangha of the Siamese Sect. which was open to the Govikula only of the 27 castes existing in Sinhala society.

Rev. Gnanawimala belonged to the Salagama caste and the Siamese Sect would not give him higher ordination. Hence he had to go to Burma and seek higher ordination [upasampada]. After that Upasampada became available to all religious minded pious Sinhalese, who wished to enter the Sasana. But custom, tradition and the prejudices of lay-society influenced the Amarapura Nikaya before long. It started to split up on caste-lines and

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finally we have the ludicrous spectacle of an Amarapura Nikaya broken up into nearly 30 sects each with a Mahanayaka of its own to cater to caste prejudices. They have now realised the absurdity of this farce and are making attempts to unite. As a first step they have formed a council of Amarapura Mahanayakas with Ven. Madihe Pannaseeha Nayaka Thera as its chairman.

Ramanna Nikaya

As a remedy to the caste-ridden Sangha of the Siyam and Amarapura Nikayas, the Ramanna Sect was found by Rev. Ambagahawatte Indasabha in the Year 1862. Though 138 years old this sect has not fragmented on caste-lines. To their credit it must be said that they endeavour to conform to the Vinaya of the Buddha and keep caste at a minimum level.

Dravidian Influence

After the Chola invasion of Anuradhapura in 1015 the Sinhalese abandoned their capital with all its sacred shrines and religious edifices and went to Polonnaruwa. The North which had hitherto been inhabited by the Sinhalese including the Jaffna peninsula with all its Buddhist shrines and Sinhala village names was also given up to the Tamils. Lanka became a part of the Chola empire until Vijayabahu I managed to drive away the invaders and regain Sinhala Independence.

From this time onwards Sinhala society came under strong Tamil influence. Buddhist monks started adopting Dravidian nomenclature, that is to say, they started to place the name of their native village before the name given at ordination, e.g. Dimbulagaia Kasyapa, Totagamuve Rahula, Weliwita Saranankara etc. This practice was unknown to the early disciples and the Sinhala monks of the Anuradhapura period.

Even today monks of other Theravada countries do not follow this practice. Hindu laws of Manu, including the observance of caste, downgrading of women, practice of Astrology, worship of Hindu gods within the premises of Buddhist Viharas came to be practiced. The Bhikkhuni

At the height of its apostasy, the R.C. church had two Popes, one at Rome, and the other at Avignon. Now Sinhalese Buddhism is at its highest apostasy. That is why we have three Popes - the Mahanayaka triumvirate. Under the Sinhalese Kings the Sangha had only one leader. He spoke for the Sangha. Now any loud mouthed pushy monk, with a handful of monks can dictate government policy, as happened at the abrogation of the Bandaranaike - Chelvanayagam Pact, and the cancellation of the Dudley - Chelvanayagam Pact.

Sasana was declared defunct and unrestorable until the appearance of the Maitriya Buddha in a future life. Women were considered not fit to lead an independent life in terms of Manu's laws. These features show the Dravidian Hindu influence that came to prevail in Sinhalese society. Thus it was inevitable that with the influx and spate of Dravidian influence the Sangha should come to accommodate caste even though it went against the Vinaya and the grain of the Buddha's doctrine and discipline.

Modern Trends

Sir Baron Jayatilaka in his 'Katikawata Sangara' expressed the hope that the observance of caste in the Sangha would be done away with. Such observance is out of tune with modern democratic ideals and the Buddha's Dhamma Vinaya. Caste is giving way in lay Buddhist society where democratic

ideals are making headway.

That augurs well for the future. The Sangha too will have to change with the times and give up vested interest and casteism if it is to survive in the modern world. The Sangha cannot hope to pose as a democratic body and unite the Sinhala people until they give up tribalism and casteism and becomes a united organisation under one leader. Anayaka vinassanti nassanti bahu nayaka" say the scriptures. [The leaderless perish; so do those with many leaders].

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Courtesy: *The Island*

About the writer : D Amarasiri Weeraratne is a well versed student of Buddhism and a well known writer on Buddhist affairs.

Challenges Facing Our Education System

✦ Dr. Premadasa Udagama

Text of speech delivered on the occasion of the 95th birth Anniversary of the late Dr. N.M.Perera

Medieval, colonial and modern education myths seem to dominate our popular ideas on education. Yet we are inheritors of a great tradition of Buddhist education for over 2500 years and a 500 year parallel history of Christian education. Now we seem to think more of western secular influences on education. However we have not made a judicious mix of the inherited and the imported education philosophies even after independence. Thailand and Japan, for example, have done so quite effectively to provide modern education systems. Westernisation and its accompanying Christianisation of the indigenous culture has both space and time dimensions in our island. Five centuries in time and a spatial dimension of west to central hill a mere distance 110 kms with missionary schools as evangelistic agencies (Wilson p. 131) have succeeded in making only 7.6% of people Christian. Yet the mind set of our elite groups of the past nurtured in leading schools and convents seem never to change. The colonial system was then the best and even now seems so in some letters to the editor in the English press.

This myth was highly selective and competitive and produced a social stratification while marginalising the Sinhala and Tamil rural communities. Some of our educationists seem to be nostalgic of this era. A paragraph from a publication of Sir Ivor Jennings (1951) the first Vice Chancellor may indicate the elite society at independence created by his education. He wrote—

"The result of this development was to create a special class of westernised Ceylonese holding government posts or making profits from coconut or coffee, wearing Eu-

ropean clothes, eating European food, worshipping in Christian churches and above all speaking English."

Another social dimension of the school system which we have not, totally forsaken was aptly described by a correspondent of *The Island* newspaper on 5th October 1997. He stated—

"The system of education in Sri Lanka has been class ridden, race ridden, religion ridden and in Jaffna caste ridden from the time of the British. These are two aspects of the same system."

Only in 1927 and 1928 did the Education Ordinance remove any discrimination on race, caste or religion (Wilson p. 25). Missionary schools did however, play a leadership role in providing an education without social discrimination. But the missionary schools were a formidable bastion for fighting what they called communism including socialist democracy even in the seventies. Freedom, democracy, tolerance and human rights were introduced gradually into the State system of education but there was no political consensus on all these issues on the larger education system. The elitist education confined to about 5 to 6% of the total population at independence marginalised the rural population. The post independence history of education is marked by a continuous struggle of the marginalised, dispossessed and the powerless (led by leaders like Dr. N. M. Perera). Free education swabhasha medium education, State control of education, curriculum reforms and decentralisation of the system (at least in law) were the tall outs of this struggle.

"The result of this development was to create a special class of westernised Ceylonese holding government posts or making profits from coconut or coffee, wearing European clothes, eating European food, worshipping in Christian churches and above all speaking English."

These measures even after 50 years are still opposed by the elite. The consequence of this history is that colonial myths in education were entrenched in post-independence discourses on education. World trends and liberal movements in education were lost or ignored in this national struggle for equity, social justice and democracy in the system

However, new myths too have emerged even in the neo-colonial education system to support the status quo. The quality of education ('as good as Britain' in first decades after independence), 'second highest literacy rate in Asia' (not true), 'our spoken English is better than others' (questionable), 'democratic forms of government' (supported by old boys from public schools), 'only free education system' (at independence). These remain myths in our print media and in our political leadership when in power. When the life style dreamt by schools of the elitist and not so elitist schools seem to be a mirage, the violence, alienation, social and political instability and pseudo welfare politics became the order of the day in the politics of youth. These were well demonstrated in the last three decades. One must be reminded that these educational myths have been successfully debunked in some Asian countries, perhaps unknown to our intelligentsia.

The open economy of the last two decades has given a new lease of life to the elite to affirm gleefully 'we said so'. Perhaps they are unaware of the world developments taking place besides the education wisdom imposed on us by the international banks. The mere consequences of these proposals is tuition (already a 5 billion rupee industry), students enrolled for foreign examinations by so called international schools, foreign university education in the local environment and a plethora of new courses. Again the status seeking in the private sector (instead of the state sector) employment has taken over education. The lofty ideals of education seem to be confined to reports and public speeches of educational and political leaders and some academics.

The new century may perhaps create a modern renaissance in education based on world developments overtaking an insular and elite thinking of glorifying the past. There is also a new generation of young men and women pursuing their higher studies other than in the European seats of learning opened first by Nikapitiye Bandara of

We have initiated many progressive measures in education. We have however remained static by promoting elitism and misplaced adulation of some foreign education systems. Our national imagination had remained static. Hence the new challenges we face in our system

Sitawaka in the 16th century in the University of Coimbra in Portugal. There may be another move by our working class women working abroad who may seek new dimensions and avenues to the education of their children.

We should not delude ourselves about our achievements indicated by our national social indications. The World Bank has shown that other countries like Albania, Turkeneuistan, Georgia, Armenia (Cuba is not mentioned) have achieved similar social indicators. But we should also remind ourselves that our Department of Education was established in 1869, two years before US and two years later than Japan in establishing their departments. In this situation

comparisons are as usual odious!

We have initiated many progressive measures in education. We have however remained static by promoting elitism and misplaced adulation of some foreign education systems. Our national imagination had remained static. Hence the new challenges we face in our system. For lack of time only five challenges are named, some of which are a heavy baggage of our past.

- (i) Promotion of national unity, amity, tolerance and democracy,
- (ii) Raising the morale, professionalism and commitment of teachers:
- (iii) Promoting equity, excellence and modernisation in the system,
- (iv) Improving the quality of teaching-learning,
- (v) Empowering the marginalised and the underprivileged groups in education.

(i) Promotion of national unity, amity, tolerance and democracy

The debate on the uses and abuses of colonialism continues in academia of the east and west. One recent study generally supporting empire and colonial building refer to 'Empire is a story of botanical enterprise' (Lardes 1999 p. 426). In Sri Lanka this is a correct interpretation of

colonialism. Lipton's tea garden remained after the last anti-colonial uprising in 1848. There was certainly no case for nation building as in Britain. In Britain there was one nation for centuries speaking one language and following one religion. They could not bequeath to our leaders the art of governing even a small multi-lingual, multi-cultural, multi-religious society.

We faltered in not using education to build a single nation from people speaking two languages professing four religion and living in a variety of multi cultures. We used religion for nation building through our schools. A former Warden of St. Thomas College, expressed this wisdom quite forcefully in a dissent published in the Kannangara Report (1943):

'Training in citizenship, music, art and moral instruction excellent as they are not adequate for what religion can provide. (p. 157)'

As all educationists believed in our common religious legacy of both Buddhism and Christianity, religion was made a compulsory subject in the school curriculum even before independence. This rule is rather uncommon in education systems organised and financed by the State. However as a long standing national tradition of our education we have correctly followed the religious background in education. But we have not had the wisdom, dedication and intellectual apparatus to make religious teachings for building one nation. Recently we have introduced conflict resolution, peace and multi-cultured education. This is a welcome innovation in the curriculum and co-curriculum. Perhaps a multi-prong approach as promoted by UNESCO as (Human Rights education should include peace, democracy, development and social justice' (World Education Report 1955 p. 781) many even enrich the proposals of the National Education Commission.

As pure subject divisions in the school system of the future may be changed according to UNESCO's prediction. We may use the junior secondary school to provide for social, religious, cul-

tural and moral education. We need to promote the concept of learning to learn and learning to live in community. Instead of success at examinations we may promote the ideal of successful living in our society.

At a later stage when peace prevails in our society a national consensus may be reached in teaching allegiance to the constitution and other symbols of national amity and unity. The American system (systems!) of education is a basic example of this process of nation building which we may profitably use.

(ii) **Raising the morale, professionalism and commitment of teachers**

A UNESCO document entitled 'Education at the Horizon 2020' (p. 23, has emphasized the role of the teacher in the following statement:

'The first issue will be that of the availability and the constant updating of teachers, skills at all levels. More than ever before the quality of education depends on the quality and commitment of the teacher and or his or her relationship with the student/and the family'.

The government has recognised the vital role of the teacher by raising her salary, creating a special organisation (NATE) for teacher education and, formulating a policy of employing only professionally qualified teachers from next year. NATE has correctly stated in one of their brochures "that teacher education is the *sine-quo non* of



all educational improvements and innovations'.

Past history of the profession specially of so called 'vernacular teachers' is a dismal one. The school managers of old times, the politicians of modern time and the bureaucracy at all times have not created a healthy school environment for the school teacher. Regarded now as a State employee political interference sought by the teachers and imposed from outside is a hindrance in their professional career growth and development. Trade Unionism is an essential activity in a democracy but has divided the profession on many grounds. In their struggles for amelioration of their service conditions they have sometimes ignored their academic professional and community roles. 'The new teacher is professionally better trained and is alive and alert to her responsibility but the leadership has to boost their morale.

However the provincial ministries and departments of education and other institutions should cultivate and encourage the involvement of teachers in all innovations, changes and development activities in the school system. Their role too has to change as a guide and facilitator in future. She will have to encourage learning to learn and be a reformer herself of the system. The society and the management have to learn how to empower the teacher through mutual consultation for her commitment to education as the leading light of the future.

Teacher absenteeism, requests for transfer and abuse of political power may have to be changed through creative activities of the profession and the management. Interaction, discussion, stimulation, understanding and encouragement must come from the management and the political leadership. The society expect nothing but professional behaviour and attitudes from the largest professional group in the country.

(iii) Promoting equity, excellence and modernisation in the system

The quantitative expansion of the system at all levels due to social demand is laudable. However quality and equity of the system have been neglected. Our knowledge of improving quality in a mass system of education is not

Inequity in our system is conspicuous by the division of the schools into four categories or more like national schools. These schools were different social classes as was demonstrated in a recent study by Prof. Rupasinghe of the Colombo University.

wide spread. Judging by comments in public and in private by bureaucrats and some academics there is a belief that quality cannot be improved unless the admissions are restricted to the able group of students. We have not learnt from the experience on other countries providing education for all its in USA, Canada, Australia, Thailand, Japan etc.

Inequity in our system is conspicuous by the division of the schools into four categories or more like national schools. These schools were different social classes as was demonstrated in a recent study by Prof. Rupasinghe of the Colombo University.

We have phenomenon of 25% of the student population attending 5% of the schools creating mega schools with enrolment even above 5000. There is the other 50% of the school children enrolled in class 3 and 4 schools numbering 7873 i.e. nearly 70% of all schools. Of these schools 73340 have an enrolment of 500 or lower number of students. The quality as every parent – learns varies with the school environment as equipment, buildings and instruction leave much to be desired in quality.

We provide one curriculum and external examinations wishing for equality that is provided in a society of so much disparity in wealth, knowledge and living style in the system.

The low level of achievement at the primary level was well noted in the survey conducted by the NIE in 1994. The mean scores in literacy, numeracy and like skills are indicated below.

Literacy	Numeracy	Life skills
Mean SD	Mean SD	Mean SD
61.821.5	45.1 18.3	26.79.7

The Districts of Monaragala, Kegalla and Ratnapura have pupils performing at a low level. The report stated (p 150) wide disparities in achievement does not provide for equity.

If G.C.E. (O/L) and (A/L) are taken as indications of leaning, we have low rates of passes in both examinations (20–30) at O/L and 25% at A/L. One needs to accept that

the total number who fail to obtain a valid school certificate for any employment is quite astonishing in our society. They are the majority.

(IV) Improving the quality of teaching—learning

Our teaching learning methods styles and aims need to undergo a fundamental change. Teaching-learning to be successful only at examinations needs to be changed to

- (a) learning to learn
- (b) learning to share knowledge
- (c) learning to evaluate oneself
- (d) learning to improve oneself
- (e) learning to use all facilities in learning the teacher, audio visual aids' media (both print and electronic)

(f) learning to change attitudes in the acquisition of knowledge and skills throughout life appropriate for the need of a changing society (Puni. 1991)

The teacher-learner of the future should also be conversant with open learning systems at all levels. The Open University is one example of open learning in our society. Open schools, open technical vocational education systems, 3A Universities learning systems for the retired and aged are some new developments not familiar to us in Sri Lanka. But lifelong education is now promoted in all countries. We in Sri Lanka specially in the private sector are developing programmes for the renewal of attitudes skills and knowledge. Teacher education too is promoting pre-service in service and continuous learning. These are the foundations for life long learning which may in future promote open learning and non-formal systems in our society.

All these developments involve the promotion of self-learning, which all learning is in reality. But tailoring from Grade I to the Degree has to give way to selective tutoring at various stages and in selected subjects in which students may be weak.

'Book floods' named by an expert, who visits Sri Lanka. Prof. Warfwilsh Elley of New Zealand, have shown to improve teaching -

learning at the primary level in Fiji, Singapore, South Africa etc.. Making small libraries of 100-200 books available at every classroom in the primary schools has shown experimentally that learning improves. In Sri Lanka too this experiment has proved successful. Every teacher should be motivated to develop classroom libraries which are open and free to all students.

As pupils learn in so many different ways the future teacher needs to change the 'talk chalk' method to a variety of methods. Pupils learn from discussions, discourses debates and a variety of media. These methods need to be encouraged for fostering attitudes of initiative and enterprise needed so badly to stimulate development, activities. Teacher and tutor~ dependency of learner may gradually be changed to fostering new attitudes to learning. Mass education of the type we promote at the primary level and even at the secondary level requires the attitude of teachers to change as the variety of learners in school need variety of teaching-learning options.

The teachers' role in future will change to be a guide, counsellor, helper, leader and community educator. These changes will enhance her professional standing and her own growth and dignity as an individual and earn the adulation of pupils, parents and the public.

(v) Improving the marginalised and underprivileged groups

Our constitution has adopted as State policy to provide education for all. Our commitment in Jomtien (Thailand) (1990) to educate all our people as proposed by all international agencies is also a solemn undertaking. Education is also established as a human right.

In spite of our commitment to full literacy, we had in 1994 33% of agricultural and forestry workers with no schooling and 55.7% elementary workers in the same predicament. This means if the statements are correct that 53.6% of our employed population had no schooling in 1994. Our literacy rate is also low in the plantation areas, some slum areas in urban centres and in some fishing communities.

In South Asian societies it is women and girls who are the most underprivileged groups. But at present in our school system girls

In spite of our commitment to full literacy, we had in 1994 33% of agricultural and forestry workers with no schooling and 55.7% elementary workers in the same predicament. This means if the statements are correct that 53.6% of our employed population had no schooling in 1994

outnumber boys specially after grade 7 or 8.

My contention is that formal schools may not be able to reach these groups. Sri Lanka has yet to formulate non-formal education structures to encapsulate these underprivileged people for at least basic education. We have a formalised non-formal education department without an out reach for such groups. Except for NGO activities there is hardly any adult education programmes by the State.

We have provided some opportunities for the second chance to adults by the Open University and the Institute of Worker Education and the Youth Affairs Ministry. But the underprivileged social classes, communities and those living in remote areas needs to be provided a basis and continuing education if our development activities are to succeed. Korea, Thailand, and Singapore have indicated that economic development needs the education of all, specially workers.

The line Ministry with NGOs and provincial non-formal departments may develop special plans to provide basic education to the marginalised groups in their provinces. Such an activity can draw on the resources of many international agencies and NGOs. National Development, democracy and improving individuals are basic essentials in the modernisation of our education systems. The literacy rate may conceal the needs of basic education of the poor impoverished excluded and marginalised groups. Social welfare policies of the State like the Samurdhi movement needs to include education development at the grass root level in the country.

Our societies are termed 'risk societies' due to beliefs of apathy and hopelessness of the people, or adopt condemnable theories of other groups and cultures: education; activities at the grass roots level should be for understanding issues and learning to live in community with others. Education is often planned as a means of economic development only! But the social, cultural, moral and political dimensions of humans could not be neglected in the future for a convivial development and growth of society; or face terrorism and environmental degradation for ever.

The key to future development of men and society is education, education for all and education throughout life.

We have provided some opportunities for the second chance to adults by the Open University and the Institute of Worker Education and the Youth Affairs Ministry. But the underprivileged social classes, communities and those living in remote areas needs to be provided a basis and continuing education if our development activities are to succeed.

Some economists in Sri Lanka still seem to believe that education primarily is a waste of State funds. But no State in modern times has developed without ample provision of educating everyone in their societies.

The Minister of Education of the Republic of South Africa has boldly stated:

"There has been a revolutionary change in South Africa. The consensus we have achieved is based entirely on our democratic constitution which deals squarely with South Africa realities, and aligns us to respond to the global challenges of the new country' (Adult Education and Development No. 53 of 1999 p.9) What should we do?

Conclusion

Sri Lanka is now facing one of its tragic times in its long history. Once we resolve the present crisis there is no other way open to society other than by promoting a democratic social and political system through dialogue and discussion.

That system needs to foster education at all times and at all levels in all cultures and sub-cultures to build such a system.

That is the highest challenge that the education system had to face in this country—education for us to learn to live together in amity, tolerance, compassion and dignity.

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About the writer: Dr. Premadasa Udagama has been a University Don who was Secretary of the Ministry of Education and Director General of the National Institute of Education and Sri Lanka UNESCO Commission. ■

Greater Investment in Education and Higher Professional Standards Called for, says Dhanapala

Jayantha Dhanapala Under Secretary General for Disarmament at the United Nations who was chief guest at the Dec 21 Convocation of the Peradeniya University, pointed out that Sri Lanka was below the South Asian Average in Tertiary Education.

Dhanapala a graduate of the Peradeniya University was conferred an Honorary Doctorate by the University. In his address he stressed the need for greater investment in education and for achievement of greater standards in professionalism.

Following is an excerpt of Mr. Dhanapala's address.

"In our own cultural heritage we have the words of the Buddha "Speak only if you can improve upon the silence" and in the west in the 2nd century B.C., the Roman philosopher Terence wrote "Nothing has yet been said that's not been said before"!

"These nuggets of ancient, wise and daunting advice are as applicable to verbose politicians as in international civil servants steeped in the jargon of UN documents. But I speak here as an alumnus of Peradeniya and a Sri Lankan. The first of my few words must express my heartfelt gratitude to the University of Peradeniya for honouring me with this award. It is all the more treasured because it comes from academia and from civil society. I receive it with deep humility and am overwhelmed with nostalgic memories of four memorable and intellectually enriching years spent in what is surely one of the world's most beautiful campuses...

"I am neither a trained educationist nor an omniscient politician to abuse the privilege of this platform by presuming to speak on the challenges of tertiary education in Sri Lanka today. It seems to me however that in the sharp mood swings of us Sri Lankans between self-adulation and self-determination, a constant self-defensive refrain is that we are a "small country". The fact is that in terms of territorial size there are 69 countries smaller than Sri Lanka in the United Nations. Population wise there are 136 countries

smaller than we are. That in itself should enable us to see ourselves in a more objective and less self-deprecating perspective in today's inexorably globalising world with increasing connectivity from the depths of the ocean to outer space and cyberspace.

"The 13 national Universities in our country, according to 1999 statistics, enrol only 15% of the students who satisfied the minimum requirements for University admission. That means that 85% of qualified aspirants for higher education must, out of frustration either offer external degree courses, seek admission to other professional training institutes, get a job or swell the ranks of the unemployed. That is an indictment upon the entire nation—despite our proud record of free education and consistently high literacy rates. It is a result of mis-allocation of scarce resources in a developing country although Sri Lanka ranks 84th in the UNDP's Human Development Index. Statistics from this year's South Asian Human Development Report reveal that while the developing country average for public expenditure on education was 3.6% of GNP, in Sri Lanka it was 3.4% compared to 3.8% in 1960. In Maldives it was as high as 6.4% (some of that money no doubt earned by Sri Lankan teachers there). In tertiary education World Bank figures show that in 1995 Nepal and India, of our South Asian neighbours, spent more per student as a percentage of GNP per capita than we do. Sri Lanka in fact ranks

Statistics from this year's South Asian Human Development Report reveal that while the developing country average for public expenditure on education was 3.6% of GNP, in Sri Lanka it was 3.4% compared to 3.8% in 1960. In Maldives it was as high as 6.4%

SETTLING WITH THE TIGERS?

Events have moved considerably fast since the last issue of *Christian Worker* which appeared in October last on the eve of Parliamentary General Election of October 10, 2000.

An analysis of the General Election appears already in this issue under 'Comments', but a few remarks in this column will not be out of place as they would be pertinent also in discussing the on-going political scene.

Outcome

One of the clearest outcomes of the Election Results was the rejection once again by both the Sinhala and Tamil communities of the politics advanced by the racist, extremist and fundamentalist forces. In our last issue we noted the attempts of the Buddhist Mahanayaka Theras to mobilise all chauvinist Sinhala and Buddhist forces together with Janata Vimukthi Peramuna (JVP) into a single front to contest the election against both the People's Alliance (PA) and the United National Party (UNP), which attempt failed to take off when the Mahajana Eksath Peramuna (MEP) settled its differences and joined the People's Alliance to contest the polls. On the very eve of the election, the same Buddhist hierarchy called on the people to vote against the People's Alliance - a call which went unheeded and only succeeded in discrediting further the image and stature of these religious leaders in the country. It was only left to politicians to thereafter to make use of these personages as best they could and placate them as Prime Minister Ratnasiri Wickremanayake has done in assuring these dignitaries that they would be consulted on proposed constitutional reform in the future if the areas of their disagreement were made known to him. The United National Party (UNP) leader for his part after agreeing in official talks with President Kumaratunga to accept almost in its entirety the Constitutional draft Bill of the PA (see last issue) failed to meet in finalising agreement on the few matters outstanding. He changed his position later by stating he would enact a new Constitution in consultation with both the Mahanayakas and the

Liberation Tigers of Tamil Eelam (LTTE) - a mind boggling proposition - and still later added that he would do so with the other parties as well. (See last issue of *Christian Worker*). Notwithstanding the unfavourable climate and odds against it, the PA in this situation has shown itself to be the only government since independence that won power for a second consecutive time under the same leadership. Its votes however have not unnaturally been reduced from 48.94 % in 1994 to 45.10 % in 2000. (This works out to 3,892,075 votes as against 3,463,822 votes for the UNP which is 40.27 % of the total.) Both the PA and the UNP recorded a drop in their vote bank, while the JVP saw a marked improvement compared to 1994. The results saw 47 former MPs including 4 Ministers and 10 Deputy Ministers being defeated.

The poll resulted in the PA coming first with 107 seats but being short of 6 seats out of the 113 required to form a simple majority in a Parliament comprising 225 representatives. The UNP which came second won 89 seats.

It cannot be denied in the face of the allegations made and the reports given by several organisations that monitored the polls, the most critical being that of the Centre for Monitoring Election Violence (CMEV), that the election was marred by premeditated violence and electoral malpractices. The Commissioner of Elections on the basis of information available to him decided to annul the voting in 22 polling centres in 6 districts - 13 in the Kandy district, 01 in Matale, 04 in Nuwara Eliya, 01 in Hambantota, 02 in Ratnapura and 01 in Kegalle. He also discounted 9, 274 votes forcibly stuffed in 47 polling centres but did not annul voting in these centres. CMEV has pointed out that in Beliatta where one ballot box was forcibly removed from the centre the decision was to discount this incident and count the ballots cast in the remaining ballot box. Similarly when there was forcible stuffing of votes in certain polling centres i.e., Hanguranketha, Laggala and in Patha Dumbara the offending ballots were removed and the rest of the votes counted as if nothing untoward happened. The CMEV has also protested the annulment of 42 polling

districts in Kilinochchi and of 49 in Mulativu polling division which were clustered elsewhere since these areas were under LTTE control and were reportedly not operational.

The district however that was the worst affected was Kandy where both the PA and UNP candidates complained of violence and rigging mainly said to be on the part of the Junior Minister of Defence and some members of his family. This was brought to the notice of President Kumaratunga during the election campaign itself and she made threatening noises and promised to ensure that no such election offenders would be given positions of responsibility in the future government. This was in fact a reiteration of the warning she had already made to all concerned

including her MPs that she would take the strongest possible action against offenders as reported in our last issue of *Christian Worker*. Soon after the elections it looked as if the President really meant this time to match her words with deeds when the offender at Kandy was not at first appointed to his earlier post as Junior Minister of Defence. Unfortunately after some delay, the personage concerned was again installed in this office, resulting also in senior police officers including the Deputy Inspector General of Police Central Range who had firmly stood against election related violence and malpractices being transferred out of station! Needless to say, such actions by the President have tarnished the image of the Government and affected her own credibility very adversely. Abuse and mis-use of authority cannot be condoned in any manner and the effects of all this is seen in the breakdown of law and the rising degree of violence consequent on the politicisation of the police. In this connection readers are referred to several articles pertaining to the issue that appears under 'Comments', inside and especially the one titled 'Police, Democracy and Good Governance' by Mr. Kingsley Wickremasinghe a distinguished retired senior Deputy Inspector General of Police and presently a member of the Bribery Commission.

It may be noted however that all elections have been marred by malpractices ever since the infamous referendum of 1982 staged by UNP President J. R. Jayewardene to extend the term of Parliament by another six years, when according to the Elections Commissioner himself,

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all the electoral laws were brazenly flouted by the Government.

Be that as it may, it was felt that the overall result of the election would not have been affected by the offences complained of with the remedial action taken by Election Commissioner already referred to, though the rivalry for preferential votes even within the same party, needs to be corrected through appropriate legislation and a change in the electoral system, so as to reflect better the intention of the voters. One of the foreign observers John Cushahan of the European Elections Observation Team perhaps best summed up the position when he said: "The overall result reasonably reflected the political intentions of the Sri Lankan people who demonstrated their own commitment to democratic process

by turning out in such high numbers".

Two important local election monitors - the People's Action for Free and Fair Elections (PAEFREL) and the Movement for Free and Fair Elections (MFFE) endorsed the assessment of the European Union Election Monitors that violent incidents that took place in several places could not be assessed as serious enough to affect the poll. "In the sample of 2208 polling stations visited and observed in all parts of the excluding the North, our monitors concluded that condition for a free and fair election did not exist in 89 polling stations. Violence of various types had occurred in 308 polling stations but these were not assessed as serious enough to affect the poll." The statement said "In most parts of the country voters were able to vote freely and the outcome of the election taken as a whole has been a legitimate expression of the people's will."

The UNP of course has refused to accept the legitimacy of the Election. However, the same UNP which has earlier filed an Election Petition challenging the Presidential Election, later informed the Supreme Court when the case was taken up on February 12 that it would not proceed with its elections petition in view of the Court's ruling on a preliminary objection taken by President Kumaratunga's Counsel. Accordingly the Court ruled that the election was legitimate and that no evidence had been adduced of any corrupt or illegal practice too.

The New Government

Lacking an outright majority to form a government and being short by 6 to even to have a simple majority in Parliament, the required support was obtained by the President from two minority parties after a week-long parleying which included a visit to the late Sri Lanka Muslim Congress (SLMC) leader M H M Ashraff's mourning widow Ferial at her home. President Chandrika Bandaranaike Kumaratunga named her Cabinet at the auspicious time of 10.30am on October 19. Six days earlier she swore Ratnasiri Wickremanayake as the Prime Minister. President Kumaratunga in her attempts to satisfy all her partners in the People's Alliance had some hard bargaining to do with Rauf Hakeem in particular as the co-leader of the SLMC. This organisation contested as the newly formed National Unity Alliance (NUA) in some districts and as a part of the PA in two districts, winning 6 seats as a component of the PA with 2 seats on the National List and another 6 seats as the NUA with another one on the national list. Hakeem was reported to have first gone to UNP leader Ranil Wickremesinghe and bargained to have 3 cabinet portfolios and 4 deputy minister posts if he was able to form the government. He had however to settle for 2 ministers and 3 deputy minister posts with President Kumaratunga. She gave the powerful Trade Ministry to Hakeem, while reserving the Eastern Province Reconstruction and Rehabilitation Ministry for Ferial Ashraff. This resulted in a Cabinet of 44 inclusive of the President - more than a third of her parliamentary membership of 116 - making this the biggest cabinet in independent Sri Lanka and the largest too in the world! Later she named 38 junior ministers (including 2 with double ministerial posts) at different times thus making a total of 82 ministerial positions even if all of them are not of Cabinet rank.

The PA parliamentary group includes 3 members from the Ceylon Workers Congress (CWC) 3 from the Mahajana Eksath Peramuna (MEP), 3 from the Communist Party of Sri Lanka (CPSL) 1 from the Lanka Sama Samaja Party and 92 from the Sri Lanka Freedom Party (SLFP). They are also joined by 5 MPs of the Eelam Peoples Democratic Party (EPDP) This tactic of giving cabinet portfolios

and distributing other ministerial posts to keep the side intact is not new in Sri Lankan politics. UNP President R. Premadasa had 31 Cabinet members including himself, 29 State Ministers and 23 "Project" Ministers and besides this appointing 43 other "Supervisory" Ministers after attempts were made to impeach him, thus making a total of 126 ministers - an all-time record! His successor President D.B. Wijetunga also of the UNP had 31 ministers including himself, 36 State and 22 Project ministers making a total of 79.

Thanks once again to the prevailing electoral system brought into being by President J R Jayewardene by his 1978 Constitution which virtually prevented a two thirds majority being obtained by any party to effect a change in the Constitution, the PA had failed in the attempt to implement its devolution proposals through Constitutional amendment in Parliament. Far from assisting in this critical situation after having agreed to almost the entirety of the proposals, the UNP did not show any attempt at cooperating in pursuing the discussion it had broken off before the Election. The UNP leader Ranil Wickremesinghe had then sought to bring the LTTE and the Maha Sangha into the picture in an obvious attempt to sabotage the attempt at such consensus and Constitutional reform. In this he was apparently helped by the Tamil Tigers themselves who were bent on bringing down the Government and as reflected too in the violence pursued by them in the election period e.g. firing into some populated parts of the

Jaffna peninsula on September 30; a suicide bomber blowing himself up in an attempt to disrupt a PA Election meeting at Medawachchiya on October 5, yet another attack by a LTTE suicide bomber 3 days earlier on the SLMC rally in Mutur Trincomalee killing also a candidate contesting on the PA ticket under the PA-SLMC election agreement. Deputy Minister M L A M Hisbullah escaped twice when attempts were made to attack his convoy of vehicles in the Batticaloa District. In contrast it was alleged that LTTE protection was given to UNP leader Ranil Wickremesinghe and others when they went to campaign in the Eastern Province.

Even before the swearing in of the new Ministers on 19 October, a LTTE suicide bomber blew himself up opposite the

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Colombo Town Hall when apprehended, killing two and injuring 24 persons.

The situation appeared to have changed for a time with the UNP's Gampaha District MP Anura Bandaranaike being unanimously elected Speaker of the 11th Parliament on October 18 his name jointly proposed by Prime Minister Ratnasiri Wickremanayake and Opposition Leader



New Parliament Speaker Anura Bandaranaike (C) is accompanied to his seat in the chamber by Prime Minister Ratnasiri Wickremanayake (R) and Opposition Leader Ranil Wickremesinghe (L) (Courtesy: The Island)

Ranil Wickremesinghe and the latter's welcoming President Kumaratunga's Address at the Ceremonial Opening of the Parliament as friendly and conciliatory and showing that the Government had not shut the door on the Opposition. However Wickremesinghe stated that since the Tamil parties had won in the Northern Province, they and in particular the Tamil United Liberation Front (TULF) and TELO (Tamil Eelam Liberation Organisation) should be consulted in efforts to find a solution to the national problem. In an interview with *The Hindu* (India) on 23 October TULF vice president and parliamentary leader V. Anandasangari said that a political solution based on the Constitutional reforms proposed by President Kumaratunga in 1995 could resolve the conflict and wanted an end to the war and negotiations with the LTTE.

Talks were reported between certain members of the PA and UNP with a view to reaching a working agreement to avoid division on matters of national importance. The Prime Minister and MP Tyronne Fernando were reported to be moving in this matter, while other sections such as the Asgiri Maha Nayaka Thera saw the formation of a "National Government" as a panacea to Sri Lanka's ills. The Roman Catholic Archbishop of Colombo for his part called for "a government of national unity consisting of all parties".

The TULF in this situation was said to be perturbed

over the working arrangement the UNP and PA reportedly had reached on matters affecting the Elections, Police and Public Service and claimed that the major need was to call for an immediate cease-fire and find a solution to the ethnic problem. On Tuesday 31st October Norwegian Government special representative Erik Solheim who had been flitting in and out of the island and UK in his bid to promote peace between the LTTE and the Government, met with the Tiger Leader Velupillai Prabhakaran and reported his talks as being "serious, frank, open and very useful" at a well attended press conference in Colombo after a 3 day visit to the Vanni. He met President Kumaratunga and Foreign Minister Lakshman Kadirgamar on November 3 and briefed them about his discussions. While the UNP and Tamil parties urged the Government to make use of the opportunity and commence talks with the LTTE, the JVP denounced the Norwegian initiative as an "interference in the internal affairs of Sri Lanka in the name of peace only to aggravate the situation so that they could sell arms to us" The "Sihala Urumaya" demanded the immediate deportation of Mr. Solheim.

"Sinhala Heritage"

One of the peculiar political formations that came into existence as a negative response to the PA's Constitutional Bill which was ultimately presented in Parliament on August 3 last year but indefinitely postponed on the failure to obtain the required two thirds majority, was the Sinhala Urumaya (SU, meaning Sinhalese Heritage). This organisation was meant to promote the rights of the majority Sinhalese and the territorial integrity of the country and its unitary political system.

Its prominent leaders and members came from the so-called National Movement Against Terrorism (NMAT) and Sinhala Veera Vidhana and of course some bigoted Buddhist clergy. They had as their president a leading lawyer S L Gunasekera who had been stridently voicing Sinhala communalism, their General Secretary was Tilak Karunaratne who resigned from the UNP earlier and they had as national organiser Champika Ranawaka of the NMAT a former JVP activist and Janata Mituro founder.

It was this group that along with the Singhalaya Maha Sammatha Bhoomi Putra Party was sought to be mobilised into an election front along with the JVP and MEP by the Mahanayakas of the Buddhist Sangha but which failed to agree among themselves to continue this Sinhala front, when the MEP dropped out of it.

Interestingly enough despite its Sinhala pretensions, the SU was soundly beaten at the polls throughout the country and especially in the Sinhala heartland! It managed to secure only 1.5 per cent of the votes without

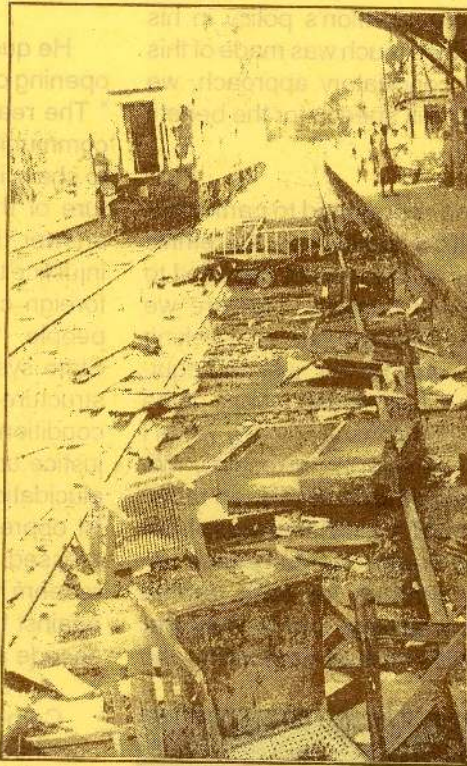
winning a single seat in the Parliament though on the basis of its share in the total votes it was allotted one of the 29 seats on the national list. It derived its support mainly from the educated urban petit-bourgeoisie, with all their internal rivalries which became evident when it came to even filling the national list seat in Parliament. Although the SU president S L Gunasekera was the Central Committee's unanimous choice at its meeting on October 12, its secretary Tilak Karunaratne had apparently entered into a separate deal with national organiser Ranawaka to share this seat. This resulted in the invasion of the home of vice president Professor A.D.V.de S Indraratne by a gang of NMAT "anti-terrorists" who manhandled the professor for proposing S L Gunasekera's name! Gunasekera who was a declared agnostic and who refused to offer a tray of flowers to the Sacred Tooth Relic, who enjoyed a drink and prepared statements in English was shown up as alien to Sinhala Buddhist culture and its heritage. This resulted in S.L Gunasekera and 10 others resigning from the SU realising that they had only been used for electoral ends to garner votes! Thus was "Sinhala Heritage" well displayed in the inter-cine rivalry and backbiting that has characterised not only the traditional chieftains of the Kandyan period but the Sinhalese urban petit bourgeoisie elite of the present day as well!

Dangerous Trends

Within a few weeks of the General Election two tragic incidents took place which did not augur well for the future and even indicated dangerous trends. The first was the brutal murder of a courageous Tamil journalist M Nirmalarajan in Jaffna on October 19 by unidentified gunmen which several people felt was the work of ex-Tamil militant group EPDP connected to the Government, although this has been denied by the group in question. But a much more serious and ghastly incident was

the brutal massacre of 26 inmates and serious injury to 16 others at the Bindunuwewa Rehabilitation Centre on October 25 by a large mob armed with all sorts of weapons. It is said that the Centre had been in existence for about 10 years without any problems. It housed LTTE cadres who had surrendered to the Security Forces and most of them in their early teens. From the facts available it is clear that external forces have been responsible in creating unrest among the inmates resulting in a confrontation between them and the personnel in charge of the Centre. It is also clear that the attack on the Centre and its inmates was not a spontaneous one by an incensed crowd but one that was pre-meditated and planned. The appearance of posters and leaflets demanding the removal of the Centre some days before the attack, the huge mob that arrived and

surrounded the Centre showed there had been mobilisation. The question that arises is why the armed police and army personnel present failed to even shoot in the air to disperse this gang. They were either grossly incompetent, negligent or in collusion with the attackers. Involvement of Sinhala villagers can be ruled out since the two inmates working at a bakery in the village were untouched. Some have observed that the forces associated with the Sihala Urumaya, the NMAT and Sinhala Vera Vidhana with some retired and ex-military men may be connected. The diabolical plans of these forces which were roundly beaten at the General Election was to provide a racist conflagration - a repeat in fact of July 1983. It is however noteworthy that there was no cover-up unlike in 1983 July when the massacre of Tamil prisoners occurred. President Kumaratunga expressed shock and revulsion and ordered a full investigation. Several policemen were interdicted and some of them have



Watagoda railway station, indicative of that violence in the plantation sector



This is what remains of the Bindunuwewa Rehabilitation Centre

filed Fundamental Rights applications before the Supreme Court. Had the events that followed not been curbed with a strong hand, opportunists would have succeeded in criminally spreading violence in the plantation sector. In this connection Upcountry People's Front president and UNP MP P. Chandrasekera was taken in for questioning and later released following the serious unrest in plantation areas that followed this barbaric massacre. This unrest even for a short time turned certain parts of the up-country into a mini-battle zone until it was firmly brought under control by the Government.

Prabakaran's Heroes' Day Speech

On November 27, 2000, LTTE Supremo Velupillai Prabakaran enunciated the organisation's policy in his annual Heroes' Day speech. Since much was made of this speech as indicating a more conciliatory approach, we give the following extracts from his speech for the benefit of our readers:

" Our liberation organisation is prepared to participate in negotiations to find a political solution to the ethnic conflict through peaceful means. We are not opposed to peaceful processes of resolving conflicts. Nor are we reluctant to engage in peaceful dialogue. We are seeking a negotiated settlement that would be fair, just and equitable and that would satisfy the political aspirations of the Tamil people. I explained this position very clearly when I met the Norwegian peace delegates in Vanni recently. **We are not imposing any pre-conditions for peace talks. Yet we insist on the creation of a cordial atmosphere and conditions of normalcy conducive for peace negotiations. It is practically difficult for both parties who have been involved in a savage and bloody war for the past two decades with mutual animosity and**

distrust to suddenly enter into a peace process while continuing hostilities it is precisely for this reason we propose a process of de-escalation of war leading to cessation of armed hostilities and the creation a peaceful cordial environment... our call for de-escalation and normalisation of civilian life should not be misinterpreted as pre-conditions. We want the talks to proceed from a stable foundation in a cordial atmosphere of mutual trust so that it could turn out to be a constructive engagement" (our emphasis). Prabakaran stated that he does "not believe that Chandrika is sincerely committed to peace. We view her as a hard-liner committed to a military solution because of her policy subjecting our people to military atrocities and economic injustices and her recent measures mobilising the country for war"

He quotes President Kumaratunga's statement at the opening of the first session of Parliament on 9 November: " The real cause of the ethnic crisis is that the minority communities have not had a fair or reasonable opportunity to share in the political social and economic power structure of this country" He states that "Chandrika fails to answer the question as to why, how and who did this injustice to the Tamils. She shifts the entire blame on to the foreign colonialism for all injustices done to the Tamil people. "Chandrika's thesis is that existing Sri Lankan State system emanated from essentially colonial power structure that does not suit in any way the prevailing conditions in our society and therefore failed to provide justice and fair play to the 'minority communities'. In this elucidation the cruel history of Sinhala - Buddhist chauvinist oppression against the Tamil people is skilfully suppressed." Prabakaran said " If the Sinhala nation fails to redeem itself from the grip of racism and continues to fight against the Tamils, we have no alternative other than to secede and form an independent Tamil State."

Commenting on the ground situation the LTTE leader admitted that he was compelled to delay his advance into Jaffna as a consequence of unilateral intervention by international governments who injected massive military assistance to the Sri Lankan military forces at a crucial time in the battle of Jaffna. He declared: " **The Sinhala nation cannot impose its sovereignty over the historically constituted lands of the Tamils by military aggression and occupation. As the liberation army of our people we will not allow our traditional lands to be occupied by alien forces. Whatever the challenges we have to face, regardless of the obstacles we must overcome, whatever force opposes us, our liberation movement is determined to liberate Jaffna**" (our emphasis).

Responding to the LTTE leader's speech a statement approved by the Presidential Secretariat and read out by



Prabakaran has assumed a new look. This is how he appeared when he delivered the "Martyr's Day" speech from somewhere in the Wannu Jungles. (Courtesy: Sunday Times)

Foreign Minister Lakshman Kadirgamar, declared that the Government was ready for immediate talks with the Tamil Tigers but rejected their demands for a de-escalation of the war and lifting of the economic embargo ahead of negotiations, describing them as "pre-conditions."

"The government has made no demands on the LTTE at all. Both, the Government and the President are particularly keen that no time should be lost on peripheral and fringe matters", Foreign Minister Kadirgamar said, adding "The LTTE says there is mistrust on both sides so they should start talking and during these talks they can address the issue of building trust, but should not put conditions before talks begin." The Government wanted to ensure that talks on "core issues"- were concluded

within a specified period. "The core issues as the Government has consistently maintained, are the stoppage of war, the stoppage of all terrorist killings, the resolution of the Tamil people's problems through negotiated political settlement and a speedy resolution of the problems of those displaced by the war, etc.". This statement stressed the importance of "honest participation of the LTTE" in any negotiations. "During the entire eight months of talks between the Government and the LTTE in 1994/1995, discussions on these essential matters (an end to the war and all forms of terrorist activity) were firmly rejected by the LTTE" the statement said.

"The Government has noted with interest that even at this late stagethe LTTE leader....has responded somewhat positively to the Government's stand on the resumption of talks" "However a careful reading of the LTTE leader's speech gives the impression that his readiness for peace talks is not without ambiguity. He insists on the 'creation of a cordial atmosphere and conditions of normalcy conducive for peace negotiations'. The LTTE leader does not spell out what he means by conditions of normalcy'. The Government is aware that the LTTE has held and expressed the view that 'conditions of normalcy' include the withdrawal of the armed forces from Jaffna and the Northern province as a pre-condition to the commencement of any talks".

"In the Government's view, the crucial political issues

"The LTTE leader has claimed sovereignty over Jaffna, while issuing a challenge to the State that his movement will 'regain Jaffna'. The government's position as has been clearly reiterated to all concerned is that Sri Lanka is a single sovereign State, the territorial integrity of which is not, and cannot be put, in question; nor it is a negotiable issue. The government also reiterates that Sri Lanka is a multi-ethnic, multi-religious pluralistic State in which there is no space for mono-ethnic political entities."

that affect the future of Sri Lanka should not be evaded any longer. The Government states that political talks with the LTTE aimed at resolving the conflict can and should begin forthwith. This requires that the LTTE agree that the core issues should comprise the agenda of negotiations." "Mr.Pirabaharan has also expressed his desire for a process of de-escalation of war leading to cessation of armed hostilities. This is proposed almost as a pre-condition for talks. In the Government's view de-escalation of war could be considered only as the talks progress towards a definitive stage in resolving the conflict.

"The Government is acutely aware that there are difficulties faced by the civilian population, in conflict areas, in the North and East. This is due to the

inescapable fact that there is an on-going war for which the LTTE bears a heavy responsibility. The Government wishes to remind the LTTE leader that it has taken every possible step to improve the conditions of civilian life in areas under government control. It has to be emphasised that it is the LTTE that has constantly disrupted the supply of goods and services to the people in the Northern and Eastern provinces. The Government is of the view that issues concerning the normalisation of civilian life could also be discussed in the course of the proposed talks.

"The LTTE leader has claimed sovereignty over Jaffna, while issuing a challenge to the State that his movement will 'regain Jaffna'. The government's position as has been clearly reiterated to all concerned is that Sri Lanka is a single sovereign State, the territorial integrity of which is not, and cannot be put, in question; nor it is a negotiable issue. The government also reiterates that Sri Lanka is a multi-ethnic, multi-religious pluralistic State in which there is no space for mono-ethnic political entities. The government and its armed forces shall continue to defend the sovereignty and territorial integrity of the Republic of Sri Lanka.

"Finally, the government wishes to state that the time has come to move beyond rhetoric to the discussion of concrete political issues, within a definite time frame with a clear political outcome in view. "(our emphasis)"

In answer to journalists the Minister said, " There will not be any withdrawal of troops from Jaffna, the LTTE is a matured terrorist organisation, they are not babies, they are perfectly capable of talking peace while fighting" the Minister said.

Kadirgamar also said that with the failed peace talks in 1994 and 1995, the government this time would adopt a very cautious attitude when conducting peace talks. He noted that on both these occasions the LTTE had called for peace talks and then violated the talks by resuming the fighting. " This is not a game for novices, the government will not accept any bargains or trade offs this time" the Minister asserted. Stating that the LTTE had totally rejected a peace move made by the government in May 2000, he believed that the Norwegian facilitation had something to do with the LTTE's present consent to the peace move. The presence and participation by a third party facilitator will add new hope for successful peace talks, the Minister said." (Tamil Times)

International Peace Initiative

It must be noted that Prabarakan's Heroes, Day speech on November 27 was made also in the context of international pressures that were being brought to bear on both the LTTE and the Government especially after the General Election of October 10, to engage constructively in a search for peace through a negotiated settlement as opposed to an endless war. This was reflected in the Norwegian Peace Initiative which began even before the election and the routine shuttling of the Norwegian envoy Erik Solheim between Oslo, London and Colombo and the meeting on November 1st with the LTTE leader at his hideout in the Vanni jungle. The objections of President Kumaratunga to the usual Tiger preconditions to negotiations, such as a cease-fire and a withdrawal of troops would obviously have been pointed out to Prabarakan by the Norwegian facilitator. The Tiger's history of using a negotiating interlude to regroup and rearm and then break off talks with a dramatic military strike, would hardly have permitted President Kumaratunga into agreeing to even to a cease-fire until the peace talks commenced. Thus the offer this time of 'unconditional peace talks' by Tiger leader Prabarakan.

Ironically the very day the Tiger leader made his offer, a landmine blew up a civilian bus with many civilian casualties. Which is perhaps why Prime Minister Ratnasiri Wickremanayake has been repeatedly insisting that terrorism must first be crushed militarily. However international peace initiatives cannot be ignored and in any case

the PA Government was itself committed to a peaceful political resolution of the conflict even while it felt it had no option but to pursue the war in the meantime. This became evident, after the election of October 10, when there were no signs of the UNPs willingness to continue the discussions on Constitutional reform which were so sadly broken after agreement was reached on most matters. However without accepting its electoral fate at least for a time, after failing in its attempt to form a coalition government with a number of minority parties, the UNP leader began threatening to bring the PA Government down in 60 days if some of his demands were not met, thereby creating a situation of political instability. Not surprisingly a crowd of Sinhala chauvinists protesting the Norwegian peace mission, burnt an effigy of Solheim in front of the Norwegian Embassy shouting " Norway Out !" Members of the NMAT also staged a protest outside the Fort Railway Station.



Members of the NMAT protesting outside the Fort Railway Station with an effigy of Prabarakan flanked by two NMAT activist posing as Erik Solheim and Peter Hain.

(Courtesy: Sunday Island)

Support for Talks

The *Hindustan Times* reported that after a meeting in Jaffna on December 10, the Bishop of Jaffna the Rt. Rev. Thomas Savundaranayagam, had appealed to the people of Sri Lanka to seize the current opportunity to find a peaceful solution to the ethnic conflict now tearing the island, because this may well be the last chance.

Speaking at a meeting of the Colombo Branch of the Old Boys' Association of St. Hemy's College, Illavaalai, Jaffna on Sunday December 10th, Tamil North's most prominent religious dignitary said: " A good opportunity to find a peaceful solution has now arisen. We should not let this opportunity slip out of our hands. We cannot expect the same kind of general interest in finding a peaceful solution to arise again."

He pointed out that the LTTE had offered to talk without pre-conditions and that the Norwegian Government had held out a helping hand and said that this situation must be utilised to find a solution through "ahimsa".

He deprecated the statements of some forces which wanted a solution only through the war and were against Norwegian involvement.

Pointing out to the urgency of a solution from the point of view of the people of Jaffna, Bishop Savundaranayagam said that there was only one class of people living in Jaffna, "the poor who live on the mercy of others." He said there was no stratification based on education or class now in Jaffna because the well-heeled, the educated and the middle classes had fled the land leaving only the poor. The Catholic community had been particularly hard hit and its structures had to be dismantled in as many as 12 places in the past year because of the war. "It is time we thought of the poor and took the finding of a peaceful solution as a challenge," he said.

Following the government's statement in response to the LTTE leader's offer of peace talks, some Tamil political leaders on 13 December urged the government and Tamil Tigers to abandon their fixed positions and enter talks without pre-conditions.

They welcomed the government's announcement that it was ready to enter talks with LTTE, but said both sides must be willing to make a start without imposing conditions. "We welcome the government saying that it wants to open talks," said former Member of Parliament Dharmalingam Sidharthan who leads the Democratic People's Liberation Front (DPLF).

Tamil United Liberation Front (TULF) said the government must not give the LTTE an excuse to back out of talks. "Prabakaran has for the first time broached the subject of a negotiated peace," TULF senior vice president V. Anandasangari said. "By saying no to a ceasefire before the talks, the government should not give the LTTE an opportunity to back out," he said adding that Norway as a facilitator could help sort out ambiguities in the LTTE's offer of talks made on November 27.

"She (The President) has succeeded in mobilising the entirety of the People's Alliance in support of the Amendment. A large measure of agreement was reached with the UNP and the Tamil and Muslim parties too on the provisions of the Amendment. To ignore this achievement and start afresh on a different trajectory can well be a wild goose chase."

However as we have pointed out in this column, parties like the TULF tend to go along LTTE positions for their own safety despite the latter's gunning down of their leaders, hoping against hope that they will survive any way!

EPDP spokesman and Jaffna District MP S. Thavarajah said, "we welcome the proposals by the government to have talks with the LTTE and we have no objections to these talks. However, the LTTE has not instilled sufficient confidence in the people yet and it is up to them to prove the sincerity of their intentions."

EPRLF General Secretary Suresh Premachandran said, "We will support the Government if the LTTE's efforts are sincere. It is high time that a solution to this long drawn out conflict has been determined."

The most meaningful statement in this context came even earlier from the Lanka Sama Samaja Party (LSSP) in a press release by its General Secretary Minister of Justice Batty Weerakoon appearing in the newspapers on December 02 which stated as follows: "The Lanka Sama Samaja Party welcomes the initiative of the international community to facilitate peace negotiations between the LTTE and the Sri Lanka Government. The LSSP also notes that what has been reported from the facilitators on the nature and purport of the talks which they project makes it possible for the Government to push for the commencement of these talks on the basis of the Constitutional Amendment that was presented to Parliament by the President on the 3rd August 2000.

"The LSSP is of the considered view that contemplated talks can serve no meaningful purpose except as the means of taking the Constitutional Amendment forward. The President won her international credibility in her commitment to what is embodied in the Amendment.

"She (The President) has succeeded in mobilising the entirety of the People's Alliance in support of the Amendment. A large measure of agreement was reached with the UNP and the Tamil and Muslim parties too on the provisions of the Amendment. To ignore this achievement and start afresh on a different trajectory can well be a wild goose chase. This perhaps may be what Prabakaran would wish and plan for.

" It is idle to spend time questioning Prabhakaran's intentions in this instance. Prabhakaran has always been a wily customer and there is no reason to believe that he has changed character. But it is a fact that international pressures can have their impact on his support structures. This can certainly have its result on Prabhakaran's own perception of the situation even though he may view the talks as merely a means of buying time. Nor is it productive to speculate on the motives of the international community when it had decided to take a firm position in regard to the conflict in Sri Lanka. **What is necessary is for Sri Lanka to have a strategy that can put to optimum use the heightened concern of the international community and its possible effect on the LTTE.**

" The LSSP commends to the PA Government as part of a rewarding strategy a course of joint action with the UNP in regard to the projected talks. The UNP is no stranger to the dispute or to the Constitutional Amendment mentioned above. The latter only takes forward the provisions of the 13th Amendment introduced by the UNP in 1987. It is fact that the talks between the UNP and the PA leadership on the Constitutional Amendment proceeded with hope during the period March to August 2000. It was in the face of the elections that were soon to follow that the situation got distorted. The LSSP is of the view **that the resumption of these talks with the UNP on the Amendment will be the means of forcing Prabhakaran to enter into constructive and meaningful talks aimed at a resolution of conflict**" (our emphasis).

This is certainly a constructive position, for the resumption of talks with the UNP on the constitutional amendment from where they broke off with just a few more matters to be finalised could result in an agreed constitutional reform being pushed through Parliament with the requisite two-thirds majority. This would effectively answer also the taunt of the LTTE that the " Sinhala Parties " have in fact given nothing by way of an agreed solution to the ethnic problem. Such constitutional reforms would undoubtedly result too in the pressures of the Tamil community being brought to bear on the LTTE to enter the peace process as the other Tamil parties have already done and to abandon its sterile armed struggle for a separate State of Tamil Eelam. But this would require mass pressure and perhaps

"Self-determination could very well mean the right to cessation. The State of Sri Lanka cannot under any circumstances whatsoever contemplate the possibility of a right of cessation. We must always remember that there are constitutional arrangements which exists in the region. India for instance is a federal union and there is no question of self-determination for any of the Indian States..."

even international influence to be brought to bear on the UNP itself to assist in such Constitutional reform in the present situation.

In the meantime the European Union has reiterated its support for the Norwegian peace initiative which assistance the Sri Lanka Government too has thought could be helpful in the form of facilitation rather than mediation at some stage.

However the statement made by British Minister of State Peter Hain in Colombo at the British Council on November 22 drew on angry response from Sri Lanka's Foreign Minister. British Minister of State Peter Hain said:

" The LTTE like the IRA need to acknowledge that whilst a Tamil kingdom constitutionally split from the rest of the island will not receive recognition by Europe, the USA or indeed India, **the principle of self-determination and control over most if not all the key policies affecting daily life would be supported by the international community**" (our emphasis). Sri Lanka's Foreign Minister said " We are going to respond. We are going to make it clear that we do not welcome such statements.... I take rather strong exception to that statement. Because **self-determination could very well mean the right to cessation. The State of Sri Lanka cannot under any circumstances whatsoever contemplate the possibility of a right of cessation.** We must always remember that there are constitutional arrangements which exists in the region. India for instance is a federal union and there is no question of self-determination for any of the Indian States..." Minister Kadirgamar said "I would ask our friends abroad to desist from making statements which infringe our right to resolve our own problems."

Ban on the LTTE

The LTTE in a statement from its London international headquarters has stipulated that its proscription in Sri Lanka should be lifted before it would enter into Norwegian sponsored peace negotiations with the government of Sri Lanka.

The ban on the LTTE was imposed by the Sri Lankan Government on 26 January 1998 soon after one of its suicide squads drove an explosive laden truck into the island's most hallowed Buddhist place of worship, the Sri

Dalada Maligawa, resulting in considerable damage to the temple and generating feelings of much popular outrage.

The Tamil Tigers, as the LTTE is popularly known, are proscribed in Sri Lanka, India and the USA. In fact the ban in Sri Lanka came only after the banning in India and the USA in the circumstances mentioned earlier. The LTTE argues that the creation of a conducive atmosphere is essential as a prerequisite for any peace talks to commence, and such an atmosphere cannot be created if the ban imposed against it remains in force.

The Sri Lankan Government has also been carrying on a sustained campaign, notably in Western capitals, to secure the outlawing of the LTTE on the alleged ground that the Tamil Tigers and their front-organisations have been engaged in fund raising for "terrorist operations" in Sri Lanka in pursuit of their goal for a separate State. The Sri Lankan Foreign Minister Lakshman Kadirgamar has been engaged in this campaign for some time now, and it is learnt that President Chandrika Kumaratunga had urged the British Government to ban the LTTE during her November, 2000 visit. This is understandable from the Sri Lanka Government's position for such a ban would obstruct the vast resources from abroad now being used to undermine the country's territorial integrity and sovereignty and further the LTTE's separatist war. The Government however has already emphasized that it is committed to its peace process and also open to negotiations with the LTTE without pre-conditions, notwithstanding its campaign to have the LTTE outlawed internationally.

The Tamil Tigers say that so long as the government continues to engage in such a campaign, it cannot provide the right climate for peace negotiations to commence.

Meanwhile, Britain said on December 11 that it would take into account the Sri Lankan Government's request to ban LTTE from functioning from its soil while preparing a list of international terrorist organisations to be proscribed in operating from the country.

The British High Commissioner in Colombo, Linda Duffield, rejecting local newspaper reports criticising the

British Government for harbouring senior LTTEers like Mr Anton Balasingham, who is functioning as LTTE's chief spokesman from London, said that "UK was determined that its soil should not be used as a base for spreading terrorism,"

Newspaper reports from London stated that Mr. Balasingham, in the course of his speech at a "Great Heroes' Day" commemoration held in London on 3 December, had warned Britain that **if the Tamil Tigers were banned, they would really become terrorists.** We have told the British Government that if you lay hands on us, we will not come for peace talks. Whether it is peace initiatives by the European countries or any one else's attempt to bring peace, we will close the door to peace," Mr. Balasingham is reported to have said. At the same time he is alleged to have said that a ban would not be effective and prevent the LTTE from functioning, pointing out the example of the ban imposed on it in the USA from where, he claimed that more funds had poured into the LTTE coffers following the ban.

The British High Commissioner said in her statement said: "Far from being soft on terrorism, we are determined that the UK should not be used as a base for the planning and preparation of terrorism. The Terrorism Act July 2000 is a clear signal of our condemnation of terrorism and our determination to take firm measures against those who engage in terrorist activity. The UK consulted widely in drafting this legislation, including the Sri Lankan Government. There is a gap of around six months before the legislation comes into effect. Such a gap is normal, and is necessary for the Act to be implemented fully. The time is being used to train the police, Magistrates, draw up the criteria for proscription and the appeals mechanism. The UK is actively preparing to step up its campaign to combat terrorism.

"Recommendations to Parliament on which international organisations should be proscribed under the Terrorist Act will be made early next year (2001) after Act comes into force. Part 1 of the Act broadens the definition of terrorism in UK legislation to include organisations other than those related to

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Northern Ireland terrorism. Britain is considering which organisations to ban and will take into account the Sri Lankan Government's request that the LTTE be proscribed."

Duffield's remarks came in after Britain's Junior Foreign Minister Peter Hain said in Colombo that the British Government was "very seriously considering" a request from Colombo to ban the LTTE.

It is no secret that the LTTE has offices functioning in many capitals of the world operating a network of propaganda outfits including a number of web sites. Its main functions are performed from Western countries and Australia where there has been a large influx of Sri Lankan Tamils mainly due to the ongoing ethnic war in the island.

Dealing with this issue, among others, Foreign Minister Kadirgamar in an interview published in the *Daily News* of 16 December 2000, made two points regarding the position of Britain in the peace initiative:

A: The first point is that the UK is making no contribution towards the facilitation efforts of the Norwegians. Let there be no mistake about that. The only facilitator on the scene is Norway. And we have made it very clear that we do not wish to have any other, or any more facilitators. Secondly, the UK now has a law against terrorism. That law was passed in July this year. It is going to come into force in the first quarter of next year (2001).

There is now a law and the law is clear. All I am saying is that they must implement the law. So I wish to make it very clear that it will put a considerable strain on relations between the UK and Sri Lanka, if the British Government chose, for whatever reason, not to proscribe the LTTE when the LTTE so eminently qualified for proscription.

Q: How do you see Anton Balasingham's response to the UK's attempt to ban the LTTE ? How do you see that strong statement by Balasingham?

A: I see it as very arrogant. It is very much the kind of statement that terrorists make. The LTTE does not like being described as a terrorist organisation.

The LTTE must bear in mind that in Canada this point was argued as to whether a National Liberation Organisation can be a terrorist organisation. And the answer the court gave is that a terrorist organisation is one which commits terrorist acts. If it does so, even if it calls itself a National Liberation Movement, it is not exempt from the label of being a terrorist organisation.

The LTTE wishes very much to get away from this. And they do not like at all the declarations made by many countries that they are a terrorist organisation. But if you look at their record they are nothing, if they are not a terrorist organisation. Everything they do has all the elements of terrorism -the indiscriminate bombing of civilians, and civilian targets, for instance the use of child soldiers and the use of fund raising for these purposes and so on. The catalogue of assassinations that they have carried out is a very long one indeed, and is very largely directed at us specifically . That is classic terrorism.

Q: After the US banning of the LTTE we expected a chain of bans, the European Union, Australia, Canada But don't you think there was a slow down?

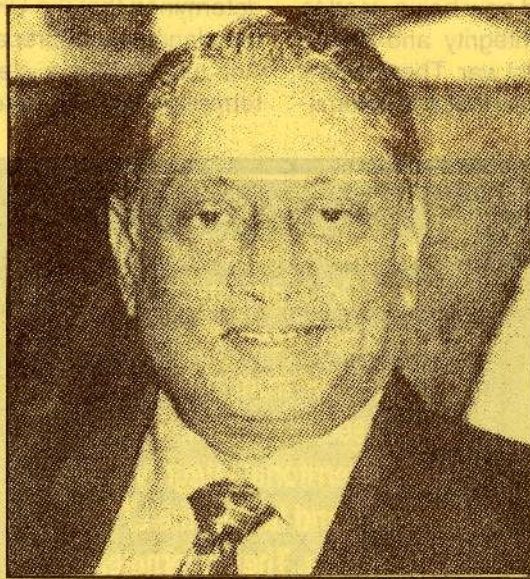
A: No. The reason is very simple. All those countries do not have laws that provide for banning. We have to remember that this concept of international terrorism is new. Terrorism has been with us from the dawn of time. But international terrorism, that is where terrorism passes easily across the boundaries between territories, is relatively new. The reach of terrorism is vast indeed. So the laws of countries do not cater to this situation.

That is why two United Nations Conventions were adopted. One, the Convention against Terrorist Bombings in 1988, and the other the Convention Against Financing for Terrorist Purposes in 1999 .

Most of the European countries have signed these conventions. So they now have to adopt laws, domestic laws, and the British have done so. I know that Canada is working on a law and it is expected to come out in spring of next year (2001).

Settling with the Tigers

How, when and where any talks with the Tigers can take place is not possible to predict. However the position



Foreign Minister Lakshman Kadirgamar

that the Government will take in such talks has already been clearly spelt out by both the President and Foreign Minister Kadirgamar. The following are excerpts from the interview already referred to which clarify the position.

Q: Today it seemed from your statement made on behalf of the Government, when you read between the lines, that the Government still sticks to its earlier three conditions, laying down of arms, a time frame etc.

A: That is not correct, because there is nothing about laying down of arms. The only reference to the time frame is this: we have not laid down a time frame. What we are saying is, I quote, "finally the government wishes to state that the time has come to move beyond rhetoric to the discussion of concrete political issues within a definite time frame with a clear political outcome in view." So what we mean is that if and when the talks start we will be pressing for a time frame to be laid down for the conclusion of the talks. We don't want to get involved in a situation where the talks become open ended and unending. Our feeling is that the open ended, unending talks will suit the LTTE because in their history they have always used the talking period to re-group, re-arm, re-train etc. And we are not sure whether, to mix the metaphor, the Tigers have changed their stripes. We are not sure.

Q: Today no time frame has been laid out in this statement ?

A: What we are saying is that a time frame should be laid down if and when the talks begin. In regard to laying down of arms there is nothing whatsoever. What we are saying in the opening page of the statement is that there are three pre-requisites for the effective attainment of the ultimate goal. I underline the words "effective attainment".

Now the first is the honest political commitment of the Government and we are saying that the Government has exhibited this commitment to solve the matter once and for all. Secondly the clear agreement of the majority of all Sri Lankans, and we are saying that over 10 elections the people have indicated their willingness and agreement to solve this problem peacefully.

Thirdly, we are saying that there must be an end to the war and all forms of terrorist activities. We are not saying

When the talks start we will be pressing for a time frame to be laid down for the conclusion of the talks. We don't want to get involved in a situation where the talks become open ended and unending. Our feeling is that the open ended, unending talks will suit the LTTE because in their history they have always used the talking period to re-group, re-arm, re-train etc.

that you must end the war before starting talks. What we are saying is that the ultimate objective has to be the end of war. Ultimately we must achieve that requisite if we are going to settle the problem finally. In other words what we are saying is the war can go on while we are talking. And we do not want any impediments put in the way of starting that process.

Q: That's what you mean by the normalcy measure ?

A: What we feel is that this emphasis on normalcy may be a device for prolonging the day when you actually get to grips with the core issues. The President has

made it very clear, as this statement shows which she approved fully, that she remains of the view that she wants to grapple with the main issues quickly. She doesn't want to get involved in wasting time on side issues. What she is saying is "let us get down to the agenda", and she has spelt out here what she means. Once we start talking we can consider in a parallel way normalcy measures and de-escalation of the war. On de-escalation of the war what we say is that it should take place only when the talks are moving decisively to a conclusion. Not at the beginning. Because talks may fail. They may not go well, So we are not going to de-escalate the war in that situation. That is the way in which this statement must be read.

Q: How far has Norway gone? What is the status now ?

A: Norway is in touch with both the parties all the time. And if they have anything to tell us as to how the LTTE is thinking they come and tell us and if we have anything to say similarly we tell the Norwegians. So the Norwegians are playing very a special role as a facilitator. I have made it clear over and over again that we are not in favour of mediation. Norway has no mandate to mediate.

Q: Will the facilitator be able to meet this gap ?

A: The facilitator's task is bring the parties to the table and that remains its task. Once the parties get to the table they have to negotiate. Norway is not going to negotiate for us. Norway is not an umpire. Norway is not a judge. It is not a mediator. Norway's task is to do its best to bring the parties together to start talking and we felt that the facilitator was necessary because there is no contact between the LTTE and ourselves directly.

Relations between the LTTE and all the governments in Sri Lanka have been very bad. From time to time there have been some talks. Mr. Premadasa had some talks. President Kumaratunga had some talks. Generally speaking it has been a history of mistrust, bitterness, enmity on both sides. So to break that situation we engaged the facilitator. That is Norway's role. Norway's task will end with facilitation, that is getting the parties to the table to talk. Thereafter, the parties must talk.

Q: So how far has this gone now ?

A: We made a statement today. This statement is in the nature of a response to Pirabakaran's speech of November 27 and we are outlining our attitude to the question of talks and we are emphasizing certain points as you can see from the statement. If you ask me what is the principal point I would say the principal point, is "let us begin talking forthwith, we use the word forthwith on substance. Do not delay any longer the question of getting to grips on substance". That I would say is the principal message that we are transmitting through this statement. In other words, when we say forthwith, we mean forthwith.

We have also made it very clear what the limits of these negotiations are. There is no question of compromising our sovereignty. And therefore there is no question of a separate State. We have said it over and over again and we are repeating it now with emphasis. There is no illusion about it and there will be no expectations. Norway, I have no doubt, will now see what it can do, in the light of our statement and in the light of Pirabakaran's speech, towards getting the parties together for talks.

Q: Will this proposed constitution bill be a part of this negotiation, will it come to table ?

A: President Kumaratunga's attitude is very clear on this. In her view, the real solution, the best solution in the interests of the vast majority of the Sinhala and Tamil people and I emphasise the Tamil people because a large majority of the Tamil people are moderates - they do not want a separate State, they do not want unending fighting - is Devolution. That is her belief and it is because that was her belief that she personally went to Parliament on the 3rd of August to present that draft Constitution. We failed to get two thirds. Parliament was dissolved. But she had said over and over again that she intends to re-introduce that Bill in Parliament at an appropriate time. Therefore as far as we are concerned we have outlined what we propose as a solution to the problem and obviously we are going to say to the LTTE this is the solution. And we want to get rid of the problem. Therefore, we drafted a constitution the terms of which have been very clearly spelt out in legal form which will undoubtedly form the foundation of Sri Lanka's case for the solution of the problem.

Practical Steps Towards Settlement

Whether any talks takes place with the LTTE or not, there is a vital contribution that the other political parties can make towards a resolution of our vexed national problem. The first step would be for the two main Parliamentary parties. PA and the UNP to complete their discussions without delay on the draft Constitution, get whatever contribution is forthcoming from the other parties and table the Constitution in Parliament for discussion and passage through the House with the requisite two-thirds majority. Thereafter it will be necessary to have a referendum at which the adopted Constitution will be duly passed with a simple majority by the people of the country.

These steps can undoubtedly effect a qualitative change in the situation vis-a-vis the Tigers and bring pressure from the Tamil community on them and influence them without further delay to join the peace process by obviating the need to continue their armed struggle in the light of the Constitutional changes effected.

However such a change can only come about with the change in the attitude of the UNP especially and the willingness of some of the Tamil parties to realistically assess the situation and decide to accept whatever is practicable in the present situation. For we have repeatedly pointed out in this column, **no Constitution can transcend the existing relationship of social forces and the sooner political parties of all hues come to terms with this hard truth, the better**. It is of course true that the original draft as presented by the PA has become 'diluted' on account of the inclusion of certain UNP amendments. If the draft Constitution can be passed with the requisite two-thirds majority only with such amendments, everyone concerned would do well to accept the situation gracefully and bide their time to improve further on the accepted Constitution at a future date. It would be counter-productive to reject all the progressive features of the draft Constitution outright because of disagreement with one or more of its clauses, especially when it is admittedly a great advance on the earlier Constitutions. This would demand wisdom and statesmanship on the part of our legislators and a willingness to transcend the narrow interests of party politics and personal rivalries. The last important Constitutional change in this direction of a devolution of power came as a result of the Indo-Lanka Accord in 1987 which was brought about through the pressures exerted on the J R Jayewardene led UNP Government by India. Ever since that time, Sinhala chauvinist elements after they were forced into accepting the 13th Amendment brought about by this Indian intervention, have been ever so reluctant to move beyond its provisions. Must further international pressures be brought to bear on even the present leader of the UNP Ranil Wickremesinghe -

a kinsman of Jayewardene, to induce him to cooperate in effecting the desired Constitutional changes which the people of this country have endorsed several times over through the elections ?

The LTTE's Unilateral Cease-fire

On December 2 the LTTE announced a month-long cease-fire "as a good will measure to facilitate the peace process" operative from midnight December 24. A press release from the LTTE's London Office quoted the LTTE statement reported by Tamil Net and the Reuter and AFP wire services which further declared: "We make this declaration of cessation of armed hostilities unilaterally hoping that the Sri Lanka Government will reciprocate positively and instruct its Armed forces to observe peace during the festive season of Christmas, New Year and Pongal (Hindu Harvest Festival). We offer this space of peace to facilitate and promote initiatives to create congenial conditions of normalcy de-escalating the armed confrontation".

Knowing that the Government had already rejected all preconditions for negotiations such as a cease-fire, this announcement could be viewed as a shrewd attempt on the part of the LTTE to force the issue - to place the Government in an embarrassing position and refurbish its own image in the eyes of the international community.

The Tiger announcement was made at a time when the Sri Lankan Armed Forces were in the process of planning a major offensive against the LTTE forces - Kinihira 7 that was to begin on December 21. The Army Commander Lt. General Lionel Balagalle decided that since there was no ceasefire orders from the Government, the forces should go ahead with the planned offensive. So Kinihira 7 commenced as planned, except that there were not going to be offensives on Christmas Day as on days of religious festivals. However the reactions of the Cabinet Ministers were apparently varied: one declaring that the ceasefire had not been made to the Government or to Norway, another that the Foreign Ministry would respond and so on. Media Minister Anura Priyadarshana Yapa said that "the declaration of a ceasefire by the LTTE could be a productive exercise" but that it was "necessary to act with great caution and proper inquiry and understanding." Prime Minister Ratnasiri Wickremanayake and Foreign Minister Kadirgamar

responding to the LTTE offer stated that "the Government considered a cease-fire as a consequential step that would arise when negotiations proceed to the mutual satisfaction of both sides. Until then military operations would continue" This is of course perfectly in line with the position of the Government as was made known even to the Norwegian peace envoy. And the past track record of the LTTE breaking three earlier ceasefire agreements would not have been conducive to a favourable response by the Government in any event however committed it was the peace process. However the Sinhala chauvinist stance of the Prime Minister both during and after the recent election campaign and the more recent 'Veerarohana Dharma Yatra' to bless the Security Forces combined with the "Love Our Forces" campaign in February 2001. appears to have lent support to a militaristic solution as against the PA Government's original commitment to the peace process. The latter has therefore to be strongly revived in the present context in the interests of the PA's image too both here and abroad. For it is more than apparent that **we are witnessing today a right-ward trend in the country that could become increasingly dangerous.**

That the LTTE's unilateral ceasefire offer was made in order to prevent the impending army offensive from being launched was most likely and the subsequent reported several violations by the LTTE of its own cease-fire sufficient confirmation that it was only a ploy. However, much more skill and political will must be called for in tactical dealings with the LTTE and in giving the peace process the primacy that it deserves. It is the fact that the people yearn for peace and more so the Tamil people in the North and East where the conflict takes place and the Sinhalese people in the border villages who are also affected by the LTTE's savage attacks from time to time. The former have



Troops of Operation Kinihira in battle with the LTTE

(Courtesy Daily News)

been severely buffeted by war for nearly for nearly twenty years and have experienced the horrors of war, death and destruction, disruption of normal life and displacement. They do not want a separate State to be ruled by a fascist organisation which is the LTTE. They wish to remain within a united Sri Lanka and enjoy the fruits of development and progress. When the LTTE wanted them to leave Jaffna to facilitate its attacks there, they silently defied these directives and even went behind the enemy lines to escape their "liberators" when they attacked Jaffna.

Former Chief Minister of the North East Province A Vartharaja Perumal who assumed that office as the leader of the Eelam People's Revolutionary Liberation Front (EPRLF) after the Indo-Lanka Accord of 1987, said in a New Year statement that the LTTE was now very weak on the war front and under severe stress due to international pressure. That is why they hurriedly declared a unilateral ceasefire. "It is obvious that the LTTE is the main voice behind the 'peace cry' because of its present weakness. At the same time the LTTE is under severe stress due to international pressure and the loss of influence over a majority of the Tamil people. This call for cease-fire need not be taken seriously by the Tamil parties, the Tamil representatives or the Tamil public in general. Ultimately peace can be achieved by implementing a political solution and creating a democratic environment in the North-East. EPRLF leader Vartharaja Perumal said that if the LTTE was really sincere and honest in negotiating a political settlement it should immediately implement the following:

1. "Open the Jaffna-Vavuniya main road for the use of public purposes.
2. Come to a peace agreement with all the Tamil political parties in order to establish a peaceful and democratic environment among the Tamil people.
3. Stop all illegal and anti-people atrocities such as conscription of the common people including children and aged to send them forcibly to the war front, oppressive measures on all sections of the people such as pass system, jungle law on expressing differences of opinion, no basic human rights etc and misusing the civil administration.
4. Arrive at a consensus with all Tamil political parties to prepare a comprehensive practical alternative political package to negotiate the peace - process with the Government of Sri Lanka and the main opposition party the UNP."

community, all the Tamil prominent figures including the leaders of all the Tamil political parties, the religious and other learned sections among the Tamils and all the democratic progressive forces in Sri Lanka to raise their voice emphatically in order to pressure the LTTE to accept and act upon the above-mentioned issues." (January 1, 2001, *Daily News* and *The Island*)

Meanwhile clergy of different religions have together sought to have discussions with the LTTE to bring about greater understanding. The LTTE for its part has sought cleverly to make use of the people's yearning for peace to organise support for its cease-fire move and its opposition to being outlawed in Britain by peaceful demonstrations through its cadres in the universities of the North and East, on the ground that these would promote the peace movement and that banning the LTTE in this situation when nothing has been given to the Tamil people through even a Constitutional amendment will weaken the Tamil cause. It is the opposition of Sinhala chauvinist elements and the unwillingness of the UNP especially to not help in pushing through Constitutional reform that has helped to sustain LTTE propaganda that nothing would be conceded by the Sinhalese parties. In fact the UNP has been accused (not without reason) of assisting the LTTE by the political positions it has taken on more recently.

The Continuing War

In our last issue we noted that on September 3 a day before Parliamentary Nominations concluded, the Army launched "Operation Rivikirana" (Sun Ray) to capture at least a portion of the territory lost to the LTTE in April 2000. The Army broke out of the Defence lines at five points: two in the east of Jaffna Town and three to the North of Chavakachcheri. The aim in the first phase was to retake the territory north of the Kandy Road. Troops from Serasali were allowed without much resistance and counter-attacked near Chavakachcheri. Troops withdrew to their original positions with a heavy loss of men and material. At



"We also call upon the international *A section of the damaged buildings at Chavakachcheri*



Forces retake 139 sq kms in Jaffna

(Courtesy Daily News)

Ariyalai and Colombothurai, the Tigers put up a stiff resistance and counter-attacked inflicting heavy casualties to the troops. However troops resumed a limited offensive a week later and claimed to have advanced to Navatkuli. This apparently secured the Jaffna town from Tiger shelling.

Thereafter the troops slowly but steadily advanced to re-taking more territory, consolidating themselves in the meantime and clearing landmines before the next advance. Meanwhile the LTTE too engaged in skirmishes with the Forces both in the North and East. On October 23, Tiger suicide squads even attacked the North-Eastern port of Trincomalee destroying two naval vessels and shooting down a helicopter gunship. Military spokesman said that four explosive laden boats were destroyed by the Navy, one of which had caused damage to the port. Yet another attack on the port by two suicide Sea Tiger boats on November 4 evening under cover of darkness was foiled by the Navy causing one boat to explode.

Newly elected TULF MP for Batticaloa District Nimalan Saundranayagam (50) was shot dead and his security officer seriously injured by " unidentified gunmen " at Kiran in the Batticaloa District on November 07. He came first on the TULF list by polling over 16,000 preferential votes. On November 30, 13 security forces personnel and a civilian worker were killed and 21 others injured in twin LTTE mine explosions just 15 minutes apart at the Mannar - Vavuniya Road and at Kumburupiddy on the Trincomalee-Kuchchaveli Road.

On January 03, 2001, the Army gave an account of the on-going operations since last September in which the security forces captured 139 square kilometers. We reproduce the Defence Ministry information on this subject together with a map showing the territory re-taken in the two stages of Operation Riviresa and the eight stages of Operation Kinihira (Operation Anvil) that followed it.

The Defence Ministry on January 3 disclosed that the

LTTE had lost 777 cadres while 246 were wounded in batBes during the last three months in the Jaffna peninsula. Two hundred and sixty eight (268) Security Services personnel lost their lives in fighting the same battles. The Security Forces have re-captured 139 square kilometers of LTTE territory since last September in the two stages of the Rivikirana and eight stages of the Kinihira military operations.(See map showing territory re-taken)

The first military operation in September code named Rivikirana I and II resulted in gaining six kilometers of LTTE territory causing the deaths of 304 LTTE cadres. In mid September Operation Kinihira was launched in eight stages to win back the territory earlier lost to the LTTE. The Security Forces lost eight officers and 118 men in this operation. In the Kinihira I operation the Security Forces were able to take complete control of the key junction town of Chavakachcheri on the A 9 Jaffna-Kandy highway, re-taking two kilometers of territory.

Operation Kinihira II resulted in the military regairung 10 kilometres in Madduvil North with the loss 50LTTE cadres. The Security Forces lost 13 soldiers in this battle.

A further two kilometres were captured in Operation Kinihira III in Madduvil North (Southern Sector) in which 25 LTTE cadres died. There wee no Army casualties in this encounter.

With the advance of the Security Forces in Madduvil South in Operation Kinihira IV six kilometres of enemy territory was won back killing 32 Tigers. The Security Forces lost seven soldiers in this operation.

Operation Kinihira V (Stage 1) yielded another six Kilometres of Tiger terrain west of Nunnavil and resulted in the loss of 31 Tigers. The Security Forces lost 12 soldiers in this operation.

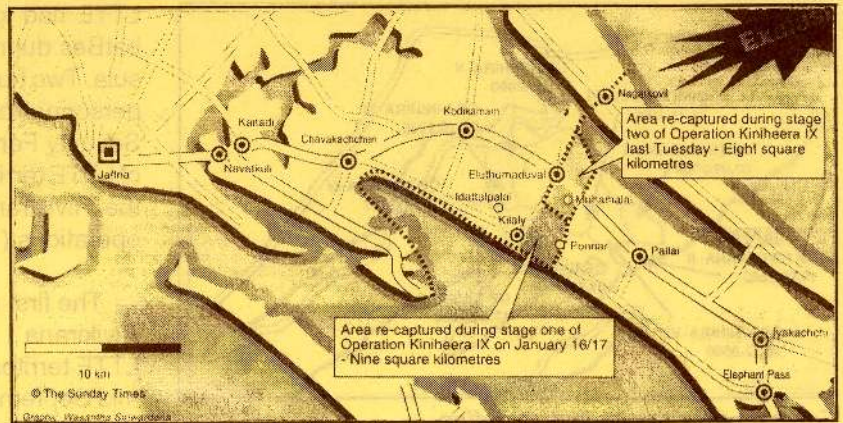
The LTTE lost 106 of its cadres in the abortive ' Unceasing Waves IV' offensive in which they were repulsed in their attempt to attack Nagarkovil. The Security Forces lost 1 officer and 51 Servicemen in this battle.

Kaithadi and Nunnavil were attacked by the Security Forces in operation Kinihira V ((Stage II) which caused 36 LTTE deaths but yielded 11 kilometres. The Security Forces lost 1 officer and 11 servicemen in this battle.

A huge slice of Kaithadi including the Kaithadi bridge which is of strategic importance was re- captured by the Security Forces in a big operation gaining 34 kilometres and causing deaths of 124 LTTE cadres. The Security Forces lost 24 servicemen in this battle. (Kinihira VI and VII).

In a surprise move in a pre-dawn attack on 30th December the Security Forces were able to recapture 12 kilometres in the proximity of Jaffna City including the Navatkuli bridge on the A9 highway connecting Jaffna City and Chavakachcheri.

By nightfall another 50 kilometres of strategic importance were conquered by pushing out the LTTE to the other side of the Jaffna lagoon. The Army was able to march without any enemy resistance. This victory was gained without any Army casualties. (Kinihira VIII).



Areas re-captured during the two stages of "Operation Kinihira IX"

Iqbal Athas in his Situation Report from Jaffna in *The Sunday Times* of January 28 gives a detailed account of "Operation Kinihira IX" that enabled the defence lines to be extended by another 17 square kilometres. which operation was carried out in two stages: 9 square kilometres in Stage one on January 16/17 and 8 square kilometres in Stage two on January 23.

Security Forces Commander Jaffna, Major General Anton Wijendra, a highly respected soldier, is quoted by him as saying: "As far as the area we captured is concerned, it is a very critical area to the LTTE. It gave them a launching pad to enter Jaffna. They tried everything possible but failed. They were routed. They could not face up to it. Prabhakaran's aim has always been to capture the Jaffna peninsula. After his advances during 'Ceaseless Waves 4', he said he could see the lights of Jaffna. He wanted to negotiate on a winning streak.

"If he was so strong and powerful enough to take what he wanted by military force, there was no way he could have pulled back."

About LTTE Problems

"Somam a senior cadre who was in charge of the battle area has been unceremoniously removed. Prabhakaran has found fault with him. He has been removed after he reportedly came in for severe criticism."

On LTTE seizure of Jaffna,

"I cannot see any way Prabhakaran will get Jaffna. We have denied him larger areas. His capability to regain territory has

gone. That does not, however, mean he would not recruit new cadres and try again. If he does that, let him know we are able and ready.

"In his desperation, he has recruited young children and even men who are over 50 years. We captured a 14 year old girl recruit. A man over 50 years, who surrendered to us, says he joined the movement to avoid his daughter being forcibly conscripted. If you observe, not all LTTE cadres are now taking cyanide upon capture. They are walking across to us to surrender. This shows that the cadres are not convinced of what they are doing."

On Jaffna Residents

"Earlier there was a high degree of uncertainty. This uncertainty was there among the NGOs, the population etc. Now that uncertainty has been removed. The last offensive also created further stability in Jaffna. The entire peninsula and the islands are now under the control of the security forces. That is a very significant achievement. Some try to down play it."

Cease-fire

"As for us, there is no cease-fire. There have been almost 50 instances where the LTTE has violated its own so-called cease-fire.

"They were firing artillery and mortar at us. The cease-fire is only in name. They declared that for international mileage. They expected us to stop our offensive to get a break."

"They need space in order to re-train, to get more weapons and re-group. All those things are in their mind.



Security Forces Commander Jaffna, Major General Anton Wijendra, a highly respected soldier

" Then there is the problem of treating casualties. Some are dumped away in civilian homes. Civilians have been forced to look after the wounded.

" We have information that some of the seriously injured cadres are being disposed of because they cannot be treated. Some who were on offensive action and ran back were shot in the leg. I am confident our troops will hold whatever the circumstances are"

Elephant Pass

" Many people ask me about the re-capture of Elephant Pass. Elephant Pass is only of sentimental value to the Army, to me in particular.

Its importance depends entirely on the strategy we intend to follow in the future. If our strategy demands Elephant Pass has to be taken, it will be taken in good time.

" If our strategy does not demand it, then we will not think of it."

In his "Situation Report" on Jaffna in *Sunday Times* Iqbal Athas made the following comments:

" A sizable section of Jaffna residents had been told that the LTTE was poising itself to launch attacks after January 24(Wednesday) if the Government of Sri Lanka did not heed its call to accept its unilateral ceasefire. The news had been brought to them by *Uthayan*, the largest circulating Jaffna based Tamil newspaper after its Associate Editor, N. Vithyatharan, telephoned LTTE ideologue, Anton Balasingham in London.

" Many Jaffna residents whom I spoke to were worried the LTTE threat would mean a rise in violence in the Jaffna peninsula. None, however, wanted themselves identified or their views quoted.....

" But Dr. Balasingham's remarks turned out to be nothing more than rhetoric. He failed to frightened the Government or the Security Forces. Four days after he breathed fire that the LTTE would hold peace talks only after pushing back Government troops to their old positions (which they held after being driven back by guerrillas), the LTTE was to climb down from talking tough.

" In a statement issued 23 January, the LTTE said it was extending

its unilateral cessation of hostilities for another month" and "called upon the international community to persuade the Sri Lanka Government to reciprocate favourably and resume negotiations in a cordial atmosphere of peace and normalcy.

" Whilst the LTTE was distributing its statement from its "International Secretariat" in London, President Chandrika Bandaranaike Kumaratunga, explained to heads of western diplomatic missions in Colombo, the reasons why she could not accept the LTTE's offer of a unilateral ceasefire. She reiterated the Government position that a cease-fire follows talks which would have to be held within a specific time frame to discuss core issues..

" It is not only military matters that are pre-occupying the LTTE in the peninsula. The entry of the EPDP in the northern political arena and its forays into student bodies in the Jaffna University have caused concern to the LTTE, which does not want any other group to assume political leadership in the peninsula. Last week's demonstrations in the University premises saw groups of Tiger cadres with forged student identity cards, moving around. One intelligence source said they even succeeded in allowing a group of school students to enter the University precincts where the demonstration was held.

"Under these circumstances, troops are poised to continue their military push."

There have been newspaper reports about the reactions of people in the Vanni when they received news of their near and dear ones being killed in the war, more so when the dead bodies reached them. One report said two LTTE offices in Kilinochchi had even been set on fire by enraged Tamil civilians on January 07. (*Daily News* January 08)

It would however be foolhardy to imagine that a military solution would become feasible with this military advance, for as we have repeatedly pointed out in this column, Prabakaran could with even a limited cadre (inclusive of suicide bombers) and his accustomed guerilla tactics, continue his armed offensive for an indefinite length of time. It is the common people of the country who will have to bear the economic and other burdens of such a wasteful war as indeed they have already done. And this de-

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spite all their yearnings for peace expressed repeatedly through several elections which can only be given effect to through a political resolution of the conflict.

As if the ravages caused by the on-going war were not enough, a 180 Kilometre per hour tropical cyclone hit the East coast on December 26 leaving a trail of destruction in its wake and rendering over 55,000 families homeless in the Trincomale, Batticaloa and Ampara districts. This cyclone, the biggest to hit Sri Lanka since 1978, affected also the Polonnaruwa, Anuradhapura and Mannar districts before moving on to India. It destroyed thousands of houses, paddy fields and livestock and marooned nearly 75,000 families. This came on top of the floods caused by heavy monsoonal rains which had rendered 15,000 families homeless in the Batticaloa and Ampara districts.

The Implementation of the Death Penalty

There appears to be a general misconception that enhancing punishments or making them more severe will deter people from committing crimes. The public outcry that the death penalty must be implemented resulted in a private member's motion in Parliament to that effect which was passed unanimously. Not a single Member of Parliament spoke against this re-introduction of the death penalty on this occasion, though perhaps many of them were not present on this occasion. Reportedly the last execution to be actually carried out was some 26 years ago in June 1976. In Sri Lanka the Government first announced a policy change on March 13, 1999 as part of the larger issue of the Presidential prerogative of granting remission of sentences imposed by the courts. The intention was that death sentences in cases of murder and drug trafficking would be carried out and would not be commuted to life imprisonment if the judges who heard the case, the Attorney General and the Minister of Justice recommended the execution of such sentence.

In this connection we draw attention to the very balanced statement of the Civil Rights Movement on this issue which appears inside under 'Comments' as also several articles under the same heading which deal with pertinent issues in this connection such as police investigation procedures and prosecution in the courts in a criminal justice system riddled with corruption, inefficiency

Apart from its being a human rights question, from the stand point of criminal justice itself, the argument that re-imposing the death penalty may deter people from resorting to violent crimes has no substantial basis in fact as was found by a Commission on Capital Punishment in Sri Lanka as far back as in the late 1950s.

and politicisation. We are aware that the present Minister of Justice is keen to effect improvements but must point out that the implementation of the death penalty is hardly an improvement but in fact a retrograde step. Apart from its being a human rights question, from the stand point of criminal justice itself, the argument that re-imposing the death penalty may deter people from resorting to violent crimes has no substantial basis in fact as was found by a Commission on Capital Punishment in Sri Lanka as far back as in the late 1950s.

In recent times, it is significant that countries such as South Africa and Russia virtually outlawed the death penalty in spite of having some of the most violent crime rates in the world.

In 1995, for example, a decision of the South African Constitutional Court declared the death penalty to be incompatible with the prohibition of "cruel, inhuman and degrading treatment" under the country's interim Constitution. The judgement had the effect of abolishing the death penalty for murder. In Russia last year, then President Boris Yeltsin signed a decree commuting the last death sentence in the country to a prison term and in effect eliminating capital punishment.

In this country far from curing an already diseased system, the bringing back of the death penalty can heighten the sense of barbarity that appears to be gripping our society.

In this situation we can do no better than commend the words of Justice Minister Batty Weerakoon's own political and legal guru Dr Colvin R de Silva to both him and the PA Government made during a speech in Parliament in the course of the debate on the suspension of Capital Punishment in May 1956. Dr Colvin R de Silva then a Member of Parliament and a leader of the LSSP declared: "Much of the argument goes forth against the removal of the death penalty that, if you remove the death penalty, people will kill as they like. No. This Bill does not propose that. On the contrary all those who have stood for the abolition of the death penalty, for good, sound progressive reasons, have done so, because it also, amongst other things, provided a stimulus to the re-examination of the entire situation in which murder multiplies. It is irrelevant that there are men in society that plan murder. For, if there are men in society who plan murder, they plan murder already, despite the death penalty and therefore deterrence is irrelevant to the question..."

"... Let us look at it the other way. Let us look at it also from the point of view of modern penology. We have long moved away from the old idea that the fundamental purpose of the penal law is just mere punishment. That old theory of an eye for an eye and tooth for a tooth, has long been forgotten in more civilised quarters in which the death penalty is discussed. If a man kills he does not kill for one single reason alone. People kill for many reasons, and thus that multitude of reasons may include in a particular case a particular psychology of the given individual. But in modern times, when psychology, psychiatry and so many sciences have been invented and developed which enables us not only to probe the human mind but cure the human mind of its imbalances, it is meaningless to argue that all you can do with a man who kills another is to kill him yourself."

".... It is that we have to move away from the principle of an eye for an eye and a tooth for a tooth. The whole meaning of penology is that we look at a man not only as responsible for himself but also as a person for whom we, in society, are responsible, and that in all questions of punishment there must be brought to bear the bringing home to a man of his own responsibility for his actions and the operation in each situation of the responsibility of society for the action of its members."

"Until you have the correct political, social and economic policies, the tendencies for crime to climb will remain. Why then cast the hangman's rope for our own responsibilities? Why instead of facing up to the true problems, do we insist on a short cut which is not even a solution to the problem?"

"It may give to some a deep emotional satisfaction, the satisfaction of the emotion of revenge to hang a man who has killed another. But if we have grown in civilisation, if we have grown in the finer instincts and refinements of human feelings and qualities, I think we would agree with Dr. Norral Morris who has said that every time we hang a man we are hanging a part of ourselves. We would like to place upon the man who killed the sole and the entire responsibility for the killing of another. But were we true to ourselves, honest in the face of our conscience and facing up to the problem in its true proportions, we would say every time a fellow man of ours kills another we also are participators in that killing and are

"every time we hang a man we are hanging a part of ourselves. We would like to place upon the man who killed the sole and the entire responsibility for the killing of another. But were we true to ourselves, honest in the face of our conscience and facing up to the problem in its true proportions, we would say every time a fellow man of ours kills another we also are participators in that killing and are not merely sufferers along with that killing."

not merely sufferers along with that killing. So long, I say, as society thinks it can solve a problem by the simple act of removing this symptom, that it will solve the problem of the causes of murder by killing the murderer, so long will society fail to make even the necessary effort to face up to the real problem of the causes of murder. These are not theories. To all those who have thought, who have pondered, who have felt the subject as something that is worthy of being studied and therefore studied, I say that, after a time, as in the case of Ernest Gowers, you do not become merely intellectually convinced of the necessity of the abolition of the death penalty but it becomes part of your very being, your fundamental soul that you shall not be a killer in the name of another's killing. That is the fundamental thing." (House of Representatives Debate on the reimposition of the death penalty - May 1956 excerpts of Dr Colvin R de Silva's speech)

International Pressure Prods Action on Human Rights Violations

The steady pace at which human rights violations continue in Sri Lanka is a matter of concern of for those interested in human rights both in Sri Lanka and abroad. Though disappearances of persons in Sri Lanka is not as widespread as it was a decade ago, it cannot said that disappearances do not take place any more in this country. However, torture of persons taken into custody both by the Police and the Security Forces continue in the same pace as before, to the dismay of every one concerned. In spite of torture being now included in the list of penal offences in the Penal Code, not a day passes without a report in the media of fundamental rights violations by way of torture or otherwise. Only a fraction of those whose rights have been so violated have the means to seek redress through the Courts or even to bring it to the notice of anyone who could help.

The United Nations Committee Against Torture (CAT) came to Sri Lanka recently and visited several places of detention and interviewed some of the detainees at the detention centres and police cells, in many parts of the country. Perhaps due to the observations CAT made and the efforts of Amnesty International and such other Organisations, the Government has taken certain steps recently to check the continuance of torture and other forms of human rights violations by the police and the security forces.

Inter-Ministerial Committee on HR Violations

The appointment of a Permanent Inter-Ministerial Standing Committee on Human Rights Issues, under the Minister of Foreign Affairs, is one such step. At the 5th Meeting of this Committee held on 12th January 2001 the Secretary to the Ministry of Defence presided. At this meeting the position regarding the conduct of criminal investigations into cases of torture brought to the notice of the Government by the UN Special Rapporteur on Torture, is said to have been discussed but nothing tangible had come out of it. It looks as if this Committee is more interested in issuing appeasing statistics of the cases being handled rather than in taking steps to deal with the perpetrators either by filing action against such persons or by taking disciplinary action against them for the violations committed. It is also interesting to note that this Committee is more concerned of disposing the cases CAT brought to its notice than in ensuring that the conduct of the police and forces leaves no room for such complaints in the future.

This is very much so in regard to the investigations into complaints of disappearances too. The complaints of disappearances between 1988 and 1997 which were made to the respective Presidential Commissions on Disappearances had been inquired into. **These Commissions had identified the cases where credible evidence indicative of the persons responsible for the disappearances is available.** Though several years have passed since these reports were handed over, the Government speaks only of the number of cases where court proceedings have been initiated and not about the number of convictions that have been obtained. Hardly any cases have been filed against the Senior officers against whom evidence of direct involvement or "chain of command" responsibility exists. It would not be surprising if most of these cases end up in acquittals because many of those responsible for the prosecutions do not seem to put their heart and soul into this work. Most of these cases rely on circumstantial evidence where astute legal skill is needed to succeed in getting convictions.

CID Team to the North

Another step the government has taken recently to show that it is keen to end human rights violations is the appointment of a team of CID officers

to be stationed in Jaffna to receive and inquire into complaints of human rights by the Police and the security forces in the North. It is yet to be seen how efficacious this arrangement is going to be. One wonders why such a step was necessary in the first place, as the Human Rights Commission, which has its branch in Jaffna, is also expected to entertain and inquire into complaints of violation of the rights of individuals. In the circumstances the move appears to be another sham effort to show the world that it is keen to end human rights violations in the North.

An undertaking given by the President herself to a delegation of an organisation of the family members of the disappeared that the post-Riviresa disappearances of nearly 600, would be inquired into by a Presidential Commission is still to materialise.

Rights of Detainees

The safety of the life of any person in the custody of the State is the inalienable responsibility of the State. That the government is for some reason wanting to turn a Nelsonian eye to violations of rights of detainees too could be seen from the manner in which the case of the massacre of the inmates of the Bindunuwewa Rehabilitation camp was handled. The Prime Minister made a categorical statement in the floor of the Parliament that a Commission of Inquiry would be appointed to bring to book those responsible for this ugly incident. This promise has taken long to materialise. In the meantime the officers of the Bindunuwewa Police Station who are detained quite justifiably sought relief through a fundamental rights violation case as they were being detained for several months without any charges being framed. Hundreds of other detainees against whom charges have not been framed for years languish in detention at various detention centres as they have no means to file FR applications to obtain redress.

Rewards for alleged perpetrators

Recently the government decided to give a diplomatic posting to a highly placed army officer Major General Janaka Perera who retired a few weeks ago as a reward for his services. This officer's name has been allegedly linked with several disappearances that followed the re-taking of Jaffna after the

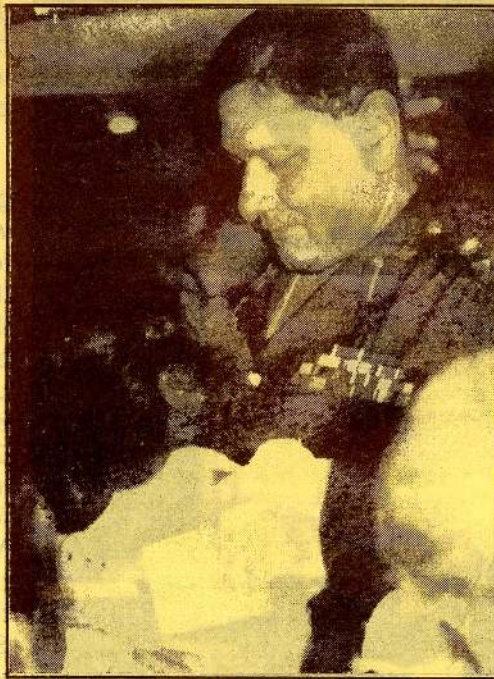
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Riviresa operations in the North. The Tamil daily *Veerakesari* of 10th February 2001, carried the news of this appointment and added that he played a key role in the war against the LTTE. It was during this period that over 600 youth disappeared in Jaffna. If only the promised Presidential Commission to look into these disappearances had been appointed the persons responsible for these disappearances would have come to light. What is more, the delay in taking action on the recommendations of the Commissions of Inquiry already had, coupled with the delay in appointing a commission of inquiry into the disappearances that took place in Jaffna after its take-over enables so many members of the security forces and the police to escape being held responsible for their misdeeds and get rewards and promotions instead.

Means of reducing HR violations

All that the Government needs to do if it is genuinely concerned about putting an end to violations of human rights by the Police and the security forces is to take speedy and effective action on complaints of violations irrespective of the rank of the perpetrator concerned. Such action should be two fold - institution of judicial proceedings with the least possible delay where the evidence is adequate for such a step and ensure the successful conclusion of the cases. The other step that needs to be taken is **the initiation of disciplinary action against such persons simultaneously as required by the Establishment Code. To begin with such officers should be interdicted from service. Although interdiction of officers is a matter for the Public Service Commission, it is learnt that the latter is usually not informed when cases are filed against the officers!** There is a greater chance of these officers being found guilty at a disciplinary inquiry than in the court cases as they are decided on a balance of probabilities. The complaints against senior police officers have to be forwarded to the Public Service Commission, which is their disciplinary authority. Disciplinary proceedings against police officers must be handled not by the Police Department but by the PSC. If not, justice will not appear to be done and any proceedings will be looked upon with suspicion. In Sri Lanka the blame for increase in human rights violations lies principally with the police



The mother of a missing soldier pleads with Major General Janaka Perera to help her find her son.

(Courtesy: Sunday Times)

system. Some blame the politicians for not giving it a free hand to clean itself up. That is perhaps why the call for an independent Police Service Commission has gained ground. Be that as it may, feet dragging that takes place in this regard only enables those in the Police and the security services who relish torture and indulge in other acts that violates the rights of individuals to continue with impunity and go scot free enjoying the plums of promotions in the service and other appointments after retirement. Piece-meal measures to placate international pressure groups would only lead to the canker of human rights violating in Sri Lanka de-humanising society and leading to a breakdown of the Rule of Law in Sri Lanka.

Court Cases

Two cases which have recently attracted considerable public interest have been the Supreme Court judgement in the case involving Prof Priyani Soysa and the Appeal Court judgement in the case of actor Kamal Addarachchi.

In the first case the Supreme Court unanimously allowed the appeal of Prof Priyani Soysa setting aside ruling in the District Court and the Court of Appeal in the Suhani Arsakularatne case. The Supreme Court conceded that the appellant Priyani Soysa was remiss in some matters in the care of the child Suhani and was negligent in not ordering a SAT SCAN but that this had no nexus in the ultimate act of mis-diagnosis of disease in the four year old. The Court held the plaintiff Respondent who was the child's father had failed to prove on the balance of probabilities that negligence of Prof Priyani Soysa May 20, 1992 caused or materially contributed to the death of Suhani on June 19, 1992 and thereby caused patrimonial damage to him.

It is to be hoped that the question of professional negligence would be gone in to more fully in the revision application that has been filed in the case.

The Addaraarachchi case was one of rape. One of the reasons for acquitting the accused was the lack of corroboration. For many years trial judges were required to warn Juries that it was unsafe to convict an accused in cases of rape if the evidence was uncorroborated. However this practice has been discarded in many instances

and judges have no longer insisted on conviction if the evidence was credible. In fact Section 134 of the Evidence Ordinance is quite clear that no particular number of witnesses are required for the proof of any act. And this would apply to all cases except those where corroboration is expressly required by statute. Again, one of the matters in the case was the way the High Court had defined Consent. It held that consent cannot be inferred or implied. 'consent' has to be real and genuine. In a situation of this nature a man must be convinced that the woman is willing to engage in sexual intercourse. Passivity and ambiguity cannot be equal with consent. These issues were not addressed by the Court of Appeal in any detail when it decided to acquit the accused.

It was therefore a relief to learn from the newspapers that an appeal has been made to the Supreme Court from this Court of Appeal judgement which also raises the issue of possible gender bias.

Death of Mrs. Bandaranaike

Mrs. Sirima Bandaranaike (84) reputed internationally as the world's first woman Prime Minister died shortly after casting her vote in Sri Lanka's General Election on October 10th. She fell ill on her return to Colombo from her family home at Horagolla in Nittambuwa in the Gampaha District which was a strong hold of the ruling PA led by her daughter, although her son contested in the same District from the opposition as a UNP candidate. She was buried with State honours along side her husband at Horagolla. Present at the funeral were Indian Vice President Krishna Kant, foreign dignitaries and local political leaders. World leaders sent condolence messages and tributes on her death.

Three times prime minister, Mrs. B or Sirima as she was popularly referred to, hosted the Non-Aligned Conference in Colombo in 1976. She succeeded her husband who was shot dead by Buddhist monk at their home in Rosemead Place in Colombo in September 1959, when she accepted a call by her supporters to head the Sri Lanka Freedom Party he founded and led it to victory in the



Mrs. Sirima Bandaranaike reputed internationally as the world's first woman Prime Minister, casting her vote. She died shortly afterwards

July 1960 election. She thereafter became the first woman prime minister and was so twelve of the years between 1960 and 1977.

She also formed the first coalition government with the LSSP in 1964 which survived for a few months before being overthrown as a result of the cross over of some of her party to the opposition benches. She later became the Prime Minister of the United Front Government in 1970 - a front which included the LSSP and CP and enacted a new Constitution in 1972 pledged to take the country forward to a socialist democracy. Many were the changes effected by that Government leading to the nationalisation also of the British-owned Sterling Company plantations - the very base of the economy that followed after a land reform was attempted with the take over in 1972 of the locally owned plantations which were in excess of 50 acres. A JVP revolt in 1971 was ruthlessly crushed but the rebels more humanely dealt with.

However foreign and local vested interests brought pressure on Mrs. Bandaranaike to break the United Front with the expulsion of 3 LSSP Ministers in her Cabinet - a fatal move that resulted finally in the downfall of her Government. If she had not done so the history of this country might well have been different and we may not have to suffer for 17 years under the repressive and authoritarian right wing UNP governments that ruled from 1977 with an executive presidential system brought in by the Constitution of 1978 which we are yet struggling to be rid of from 1994! Our economic policies of the 'open economy', the 'floating' rupee and abject subservience to the IMF/WB and imperialist interests date back to this post 1977 period.

Mrs. Bandaranaike herself had to pay dearly for her unwise decision in breaking up the United Front Government when she was hounded and politically victimised - stripped of her civic rights and expelled from Parliament by the UNP Government of J R Jayewardene. She re-entered Parliament only when her daughter Chandrika Kumaratunga led the People's Alliance to victory in 1994 and served as Prime Minister under her daughter become President. She later stepped down as Prime Minister on August 10, 2000 on account of poor health.

ECONOMIC ROUND-UP

"The Floating of the Rupee"

The "Floating of the Rupee" is deeply symptomatic of the Island's economic woes, because it appears to be a crisis situation compounded by the interaction of global economic forces and insular policies, including the vigorous prosecution of the costly anti-LTTE war in the Northern and Eastern Provinces of Sri Lanka.

It ("floating of the Rupee") is the barometer of the Island's External Balance of Payments both under the current account and the capital account. This is more or less true of all countries in the global economy today, and is symptomatic of the underlying contradictions of the world market economy. The purpose of exchange-rate manipulation resorted to by a country's Central Bank, is to restore balance of payments equilibrium ~ regardless of its effects on the other countries, who are trading partners. At the same time the authorities may have to ignore the economic hardships of its people.

Effects on the Balance of Payments

"The real reason for the currency devaluation by floating is the external disequilibrium of the economy - the increasing deficit in the overall balance of payments and the rapid fall in the country's external assets. The external disequilibrium has been caused both by widening trade deficits and declining net capital and financial inflows. The trade deficit rose from \$ 1092 million in 1998 to \$ 1299 million in 1999 and from \$ 940 million in the first eleven months of 1999 to \$ 1347 million in the first eleven months of 2000 or by 43 per cent. Terms of trade have become unfavourable, falling from 107 in October 1999 to 90 in October 2000. Net capital and financial inflows fell from \$ 413 million in 1998 to \$ 330 million in 1999 and expected to be low in 2000. **Tourist Earnings** which increased in 1999 are expected to fall in 2000; in the first eleven months of 2000 they have fallen by 8.3 per cent over the corresponding period of 1999. **The overall deficit in the balance** of payments rose from \$ 263 million in 1999 to \$ 516 million in 2000. **The country's total external assets** which declined in both 1998 and 1999 fell by 19.6 per cent from the end of 1999 to end of November 2000. The country's external assets were equal to the imports of 5.4 months of imports in 1997 and 5.3 months of imports in 1999; in November 2000 they were equal to only 3.7 months of imports. Foreign Reserves had become inadequate for the Central Bank to intervene in the market to support the exchange rate". Dr. J.B.Kelegama: *Freefloat of the Exchange Rate*, in *The Sunday Island* of 11.02.2001 (*Our Emphaais*)

However, the leading advanced industrial countries of the world, led by the USA and comprising Great Britain, Japan,

Germany, France, Italy and Canada and may be some new comers, such as China, who have **plentiful reserves of foreign currency**, earned over the years, through **export surpluses**, can afford to run (incur) big deficits of the current trading accounts, provided domestic inflation and unemployment do not exceed manageable proportions. The USA did precisely allow such massive deficits in its external Balance of Payments in order to sustain full employment and prosperity in the rest of the world, for the purpose of social and political stability in these countries. **Massive capital outflows** from the USA occurred in the 1980s and 1990s for this reason. The rest of the world was prepared to accept dollars as payment for their exports to the USA and to other countries, which used the same international currency. This situation was maintained **at the cost of considerable unemployment and poverty in the USA, until President Clinton decided to reverse the trend, by drastic policy measures designed to achieve equilibria both in the US balance of payments and in the US Federal Budget.**

Unfortunately for relatively small and poor countries, such as Sri Lanka, its own deficit in the Balance of Payments cannot be paid in terms of its own national currency. In that predicament, it must correct its own balance of payments, both (a) by the equation of the value of imports and value of exports, and (b) the net inflow of foreign capital, if not by foreign exchange earnings, by means of foreign loans and foreign aid.

One instrument of such policy, available to the Government and the Central Bank is either the devaluation of its national currency the rupee or the allowance of free play of market forces to determine the exchange-rate of the rupee, chiefly in terms of dollars ie "floating the rupee".

Other instruments of such policy (of balancing the country's external receipts and payments) are exchange control, import control and credit control, which all strike at the freedoms of the market economy, and were part and parcel of closed economy.

"It is rather unfortunate that the authorities have not considered the use of the most effective instruments to restrict the demand for dollars - **exchange control, selective credit control and import control** - as this is foreign to the free market philosophy. Malaysia maintained its exchange rate at a stable level by imposing **capital controls** designed to eliminate off-shore speculative trading of the ringgit. Professor Paul Krugman commented: 'Admit that Mahathir wasn't all wrong. In a crisis may be capital controls aren't such a bad idea after all. It will discourage some investors - but you don't want these guys anyway.' **Indonesia** set new limits for offshore trading of the Rupiah on January 15. Indonesian Banks are prohibited from lending to non-residents; a new limit of \$ 3 million is imposed on rupiah transactions where

there is no underlying trade and investment justification. These measures appear to have strengthened the rupee. Depreciation, as mentioned earlier, can relieve the external disequilibrium if at all more by reducing the demands for imports, than by stimulating exports, but reduction of imports can be more effectively achieved by credit and import controls which further have advantage of selectivity unlike devaluation. **Devaluation** attempts to reduce demand for imports indirectly by raising their prices uniformly while **credit and import control** can restrict inessential imports and allow essential imports - directly and effectively. The UNCTAD Trade and Development Report makes the following comment on free floating exchange rates: "The uncertainties created in the minds of entrepreneurs regarding the rate of return on alternative uses of their funds has tended to impede long term investment in traceable production, particularly by smaller firms and by developing countries. Exchange rate uncertainty and volatility has also had adverse consequences for macro-economic policy making in developed and developing countries and has been a factor prompting governments to impose trade restrictions, particularly restrictions of a quantitative character." -Dr Kelegama (*Our Emphasis*)

This leads us to the fundamental problem of the global economy today. If every country sought to achieve Balance of Payments equilibrium in the short-term, there will be **economic stagnation and depression in the long-term**, in all countries, dependent on world trade. Economic self-sufficiency would certainly spell the doom of the global economy, as it is structured today by the giant monopolistic multi-nationals and transnational corporations which depend on world trade. In that crisis situation, the only lasting solution for the world's population would be **planned economy, on a global scale** which would be tantamount to a mighty social revolution. The world may not yet be prepared for one!

Given all these parameters, the Central Bank of Sri Lanka decided to "float the rupee" by removal of nearly all controls over foreign exchange transactions. For a detailed analysis of this action, Dr.J.B.Kelegama's article entitled 'Free float of the Exchange Rate' in *The Island* newspaper of Sunday 11 of February 2001 in the features columns (page 8) is recommended to the readers.

Rise in Consumer Prices

"Devaluation/depreciation have pushed up prices of consumer goods in the market, particularly those imported. Thus, wholesale price of red dhal rose from Rs.43.00 a Kg on the 22nd to Rs. 58.00 on the 30th dried chillies from Rs. 88.00 per Kg to Rs. 120.00, sugar from Rs. 32.00 to Rs. 42 .00 - 47.00, tumeric from Rs. 38.0 to Rs. 50.00 7 green gram from Rs. 70.00 to Rs. 82.00. In a matter of a few days the prices of almost all goods have risen and pushed up the cost of living. Normally imported goods increase in price by more than the

extent of devaluation as the taxes levied on imports also tend to rise as the import prices increase. Thus, earlier? when the rupee was devalued by 5 per cent in June 2000, imported rice, onions and dhal went up by 10 per cent in price. The price of a cup of tea for example has now risen from Rs. 7.00 to Rs. 8.00, or by 14- per cent, or a hopper from Rs. 3.50 to 4.00 or by 14 per cent and of Prima white bread Rs. 23.50 to Rs. 26.00 or 11 per cent. The rising prices on account of devaluation, on the top of increased transport charges, gas and kerosene prices and likely higher charges for water and electricity are likely to cause **social unrest**. While the organised workers will agitate for and obtain higher wages, the unorganised workers, middle class and the rural farming population are going to bear the main brunt of devaluation. The farmers will get more protection from devaluation as competing imports rise in price, but they will have to pay more for their imported inputs - fertilizer, agro-chemicals, tractor hire, consumer goods - transport and bank credit.

Depreciation and More Depreciation

"The exchange rate under the free float is to be determined by the forces of supply and demand in the money markets. **In the case of Sri Lanka, the demand for dollars exceeds the supply as its dollar payments exceed dollar receipts resulting in disequilibrium of the balance of payments reflected in the falling external assets.** As shown earlier, equilibrium in the balance of payments can be restored by a trade surplus (expanding exports or reducing imports or both) and/or a substantial inflow of foreign money and capital, but it appears doubtful whether this can be achieved in the context of declining terms of trade, downturn in the US economy and **slower global economic** growth than in 2000, large budget deficits and rising inflationary pressures. As there is little **evidence of a prospective massive inflow of capital or a rise in export prices** in dollar terms in the short-term, the only hope of relief is by way of a reduction in imports, but even this appears uncertain." -Dr. Kelegama (*Our Emphasis*)

II. The Large Budget Deficit

Inflationary effects of devaluation/depreciation will be reinforced by the large government budget deficit, which was 7.5 per cent in 1999 and expected to reach 10 per cent of the Gross Domestic Product in 2001. **Such a huge budget deficit** will quite naturally eat into the capital, which must be provided for the development projects, designed to boost employment and incomes locally.

The growing budget deficit is due to a number of reasons. The recent expansion of ministries and bureaucracy, salary revisions, devaluation allowances, and above all escalating defence spending will no doubt raise government expenditure. Direct and indirect taxation is not likely to be increased, for

political reasons, ostensibly. This will impact on the balance of payments, and costs of production prompting more devaluation.

Another unseen cause of increasing government expenditure is bureaucratic and public waste, mismanagement and unproductivity. There are also several allegations of corruption and misappropriation of public funds. Hence, the **public sector expenditure** is viewed by the donor countries as an unnecessary cost, calling for further privatisation of **public-owned enterprises** as a pre-condition for increased aid. These of course, have been the perennial demands of the World Bank and IMF, as part of the restructuring which precedes financial assistance to Sri Lanka.

One of the main sources of the economic ills of this country has been **this excessive cost of the public sector**, inclusive of the traditional government services. This was also historically true of the period 1970 - 1977, when the regime of closed economy prevailed.

III. Defence Spending

The increase of defence spending on the Army, Navy and Air Force operating in the theatres of war in the North and East, and on the police service in the South, due to the beefed up security for the expanded ministries is seen in the growth of the Ministry of Defence budget from Rs. 52 billion in 1999, to Rs. 83 billion in 2000. **The heavy cost of the modern types of armaments** which increase fire-power, mobility, coastal defences and air surveillance, to defeat the LTTE war-machine, is one of the major factors in the growth of external deficits, rising costs of production and consumption and increasing hardships for the people.

It appears that these consequences are unavoidable, given the threat of an LTTE offensive in the Jaffna peninsula and the urgent need to end the war, which is bleeding the nation, both in terms of its youthful manpower and its resources. The cost of **rehabilitation** of the refugee masses, and **the reconstruction** of the North in particular pose heavy burdens on all governments in the future. In Sinhalese the popular saying goes, "like catching the tiger's tail" (කෙටි ඵලයක අල්ලා ගන්න එයේ). The nation's body politic, civil society and the economy are getting badly mauled by this long drawn-out civil war in the Northern and Eastern Provinces.

IV Paris Aid Consortium

Whilst the Government claims success in its negotiations for aid from the Paris Consortium of donors in the European Union, the UNP led opposition and the JVP are carrying on their own propaganda, that the Government team led by President Kumaratunga herself were warned to speedily carry out political, administrative and economic reforms, so that she could prove her democratic credentials and the healthy growth of the economy.

It is probable that events which followed in recent times, such as the "free floating of the rupee" more devaluation of the currency; guarantee of democratic freedom to the opposition to proceed with their demonstrations; and the recent Supreme Court judgement vindicating the legitimacy of her Presidential Election in 1999 - 2000 are the result of some sort of censure passed by the European Union, which had sent its team of observers to oversee the controversial elections in Sri Lanka.

V. The Hue and Cry over the 'Watery' Tax!

The Report of the World Bank Mission, who visited Sri Lanka in November-December 2000 to supervise the "Mahaweli Restructuring and Rehabilitation Project" refers to certain agreements to levy certain fees from the farmers for (a) covering 10% of the pre construction costs, (b) covering 50% of the cost of 'half-round pipe option for D canal rehabilitation, (c) water-measurement and bulk-water allocation in system 'H' and (d) Handing-over D & F Systems of rehabilitated canals.

It is obvious that certain water rates, fees or taxes (whatever you might call them) are in the process of being collected from the farmer-settlers. This is in keeping with the terms and conditions of World Bank funding for the Mahaweli Project.

Outside the project areas, in the rest of the country, the local surveys of **all fresh-water resources**, including private wells, streams, canals and lakes have caused a considerable outcry among the popular organisations, representing farmer and water consumers. Particularly opposition propagandists have pounced on various official statements and documents, which have been ferreted out by surreptitious means. The spokesmen of the Government have denied of any plans to tax the farmers and water-users in the rest of the country, who depend on private or natural supplies of water outside the normal irrigation systems in the Dry Zone and water-supply systems in the Wet Zone.

However the opposition backed by sections of the media insist that the World Bank Missions are discussing with the Government, possibilities of increased aid depending on the capacity of the State to levy rates and taxes on the use of water in the rest of the country. (ie. outside the systems referred to above)

Given the prevailing philosophy of the ruling circles, everywhere in the non-socialist world such eccentric policies and programmes, like the alleged water tax, are possible because the **ruling ideology is basically flawed** and irrational, in the context of global economic order maintained solely for the benefit of giant monopolistic transnational corporations and their imperialist backers in the State apparatus of the advanced countries. No one knows how long this 'rotten crisis' will persist for the greater misery of humanity

'Rationalising Irrationality'

The confused thinking, both on the official and the opposition sides, in the sphere of policy formulation and implementation, is due to the total dependence of the poorer countries in the Third World (Asia, Africa and Latin America) on the financial aid provided by the World Bank and the IMF. **The World Bank Missions** everywhere and at all times present the official world-reactionary philosophy in repetitious, contradictory, confusing and compelling terms, employing the 'language of prevarication' very skillfully. These experts are **the Doctors of Deception**, trained in the Universities of the West to "rationalise irrationality".

Given this basic psychological disorder, the Government spokesmen are driven to despair due to (a) the pressure of the world donors to carry out their infamous '**structural reforms**' and (b) **public outcry against** them. In the context of creeping **world economic depression** and financial bankruptcy, it is obvious that Democracy is becoming extremely untenable and uncomfortable, and the dependent States will have to rely on mass repression and hypocritical propaganda. To what strange extremes do the workings of the 'historical dialectic' go, in the context of the fundamental contradiction between the "**Concentration of Capital**" on the one hand, and **mass poverty of the nations** on the other. It is high time, the lessons are learnt, of Seattle, Davos, Prague, Manila, and a host of other hot-spots which provide the 'epicentres of mass-revolt' in a solid and practical way to end this world-wide MAD HOUSE of contradiction and irrationality.

World Economic Forum (WEF) vs World Social Forum (WSF)**Globalisation of trade VS Globalisation of anti-capitalism**

- (1) On Thursday 25 January, 2001, in the chic Alpine resort of Davos the Annual Meeting of the World Economic Forum was opened. It was attended by some 30 heads of States and Governments; dozens of Ministers; 1200 heads of corporations and Non Governmental Organisations. The WEF was here to discuss the globalisation of capital flows, export and import trade and the resultant benefits of these activities.
- (2) Immediately within the Davos meeting there was very vehement criticism of the ill-effects of globalisation, voiced by Tanzania, India, Brazil and other leaders of 'developing' countries in the southern hemisphere. There were sharp differences of opinion on the question of goals, methods, systems and benefits, between the representatives of the northern hemisphere's developed countries and those of the southern hemisphere's 'developing' countries. **The fundamental problem was the growth of an ever widening "wealth and incomes gap" between the North and South.**

- (3) Outside the WEF Conference hall, there were mass protests on a limited scale in Davos itself and slightly bigger (about 1000 strong) protests in the Zurich, which clashed with the Swiss Police and militants set fire to a few cars.
- (4) These protests were in the line of the much bigger demonstrations against capitalist globalisation, ie Seattle in 1999 and in Prague in 2000. Clearly, we can discern the **globalisation of a massive anti-capitalist popular struggle** and this brings tremendous hope to the much-maligned leftist movements all over the world.
- (5) But, what crowns the edifice now is the WORLD SOCIAL FORUM with its anti-capitalist platform, which began its five day conference on Tuesday, 25th of January 2001, in the port city of Porto Alegre the capital of Brazil's Southern most State. At this new epicentre possibly and hopefully, of 'the new wave of world revolution' some 16,000 activists, drawn from a motley combination of union workers, environmentalists, farmers and protesters including left wing political leaders from all over the world, specially the "developing countries", met for a clear agenda.
- (6) Popular Brazilian leftist leader Luiz Inacio da Silva, the leader of the Workers' Party and Presidential candidate on several occasions, whose Socialist party controls the city and this Southern State for more than a decade, was the chief host of this historic conference, adorned by several well-known intellectuals and revolutionaries, such as Ben Bella of Algeria; Naom Chomsky of the USA; Bernard Cassen editor of France's left-wing weekly "**Le Monde Diplomatique**"; Militant French farmer Jose Bove, Jose, leader of Brazilian Landless Workers' Movement; Joao Pedro Stedile, a Brazilian leftist leader; and East Timor Freedom Fighter Taur Matan Ruak.
- (7) One of the founders of this global anti-capitalist movement Polish Leader Candido Girybowski said "We set the foundation for a huge movement, which is a true historic happening."

The World Social Forum featured various programmes in a host of committees which discussed concrete proposals for people's welfare oriented globalisation of economic and social development as opposed to the profit oriented capitalist WEF.

The Left and the Living Costs of the Masses

In the **Daily News**, the popular pro-government newspaper of 31st January 2001, the Leader of the LSSP and the Minister of Justice in the PA Government, Batty Weerakoon said "the LSSP is well aware of the hardships caused to the masses as a result of the marked rise in the cost of living". Accordingly Minister Weerakoon proposed certain measures, which included:

1. Wage rises to match the rate of inflation;
2. increased 'Samurdhi' benefits for the people below the poverty line;
3. Other relief measures for non-wage earning poor families;
4. Allowances for plantation workers,
5. De-escalation of the civil war and the reduction of war expenditure;
6. Reduction of wasteful expenditure and corruption by the bureaucracy and
7. Austerity measures (whatever they may mean).

These measures are not well defined, and sound rather vague and nebulous..

The thrust of Minister Batty Weerakoon's statement is to justify the PA Government's measures, chiefly dealing with the devaluation of the Rupee through the Free floating Exchange Rate; rise in the price of petrol and kerosene; and the rise in defence (war) expenditure. At the same time the statement ends with a severe castigation of the UNP and the JVP for organising mass-protests at this stage.

The tragedy of this type of statement is that it offers nothing concrete to the masses, unless it is backed by mass mobilisation of protests and demands? which will not only be able to counter the UNP and JVP led demonstrations, but also pressurise the PA Government into taking the side of the masses, against the dictates of the World Bank and the IMF, which are partly the root cause.

Sitting pretty on one's own seats and laurels, cannot help a long-standing leftist party, such as the LSSP to retain its share of mass-confidence and mass-support without appropriate mass action.

VIII Summing up the World View

In summing up the view of the world economic situation, the main features that could be observed are :

1. **The overall stagnation** of the global economy with signs of depression in the USA as reported by the world-wide electronic media, viz BBC and CNN broadcasts.
2. The relatively **slow recovery** of the economies of the Far Eastern and South East Asian countries, after the financial crisis of 1997 which caused severe economic disorders in these lands.
3. The economic **stagnation** in Eastern Europe and Russia, which began with the collapse of the State controlled economies and structural reforms to introduce the market
4. system of economy. The inflow of capital has been rather disappointing for these countries and it almost appears to be a long-term plan by the Western Powers to weaken these States.
4. China continues its export oriented growth at an impressive rate, but then the other side of the coin is the Balance of Payments deficits, which countries importing Chinese exports, must continue to carry thus aggravating their own struggle to maintain full employment at home, specially in the USA. The IJSA offsets this with investments in China.
5. The **remaining countries in Asia, Africa and Latin America** are not in the class of good performers, because their exports are not performing too well in the world's markets dominated by the countries, which have more stable economies. The exports comprise two categories, namely, (a) the **traditional agricultural exports** coming from their colonial history, and (b) the exports resulting from the new **industrial sectors**, which have grown due to the influx of foreign capital and technology in the recent decades.
6. The **traditional agricultural exports** of raw materials and foodstuffs are suffering partly from competition of synthetic-substitutes, partly from rising costs due to inflationary pressures derived from domestic factors and severe competition from countries which have been depreciating their exchange rates.
7. The overall picture that emerges **is one of Anarchy in the Sphere of the World's Production of Goods and Services**, due mainly to the conditions, prevailing in the world's markets dominated by capricious giant monopolistic transnational corporations, who seek the highest profit rates in the countries with the lowest wage rates for skilled labour and the lowest cost of infrastructure. With a highly regimented population and the authoritarian State, **China offers these opportunities on a global scale in great magnitude** not matched by any other country, excluding India and Indonesia. The latter two countries however do not enjoy the stability of China.
8. **Pomestic Instability** is a plague in nearly all African States, Democratic Republic of Congo and Nigeria offering the worst examples.
9. **Health Hazards** such as the AIDS epidemic too have been debilitating many African nations.
10. **Political Instability** is a by-word in Latin American countries, and some Asian countries.
11. All these conditions severely affect economic stability and

growth in Asia (outside China), Africa, Latin America and Eastern Europe. Thus, the world as a whole faces a **bleak economic future**, unless some sweeping movement of revolutionary scope and magnitude can restructure the governance and economic management of the world!

15.02.2001

POST SCRIPT

While this issue was made ready for printing came the news on March 01, 2001 that the LTTE was included in a list of 21 international groups recommended for proscription under the new Terrorism Act 2000 of Britain.

British Home Secretary Jack Straw in a written statement to the British Parliament said that the ' Terrorism Act is an important legislation which brings our provisions into line with the European Convention on Human Rights and ensures that we are better able to deal with the serious threats which terrorism poses.' This legislation has to be approved by both Houses of Parliament.

The banned organisations have the option of appealing against the ban. If that appeal is refused, the organisations can then appeal to a new independent tribunal- the Proscribed Organisations Appeal Commission under this new Act.

The ban from Sri Lanka's position can be viewed as one affecting the ability of the LTTE to use resources abroad in furthering its terrorism and separatist war in Sri Lanka. It cannot be regarded as a part of the effort to settle the national question here by military means even though Sinhala chauvinist forces have sought to construe it in that way and press for a military "solution". President Kumaratunga and the PA Government have reiterated their commitment to a political resolution of the conflict using the draft Constitution as a basic document in reaching such a settlement whether through Parliament or in deliberations elsewhere. In fact such a resolution of the national question is a task of Sri Lanka and her people alone to be achieved through a political solution and not by war or outlawing of organisations anywhere on account of there activities.

We join the international protest in expressing outrage over the decision of the Taliban Authorities in Afghanistan to engage in the savage and wanton destruction of the Buddhist sculptures in that country. Before the introduction of Islam, Buddhism and Hinduism were the main religions here with much coexistence between different religions

as evidenced by archeological excavations, which culture and history the Taliban fundamentalist extremists now seek to obliterate. (See separate article inside under 'Culture')

However, in our own land too treasure hunting vandals have not scrupled at destroying or mutilating priceless Buddha statues and ancient religious artifacts for personal gain.

What is more, the wonderful Buddhist tradition of tolerance towards other faiths has been somewhat sullied in our "Land of the Dharma" by extremist elements who have displayed religious fanaticism in attacking places of worship and adherents of the other religions as seen recently in the attack made on an Evangelical Christian group and their place of worship at Hingurakgoda on Sunday February 18, however offensive their methods and style of operation may have seemed to local residents. (*Daily News* February 20, 2001 lead story). We may also recall the brutal gunning down of worshippers in a mosque in the Eastern Province by the LTTE not so long ago as an attack on the Muslim community. Significantly, a recent UN Report on religious extremism while it highlighted Afghanistan as the epitome of extremism on religious extremism where the Taliban Islamic militia, " using religion as a political tool in the interest of power have taken an entire society hostage", also focused on 25 countries where extremism was" also manifested with varying degrees of intensity in Egypt, Georgia, India, Indonesia, Israel, Jordan, Lebanon, Nigeria, Pakistan, the Philippines and Sri Lanka" (*Daily News* October 21, 2000).

Meanwhile President Kumaratunga, handed over compensation to victims families of the Bindunuwewa massacre referred to in our Comment Review above and was reported as saying that " Any person who is found guilty in the Bindunuwewa massacre will be subject to the maximum possible penalty." (*Daily News* 1st March, 2001) She said: "Although the Government is paying compensation to these

people, human life is invaluable. This is symbolic of the Government's responsibility in the instance even if it did not actually do it. My Government is trying its utmost to create an environment where all citizens can live in harmony and peace as equal citizens."

- 01 March 2001



Son of Bindunuwewa victim moved to tears

STOP PRESS: An " Austerity Budget" was presented on March 8 in Parliament by Deputy Finance Minister and Minister of Constitutional Affairs and Industrial Development Professor G L Peiris. An short article on this appears on an annexure to this Comment/Review.

- 09.March 2001

Annexure

Note on the revenue Budget presented on 8 March in Parliament

Crisis – Ridden Budgeting

✍ Dr. Lakshman Goonewardena

It may be timely to call this a 'crisis-ridden budget'. There is no positive way forward - only an attempt to keep the home-fires burning without much radical change and no firm policy of turning the oars towards a well-formulated structure of economic change. Deficit budgeting has come to stay and extends its relevance, the revenues are particularly low, the reserves are weakening, expenditures are steeply climbing upwards and there is hardly any visible light at the end of the tunnel. Perhaps, once again the crucial drawback is the on-going expensive war. If the present budget can be looked at as a way of holding on to the precarious status-quo, now that there is at least the clearing-up of the War Vision, then it may be possible to agree to this kind of exercise of 'crisis budgeting'. But as this is only a dim likelihood, one has perhaps to be more critical!

Macro economic fundamentals

The growth rate has consistently has been around 4% to 5% of G.D.P with exports in particular in showing a robust growth of about 8%.

The Budget Deficit has been about 9.8% of G.D.P going down to 8.5% of G.D.P.

Inflation is around 9.5% the rate was kept up to a one digit figure during the last four years but now it has bordered around 9% going up and down erratically in terms of changes in the monetary situation,

Interest rates have been going up steadily indicating the need for scarce capital resources.

Unemployment figures have been hampered by the change in the definition of employment. Unpaid domestic spouses have been caught up as being in 'employment', though not in receipt of wages. The 'rupee' has been put on a 'float' in relation to the 'dollar'. Whereas it was 49 rupees to a dollar, this has changed now to about 86 Rupees to a dollar, representing a devolution of the currency.

Revenue and Expenditure

The Deputy Finance Minister, Prof. G.L. Pieris, who presented the budget to Parliament has called this a "War Budget" with peace in mind! This is a somewhat compassionate viewpoint, particularly since finally, the Second Reading was passed by only 9 votes in excess.

Total revenue is expected to be Rs. 265 billion while recurrent expenditures are about Rs. 281 billion. The recurrent expenditure therefore exceeds the current revenue by about Rs. 16 billions or 1.2% of G.D.P. The revenue is expected to rise by about 25%. This is perhaps an overestimate, the general indications point to a slowing-down of the economy.

The increased expenditure relate to defence expenditure, debt-servicing, public service salaries, pensions and welfare expenditure. Provincial Councils absorb about 9.5%. The deficit would indicate that the Government would have to borrow extensively to meet the shortfall.

Defence expenditure is estimated at Rs. 63 billion, but it should be in the region of Rs. 80 billion as in the case previous year. International Oil prices have increased. There is a need for hard cash to procure military hardware for the war.

Pre-budget increases in expenditure included increases in gas, diesel, kerosene, electricity and water.

A very large expenditure is due on the enlarged Cabinet of Ministers and the Deputy Ministers, This would include salaries to drivers and security personnel costs of luxury vehicles, insurance, hospital facilities, stationery, fuel allowances, subsidised meals in canteens, telephones, entertainment allowances. There is a colossal wastage of expenses. The corruption and waste has often been referred to by the President herself, but to no avail, as there is little control over the expenses.

The Sri Lankan Air Lines loss, for example was as much as Rs. 10 billion.

Balance of Payments deficit

In view of the fall in Reserves and External Assets and the currency devaluation there is a large balance of payments deficit of Rs.516 m US dollars. One of the main causes was the high cost of procurement of crude oil. Defence expenditure has increased from Rs. 53 billion to 83 billion.

There has been heavy borrowings from the National Savings Bank. Treasury Bills have increased from Rs. 135 Billion to Rs. 175 billion.

IMF and World Bank loans would be helpful in bridging the gaps. The total budget deficit is Rs. 123 billion.

Exports did well mainly due to the tea exports. Remittances from House Maids from the Middle East were also helpful. There are about 1.1 million housemaids working abroad.

Apart from tea, the rest of the agricultural record has been poor. The guaranteed price for paddy should have been fixed at about Rs. 15 a Kilo, but this had not been done.

In past years, some assets have had to be sold to finance the enormous budget deficits.

The two State Banks have large creditors with extensive loans running over a number of years being unpaid. Most of these loans are taken by large Companies, multi-nationals and State Corporations. Action should be taken to recover these loans, as if not, they may have to be written off or reduced. Legal action should be taken in suitable cases.

Miscellaneous Problem Areas,

One of the foremost of the thorny questions that came up surrounding the problems in the budget was the question of salary increases. In view of the exorbitant increases in expenditure, there was a general clamour for increases in salary. Most of the venom was taken off under the cover of appointing Salary revision commissions and committees. At one time, there was also the threat of a general strike coming out of the problem in the plantations, where the estate workers wanted more pay for their work, there was a 'fast' contemplated and stalwarts like Thondaman were challenging the Government. Finally, most CWC problems were settled on the basis of a compromise formulated by Ministers Alavi Moulana, Thondaman and S.B. Dissanayake. Wage increases were conceded on the basis of the bottom line of the CWC demands.

Revenue Proposals

In order to close the gaps in the budget, several proposals have been made and could be tabulated for conveniences sake as follows-

- i 20 percent surcharge on Corporate taxes
- ii Increase in the National Defence Levy of 1%
- iii Quota cess increase from 1% to 2%
- iv Embarkation taxes to be doubled from Rs. 500/= to Rs. 1000/=
- v 15% increase in Government publications.
- vi Tax holidays for Information Technology services, IT Services and Software.
- vii Taxes on places of gambling.

An attempt is to be made to attract Sri Lanka's 'black' economy which is estimated at Rs. 80 billion. Industrial Townships are to be formed. A National Enterprise Development Bank is to be established. The formation of a Fisheries Development Fund has been announced along with the setting up of a group of integrated fishing villages reaching about 15000 families.

It has also been proposed to close down about 35 redundant public entities. The funds from these could be diverted to funding infra-structured expenditure.

A simplified EPF and ETF system is to be proposed. Incentives are to be given for the hard loom and power loom industries, including the Apparel industries.

Personal Income Taxpayers presently amount to only 170,000 out of a total population of 19 million. This is too low and should be increased, One reason for the difficulty in increasing this figure is that the Government sector is exempt from income tax. This includes a large body of personnel including top Government officials, Corporation and private sector officials in Government or semi-Government positions, Parliamentarians, Ministers and Deputy Ministers, Judicial Service personnel, top bank officials etc. The present exemption limit for others is quite high-144,000/- in income. Non-Resident and Resident Foreign Currency Accounts-(RFC and NRFC) are also exempt so far as interest payments are concerned. This is a large exemption and the only area which can be brought into taxation are the private sector, agricultural, business and professional persons property owners and investment income-earners. Indirect taxes and taxes on expenditure like the Goods and Services Tax is applicable, the rate of the tax has not been changed -12.5%

Commissions

The UNP has suggested four commissions and have brought up a bill incorporating this. This will establish a certain independence and is related to the following areas- Police, Justice, Public Services and Elections.

Rationalising of holidays

The proposal has been made in the budget to review the system of holidays, as presently these seems to be a wastage and unnecessary duplication of some holidays. For example, when a holidays falls on a Sunday, it is sometimes customary for certain work-places to give an extra day off to compensate for this. Again, it is not prudent to allow a duplication of some days, because they are of a religious significance. There is also a proposal to use Saturday as a fully working day. A determined effort should be made to cut down on holidays and formulate a comprehensive system of work with proper uniformed grant of leave, including special leave.

The main focus is on the corruption and profligacy. Along with this, crime has expanded and the country appears to be going down very badly into a major mess and it is urgent that serious action should be taken to repair the losses. Most of this could be reversed in the event the war could be concluded. All attempts must therefore be made to negotiate a proper peace.

About the writer: *Dr. Lakshman Goonewardena is a well known tax expert, who has served the Department of Inland Revenue both in Sri Lanka and Botswana.*

below both the South Asian and global average.

"H. G. Wells wrote that "Human history becomes more and more a race between education and catastrophe". We are haggling behind in that race. Knowledge based economics will be at the cutting edge of the globalised world economy and investment in our Universities, as training centres of human resources and crucibles for research and development, will be the key to our success in the 21st century.

"Connectivity to the world has never been a serious problem for Sri Lanka as an island nation hospitable to external influences. Ironically though, connectivity within our country remains elusive and difficult. Quite apart from constructive linkages among the different ethnic and religious groups, harmonious relations among economic and social categories are also demonstrably necessary. If the English language—as the most conveniently available international medium—is looked upon less as a divisive sword and more as a gateway of equitable opportunity we would be making a healthy start. The "digital divide" is as much a national problem as it is a global one. We would do well to bridge our linguistic divide by talking to each other in computer languages through community computer centres spreading the benefits of information technology equitably among our people.

Greater emphasis on the highest standards of professionalism is another need across the spectrum. As a graduate from Peradeniya while I had the basic qualifications, I was untrained for the profession of diplomacy. That training came later both in Sri Lanka and abroad.

- It is professionalism that gives us all our integrity and our independence irrespective of which party is in power influencing public discourse without being captive of it.
- It is professionalism that empowers us to make our contribution to the economic and cultural life of our country.
- It is professionalism that has won plaudits for our expatriate Sri Lankans abroad and has made them valued citizens in their adopted countries, while their col-

"H. G. Wells wrote that "Human history becomes more and more a race between education and catastrophe". We are haggling behind in that race. Knowledge based economics will be at the cutting edge of the globalised world economy and investment in our Universities, as training centres of human resources and crucibles for research and development, will be the key to our success in the 21st century.

leagues have languished in Sri Lanka as unsung and underpaid heroes or victims of politically inspired discrimination.

- It is not the patronage of the powerful that won Duncan White and Susantika Jayasinghe their Olympic medals. It was hard work and professionalism.

"Finally, upgrading your professional skills enhances your marketability in today's globalised world. Like education, professional training is a continuous process as we keep our minds open to new ideas, new technologies and new challenges which render old concepts and orthodoxies inadequate. While veneration of received wisdom has its place, especially in our Asian culture, we must also be able to use the Socratic method

which lies at the heart of the European Renaissance, the Industrial Revolution and the development of contemporary Western civilisation.

Linkages between the private sector of our country and the Universities are another vital need. Too often mutual mis-perceptions of each other, through stereo-typical images of the exploitative capitalist or bloated mudalali on the one hand, and the hirsute and rebellious undergrad on the other, prevent any constructive dialogue. Part-time or vacation employment opportunities for undergrads in the private sector, or even an optional year off university courses for practical work in industry for Engineering students for example, would greatly enhance the employability of our graduates quite apart from helping the task of national cohesion, breaking down the ivory tower isolation of Universities.

"Let us not forget that, except for the giants of history, most of us leave behind foot prints in the sands of time which are soon obliterated by the winds of change and the waves of time. Collectively though, what we leave behind in institutions remains greater than all our individual contributions put together. Thus it is with the University of Peradeniya. Long may it flourish in the service of our nation and its sons and daughters! Let us also, as alumni give back gratefully and generously to Peradeniya and Sri Lanka mindful of that plaintive cry of the mother in our famous folk song—"Manalada Puthu Kiri Dunne Maw Numbata" (Did I measure out when I gave you milk?)

Time-out from Computers in Elementary Education

While the expansion of technology education in our country is to be welcomed, we have to be alive to its misuse as the article below shows.

A backlash is brewing against computer mania, and educators, child-development and health authorities in the United States are calling for a moratorium on the further introduction of computers in early childhood and elementary education.

✎ Russell Mokhiber & Robert Weissman

A friend of ours - you might call him techno-challenged man - recently met the guy who invented the E-book. That's the little hand-held computer that carries hundreds of books and that lets you read them on an easy reading screen.

The inventor told our friend that in five years, his invention will carry one million books - all easily accessible, all searchable, all without paper.

'Even I was sold,' said challenged man.

'You won't even have to leave the house,' we said.

'Reading has always been a solitary endeavour,' he said.

'Yes, but at least you had to get out of the house, say hello to the librarian, or the bookseller,' we replied. 'What happens to them?'

Now, don't get all excited, techies. Yes, we are writing this on a computer. Yes, we are sending this over the Internet.

But beware! A backlash is brewing against computer mania. We have leaped before we looked. And some are now predicting a crash landing.

Against computerised childhood

Last month, the Alliance for Childhood (www.allianceforchildhood.net), a group of more than 75 educators, child-development and health authorities, called for a time-out from the overwhelming pressure on educators and parents to computerise childhood.

They released a report, '*Fool's Gold: A Critical Look at Computers in Childhood*'. The group, which includes Harvard professor of psychiatry Alvin Poussaint, child and adolescent psychiatrist Marilyn Benoit, and Mary Pipher, author of *Reviving Ophelia*, issued a statement calling for



a moratorium on the further introduction of computers in early childhood and elementary education - except for special cases of students with certain disabilities.

We've always felt a little queasy when politicians like Al Gore and George Bush promised to put a computer in every classroom. But we didn't know why. Now we do.

The signers of the call for a moratorium said that a time-out is necessary to 'create a climate for a broad national discussion about the serious developmental risks' posed by computers in childhood.

They noted that research does not support the current and proposed expenditures of billions of dollars on technology in primary schools, as the Clinton-Gore administration now advocates.

Research shows that far better than sticking kids in front of computers is putting them with caring adults, engaging them in creative play, outdoor experiences with nature, the arts, and hands-on learning of all kinds.

There they sit in front of their glaring screens, playing video games, sipping on sugar and water (Coke or Pepsi?) and eating junk food. Is it any wonder that this generation of children is the most sedentary in US history?

The Alliance is so concerned about the problem that they called on the Surgeon General of the United States to prepare a comprehensive report on the physical, emotional, and other developmental hazards that computers pose to children.

They warned of social isolation, obesity, eyestrain, and repetitive stress injuries. Margit Bleeker, a neurologist, said that repetitive stress injuries among the young 'is probably a time bomb waiting to go off'.

The Alliance estimates that public elementary schools would have to spend about \$8 billion per year to meet the technology goals promoted by Clinton/Gore. Those schools spent more than \$4 billion in the 1999-2000 school year on computers and all of the costs related to them.

'That money could be better spent on proven educational interventions for children at risk of school failure, including smaller classes and smaller schools, higher salaries to attract and retain good teachers, and early attention to nutrition, high-quality child care and health care, and safe housing,' said Joan Almon, a former kindergarten teacher and the US coordinator of the Alliance for Childhood.

Cutting back on what matters

To make way in their budgets for the computer onslaught, many schools are choosing to cut back on field trips in nature, music, the arts, library books, and time for play or recess.

But it is exactly these programmes that most benefit at-risk children.

'It is within the context of human relationships, play and interactions with nature that we socialise our children,' said Dr Benoit of Howard University Hospital in Washington, DC. 'Premature relegation of learning to computer interaction will rob them of both that civilising influence and of their innate creativity.'

Bailus Walker, Jr, a former president of the American Public Health Association, said that the money spent on computers could be better spent removing lead paint from housing in poor neighbourhoods. When it comes to our children's readiness to learn, 'being unleaded is a lot more urgent than being online,' Walker said.

Edward Miller, a co-author of the report and former editor of the *Harvard Education Letter*, said that children of wealth and privilege are enjoying advantages of smaller class size, individual and personal attention from caring adults and hands-on experience with arts, science and nature.

'These experiences come with proven benefits,' Miller said. 'To spend precious resources on unproven computer technology when we know that millions of young children lack these bare essentials is educational malpractice.'

Walk into any public library these days and chances are that you will be confronted by a phalanx of computers. Children are immediately drawn to them, as we were drawn to television when we were kids.

It is clear to us now that television has done more damage than good to our society. Unless we act now, computers may do the same to our children.

- Third World Network Features

About the writers: Russell Mokhiber is editor of the Washington, DC-based *Corporate Crime Reporter*. Robert Weissman is editor of the Washington, DC-based *Multinational Monitor*. They are co-authors of *Corporate Predators: The Hunt for MegaProfits and the Attack on Democracy* (Monroe, Maine: Common Courage Press, 1999).

Fragile New Economy

✍️ Ignacio Ramonet

Marx has a phrase to the effect of "Give me the windmill and I'll give you the Middle Ages." We could paraphrase him to add: "Give me the steam engine and I'll give you the age of industry." Or, in relation to our present epoch: "Give me the computer, and I'll give you globalisation."

This may be a bit deterministic but the basic notion is useful. At any historical turning point, a key invention appears on the scene - never by accident - and it transforms the status quo, and points society in a new direction. Imperceptibly, over the best part of a decade, we have been moving into such a phase.

At the end of the 18th century the invention of the steam engine paved the way for the Industrial Revolution and changed the face of the world. It led to the growth of capitalism, the creation of the working class, the birth of socialism and new possibilities for colonialism. Yet as a piece of machinery, the steam engine was only designed to replace muscle power.

The role of the computer, on the other hand, is to replace brain power. So the changes are even more radical and far-reaching. Everyone can see the extent of the changes: the rules of economics, the framework of politics, issues of ecology and sustainability, social values, cultural criteria and people's attitudes.

Information and communications technologies have combined with the digital revolution to carry us into a new era whether we like it or not. Its main characteristic is the instantaneous transfer of immaterial data, and a proliferation of electronic interconnections and networks. The internet is effectively the heart and the synthesis of this great transformation. The information highways are to our era what the railways were to the industrial era: a powerful factor in promoting and intensifying trade and commerce.

'The New Economy'

With this as their paradigm, new economy investors comfort themselves with the knowledge that "the economic advantages of a transport system increase in fits and starts, making sudden leaps when new connections are made"; and that "in the 1840s the building of the railways was the single most important spur to industrial growth in Western Europe".⁽¹⁾ The world's neo-capitalists are gambling on the probability that this phase of economic lift-off will bring an exponential growth in activities associated with virtual highways, network technologies and the internet. This is what is called "the new economy".

Many investors believe that if companies are to adapt and survive in this phase of rapid transformation, they are going to have to spend heavily on information technologies, telecommunications, a networks etc. The prospects of growth in these sectors appear massive. In France, over the past three years more than 10 million people have bought mobile phones and the purchase of computers has doubled.

The global number of internet users, estimated at 142 million in 1998, is expected to reach 500 million by 2003. Major battles are in prospect between American, European and Japanese companies

to decide who will control the networks and who will emerge as market leaders in terms of images, data, sound, games consoles etc. - in short "content" But firms will also - in fact mainly - be fighting for domination in the field of electronic commerce. The internet has turned into a vast consumer paradise. E-commerce was still embryonic in 1998 with a turnover of scarcely \$8b. It is expected to hit \$40b this year and reach over \$80b by 2002.

Profit fever

Fired up by the media, investors old and new are clambering

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aboard, driven by profit fever and the prospects of easy money. They are piling into the stock markets as if it were a new gold rush. Share prices of dot.com companies have been going through the roof. Last year at least ten companies saw their value multiplied 100-fold. And others - such as America Online (AOL) - did even better, with its value multiplied by 800 since 1992.

An investor who put \$1,000 in each of the five leading internet brands (AOL, Yahoo, Amazon, At Home and eBay) when they first hit the market would have earned a million dollars by 9 April 1999. The Nasdaq index, which covers the bulk of high-technology shares in New York, registered a gain of 85.6% in 1999 alone. Even though the index fell significantly this March, it has still moved ahead by more than 20% since the start of the year.

But this "get rich quick" scenario - easy money that appears to involve neither work nor effort - has the quality of a mirage. In the United States, despite an increase in overall wealth, the inequality gap continues to widen. Inequality in the US is reaching levels not seen since the Depression. The prosperity of this new economy seems so fragile that it brings to mind the economic boom of the 1920s when, just like today, inflation was low and productivity high. Some pundits are now talking openly of a risk

of the market collapsing and the possibility of a 1929-style crash. ☹

It is probable that barely 25% of companies in the internet economy will survive beyond the medium term. Leading financial experts are quick to warn off investors: Arnout Willink, president of the Dutch Central Bank, says: "We should be cautious about shares in internet companies". He goes on to describe the punters as "crazy horses, running after each other in the hopes of finding a gold mine" .☹

It is said that revolutions have a habit of devouring their children. The same is true of economic revolutions.

Translated by **Ed Emery**

(1) David S. Landes, *The Unbound Prometheus: Technological change and Industrial development in Western Europe from 1750 to the present*, Cambridge University Press, 1969.

(2) *Business Week*, 14 February 2000. (3) *Le Monde*, 12 March 2000.

(3) *Le Monde* 12 March 2000

The above article was taken from *Le Monde Diplomatique* online newspaper

Reproduced from **Commentary** (International Movement for Just World) Malaysia.

Prague Declaration

We, the members of non-governmental and community based organisations from different parts of the world, gathered in Prague and signing this statement, note the unprecedented early suspension of the 2000 annual general meeting of the International Monetary Fund (IMF) and the World Bank.....

..... We believe that the cancellation of the final day of meetings reflects the institutions' recognition of their own lack of credibility.....

.... Our call for a wholly new global economic structure, one which mandates not a single model but many choices for the many peoples of the world, is one that these institutions cannot accept, or even comprehend.....

.....We note that the World Bank itself has acknowledged this month that its policies are failing. Its World Development Report, although, subjected to censorship within the institution, offers a revealing critique of the growth-centred development philosophy that has long been the Bank's adamant answer to every question. And "its report on the transition economies of the

former Soviet Union and Eastern Europe has revealed a tenfold increase in poverty, from 2% to 21%, a clear indication that the neo-liberal recipe peddled by the IMF and World Bank has failed yet another entire region of the globe.

Given the evidence supplied by the World Bank itself, we would suggest that it and the IMF, and the commentators who continue to support them, consider that their calls for more of the same, medicine, more of the same conditionalities, are inadequate. **A revolution in economics is called for, one that returns control of economies to the people who live in them. The time has come to put economics at the service of the people, rather than entire societies, at the service of economic models that have failed for over 20 years.**

Our protests in Prague, following those, in Melbourne, Okinawa, Geneva, Chiang Mai, Washington, Seattle, and countless other cities, have again exposed to the world the contradictions and inadequacies of corporate globalisation, and of the IMF and World Bank. (excerpts) See under *World Affairs*

US Blamed for COP6 Failure

The sixth United Nations conference on global climate change (COP6) has failed to reach an agreement on how to reduce emissions of 'greenhouse gases', and environmentalists say the United States is largely responsible for that failure.

✍ Brian Kenety

The Hague: The United States is largely to blame for the failure of the sixth United Nations conference on global climate change (COP6) to reach an agreement on how to reduce emissions of 'greenhouse gases', say environmentalists here.

The conference will likely resume in May or June 2001.

Most scientists agree that greenhouse gases, which are produced by the combustion of oil, petrol, coal and other - mostly carbon-based - chemicals, have been gradually warming the Earth's atmosphere and altering its climate.

The formal goal of COP6 was to agree to a legally binding technical pact stipulating in specific terms how the countries would reduce these emissions.

The World Wide Fund for Nature (WWF), an international conservation organisation, on 25 November roundly condemned governments for failing to reach an agreement and called on them to renew efforts that would lead to ratification of the Kyoto Protocol of December 1997, under which industrialised countries agreed to accept quantitative and binding targets to reduce the emissions.

Failure

But overnight negotiations involving government ministers failed to result in a political agreement on key details governing the Kyoto Protocol and strengthening COP6.

On the afternoon of 25 November, conference President Jan Pronk officially 'suspended' COP6. 'I am very disappointed,' he said, 'we have not lived up to the expectations of the outside world.'

The major sticking points centred on how much flexibility a country should have with regard to how it measures emissions reductions, what enforcement mechanisms should be in place and what sanctions, if any, could be applied. The United States had pushed for a much more liberal interpretation of these mechanisms than the European Union (EU) and the Group of 77 developing countries were prepared to accept.

The EU has proposed a 'concrete ceiling' on the use of 'carbon sinks' such as forests and farmland that absorb carbon dioxide, which could be used by industrialised countries to offset their emissions at home under the 'emissions trading' regimes of the Kyoto Protocol.

'These talks were supposed to have been about building a workable, global climate system for the long term,' said Eileen Claussen, president of the Pew Centre on Global Climate Change, part of one of the United States' largest philanthropes. 'However, they appear to have stalemated over a relatively small number of tonnes of carbon to be absorbed by sinks. This strikes me as extremely short-sighted,' she said, noting that the suspension of COP6 was a 'setback' but not a permanent breakdown in the process.

United Kingdom Deputy Prime Minister John Prescott, who had tried and failed to reconcile divisions between the EU and the US-led bloc, the so-called Umbrella Group, earlier in the day stormed out of the conference. 'I'm gutted we didn't make it. There is no deal. The world needs Kyoto, it needs a deal, and people have to go on trying to get one,' he told journalists.

Chief US negotiator Frank Loy said in a statement before the final informal COP6 plenary on 25 No-

The major sticking points centred on how much flexibility a country should have with regard to how it measures emissions reductions, what enforcement mechanisms should be in place and what sanctions, if any, could be applied. The United States had pushed for a much more liberal interpretation of these mechanisms

vember that 'no country offered more forthright, creative proposals to break the logjam' than the United States and that 'too many of our negotiating partners held fast to positions shaped more by political purity than by practicality; more by dogmatism than pragmatism'.

Nonetheless, he said that an agreement on the key issues 'was close at hand'.

In a news conference following that plenary session, the French environment minister Dominique Voynet, whose country now holds the rotating EU presidency, said that 'perhaps another half a day' of negotiations would have broken the deadlock.

'Kyoto is not dead,' said Voynet, who rejected the notion that the talks had been a 'failure'. Voynet admitted, however, that they had not 'been crowned with the success that we would have wished'.

Exasperation

But exasperation at the failure of the parties to reach an agreement led a number of observers from environmental pressure groups to walk out of the conference in protest, shredding their COP6 accreditation tags as they left.

'We are doing this to express the level of disillusionment we have with the process. The US and big corporations have destroyed any hope that the Protocol had of combating climate change,' said a spokesman for the Dutch organisation Rising Tide.

The WWF charged that 'persistent efforts to weaken the Protocol, in particular on the part of the United States, Japan, Canada and Australia [the base of the Umbrella Group] brought the talks to the current impasse'.

It praised the EU, which the organisation said 'acted as a more progressive bloc in the negotiations, [but] was unable to overcome the resistance of the major polluters and conclude a deal'.

Poor nations have argued that the US position on sinks violated the 'polluter pays' principle, and note that 25% of carbon-dioxide emissions generate from the United States, which makes up only 4% of the global population.

THE POTENTIAL EFFECTS OF UV LIGHT

EYES	SKIN	IMMUNE SYSTEM	CROPS	MARINE LIFE
Cataracts can develop, causing the lens to cloud up. Result: blurred vision and, without treatment, blindness.	Exposure can lead to accelerated aging, wrinkling and various forms of skin cancer.	A reduced immune response may make the body more susceptible to infectious diseases.	Interference with photosynthesis could result in lower crop yields.	Radiation affects the growth of phytoplankton, the mainstay of the ocean food chain.

G77 spokesman Sani Daura of Nigeria told the plenary session on 25 November that the failure condemned developing countries to even greater environmental turmoil. 'We will continue to be the victims of the adverse impacts of climate change.'

Friends of the Earth International (FoEI) cast the 'blame for this fiasco' on the United States and the Umbrella Group, 'which fought tooth and nail to exploit every loophole in the Kyoto Protocol. The Group demanded a giant "free gift" of existing forests and farmlands to count towards their Kyoto targets.'

FoEI, a federation of autonomous environmental organisations, also blamed some of the world's largest companies, including Exxon, 'which still denies that climate change is even happening', for 'trying to exploit the talks to create huge new markets in carbon trading, while using the power of their political money to block effective action against climate change in the US Congress'.

Major US and international environmental groups, including the WWI, Environmental Defence, Greenpeace International and the Union of Concerned Scientists, said in a joint statement on 25 November: 'We wish to emphasise that this was a missed opportunity to address the urgent threat global warming poses to our environment and to the people who live in it.'

- Third World Network Features/IPS

About the writer: Brian Kenety is a correspondent for Inter Press Service, with whose permission the above article has been reprinted.

I.M.F. and World Bank Come Under Scathing Attack

The International Monetary Fund and the World Bank have been criticised by non-governmental organisations and thousands of street protesters around the world. But now the attacks are coming from within the establishment itself: that their policies have made the conditions in developing countries worse. Will the two financial institutions ever learn?

By Martin Khor

New studies showing how the International Monetary Fund and the World Bank have been acting against the interests of developing countries have emerged in recent weeks.

The most remarkable aspect of these studies is that they have come from within the establishment in Washington itself.

One of the studies has been done for a usually pro-IMF think-tank and is written by a former veteran IMF staff member. Another is done by an economist working in the World Bank itself.

These studies, and their widespread publicity in the major mainstream media, are further denting the already battered image of the two financial institutions and eroding their legitimacy, even as they continue to dish out advice to developing countries, which have to follow the policies in order to continue getting loans to avert debt default.

On 21 October, the *New York Times* carried an article reporting on a new study using the IMF's own unpublished data that shows the heavy hand of the IMF's domination of Third World economies.

Imperial overstretch

It started by commenting that the Indonesian bailout, and several others like it around the world during the financial crisis

of the late 1990s, was often criticised as the IMF's equivalent of 'imperial overstretch'.

Said the *New York Times*: 'Under heavy pressure from wealthy nations that control its policies, the Fund demanded a king's ransom from Indonesia as the price for its \$40 billion assistance package. Indonesia was told to raise taxes on State-owned companies; cancel 12 road, bridge and port projects; remove protections on dairy farmers; and eliminate price controls on cement - part of a long list that at one point included 140 items, the study shows.'

The study was done by Morris Goldstein who worked for the IMF for 25 years and is now with the Institute for International Economics.

'I think it's clear that both the scope and the depth of the Fund's conditions were excessive,' said Goldstein, who has often defended the IMF as an important force for global financial stability.

But according to him, the recent push for radical overhauls of nations that borrow money has undermined the Fund's reputation and strained its competence.

'They clearly strayed outside their area of expertise. If a nation is so plagued with problems that it needs to make 140 changes before it can borrow, then maybe the Fund should not lend,' he said.

The *New York Times* says that the IMF became the primary vehicle for rich nations to export capitalism to developing countries, including heavyweights like Russia and Brazil, as well as the former Communist states of Eastern Europe and poverty-stricken nations in Africa.

'As its mission has expanded, its track record has not always kept pace. Some nations that received IMF aid during the financial crisis have recovered quickly. But Russia and Indonesia are examples of high-profile lending efforts sodden with detailed instructions that have not, to date, led to sustained economic growth.'

Lending programmes often intrude on areas well outside the IMF's traditional mandate. Thailand was told to remove a tax on foreigners who buy condominiums. South Korea was given a blueprint for tax reform. The list of demands on Russia at one point topped even Indonesia's, with the Fund overseeing 200 changes in the way the Russian government spent money, collected taxes, managed banks and regulated the oil industry.

The fear is that the IMF has been acting a little like a heart surgeon who, in the middle of an operation, decides to do some work on the lungs and kidneys, too,' said the *New York Times*. 'The Fund has used financial emergencies, when borrowers needed help urgently, to extract the sort of concessions that nations are often not willing to make in healthy times.'

'If the operations worked perfectly, few would complain. But they often do not work perfectly' Mr. Morris asserted, again citing the Fund's own data. Compliance with the Fund's lending conditions in Indonesia was a negligible 20%, he estimated. The IMF has had little success raising growth rates for its African clients.

Citing the study, the *New York Times* says the pressure to use the Fund as a lever to bring about changes in deviating nations comes primarily from the Group of Seven wealthy nations, the United States foremost among them.

The US Treasury Department which must satisfy Congressional concerns that taxpayers' money going to the IMF is not squandered, insists that the Fund attach many conditions to loans. It recently backed

another one: making the IMF a global police officer to fight money laundering.

Still, Mr. Morris's study, which was presented to a high-level meeting of government officials and private economists, 'may reflect a new consensus that the fund should do fewer things, and do them better'.

'Exactly which things - Is trade reform essential? Must a nation fully open its capital markets to foreign investors? - is still up for grabs.'

Another critical study, reported on by Bloomberg news agency on 7 November from Washington, is by World Bank economist William Easterly, who says the

Managing Director Stanley Fischer and US Treasury Secretary Lawrence Summers, calls into question one of the main objectives of the two global lenders - fighting poverty.'

China, India and other countries that don't follow IMF and World Bank economic programmes have seen more of their people lifted out of poverty in times of economic growth than have nations that take the advice of the Washington-based lenders, according to the research, to be presented at an IMF conference.

'A lot of the countries that have gotten a lot of lending from the IMF and World Bank are worse off,' Easterly said in an interview, citing Zambia and the Philip-

IMF and World Bank meetings in Washington in April and Prague in September disrupted by protesters.

That has prompted the lenders to repeatedly underline their concern about poverty, with Bank President James Wolfensohn and IMF chief Horst Koehler calling on rich nations to open their markets and forgive developing-country debt.

The Bank has also redoubled its efforts to research the effect of its lending on the poor. Easterly's work is part of that effort.

'This is not the most convenient finding from the point of view of the World Bank's image,' Easterly said.

He said the poor don't have the skills to benefit from the new businesses, the cheaper imports and the high-technology jobs that often come with IMF-backed economic overhauls.

'The World Bank and IMF affect the modern, formal economy, but the poor are not in the modern formal sector. The poor live on the margins.'

Comments the Bloomberg article: 'IMF and World Bank policy-makers say their reforms often generate necessary short-term pain for long-term gain.'

Easterly dismissed the charge that he's focusing on the short-term pain in recipient countries that are merely headed for long-term economic gains. He cited countries such as the Philippines and Tanzania that borrow for decades.'

These two recent studies will add fuel to the criticisms that the IMF and World Bank medicine to indebted developing countries often make the patients more sick. And that countries that do not follow the IMF-Bank advice can do better to recover.

Hopefully all the criticisms (now coming fast even from within the Washington establishments themselves) and the protests will lead to basic policy changes within the two financial institutions.

- Third World Network Features

About the writer: Martin Khor is Director of the Third World Network.



Anti-capitalism protesters at a rally in Prague demand the release of demonstrators who were arrested at previous week's riots that disrupted the annual meeting of the World Bank and the IMF. Courtesy: The Guardian Weekly

IMF and World Bank-led reforms have left the poor in developing countries further behind.

'The poor in developing countries are often better off when their governments ignore the policy advice of the International Monetary Fund and World Bank, according to a study by a World Bank economist,' was how the Bloomberg report dramatically began.

The Bloomberg article continues: 'That conclusion by Easterly, who in the past has co-written papers with IMF Deputy

pinos. 'I don't think the record is real encouraging.'

According to the Bloomberg article, advocates for the poor have long complained that IMF and World Bank advice to countries to cut government payrolls, lower trade barriers and raise interest rates benefits rich residents of those countries and foreign investors, while hurting the poor.

Violent criticism

That criticism turned increasingly harsh, and even violent, in the last year with the

World Bank-IMF Prague Meeting

Protesters open doors for moderates

The noise on the streets is filtering through to the inner sanctums of capitalism.

↳ Charlotte Denny reports

As the World Bank and the International Monetary Fund discovered in Prague last week, there's nothing like being besieged by a group of rioters armed with Molotov cocktails to make your old enemies suddenly look appealing.

Organisations such as Oxfam and Jubilee 2000, tireless campaigners for reform of the international financial system, are used to knocking fruitlessly at the doors of the Bretton Woods twins. But since demonstrators calling for the abolition of the World Bank and the IMF started besieging their meetings, the more moderate NGOs are finding themselves being ushered into the innermost sanctums of the two organisations.

New Approaches

Last week's annual meetings in the Czech capital were an opportunity for the bank and the IMF to demonstrate their new caring, sharing side. Jubilee 2000, the coalition calling for the writing off of unpayable third world debt, was invited to put its case directly to the head of the bank, James Wolfensohn, and the IMF's new managing director, Horst Kohler. Several of the larger NGOs, such as Oxfam and Christian Aid, had speakers at the sessions organised in parallel to the formal meetings.

The two men's keynote speeches, delivered as the sounds of the Czech police repulsing the protesters with volleys of teargas could be heard throughout the meeting halls, were full of the new spirit of openness to criticism. Mr Wolfensohn declared that he shared the protesters' passion, while Mr Kohler said he was aware of the questions that critics were asking about the benefits of globalisation.

Eight or nine years ago NGO representatives were an unusual sight at such meetings. In the aftermath of the fall of the Berlin Wall the bank and the IMF were secure in the knowledge that their mission of spreading the "Washington consensus"—market liberalisation, privatisation, removing trade barriers—would deliver higher living standards throughout the world, and they were not disposed to listen to their critics. The few NGOs that

attended were fighting on specific issues, such as debt or school fees, rather than advocating broad reform.

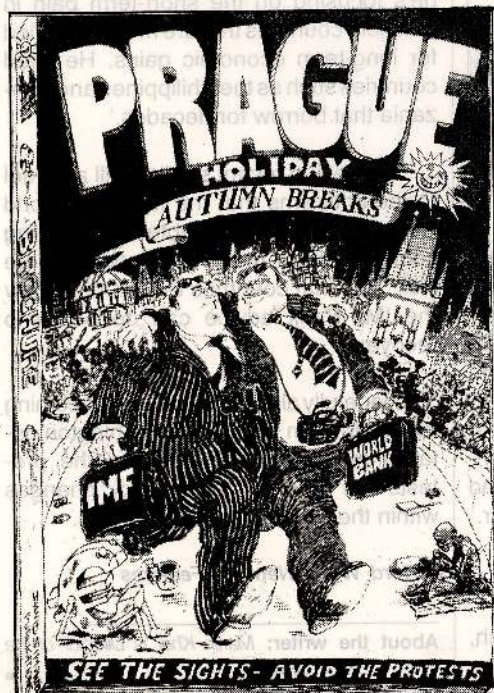
The financial crisis that swept through Asia in the summer of 1997, and the growing army of protesters camping outside meetings of the financial institutions have undermined that self-confidence and made both organisations more open to outside criticism. The bank has led the way under the leadership of Mr Wolfensohn, and the IMF is following rather belatedly.

Changes

The reformist NGOs argue that they are making a difference on issues such as debt relief, cost recovery in education and even in shaking the institutions' faith in some of the central tenets of the Washington consensus. The IMF recently abandoned its insistence that developing countries' governments not be allowed to count aid flows as revenue when balancing their budgets, a move Oxfam has been advocating for years. Both financial institutions



Opponents of globalisation carry white crosses in Prague to symbolise children who die in poverty. It is the first attempt to organise European-wide coordinated protest against global institutions, with more than 20 nationalities taking part. "Make protest as global as capitalism" read one of the banners.



have changed, their tune on liberalising capital markets, once a central plank of their advice to developing countries.

The bank's World Development Report demonstrates how far the organisation has moved. It received a lukewarm welcome from many NGOs, whose expectations had been raised by an early draft published on the internet in January. The final version, published last month, was less radical, but still shows a significant shift from the bank's standard policy prescriptions.

The report acknowledges that school fees in poor countries discourage enrolments, it advocates a cautious approach to opening capital markets, and recognises that growth alone will not reduce poverty quickly in highly unequal societies.

"It clearly reflects a big shift in bank thinking," says Kevin Watkins, senior policy adviser at Oxfam. He says the wild swings between different drafts of the report show that there is a huge fight going on in the bank over where it stands on redistribution.

"NGOs don't understand the politics of reform. You don't change big institutions overnight. If you just write the whole thing off, you are not going to move it, it will just disengage altogether," says Mr Watkins. The danger, he believes, is that if critics of the bank and the IMF do not acknowledge progressive shifts when they happen, reactionary forces may seize back control of the agenda.

In the meantime the protesters calling for both institutions to be closed down are a double-edged sword for the advocates of reform. Although they make mainstream NGOs more attractive by comparison, the violence of a few demonstrators grabbed the headlines last week and squeezed out less extreme views: a peaceful march of several thousand Jubilee 2000 supporters in Prague received scarcely any coverage.

Blaming the bank and the IMF for every evil side product of the modern global economic system is easy. Advocating an alternative is much more difficult.

Courtesy: *The Guardian Weekly*
October 5-11, 2000

NGOs Call for Changes in W.T.O. Agreement

A consortium of non-governmental organisations has called for changes to be made in the World Trade Organisation's Agreement on Intellectual Property Rights - TRIPS - which currently contradicts and undermines internationally accepted rights kits on food, health and the environment.

Lean Ka-Min

Geneva: The set of the global rules under the World Trade Organisation governing intellectual property must be modified so that it no longer undermines efforts to eradicate poverty and ensure sustainable economic and social development in the developing world, demanded a consortium of non-governmental organisations meeting in Berne.

At the two-day gathering, held prior to World Food Day, the consortium of 23 development, environment, farmer and health NGOs issued a call for governments to make a number of changes in the WTO's agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) in order that it be in consonance with basic human rights, food security and the protection of the world's biodiversity.

The NGOs pointed to the inconsistency between the TRIPS Agreement and Articles 25 and 27 of the Universal Declaration of Human Rights as well as Art. 11 of the International Covenant on Economic, Social and Cultural Rights, all of which protect the right to food. Making use of patents to monopolise control over plant genetic resources, large corporations are thus able to raise seed prices and promote inappropriate high-input seed packages, thereby compromising farmers' control over their genetic resources.

According to the NGOs, the TRIPS Agreement currently also stands in contradiction to provisions in the UN Convention on Biological Diversity that ensure the preservation of natural resources,

prior informed consent and benefit-sharing. They expressed grave concern over the way WTO rules allow and promote the patenting of life and genetically modified organisms, adding that clarification is needed to ensure that plants and animals, as well as micro-organisms and all other living organism and their parts, cannot be patented.

'At the moment, the TRIPS Agreement is undermining internationally accepted human rights such as the right to food, the right to health and the right to safeguard the environment. It is imperative that the TRIPS Agreement is modified so that it supports rather than contradicts these rights said Francois Meienberg of Berne Declaration, one of the meeting's organisers.

The NGOs stressed that it is crucial to hold a review of the TRIPS Agreement to better balance the interests of patent holders and the greater public interest. An initial step towards this end is to examine possible future options to clarify and expand existing exemptions to patentability for goods which fulfill wider social functions, such as medicines and seeds, traditional knowledge and living beings.

Continuing in the current course set by the TRIPS regime would only result in more hunger, poor health and erosion of biodiversity, warned the NGOs.

-Third World Network Features

About the writer: Lean Ka-Min is an Editorial Assistant with Third World economics, published by the Third World Network.

Tide Turning Against Globalisation?

Only a few years ago, a few lonely voices and countries were speaking out on the dangers and ill-effects of Western imposed globalisation. Now, with the series of recent street protests from Washington to Prague, the tide is clearly turning. Even Western leaders and the mainstream media are increasingly voicing their doubts and criticisms.

✍ Martin Khor

Is the tide turning, at last, on globalisation?

It would appear so, in the light of the series of huge street protests whenever and wherever world leaders meet to further the global economic agenda

And also, counting the increasing number of columnists and journalists in Western mainstream media who are themselves casting doubt and even throwing eggs at the globalisation process.

Only a few years ago, 'globalisation' seemed to be an inevitable process that no one should challenge, or else risk being labelled old-fashioned, reactionary and unrealistic.

There was a consensus at the top levels of the global elite, especially at the secretariats of the international financial agencies (the IMF and World Bank) and the World Trade Organisation (and the governments of rich countries that control them), that globalisation is good for all and that those that did not join in would miss the train.

What they meant by globalisation was a policy prescription that all countries, big or small, rich or poor, should open up their borders to the free flow of money, capital, goods and services. Countries should no longer protect their local firms, banks, farms or money markets from the inflow of investment or speculative funds, from cheaper imports or bigger foreign enterprises.

The infusion of foreign money, goods and companies would fuel growth, inject efficiency, and help poor countries take off, so the argument went.

What in fact happened

However, most developing countries that undertook this process did not improve. Foreign credit that went in led instead to a debt crisis. Cheaper imports displaced local goods and industries.

On the export side, the situation was equally bad. Prices of commodities sold by

What they meant by globalisation was a policy prescription that all countries, big or small, rich or poor, should open up their borders to the free flow of money, capital, goods and services. Countries should no longer protect their local firms, banks, farms or money markets from the inflow of investment or speculative funds...

developing countries slumped. And markets of the North remained closed for products (such as textiles and agricultural goods) that poorer countries are good at producing.

The result was a widening trade deficit in many developing countries, leading them into further debt, and curbing their development.

Only a few developing countries, mainly in East Asia, seemed to escape this no-growth or low-growth trap. They were held up as models of growth led by exports and foreign investment, two of the instruments of globalisation.

But even some of them succumbed to one aspect of globalisation. The liberalisation of finance and financial markets led to a rapid build-up of short-term private foreign debt. It also enabled speculation of the local currencies and stock markets by foreign financial institutions such as hedge funds.

The resulting financial crisis of 1997-99, which also spread to Russia, Brazil and other countries, seriously damaged the image and reputation of globalisation.

In the developed countries, meanwhile, increasing numbers of people felt insecure with the intense competition engendered by globalisation. The drive for companies and countries to compete, so intrinsic in the global market economy, meant that social and environmental considerations were sidelined whilst the demands of the big corporations were given top priority.

Executives and lobbies representing the large companies became so powerful that they influenced or even dictated the financial and trade policies of some of the developed nations. For example, many of the treaties of the WTO originated with demands by big financial and industrial companies, some of which even helped to draft the texts.

Reaction

Many citizens in the West are now angry that their wages have not risen (or have not risen in line with economic growth or with the high profits and income packages of their bosses), that their jobs are

insecure, and that the environment is deteriorating.

After 20 years of the rapid globalisation process, the tide has turned, not because of ideology or theory, but simply because globalisation has not delivered the goods for a large part of humanity, and has caused financial and economic instability as well as adverse social and environmental effects.

The first large public demonstration against globalisation came in Seattle 1999 November at the WTO Ministerial Conference. This was followed by street protests in Bangkok in February (during the UNCTAD Conference), Washington in April (during the World Bank-IMF spring meeting), in Melbourne (during the Asian Summit of the World Economic Forum) and most recently at Prague (during the World Bank-IMF annual meeting).

Just as the Seattle protests shook the global trade establishment, the Prague demonstrations shook the global financial establishment. The World Bank-IMF meeting ended a day earlier; an unprecedented measure, carried out probably to avoid demonstrators who had threatened not to allow the officials to leave the conference centre on the last day.

The effects of the street protests at all the major global economic events have led Western leaders to move away from the previous congratulatory and exuberant stance on globalisation.

Many Western leaders, and chiefs of international agencies such as World Bank President James Wolfensohn, are now talking of the need to combine the workings of the market with policies that cater to the poor and to the environment.

And most recently, mainstream Western newspapers and magazines are highlighting the negative effects of globalisation. Some famous columnists are even condemning globalisation outright as a failed experiment.

The *International Herald Tribune* carried an article, prominently displayed in the opinion page on 29 September, by its regular columnist William Pfaff titled 'The West's Globalisation Drive is Proving a Massive Failure'.

Most recently, mainstream Western newspapers and magazines are highlighting the negative effects of globalisation. Some famous columnists are even condemning globalisation outright as a failed experiment.

The street happenings in Prague intimidate the IMF and World Bank, says Pfaff, yet what the demonstrators do not understand is that their battle has in principle been won.

'Globalisation - the aggressive programme for the imposition of Western norms of national economic management, economic deregulation and market opening, and facilitating takeovers of indigenous industries and agriculture by multinational companies - was launched by the Clinton administration during its first term. After its sensationally successful promulgation, it met a series of defeats,' says the article.

Pfaff cites the defeats as the Asian economic crisis, the failure of the multinational investment agreement at the OECD (Organisation for Economic Cooperation and Development), the Seattle protests, and defeats within the organisations themselves and in the public debate.

'The globalisation model is no longer the unchallengeable Western orthodoxy,' says Pfaff, adding that 'the Washington consensus on lending policy had proved defective in practice and often destructive in its social and political consequences.'

Consequences

'The gap in income between rich and poor has not improved in the poor coun-

tries, and has worsened in the United States and Britain. The intellectual consensus on global economic policy thus has broken down. The Asian economic crisis two years ago virtually wiped out globalisation's much-touted growth gains.'

Pfaff also comments that 'China and Malaysia survived the crisis because the former had refused to be globalised, and the latter defied the IMF about how to deal with the crisis.'

He notes that UNCTAD (the United Nations Conference on Trade and Development) now advises Asian economies to focus on national development, domestic savings and raising domestic demand through higher wages and public spending - the exact opposite of IMF doctrine.

Pfaff says that globalisation's values are entirely materialistic. Its sponsors define progress wholly in terms of wealth accumulation and the ultimate purpose of economic activity is described as solely to reward business investors, from which all other benefits flow.

'It has been a self-serving ideology, elevated to the status of economic principle,' concludes Pfaff. 'The assumptions that have underlain globalism's promotion and international economic deregulation and integration are recent in origin and will eventually pass into economic history.'

This article by an influential columnist in one of the most prestigious of Western newspapers is one of the most hard-hitting and fundamental attacks on globalisation, all the more impactful because it is written and published from within the global establishment.

It is, however, just one of several articles that have in the past few weeks appeared in leading media journals of different countries.

Hardly a few years ago, only a few voices and a few countries, Malaysia being about the most prominent, were speaking out to question globalisation. The tide, it is clear, is now turning.

■
About the writer: Martin Khor is Director of the Third World Network.

Launching a New W.T.O. Round or Fixing an Agenda First?

The recent APEC meetings in Brunei saw a dramatic debate between the developed countries and some developing countries on how soon to launch a new round of trade talks at the World Trade Organisation.

Malaysia insisted that agreement on the content of such a round should precede a move to launch the round. The final outcome could make all the difference to the future economic and social prospects of developing countries.

✍️ **Martin Khor**

Penang: What's the difference between launching a new round of trade talks at the World Trade Organisation, and fixing an agenda first before committing to such a launch?

Lots, judging from the controversy that erupted and then stayed on the boil at the series of high-level meetings of the Asia Pacific Economic Cooperation (APEC) forum held in Brunei in mid-November.

The battle began at the APEC Economic Ministers' meeting on 12-13 November. When APEC members from developed countries like the United States and Australia pressed for an agreement to launch a new WTO round in 2001, Malaysia led a fight against putting a deadline.

Malaysian Minister for International Trade and Industry, Rafidah Aziz, had insisted that there could not be a mention of a date until an agenda for a round is first agreed to. 'If there is no agenda, then what are countries going to talk about?' She said Malaysia's views were shared by many other countries that were just not so vocal.

However, when the APEC leaders' meeting ended on 16 November, the mention of a date for launching a new round had appeared. The leaders' Declaration stated that: 'We agree that a balanced

and sufficiently broad-based agenda that responds to the interests and concerns of all WTO members should be formulated and finalised as soon as possible in 2001 and that a round be launched in 2001.'

There were, however, differing interpretations among the leaders as to the meaning and the points of emphasis to be placed on this part of the Declaration.

Malaysian Prime Minister Dr Mahathir Mohamad said the Declaration did not mean that APEC had backtracked on Malaysia's earlier proposal to set a deadline for the agenda first before deciding on a launch date for a WTO round.

'The general opinion is that we should have the launch in 2001, but it must be preceded by an agreement on the agenda. If there is no agenda, how can we have a meeting? It (the launch) is conditional on having an agenda. And this is not just Malaysia, others speak in the same way.'

Dr Mahathir reiterated that if an agenda cannot be finalised, then there is no way that a new round of WTO talks can be launched. 'I hope that they (trade officials in Geneva) can have an agenda. If they purposely do not come up with an agenda, then it will be difficult to have a new round. What are we going to talk about?'

Differences

The different opinions at the APEC meeting reflect the ongoing battles at the WTO between developed countries, led by the US, the European Union, Japan and Australia (that want to expand the powers of the WTO through a new round), and developing countries like Malaysia, India, Pakistan, Egypt and Zimbabwe (which want the WTO to first resolve problems faced by developing countries arising from implementation of the WTO's existing agreements).

The sharp differences came to a head at the WTO's Ministerial Conference at Seattle in December 1999. When the rich countries used manipulative methods in an attempt to push developing countries into agreeing to a new round, the latter revolted and refused to sign on to a Declaration they had no hand in drafting.

The collapse of the Seattle talks sent shockwaves through the trading system. Developing countries seemed to be standing up for their rights. Their representatives thought that perhaps the rich countries would now pay attention to their demands.

But when discussions continued in Geneva, the same 'dialogue of the deaf' was played out. Diplomats from developing countries have been forcefully putting forward proposals on how the presently unequal and unfair rules in the WTO have to be reviewed so that the trading system can regain its credibility.

Dozens of suggestions on how to resolve the 'problems of implementation' (the code term for all the present difficulties facing developing countries) have been formally put on the table. These problems include the threat to farmers' livelihoods resulting from the influx of cheap imported food (caused by the WTO's agriculture agreement); high prices of essential medicines and the high cost of using technology (caused by the agreement on intellectual property); and problems faced by local industries which can no longer rely on government policies that require projects or firms to use local materials (as this is prohibited by the WTO's treaty on investment measures).

If unresolved, these and other prob-

lems will hinder and even stop prospects of future development. Developing countries are thus insisting that future talks must focus on solving these 'implementation problems' and thus restore balance to the trading system's rules.

Unfortunately, these requests have met with a cold response from the developed countries. They have taken a 'legalistic' approach, namely, whatever has already been signed in the previous talks (the Uruguay Round of 1986-93) is legally binding; if poor countries want to revise some of these, they have to give new concessions to the rich countries.

This is where the new round comes in. What the rich countries want is the agreement of the developing countries to launch such a round to introduce yet more issues into the WTO system and thus multiply its power, to the further advantage of the former.

New Issues

The 'new issues' (which eventually, through negotiations, would become new agreements in the WTO) include:

investment rules, aimed at granting freedom from rules for foreign investors and foreign funds);

government procurement, aimed at eventually ending preferences that governments now give to local firms in their purchasing practice and policy;

competition policy, aimed at prohibiting advantages enjoyed by or given to local firms, so that foreign firms can 'compete on equal terms' in the domestic environment;

labour standards, aimed at introducing labour-related standards (starting with the right of association but which will likely proceed to other issues such as minimum wages, employment and social security) that could eventually lead to trade sanctions against products of developing countries;

environmental standards, aimed at allowing trade rules such as extra import duties to be applied to products that do not meet acceptable environmental standards;

electronic commerce, starting with a permanent ban on customs duties on products purchased and delivered

electronically, and leading to other rules that would probably favour countries that are already more advanced in making use of e-commerce.

Many developing countries, including Malaysia, have been very reluctant to allow the WTO to acquire the mandate to create new multilateral rules or treaties on these and other new issues.

These are not trade issues and do not belong in the WTO. If absorbed into the WTO system, it is likely that they will be interpreted in ways that benefit the powerful Members at the expense of the developing countries.

This is especially so because the decision-making process is such that developing countries have little bargaining power compared with the major countries. Until this is changed, the will of the powerful is very likely to prevail over the interests of the many.

If a new round in the WTO leads to the entry of this range of new issues, the trade and development prospects of developing countries would be bleak.

The smaller firms and farms of the developing countries would be too weak to withstand the might of the big firms of the rich countries, which would have much more freedom to enter and compete in the markets of the poorer countries, should the new issues be accepted into the WTO.

Further, the road would be opened to allow new trade sanctions to be placed on developing countries whose products are said not to meet the acceptable social or environmental standards.

This is where the issue of the agenda comes in. Whilst countries can all agree to have a new round, it is far from clear what are the issues that will feature in this round.

If the agenda of the new round is the review (and, where needed, the amendment) of existing agreements, rules and

procedures in the WTO so that there will be better balance in the system to benefit developing countries, then it would be to the benefit of developing countries.

It would be a totally different matter if a new round would include negotiations to conclude new treaties on investment rules, government procurement, competition policy, and labour and environmental standards. For then the trade system, already having lost a lot of credibility after the Seattle debacle, would be even more overloaded with non-trade issues and even more loaded against the developing countries' interests.

Malaysia had thus been right to insist at the APEC meetings that the first order of priority is to get the proper agenda for future negotiations at the WTO. Only if the right agenda is agreed to should there be moves to launch a 'new round'.

Ensuring the correct content and really beneficial outcome of future talks is certainly more important than blindly agreeing to launch something called a 'new round' in the false belief that it would somehow benefit everybody.

Given the record of the WTO, which the developed countries have so far been able to dominate, developing countries should not agree to walk onto uncharted territory on the basis of blind faith or the sweet promises made by the major trading powers.

The lesson of the past is clear: Do not tread lightly onto new areas and certainly onto a new round until and unless you have very carefully and thoroughly studied all the aims of the proponents who are trying to attract you, and all the effects it will have on your economy, society and future.

Since the APEC Summit Declaration eventually did mention the date (2001) for launching a new round, the major trading countries will try to make use of it as a springboard to pile on the pressure in the coming months to prepare the ground for their version of a new round.

The fight over the agenda, which had been intensely waged in the months before Seattle, will thus resume soon.

Globalisation: the Malaysian Experience

✉ Chakravarthi Raghavan

Geneva: The excessively hyped and exaggerated view that globalisation and the opening-up of markets to the full can lift the lot of the poor and narrow the inequality in income distribution, has been proved wrong by the financial crisis in Asia and emerging markets, a leading Malaysian economic expert, Zainal Aznam Yusof, declared recently at the United Nations Conference on Trade and Development (UNCTAD)'s Trade and Development Board (TDB).

Zainal, who heads the Malaysian think-tank, the Institute of Strategic and International Studies (ISIS), was speaking as a panellist at an informal session of the TDB on 'Crisis and Recovery in Emerging Markets: Lessons from Recent Experiences'.

Zainal is a key member of the high-level team of economic advisers headed by Daim Zainuddin (now Finance Minister) that advised the Malaysian Government of Prime Minister Mahathir Mohamad to change course, give up the 'virtual-IMF' policies to overcome the financial crisis that struck the region in 1997, and adopt non-orthodox measures (including capital controls) to overcome the crisis and grow.

In analysing the East Asian crisis and the recovery, Zainal said that overall economic recovery in the affected countries was on track, though stronger in some countries and weaker in others. Singapore and Hong Kong looked like they were ahead;

Malaysia and South Korea were following strongly, while Indonesia was the weakest of the lot.

Thailand, Indonesia and South Korea had come under the control of the International Monetary Fund, losing the freedom to adjust and adopt an independent approach, and having to follow the

standard prescriptions of high interest rates, cutbacks in subsidies and forced closure of banks.

This had disastrous socio-economic effects - rise in unemployment, rising poverty and other social effects due to an inadequate social safety net - resulting in political instability.

The situation of the poor, especially women, worsened, and irreversible damage was wrought affecting the ability of children to escape poverty. There was a 50% increase in poverty in Indonesia, and doubling of urban poverty in South Korea. Beyond the region, poverty in Russia rose from 21.9% to 32.7% between 1996 and 1998, and poverty also rose in Latin America and the Caribbean.

Malaysia, after flirting with the 'virtual IMF' policies, found them untenable and was convinced that the economy would be tipped over the cliff. It changed course applying fiscal stimulus by a deficit budget.

Public expenditures for socio-economic projects and selected infrastructure projects were maintained, raising public investment. Poverty alleviation programmes were maintained, including for the hard-core poor - those with a mean monthly income which was half the poverty-line income. Banks and corporate debt were restructured. The ringgit was 'de-internationalised', and a repatriation levy was imposed. The currency was pegged at RM3.80 to the US dollar. There were also structural economic reforms of banks and corporations.

It was evident that the financial system was flawed, and the world was nowhere near anything that could deal adequately with huge capital flows. Volatilities were far more persistent, while the 'herd behaviour' and 'irrationality' of short-term investors were not well understood.

Excessive blame was being placed on a country in crisis, but little on financial markets. The view was that markets 'can do no wrong', and there was a 'tinkering approach' like that of plumbers patching up a leak.

'This is not the way to go about dealing with the crises,' Zainal said. 'It was necessary to go to the roots of the problem - and the financial system has to be reformed to deal with the problems of capital flows.'

The private sector should be 'bailed in' and the pain of the crisis spread out. It was unfair to blame countries and, their banks, and take the view that the private sector can do no wrong and can get off scot-free.

The private lenders were party the financial system and part of the moral hazard problem. They must share the blame. They are part of this, allegedly, perfectly functioning international capital market.

There has been no real visible progress in repairing the flaws in the financial architecture, with a great deal of talk and little real action

The current uni-casual' approach to the crisis and a 'one-size-fits-all' solution was wrong. Thailand, South Korea and Indonesia largely followed the IMF orthodoxy while Malaysia had adopted a heterodox approach, using Keynesian pump priming and selective capital controls and pegging its currency to the dollar. Malaysia had recovered well or even better than other economies.

In its own way, Malaysia had cleaned up its financial and corporate sectors - through agencies for restructuring the bad debts of banks and recapitalising them, as well as for restructuring corporate debt.

Looking forward, it was necessary to build indigenous capacity in every aspect to cushion crisis: in macro-economic management, banking regulation and supervision raising efficiency and competitiveness and stronger corporate governance and transparency. Countries need to stand firm on programmes for the poor and in providing social safety nets for the vulnerable and poor.

-Third World Network Features (Excerpts)

Kashmir Opts for Peace

Asghar Ali Engineer

The Kashmir imbroglio has engaged our attention for several decades now. When the Maharaja Hari Prasad signed the document of succession we thought the Kashmir question has been settled. We had other more telling reasons as well to think so. The people of Kashmir had, under the leadership of Sheikh Abdullah, opposed the Pakistani tribal aggression against Kashmir and had opted for accession with India. But the question was far from settled due to various developments both on our side as well as the Pakistani side.

"Two-Nation" Theory

Pakistan never accepted accession of Kashmir to India. It claims Kashmir to belong to itself on the grounds of 'two-nation' theory. It even goes to the extent of saying that the two nation theory will not be complete until Kashmir, a Muslim majority area, merges with Pakistan. Pakistan having buried its head under the sand of two nation even forgets that the people of the then East Pakistan themselves rejected it by seceding from Pakistan. In the case of Bangla Desh it was obvious that language, culture and regional autonomy was more important than religious bond. For political unity only religion is not sufficient condition. In certain contexts language and culture prove to be more cohesive than religious bond.

Kashmir is no different. Like the Bengali Muslims the Kashmiri Muslims too have a strong sense of cultural and linguistic identity which transcends the sense of religious identity. The Kashmiri Islam too has its own regional roots in the Sufi culture. There is no visible proof that the Kashmiri Muslims ever endorsed the two nation theory as Pakistan claims. Even in 1989 when the Kashmiri Muslims raised the banner of revolt their slogan was 'azadi' (independence) rather than merger with Pakistan. So much for the claim of Pakistan to Kashmir on the basis of 'two-nation theory'.

There is yet another aspect, which must be kept in mind. The Kashmir question is being raised more by the Punjabi ruling classes than the people of Pakistan

as a whole. So far as most of the people of Pakistan from minority provinces like Sindh, Baluchistan and North-West Frontier Province are concerned either they are indifferent to the Kashmir problem or opposed to it. The people of these provinces too no longer assert two-nation theory which has only historical significance. They are struggling for their own autonomy. They feel Punjab has been dominating them and denying them their aspirations. Now it is obvious in these provinces that religion is no more a binding force; it is linguistic and cultural identity which is more important for them.

The Kashmiri Muslims, even if they opt to join Pakistan (which of course they will not), will soon realise that they have no autonomy, much less sovereignty, they were fighting for. The Pakistan occupied Kashmir certainly enjoys less freedom than their Kashmiri counterparts in India. This lesson has never been lost on the Kashmiri Muslims. Thus Pakistan has hardly any moral claim on Kashmir and legal claim is of course under dispute.

Jihad Slogan

The slogan of jihad raised by extremist forces like Lashkar-e-Tayyiba and Jaish-e-Muhammadi has hardly any religious justification. Firstly, the Holy Qur'an does not use the word *Jihad* for war. The literal meaning of the word is to strive, to make utmost efforts to fight evil and to control lust and greed and to spread justice. For war the Qur'an uses word like *qital*. Even the sufis - and the Kashmiri Muslims, as pointed out before, have sufi bent of mind - maintain that real Jihad is to control ones selfish desires and to restrain ones lust, including lust for power. The Sufis call such Jihad as *Jihad-e-Akbar* i.e. the great Jihad.

The Jihadi groups are doing great injustice not only to the cause of peace but equally to the cause of Islam which is a peaceful religion. Those who have formed these militant outfits need proper study of Islam. Most of the so-called jihadis are young students of madrasas whose anger against injustices have been exploited by the vested interests to achieve their own

goals.

There is no doubt that the people of valley have strong desire for peace, not for war. What happened in 1989 was a strong reaction to the political situation then prevailing in the valley. It must be said, and this has been pointed out repeatedly, that Indian Government was far from fulfilling the democratic aspirations of the people of Kashmir. The Kashmiris had opted to join India under the leadership of Sheikh Abdullah thinking that Indian secular democracy would not only respect their autonomy but would allow full play to their cultural and regional aspirations. It was a dream, which was never fulfilled.

Their autonomy was gradually curtailed and even free democratic elections became impossible. The way Kashmiri chief ministers were sought to be made pliable to the Central Government and dismissed if they refused to do so sent a strong signal to the people of Kashmir. Jag Mohan's behaviour as a governor of Kashmir and Farouq Abdulla's abject surrender to the powers that be at the Centre in 1988 angered the people of Kashmir and they rose to a man in revolt and raised the slogan of *azadi*. The tremendous support the people of Kashmir had given to those fighting against Central Government's authoritarianism should have convinced the Central rulers to concede the just demands of the people of Kashmir by removing actual grievances.

Political Wisdom Needed

Unfortunately, even the V.P. Singh Government misjudged the whole situation and used repression rather than legitimate means to solve the problems of the people of Kashmir. It is true that the sentiments were running very high in 1989 and it was not easy to handle the situation in the valley. But political wisdom required that situation should have been handled with much more caution and repression should have been minimised. The collective strength of the people convinced the young students and other youth in the valley to take to guns. The situation before militancy started in the valley in 1989 has been aptly described by a Pakistani commentator as that of 'no peace, no war'. The Indian authorities, however, as much misjudged the situation as the people of the valley. The people of Kashmir thought Azadi is round the corner and the Indian Government thought it is matter of few thousand paramilitary forces to crush the

people of Kashmir and teach them a lesson. Both erred grievously.

Now after losing more than 60,000 lives the people of Kashmir have realised that militancy cannot bring freedom to them and the Government of India has realised on its part that no amount of repression can crush the spirit of the people of Kashmir to fight for their rights. Both now desire peace and acceptable and honourable solution. That the people of Kashmir are tired of militancy and desire peace is borne out by a recent survey done by English Weekly *Kashmir Images*. This survey was done after Prime Minister Shri Vajpayee extended the Ramazan peace. According to this survey an overwhelming majority of the Kashmiris i.e. 92% desire peace and welcome extension of peace and 54% of the people interviewed in the valley hoped that peace will pave the way for dialogue.

Fifty six percent of the people want India to talk to Pakistan and 24% prefer a trilateral dialogue. The Survey was done during the Ramadan when Shri Vajpayee declared peace. The authors of the survey say, "Hoping against hope, Kashmiri people have pinned their hopes in Prime Minister, Atal Bihari Vajpayee's cease-fire offer. Most of the Muslims who are fasting these days, are all the time praying for peace to dawn on this unfortunate land." The survey claims that every (Kashmiri) woman questioned supported cease-fire. For Zareefa, a school teacher, the very thought of cease-fire is great.

Thus peace should prevail for any solution to be worked out. The Pakistan based militants of Lashkar-e-Taiyyiba, particularly their leaders, have strong vested interest in maintaining state of war and hence they are trying their best to sabotage cease-fire by targeting innocent people. However, that should not at all disillusion us and our efforts to extend cease-fire even further should continue. The more militants target innocent people, more they will be alienated from the people of Kashmir. They already have lost considerable support as the survey shows.

If we withdraw cease-fire because of these militant attacks, we will be not only disappointing the people of Kashmir but also the whole world. India has gained considerable support by declaring and extending cease fire and it will gain even more prestige by extending it further. Pakistan will also be compelled to respond to

our gesture. Otherwise it will lose all support whatever it has in the international arena.

It has also been suggested by some experts that if cease-fire is followed by suitable political and economic package for people of Kashmir it will greatly help in winning over the Kashmiris. Pakistan by sending relief material for the earth quake stricken people has also shown a good gesture and General Musharraf by talking to Vajpayee on hope has further broken the ice. These are encouraging signs and we must build on these initiatives.

No one suggests that solution to Kashmir problem is imminent. It will take a long time and great patience to even make a beginning in right direction. But we on our part should do everything possible to defuse the situation first by taking suitable measures to fulfil democratic aspirations of people of Kashmir to whatever extent

we can and by creating conditions for withdrawal of para-military forces from valley and to minimise their presence there. This will be a great gesture on our part in winning over the Kashmiri people. It is only then that we can talk with the Government of Pakistan with confidence. As the people of Kashmir had stood unitedly behind India in 1947 when the Pakistani tribals invaded Kashmir they will stand once again behind India if the Central Government creates conditions of no repression and fulfilment of their democratic aspirations. The Sufi Islam of Kashmir cannot stand militancy for long. Secular democracy suits them more than aggressive fundamentalism.

Secular Perspective

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Still no freedom from fear in Burma

For a while this fall—as the SPDC regime tightened its noose around the necks of Daw Aung San Suu Kyi and her NLD colleagues—it seemed as if the SPDC generals' long-term plan to destroy its world-renowned, democratic opposition was moving ahead.

In September and October the State-run media kept up a constant barrage of hysterical vilification and physical threats even after Daw Suu and her companions had been put under house arrest after they tried to meet supporters in Rangoon and Mandalay. Two hundred riot police with flashing lights and highspeed vehicles were judged necessary to return them to Rangoon. They and their supporters were manhandled later when they tried to travel to Mandalay from the Rangoon train station. Daw Suu is alleged to have been handcuffed. One hundred of her supporters are still in Insein prison.

But the world, and the students of Burma, responded. At three just-opened universities—newly set up in the countryside at a 'safe' distance from Rangoon

—posters appeared calling for more freedom and opposing the SPDC's new university system. (The school year has been shortened and all undergraduate courses are being held at least an hour's bus ride from Rangoon and major cities.) Riot police were again sent out from Rangoon to comb through the universities. The regime said the students were having exams and that universities had not really been closed.

ASEAN showed signs of getting fed up with its newest member. Thailand's efforts to form a 'troika' with Vietnam and Brunei to negotiate with the regime reflected willingness to move away from its policy of non-interference. The Royal Thai Army, unable to stop the flood of millions of amphetamine tablets crossing the border from Burma, recognizes that the drug link between traffickers and the Burmese military must be cut. Even China has hinted that it doesn't really care who is in charge as long as the explosion of illicit drugs crossing the border into Yunnan is stopped.

—Burma Links (Canada)



The Truth Behind Sri Lanka's Gender Development Statics

Despite impressive human development indicators, Sri Lanka still has a long way to go in fully utilising the skills and talents of its female citizens to move the country's development and peace processes forward.

▣ Nelathi De Soysa

Sri Lanka, an island nation of some 17 million people, located in the Indian Ocean, has seen considerable progress in human development since its independence from colonial rule in 1948. Indicators such as life expectancy, literacy, and infant, child and maternal mortality are impressive at a national level, and are directly correlated with historically high government investment in basic health and education.

However, the United Nations Development Programme estimates that the overall level of human poverty in Sri Lanka is substantial (National Human Development (NHD) Report, 1998). In addition to this, the report indicates that although the level of gender development in Sri Lanka is higher than average for an Asian country (69%), gender empowerment (compared with modern standards) is relatively low (20%). This despite its being the first country in the world to produce a female Head-of-State.

The purpose of this article is to explore disparities between gender development and empowerment indexes, and to highlight hidden realities affecting women in Sri Lanka - realities which are strongly influenced by social, cultural and economic factors.

To begin with, the ongoing war in the country has had a debilitating effect on women and their status in society. Current information reveals that there are 18,657 warwidows in the northern peninsula alone, not counting the growing numbers in the

south.

Around 22% of all households in Sri Lanka are female-headed. Many of these women have been thrust into the role of breadwinner with little knowledge of income-earning methods and few coping skills. Moreover, the word *withawi* (for widow) has connotations of a deplorable and pitiable condition. Social isolation and poverty are inevitable for these women, many of whom are widowed at a young age.

Another factor that does not appear in national statistics is the regional variation in female literacy, which has remained at 87% for several years. Urban and rural

Although the level of gender development in Sri Lanka is higher than average for an Asian country (69%), gender empowerment (compared with modern standards) is relatively low (20%). This despite its being the first country in the world to produce a female Head-of-State.

disparities still exist, and are not represented in national gender development indexes. Female literacy in urban areas is 91%, while the rural rate is 78%. Furthermore, some statistics, such as the 65% rate of anaemia among women, are not even included in some printed documents.

Education is another matter. Although the percentage of Sri Lankan women entering universities increased from 42% in 1989 to 52% in 1999 (bearing in mind that only 1 % of the population has access to university education), women are still under-represented in many disciplines, and tend to find employment at the bottom of the employment pyramid.

When they do find work, it is usually in low-status, low-skilled and low-paying jobs in peasant and plantation agriculture. In addition to this, the female unemployment rate, at 22%, is double that of men in Sri Lanka.

Furthermore, a majority of jobs available to women are in the unorganised and informal sectors, which are outside the purview of labour regulations. An example of this is the growing number of women engaged in the garment industry, who are prone to suffer physical disabilities directly linked to long hours of hard labour.

This same fate awaits the women who represent around 76% of the unskilled migrant labour force working in oil-rich countries and South-East Asian countries. Reports in local newspapers highlight tales of woe where many of these women have suffered untold hardships, including beatings, torture and even death, due to lack of cross-border employment agreements and regulatory practices between national governments.

Besides garment workers and migrant workers, the largest proportion of women in the informal sector is engaged in cultivation. A growing threat to the livelihood security of these women is the increasing mechanisation of agriculture.

As a result, the female whose sense of self-worth was linked to her ability to contribute to the productive process now finds herself left out, and her contribution deemed worthless. This reduces her value within the family and community, and must be considered by governments and NGOs

It would be only correct to say that, despite impressive human development indicators, Sri Lanka still has a long way to go in fully utilising the skills and talents of its female citizens to move the country's development and peace processes forward.

[non-governmental organisations] that may opt to promote mechanisation of agriculture as a means of 'development'.

Discriminatory practices over land inheritance and custody battles further contribute to the decline in self-worth among women in Sri Lanka. In such cases, males are often given preferential treatment. This despite constitutionally guaranteed laws that grant women equal rights with men.

As for the political empowerment of women, it bears mention that both the president and prime minister of Sri Lanka are women. However, this does not necessarily indicate a high political profile for the average woman, nor does it represent the involvement of women in policy-planning and decision-making at higher levels. A recent survey found that women in Sri Lanka do not aspire to be active in politics, which is amply demonstrated by the fact that few women opt for political careers, and fewer still are elected to Parliament at the regional and provincial levels.

All of these factors indicate that there is a hidden dimension to the image presented in printed statistics - a dimension rarely highlighted and only dimly visible to the observer. Within this context it would be only correct to say that, despite impressive human development indicators, Sri Lanka still has a long way to go in fully utilising the skills and talents of its female citizens to move the country's development and peace processes forward.

- *Third World Network Features*

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Latin America

Women seen as better leaders

Urban Latin Americans, both male and female, consider women leaders more capable than men of dealing with the problems of poverty, corruption, education, the economy and environmental protection in their societies, according to a new Gallup poll released Nov. 14 by the Inter American Development Bank and Inter American Dialogue, a Washington-based hemispheric think tank

The survey of more than 2000 adults in the capitals of Colombia, Mexico, Argentina and El Salvador as well as Rio de Janeiro and Sao Paulo in Brazil, suggests that attitudes toward gender equality have changed rapidly over the last few years as women have risen to positions of power in many parts of Latin America.

When asked whether men are better leaders than women, 45 percent of men and 08 percent of women said yes, while 48 percent of men and almost two-thirds of women disagreed.

In a poll four years ago, 40 percent of respondents in Colombia, Mexico and El Salvador agreed that men and women had basically the same abilities. In this year's poll, that figure rose to 60 percer

The new poll also showed greater awareness of gender discrimination. While four years ago, about 70 percent of respondents in Mexico and El Salvador said men and women received equal treatment in the work place, only half shared that opinion this year.

During the past several years, women have made strong gains in politics, and some countries have enacted laws requiring that a certain percentage of electoral candidates be women. By margins ranging from 50 to 72 percent, survey respondents considered this a good idea.

A clear majority of respondents said that women were more honest and better able than men to deal with problems, such as reducing poverty (62 percent), improving education (72 percent), combating corruption (57 percent), protecting the environment (64 percent), managing the economy (59 percent) and conducting diplomatic relations (53 percent).

In the only exception, 50 percent of respondents said men would do better at directing the military, while 20 percent preferred women and 23 percent said it made no difference.



-IPS/ Latinamerica Press

The Case of Pinochet

The first life sentences are handed down to high-ranking military officers

In an unexpected ruling on Dec. 1 Judge Juan Guzman notified Augusto Pinochet's defence attorneys that legal proceedings had been opened against the retired general for the premeditated abduction and murder of 74 victims of the "Caravan of Death."

Since January 1998, about 180 criminal complaints have been filed against the former dictator, including cases of citizens of other Latin American countries, the United States and Spain who were killed or disappeared in Chile. But the legal proceedings have been reduced to cases related to the Caravan of Death, a 1973 mission organised by Pinochet and now-retired Gen. Sergio Arellano Stark during which 74 political prisoners were executed. The remains of 19 have never been found.

Guzman, who is investigating the cases against Pinochet, has applied Supreme Court Judge Luis Correa Bulo's interpretation of disappearance as continuing crime, not subject to the Amnesty Law passed in 1978. As a result, he has brought charges against a dozen retired officers linked to the Caravan of Death.

In August, Pinochet was stripped of the immunity he enjoyed as a senator for life, clearing the way for a possible trial. Since then, however, the case had been stalled by a legal battle over medical exams, including a neurological examination, for the former dictator. Guzman's decision implies that there is sufficient evidence to implicate Pinochet in the case.

Although the process has been plagued with technicalities and reverses, political pressure from the right and erratic rulings from the Supreme Court the Chilean judicial system has made steady progress in handling cases of past human rights violations.

After many years of fruitless effort for the first time a resident of the German enclave Colonia Dignidad has been arrested and tried. The colony served as a detention centre during

the dictatorship of former Gen. Augusto Pinochet.

Legal proceedings began in September against Gerhard Muche, 70, a bodyguard of Colonia Dignidad leader Paul Schaeffer and head of security for the enclave, for the abduction, murder and illegal burial of Alvaro Vallejos, who had been detained by the National Intelligence Directorate (DINA), the Chilean secret police, in 1974 and taken to Colonia Dignidad. In October, the Interior Ministry revoked Muche's Chilean residency and ordered him to be expelled from the country once the investigation is finished.

Many who had seemed beyond the reach of the law are now under arrest, including retired army Maj. Alvaro Corbalan, former head of operations of the National Information Centre (CNI), the State security office that succeeded the DINA and functioned until 1990, who was sentenced to life in prison for the 1983 murder of Juan Alegria, a carpenter who was killed in an attempt to cover up the murder of union leader Tucapel Jimenez a year earlier.

Retired army Maj. Carlos Herrera also received a life sentence in the Alegria murder. Herrera confessed in mid-October to having committed the crime. In an attempt to plea-bargain a lighter sentence,

he provided Judge Sergio Munoz, who is in charge of the investigation, with his superiors' names.

On Nov. 10, Munoz began legal proceedings for the first time against an active-duty general, Hernan Ramirez Hald, for covering up the Jimenez murder. Ramirez had given the order to acquire the weapon with which Herrera killed Jimenez.

Shortly thereafter, Ramirez requested early retirement and turned himself over to the court. He was arrested and, held in the army's Telecommunication Command.

In a gesture that has been criticized even by government officials, President Ricardo Lagos invited Ramirez to the presidential palace. The meeting has been interpreted as a sign of the steps to be followed if charges are filed against other active-duty officers: the officers should take early retirement and assume individual responsibility for their acts, leaving the army free of blame.

Retired Gen. Fernando Torres Silva, former army auditor, was also charged in the cover-up of Jimenez's murder. Torres, who served as military prosecutor in the 1980s, was known for his harsh treatment of political prisoners, including torture, according to Vasil Carrillo, a former prisoner.

The long arm of the law has even crossed the Andes. On Nov. 20, a federal court in Buenos Aires sentenced former DINA agent Enrique Arancibia Clavel to life for the 1974 murder in the Argentine capital of Gen. Carlos Prats, former army commander in chief, who had been Pinochet's boss, and Prats' wife, Soffa Cuthbert.

Two weeks earlier, Argentine Judge Marfa Servini de Cubria had requested the extradition from Chile of Pinochet; Gens. Raul Iturriaga and Manuel Contreras, former DINA director, who was sentenced in 1993 for his part in the 1976 car-bomb murder of former Chilean Foreign Minister Orlando Letelier and his secretary, Ronnie Moffitt, in Washington, D.C.; Brig. Gens. Pedro Espinoza and Jose Zara; and two civilian DINA agents, Jorge Iturriaga, Raul Iturriaga's brother, and Mariana Callejas, former wife of DINA agent Michael Townley. All are implicated in the Prats-Cuthbert murder.



Supreme Court Judge Correa Buló barred the seven from leaving the country for 60 days, but on the day Arancibia Clavel was sentenced in Buenos Aires, the Supreme Court removed Correa Buló from the case, citing complaints about the judge's "conduct and ethics."

Several months earlier, right-wing politicians—along with the daily newspaper *La Tercera* and groups connected with the armed forces, according to Correa Buló—had launched a campaign against the judge, accusing him of influence peddling and links with drug trafficking.

The Christian Churches' Social Aid Foundation (FASIC), a human rights organisation attributed Correa Buló's removal from the case to "an intelligence operation whose objective is to stop the progress being made with human rights cases in our courts."

Meanwhile, the armed forces and church organisations have been quietly continuing the task of confidentially receiving information about people who disappeared during the dictatorship. As part of the process, which was established by a human rights working group, Congress approved a law ensuring the informants' anonymity.

Church asks Forgiveness

On Nov. 24, in a "Mass for the Purification of Memory," the Catholic Church asked the country's forgiveness for its past actions and sins of omission.

"Lord, forgive us for the times when the children of the church failed to protect with justice our persecuted brothers, when they kept silent and did not intercede," Bishop Enrique Troncoso of Melipilla said.

The same night, the eve of his 85th birthday, Pinochet sent a video-taped greeting to his supporters at the Augusto Pinochet Foundation, who were celebrating in his absence.

"As former president of the republic, I accept all the deeds that the army and armed forces are said to have committed," he said adding, "My country suffered much, but I dedicated all my suffering to God to bring about unity in Chile."

The Chilean right interpreted Pinochet's message as his own way of asking forgiveness.

—FROM SANTIAGO, PASCALE BONNEFOY
Latinamerica Press

Landmark Case

The first case of crimes against humanity in Guatemalan courts offers victims a chance to heal old wounds.

Carlos Ramiro Coronado feared eavesdroppers in his maze of thin-walled government offices, so in October he secretly rented a hotel room to take testimony from more than a dozen survivors of State-sponsored massacres that took place in the 1980s.

"The room was filled with emotion," he said. "One man told how he saw his sister slashed to pieces with a machete."

The witness was 6 years old when soldiers stormed his highland village and slaughtered his family.

Coronado is the Public Ministry special prosecutor in a case filed in May against the commanders of a military hierarchy that for decades has avoided facing accusations of torture and genocide. He hopes the case will result in justice for villagers who watched as relatives and neighbours were massacred in the government's bloody assault on indigenous communities during the **armed conflict that left about 200,000 people dead or disappeared.**

Accused

Among those accused of crimes against humanity, including genocide, are former Gen. Fernando Romeo Lucas Garcia, former president (1978-82) and commander in chief of the army; his defence minister, Luis Rene Mendoza Palomo; and Manuel Benedicto Lucas Garcia, former army chief of staff.

The Lucas Garcia regime presided over a brutal counter-insurgency campaign in the indigenous highland provinces of Chimaltenango, Quiché and the Verapaces.

The case is the first in which military officers have been charged with crimes against humanity in Guatemalan courts.

The first stage of the investigation—which involved taking testimony from witnesses in communities where massacres occurred between October 1981 and March 1982, and completing forensic reports of exhumations—ended in November.

Exhumations and investigations of massacres began in the early 1990s and

gained steam after release of reports by the UN-sponsored Historical Clarification Commission and the Catholic Church's Project to Recover the Historical Memory which recorded 626 and 406 massacres, respectively, by government forces. The 1996 peace accords charged the Public Ministry with carrying out a process to hold the State responsible for justice and reconciliation.

According to Paul Seils, legal coordinator for the Centre for Human Rights Legal Action (CALDH), the organisation that initiated the case against the Lucas Garcias and Mendoza, the military high command was targeted because it is difficult to know if soldiers were forced to commit massacres.

"Going against the high command is not a witch hunt. We don't want to prosecute everyone who ever held a gun," he said.

The next stage of the investigation will involve documenting military orders down the chain of command, which Seils predicts will provoke threats and intimidation. In recent months, offices of the Association of Relatives of the Disappeared (FAMDEGUA) and CALDH have been robbed, computers containing case information stolen and their employees harassed.

Most of the 10 communities involved in the case against the former officers have been the sites of exhumations organised by CALDH and conducted by the Guatemalan Forensic Anthropology Foundation (FAFG). Prosecution of crimes prohibited under the UN Crimes Against Humanity Convention, ratified by Guatemala in 1951, and the Guatemalan Criminal Code, requires evidence from exhumations.

"The exhumations establish the number of people killed and show they were civilians," Seils said.

The charge of genocide implies intent to decimate a certain population. Seils said the exhumations demonstrate the systematic torture and extermination of civilian communities of a specific ethnic group. Bones recovered from the graves

show evidence of gunshots to the head, machete blows and mutilation.

On Feb. 13, 1982, an armed patrol accused 73 unarmed men from Rio Negro, in Rabinal, Baja Veranaz, of being guerrillas, took them to neighbouring Xococ and murdered them. A month later, 12 soldiers and 13 patrol members arrived in Rio Negro and found the men's families, killing 70 women and 107 children.

After the family members' remains were exhumed in 1995, the community decided to seek justice. After a series of retrials, three patrol members from Xococ were convicted of homicide and sentenced to 10 years in prison. Evidence from the exhumation was key, as the victim's body must be found in order to prove homicide.

A 1982 massacre in Dos Erres, in the northern Peten region, which claimed the lives of at least 162 people and wiped the town off the map, is part of a case being heard by Spanish Judge Baltasar Garzon and one sponsored by FAMDEGUA against 15 former military officers in the Guatemalan courts. Arrest warrants for the accused officers were suspended when they appealed to the Constitutional Court; a decision is pending.

"In all of these cases, the military officers use every legal recourse possible to avoid prosecution," Coronado said. Delaying tactics usually are based on the constitutional provision that military officers be tried in military courts, and the National Reconciliation Law, which granted amnesty for crimes committed during the civil war.

But Coronado says that the military code does not include crimes against humanity, and the amnesty law specifies that immunity from prosecution is not applicable to crimes of genocide, torture or forced disappearance.

Despite setbacks, FAMDEGUA member Otto Villanueva is hopeful.

"We have identified 22 bodies from the exhumation and have good witness testimony, and we're not giving up," he said.

While court cases are pending and lawyers hear testimony, communities continue to rebury their dead with ceremonies and celebrate the right to the truth and to their own memories.

"They've kept the grief inside for so long," said Ceiso Baian, exhumation coordinator for CALDH. "It's an opportunity to heal wounds that never healed."

Courtesy: *Latinamerica Press*

CRM Statements

The killing of detainees and surrendeers *Massacre at the Bindunuwewa rehabilitation centre*

Once again persons held in a place of detention authorised by the State have been brutally put to death. The victims are some 28 inmates of the Youth Rehabilitation Centre at Bindunuwewa. The Civil Rights Movement (CRM) expresses its shock and deep concern at this appalling event. It urges the government to ensure that the facts will be properly ascertained and revealed to the public and that all those responsible are identified and brought to book.

At the present stage many aspects are unclear. CRM nevertheless makes the following observations.

- 1) It is clear that the victims were held in the custody of the State and therefore entitled to its special protection.
- 2) An immediate priority must be ensuring the safety of the survivors, reportedly 13 in number who are injured and in hospital. There is reason to believe that the second massacre at the Welikade jail (on 27 July 1983) was an attempt to destroy the survivors of the first massacre (on 25 July 1983) thus eliminating crucial eyewitnesses.
- 3) It is a shocking fact that in 1983 not only were Tamil political prisoners butchered in quick succession on two separate occasions in the same jail, but also that not a single prosecution was instituted against anyone in this connection, nor was a public inquiry held. (The inquests brought in a verdict of homicide and the police were ordered to make further investigations.) Subsequently there have been other attacks on prisoners -- at Welikade, at Mahara, at Kalutara. A relevant factor to be considered in examining the horrific events at Bindunuwewa must be the impunity enjoyed by the perpetrators of custodial killings in particular, and the general climate of impunity that has characterised human rights violations in Sri Lanka.
- 4) In the present instance the victims were being held in a camp established by the Commissioner General of Rehabilitation and inquests were held under the normal law. If, however, they had been in police or military custody, then the normal law would be by-passed and a much less satisfactory inquiry held. This is due to a change in the emergency regulations in May this year. It is essential that the normal law relating to inquests be restored in respect of all deaths that occur while in the custody of the State or its agencies.
- 5) The Bindunuwewa Centre in Bandarawela is one of the Centres established under emergency regulations. These regulations provide for rehabilitation of detainees and persons who surrender. Most if not all persons under rehabilitation are neither convicted nor under trial for any offence. Some may not be even suspected. For this reason being held in such a centre constitutes a form of detention without trial. These emergency regulations, which have several other unsatisfactory features, need to be reviewed and amended in the light of international human rights standards as a matter of urgency.
- 6) It is essential that this crime be inquired into thoroughly and efficiently by an independent body. Justice must not only be done but must manifestly be seen to be done. In this regard, it is crucial that the investigation be such as to command the confidence of the public, with special consideration to the ethnic dimensions involved.

Suriya Wickremasinghe
Secretary

2 November 2000

Deaths in custody or at hands of police and armed forces cry

CRM urges restoration of normal law relating to inquests

The current emergency regulations contain provisions relating to the investigation of deaths in police or military custody, or deaths which are claimed to have been caused by the police or armed services in the course of duty, which give rise to grave concern.

Emergency regulations have frequently eroded the normal procedure relating to inquests. This has been done from time to time in varying degrees. The current emergency regulations brought into force on 3 May 2000 go back a very oppressive form. The implications of this for the prevention and investigation of human rights violations, in particular deaths due to torture and deaths in custody, are serious.

These provisions and their implications are insufficiently known. The Civil Rights Movement gives in the annex to this statement a description, with some comments.

CRM had occasion to draw attention to these provisions in connection with the recent massacre of inmates of the Youth Rehabilitation Centre at Bindunuwewa. In that instance, we pointed out that inquests took place under the normal law, since the camp was one established by the Commissioner General of Rehabilitation, and did not constitute police or military custody.

CRM calls for the restoration of the normal law relating to inquests in respect of all deaths occurring while in custody. There is also no justification for deviation from the normal law relating to inquests in respect of deaths allegedly caused in the course of police or military duty throughout the length and breadth of the country. Even as regards such deaths in conflict areas, these provisions need to be carefully examined and reviewed. This is a matter of urgency for the protection of life and liberty of the people.

Secretary

27 November 2000

The current emergency regulations relating to inquests

A note by the Civil Rights Movement

Under the normal law an inquest is obligatory whenever (inter alia) a person dies in police custody. This law is found in the Code of Criminal Procedure Act No. 15 of 1979 which contain very salutary provisions relating to inquests of deaths, with Inquirers and Magistrates being given wide powers to ascertain the cause of death, eg, summoning witnesses, post-mortem examinations, etc.

The current emergency regulations permit derogation from these provisions and the relevant provisions are to be found in regulations 55B through 55G of the Emergency (Miscellaneous Provisions and Powers) Regulations No. 1 of 2000 published in Gazette Extraordinary 1, 130/8 of 3rd May 2000.

1) Regulation 55B - Avoiding the normal law relating to inquests.

Regulation 55B makes provision for deviation from the normal law in instances where a police officer (rank not stipulated) or a member of the armed services (rank not stipulated) has reason to believe that the death may have been as a result of any action taken in the course of duty either by him or by any officer subordinate to him, OR WHERE ANY PERSON DIES IN POLICE CUSTODY OR MILITARY CUSTODY (emphasis ours). In such a situation the Superintendent of Police or the Commanding Officer of the armed forces unit (as the case may be) "shall, notwithstanding anything to the contrary in Chapter XXX, and Section 9, of the Code of Criminal Procedure Act... or the provisions of any other written law, report the facts relating to the death, to the Inspector-General of Police or to the nearest Deputy Inspector General of Police".

Comment-

a) Inquests are to determine the manner and circumstances of death and a proper means of doing this is provided by the normal law. The bypassing of this normal law by the emergency regulations is, however, made dependent on a possibility -- the possibility that the death may have been as a result of any

action taken in the course of duty either by him or by any officer subordinate to him.

b) The words "Where a police officer or a member of the armed services has reason to believe...." are the key. What triggers off the whole process of avoiding an inquest is the alleged belief of any police officer, or any member of the armed services, that the death may have been in the course of duty.

c) Even more serious than this, however, is the provision, somewhat hidden away in the verbiage of the regulation, that the normal law relating to inquests is to be bypassed in the case of each and every death in police or military custody throughout the length and breadth of the country (since emergency rule is now in force throughout Sri Lanka.)

2) Regulation 55C - Police officer to make report and record statements etc

Once the Inspector General of Police (IGP) or the Deputy Inspector General of Police (DIG) receives information as provided for by regulation 55B, he has to

a) direct an officer not below the rank of an Assistant Superintendent of Police to proceed to the scene of the incident and record his observations, take charge of any probable productions and record statements of persons who appear to be acquainted with the circumstances relating to such death.

b) in any case, where the body is found forthwith report such fact to the Magistrate.

Comment

What is contemplated here is that the death should be investigated by a responsible police officer and intimated to the magistrate in instances where the body is found. To what extent these provisions are in fact complied with is a matter that requires to be looked into.

3) Regulation 55D - Conducting of post mortem and burial or cremation of dead bodies.

The Magistrate shall upon the receipt of facts by the IGP or DIG under regulation 55C direct the Government Medical Officer to hold a post mortem, and make order that at the conclusion of such post mortem the dead body be handed over to the DIG for disposal. The DIG in turn can hand over the body to any relation who claims the body subject to conditions or restrictions imposed in consideration of national security or public order, or otherwise authorise the burial or cremation of the dead body in accordance with steps he may deem necessary in the circumstances.

Comment

It would appear that although the Magistrate has to be informed forthwith in instances where the body is found (reg.55C) there is no provision which enables him to order a post mortem on his own, he has to await the receipt of facts by the IGP or DIG. In fact the Magistrate plays no role in the investigation. In normal circumstances the Magistrate himself (or an inquirer who reports to the Magistrate) must promptly visit the spot, view the body, and make his own observations; he may also question people in the vicinity, or people may come forward and offer relevant information. It is most undesirable that these salutary provisions of the normal law are displaced in favour of a far less satisfactory police procedure.

Also, the manner of disposal of the body ie burial or cremation, is left to the discretion of the DIG. There are no guidelines for the exercise of his discretion. Important medical evidence may be lost where the DIG orders a cremation in circumstances where the dead person had been subjected to torture.

The dangers of uncontrolled discretion to cremate where normal inquest proceedings have not been followed are obvious.

4) Regulation - 55E - High Court to inquire into death of any person upon application made to it by the IGP.

The High Court in Colombo is vested with exclusive jurisdiction to inquire into

deaths of any person caused or purported to have been caused in circumstances specified in regulation 55s. Upon application by the IGP, the High Court shall hold an inquiry into the cause of death of the person named as deceased in such application and, if there are any proceedings pending in any Magistrate's Court in respect of the same death, such proceeding shall be transferred to the High Court. The High Court may hold such inquiry or part of such inquiry in any part of Sri Lanka having regard to interest of national security and public order.

The Government Medical Officer who conducted the post mortem has to forward his report to the High Court and he shall not disclose anything contained therein to any person unless authorised to do so by the High Court.

The IGP has to forward to the High Court the report of the preliminary observations and other documents necessary for conducting the inquiry and the Judge of the High Court shall record such evidence *as may be placed before him* by the IGP or his representative and *the evidence of any other person who appears to be acquainted with the circumstances relating to the death under inquiry.* (The words in brackets have been included, omitted, included again, in various versions of the Emergency (Miscellaneous Provisions and Powers) Regulations over the years; in the current version we are glad to find them back again). The proceedings of the High Court are not open to the public and only such reports as are authorised by the Competent Authority shall be published. The Court of Appeal may, however, direct that the proceedings or any part thereof shall be open to the public. At the conclusion of the inquiry the judge of the High Court has to transmit the record of evidence and a report of the circumstances under which the death was caused together with any other documents to the Attorney General.

Comment

There are many unsatisfactory features in this provision.

- a) Inquiry into the death takes place only upon the application of the IGP. The provision does not appear to be mandatory. There is no criteria to guide the

IGP in the exercise of his discretionary function. This is unacceptable. In many instances it would be his officers who are involved.

- b) The post mortem report should not be kept a secret when death occurs in circumstances specified in regulation 55s. Relations should have access to it.
- c) It is unsatisfactory to have only the High Court in Colombo to inquire into such deaths.
- d) Although the High Court is required to hear the evidence of any person acquainted with the circumstances relating the death under inquiry, there is no specific provision for relatives or any other person to be present at the inquiry and watch the interests of the dead person. Nor, apparently, are the findings of the High Court available to them.
- e) The exclusion of the public from the proceedings is unacceptable as is the prohibition of publication except as approved by the Competent Authority; this provision was not in the emergency regulations immediately prior to 3 May 2000. Whereas the Court of Appeal may permit public access to the proceedings or part of the proceedings, it is not empowered to overrule the ban on publication.

5) Regulation 55F - Power of Attorney General

If the Attorney General is satisfied upon the record of evidence and other documents transmitted to him by the High Court that the commission of an offence has been disclosed, he may institute appropriate legal proceedings against the perpetrators.

Comment

CRM is not aware in how many instances the Attorney General has taken follow-up action under this provision, and what the result has been.

Suriya Wickremasinghe Secretary

27 November 2000
CRM
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Colombo 3

A TRIBUTE TO MANORANI SARAVANAMUTTU, A MOTHER WHO FOUGHT FOR JUSTICE

Manorani Saravanamuttu, who was more popularly known as Richard de Zoysa's mother, passed away on 14th February 2001. Richard was a popular figure in Colombo, Sri Lanka: a young journalist, film and dramatic actor who was kidnapped by government security personnel. His body was later found by the seashore and identified by Manorani.

Richard was killed on the night of February 17th/18th 1990. The speculation is that his dead body was dropped from a helicopter flying at a certain height with the expectation that the body would sink to the bottom of the sea and never be found. Manorani identified one of the kidnapers as one Ronnie Gunasinha by seeing his picture on a TV broadcast. Gunasinha was a senior security officer of the late president Premadasa.

He was among those who died in the explosion that killed the President on 1st of May 1993. (Though some saw this as divine justice, Manorani was much more humane, and even showed sympathy for Gunasinha's children. A commentator who has spoken to her mentioned she preferred justice meted out in a court of law, which would have helped people achieve genuine reconciliation.)

Richard de Zoysa's killing was part of huge number of disappearances which took place between 1988 and 1991, the number of which is estimated by the State at around 30,000 and by the civil society organisations at 60,000. Manorani will be remembered as one who symbolized the mothers of the disappeared who rallied to demand justice. She saw her son's death as part of a wider phenomenon: the collapse of the Sri Lankan society, rule of law and morality. Though by family and by profession she was a medical doctor belonging to the elite of the country, as a mother Manorani transcended the class barrier at the moment she lost a son. During the last 11 years of her life she played a very strong part in raising fundamental issues regarding the Sri Lankan society which will remain valid until these problems are finally resolved. In the days of intense terror she courageously and fearlessly worked throughout the country, in solidarity with tens of thousands of mothers who lost children in similar circumstances to her. She became a power-

ful spokesperson. The following are her words:

"Whether they know why they are doing it, I do not know. Whether they have been told today is the night for so and so. They probably do not question why we are doing this. What has this fellow done to us that we should go and take him, and kill him. That I do not know. But they come. They come with their eyes that are empty of everything. They come with their guns. They come with their assurance that they will not fail in their missions. They come and knock at doors. Ring bells and they look at you, and frighten you, and threaten you... If I had thought for one moment that they had come to take my son I would have died there at the door... It's the women who bear the brunt, and its the women who are the strong ones, because, when you lose a child you lose yourself." (quoted from a video interview by Nimal Mendis)

"It is the most devastating experience to have a child pulled out of your arms. My boy 'disappeared' and 48 hours later his mutilated body was found. Since then I have received numerous threats, anonymous letters, telephone terror and I am also certain that my telephone is tapped. I want to pursue my son's case. Many friends and colleagues have asked me stop: "the one who seeks the battle should not complain about the wounds". But I know there are tens of thousands of relatives who have been affected by the violence. I will never advise the women I work with to forget, I will tell them that they must speak. 20,000-30,000 did not join, out of fear of reprisals to other relatives". (quoted from *Linking Solidarity*)

She was persistent in her call for justice. In this she was bitterly betrayed. Even those who made use of the anger and bitterness of the mothers whose children disappeared, for electoral purpose betrayed their call for justice. Sri Lanka remains one of those countries where the justice system is too weak to provide a response to such calls for justice. It is unable even to respond to the extent of Chile or Argentina. This not just a weakness of the justice system but of the society as a whole. Sri Lankan society remains in a primitive state, unable to deal with the fundamental forms of injustice entrenched in it. It is only the mothers

facing such problems who can make the best critique of society, morality and justice systems. The best way honour them is to face the questions that turn their lives into tragedies. To not do so is to dishonour them as a society and as individuals in the society. Let us remember Manorani by committing ourselves to work towards the reform of society, morality and the Justice system (comprised of Police, Prosecutors and Judiciary) that have betrayed Manorani and thousands of others like her.

✶ Basil Fernando (A-RC)

US president 'ordered African killing'

Martin Kettle in Washington

Forty years after the murder of the Congolese independence leader Patrice Lumumba, evidence has emerged in Washington that President Dwight Eisenhower directly ordered the CIA to "eliminate" him.

The evidence comes in a previously unpublished 1975 interview with the minute-taker at an August 1960 White House meeting of Eisenhower and his national security advisers on the Congo crisis.

The minute-taker, Robert Johnson, said in the interview that he vividly recalled the president turning to Allen Dulles, director of the CIA, "in the full hearing of all those in attendance, and saying something to the effect that Lumumba should be eliminated".

Mr. Johnson recalled: "There was stunned silence for about 15 seconds and the meeting continued."

Lumumba, the first prime minister of Congo after its independence from Belgium in June 1960, was forced from office as the country's civil war deepened and was captured by rivals. He was killed on January 17, 1961, becoming one of the key martyrs of the African independence struggle.

No direct quotations were ever recorded at the national security council meetings, and Mr. Johnson only revealed the exchanges in 1975, when he was privately interviewed by staff of the Senate intelligence committee's post-Watergate inquiry into US covert action.

The committee concluded that the US was not involved in the murder, though it confirmed that the CIA had conspired to kill Lumumba, possibly on Eisenhower's orders. Recent Belgian parliamentary inquiries into the murder implicated Belgium but failed to come up with a direct US link.

The transcript of Mr. Johnson's interview has only come to light because it was included in material sent to the US national archives in connection with the assassination of President John F. Kennedy.

Courtesy: *The Guardian* (UK)

Trade Union Recognition: Government Plays Hide and Seek

This column in one of its previous issues strongly welcomed the Government's enactment of an amendment to the exiting *Industrial Disputes Act* enabling the trade unions to take their organisations into areas where workers were hitherto found unorganised and to receive recognition of their branches from employers. The amended law came into effect in December 1999 mainly due to the incessant pressure exerted by the trade union movement of the country and the left parties in the ruling People's Alliance.

With one full year gone with its enactment the trade unions are in no better position than they were previously. The employers are now resorting to new ruses to avoid according recognition to trade unions. The Department of Labour which has the power to enforce the said amendment displays a singular lack of understanding of the situations thus allowing matters to drift paving way for unnecessary confrontation between unions and employers. It is indeed an irony that such things should take place at a time a trade unionist is at the helm of affairs connected with labour in the country. Unions have filed numerous complaints with the Labour Department with regard to refusal on the part of employers to recognise their branch organisations. It is learnt that quite a few cases are pending in the law courts of the country challenging the validity/effectiveness of the amended law. The worst affected are workers in the EPZs in Katunayaka, Biyagama and Koggala and BOI ventures outside these zones and spread out in various other parts of the country.

The EPZs started proliferating since 1978. When the first EPZ was being established in Katunayaka under the Greater Colombo Economic Commission (GCEC)

Act, an attempt was made to take out from the purview of the Labour Department the enforcement of Labour Laws of the country in the EPZs. This was successfully challenged in the then Constitutional Court by the Ceylon Federation of Labour and other organisations. The then President of Sri Lanka, H.E. J.R. Jayewardene while accepting the ruling given by the Constitutional Court declared publicly that he would find other ways to afford necessary protection to investors who were by and large foot-loose entrepreneurs bent on making a quick buck before making their exit from the host country.

The GCEC then and the Board of Investment (BOI) now, is the mechanism through which the Government is according the necessary "immunity" to employers though such facility runs counter to the avowed objectives of the amendment now in place in the Statute Book. Freedom of Association is recognised as a basic human right and with membership in the ILO and the ratification of ILO Conventions 87 and 98 Sri Lanka has assumed the obligation to respect, protect and promote this right - a right which has found pride of place in the Constitution of our country. As regards the right to organise workers, the ILO Committee on Freedom of Association has emphasised the importance it attaches to the need for all workers, without distinction whatsoever, fully to enjoy the trade union rights provided for by Convention 87. Further, the ILO tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (1977) clearly states that: "**Where Governments of host countries offer special incentives to attract foreign investment, these initiatives should not include any limitation of the workers' freedom of association or the right to organise and bargain collectively.**"

The recent amendment to the Industrial Disputes Act clearly prohibits employers from preventing workers from joining a trade union, from being dismissed or discriminated against because of trade union membership. The amended law also recognises the right of a trade union with 40% or more members to enter into collective bargaining with employers. It also empowers the Commissioner of Labour to hold a referendum at the workplace concerned to ascertain the membership strength of the union. These provisions are in consonance with the international standards prescribed by the ILO. The need is to have these provisions respected both in law and practice. The BOI ventures and so called SMEs are no exceptions. With the latest amendment to the ID Act there is no longer any need or justification to have two parallel labour relations regimes, one for the BOI sector and the other for enterprises outside BOI. Despite the new provisions enabling unions to receive recognition from employers, the attitude of employers and the Department of Labour remain the same. This is indeed a lamentable situation. Having pushed through this amendment the Government is sitting pretty without doing the needful to enforce the legislation and assist workers when they try to assert their right to organise a union. It is a matter for regret to witness the lackadaisical attitude of major trade unions aligned to the PA in this regard. The workers who took to heart the new law and set about forming unions are now at the receiving end with employers wielding the big stick, intimidating and victimising those who subscribed to unions. Establishing "yellow unions" and fake Joint-Consultative Committees are other ruses the employers resort to circumvent the law. With the authorities turning a blind eye to these flagrant violations of worker rights little choice is left to workers but to assert themselves in an organised manner. The best legal provision is just a mere worthless piece of paper if it is not properly implemented or enforced, if implementation is undermined through delay or punishment / penalties on errant employers are made so mild so as not to hurt them. The time has arrived for the entire trade union movement to act in unison to get this right enforced properly in its true spirit.

T.M.R

A Crime Against Culture

Taliban Destruction of Rich Cultural Heritage

Taliban fundamentalists seized power in 1996 and destroyed cinemas, TV's and banned girls from education and women from working. Taliban leader, Mullah Mohammad Omar has given orders to demolish all historical icons which were an 'insult' to Islam

✍️ **Ranjith Liyanage**

Afghanistan's Taliban rulers rejected the arguments of leading Islamic scholars and protests from around the world and said they were obliterating the last traces of the country's ancient Buddhist statues.

Taliban Foreign Minister Wakil Ahmad Muttawakil repeated what he had told U.N. Secretary-General Kofi Annan - that all movable statues had been destroyed since the Taliban leader, Mullah Mohammad Omar, issued an order for their destruction on February 26.

Significantly Afghanistan, where Buddhism remained the dominant religion even though the reigning dynasty was Hindu, in Central Asia, was crossed by the great caravan routes that linked the Mediterranean west with China, and different religions co-existed: Buddhists, Christians, Zoroastrians, Manicheans and Saivites frequently had their places of worship side by side. At Ak-Beshim, near Frunze (Kirghizia), for example, Soviet archaeologists have brought to light two Buddhist shrines and a Nestorian Christian church, which can be attributed to the seventh or eighth century A.D. This peaceful coexistence, which was due to the fact that there was no official State religion, frequently led to forms of syncretism that, moreover, were not unknown in Afghanistan itself.

Statues marked for destruction include two massive Buddhas carved in to a sandstone cliff face in the central town of Bamiyan Valley more than 1500 years ago when Afghanistan was a centre of Buddhist culture. One of them is 53 metres (173 ft.) tall, the World's tallest standing Buddha Statue and other is 38 metres (120 ft.) standing Buddha statue.

The painting on the vault of the niche where the 38-metre Buddha stands, which portrays an astral divinity, is of great conceptual significance; the figure of the En-



The Great Buddha of Bamiyan, before it was vandalised

5th-6th century A.D.; hewn out of the rock; H. 53 m. in situ. Portray the folds of the robe modelled in stucco over ropes fastened to the image by means of wooden pegs.

lightened One thus appears as a pillar linking the worlds and guaranteeing their continued existence, really the same notion as is expressed by the images in which flames shoot from the shoulders and water gushes from the feet. All this demonstrates most clearly the importance in Afghanistan of the symbol of light, itself of Iranian origin.

The seventh and eighth centuries saw the final surge of renewal of the stylistic and iconographical language of Buddhism in Afghanistan, before the Moslem invasion began to put an end to any religion other than Islam.

The most extraordinary object at Bamiyan is the Colossal Buddha, remarked upon by all who saw it, including two famous early Chinese travellers, Fa Hsien

and Hsuan-tsang who wrote their memoirs and described the image in some detail. The Bamiyan Buddha, because of its impact on the traveller, was of great importance, for its particular iconography and style were transported both in small-scale "souvenir" objects taken back to China and in the minds of those who saw it.

The rhythmic geometry of the statue's drapery, derived in part from Gupta and Gandharan elements, provided a prototype for numerous images made in China and Japan on both a small and a large scale. The figure is colossal, as one can see from the scale of the human figures in the lower left corner. The niche, shaped as a body halo (mandorola), with the usual halo behind the head, produces a double halo much copied in China and Japan, even in remote cliff carvings which recreated Bamiyan abroad.

Inside the upper arch, over the main halo of the smaller, 120-foot high image at Bamiyan, one can see the remnants of a fresco symbolizing the sun or the vault of heaven over the Buddha. The representation may be identified as that of the Hindu deity Surya, the sun god, or Apollo, or, most likely, Mithra, the Persian sun deity. The solar deity, clothed body and head in the sun, drives a chariot drawn by horses and attended by winged angels.

These statues and the Buddhist monastic sites of Bamiyan are an exceptionally priceless cultural heritage of humanity which are on U.N. World heritage list.

"It is abominable to witness the cold and calculated destruction of cultural properties which were the heritage of the Afghan people and indeed of the whole humanity" said United Nations cultural agency UNESCO Director General Koichiro Matsuura in a statement.

The UNESCO also has appealed to the Taliban to preserve the works of art. Regardless of many appeals, Afghanistan has destroyed thousands of Buddhist statues in the past. The country's museums contain numerous Buddhist and Hindu figures of priceless historical value.

To destroy these ancient monuments and sites is to wipe out the country's past glory. ■

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The Global Rich and the Global Poor: The Role of Religion

✍ Dr. Chandra Muzaffar

It is the divide between the rich and the poor which poses the greatest threat to the future of human kind.

It was this divide which right through the ages caused great social upheavals. It sometimes spawned millenarian movements. At other times, it gave birth to peasant uprisings. On occasions, it sparked off political revolutions.

Today, the divide between rich and poor has assumed a new, and potentially more dangerous, dimension. As the tidal wave of globalisation creates a borderless world, the rich and poor are emerging as global entities whose destinies are no longer determined by domestic forces.¹ The wealth of the global rich, for instance, is sustained to a considerable degree by global enterprises and global markets just as the poverty of the global poor is caused to some extent at least by international trade regimes and the ebb and flow of foreign investments.

If the chasm between the rich and poor is one of the factors responsible for social instability within nation-states, isn't it conceivable that in a globalised world it will become one of the major causes of economic turmoil and political chaos? How will we narrow this gap? What will be the role of religion and spirituality in addressing the underlying reasons behind, and in seeking solutions to, the dichotomy between the global rich and the global poor?

Before we examine the role of religion let us look at the state of poverty and the gap between the rich and poor in today's world.

Poverty and the Gap between Rich and Poor

It is of course true that, "(In) the past 50 years poverty has fallen more than in the previous 500. And it has been reduced in some respects in almost all countries." Nonetheless, absolute poverty remains a

major scourge facing humanity at the beginning of the 21st Century. A third "1.3 billion people - live on incomes of less than \$1 a day."² 515 million people in South Asia live in absolute poverty; 220 million in Sub-Saharan Africa; 110 million in Latin America and the Caribbean.

While efforts to eradicate absolute poverty should be intensified, it is relative poverty which threatens to tear asunder the human family in the 21st century. Indeed, the disparities which split the rich from the poor have become more pronounced in recent years. In 1960 for instance, "the 20% of the world's people who live in the richest countries had 30 times the income of the poorest 20% -- by 1995 82 times as much income."⁴ Consequently wealth is concentrated in fewer and fewer hands. According to the United Nations Development Programme's (UNDP) 1998 Human Development Report, "the world's 225 richest people have a combined wealth of over 1 trillion, equal to the annual income of the poorest 47% of the world's people (2.5 billion). The three richest people have assets that exceed the combined GDP of the 48 least developed countries. The 15 richest have assets that exceed the total GDP of Sub-Saharan Africa. The wealth of the 32 richest people exceeds the total GDP of South Asia."⁵

Increasing concentration of wealth and growing income disparities is not just a global phenomenon. In Brazil for instance "the poorest 50% of the population received 18% of the national income in 1960, falling to 11.6% in 1995. The richest 10% received 54% of the national income in 1960, rising to 63% in 1995"⁶ Even in industrial economies, income inequalities are becoming more stark. In Britain, "(at) the start of the 70s the incomes of the richest 10% were three times higher than those of the poorest 10%. By the end of the 90s they were four times higher."⁷ At the same time, the distribution of wealth had also "become more uneven over the

past 20 years. In 1996 1% of the population owned 20% of the wealth - about 388bn pounds. More than half the total wealth was owned by 10% of the population, and 93% was owned by half the population."⁸

Poverty: the Causes

Why there is still so much poverty in the world - when we have both the knowledge and the techniques to eliminate poverty forever from the face of the earth - it is not difficult to fathom. The misallocation of resources arising from wrong priorities is undoubtedly one of the major causes of absolute poverty. South Asia, for instance, spent 15 billion on the military in 1995, "more than what it would cost annually to achieve basic health and nutrition for all worldwide. Sub-Saharan Africa spent 8 billion, about the same as the estimated annual cost of achieving universal access to safe water and sanitation in all developing countries. And East Asia spent 51 billion, nine times the annual amount needed to ensure basic education for all."⁹

Often, at the root of wrong priorities are vested interests that prevent the eradication of poverty. It is because there are elites who benefit directly or indirectly from the emphasis upon military expenditure, or upon prestige projects or upon big business, that the poor are marginalised. The poor become even more marginalised when the avenues for articulating public grievances are limited by authoritarian political structures. Often what kills any hope of the poor obtaining justice in such societies is the prevalence of corruption. For corruption favours the rich at the expense of the poor.

More than any of these factors, it is perhaps the spread of an ideology which glorifies private gain and sacrifices the public good that is largely responsible for the persistence of poverty, especially relative poverty.¹⁰ When accumulating wealth, maximising profits and concentrating economic power in the hands of a few individuals and corporations becomes the global credo, the poor are bound to be vanquished.

Moral Questions

The adulation of wealth and the immortalisation of so-called 'creators' of wealth have raised fundamental questions which go beyond economic philoso-

phy. Have we legitimised and institutionalised greed and selfishness as no civilisation before us has ever done? Isn't it true that the legitimisation of greed has challenged the moral fabric of contemporary society? From an ethical perspective, isn't it becoming increasingly evident that economic acquisitiveness now wears the mask of social respectability? If acquisitiveness has become respectable and greed has become legitimate, isn't it because we have consciously sought to separate economic endeavour from moral considerations?¹¹

Spiritual-moral Imperatives

This is why the great task that awaits us in the 21st century is to provide a moral foundation and a moral framework to the monumental challenge of eradicating poverty. Indeed, all economic endeavour should be guided by spiritual and moral criteria. There are perhaps at least five fundamental spiritual-moral imperatives that should govern the conduct of our economic affairs.

One, how religion conceives of the nature of human existence should have a profound bearing upon our way of life, including our economic behaviour. All religions emphasise the simple truth that life is transient. The world is ephemeral. It is the hereafter that is perennial and eternal. The human being should not therefore be obsessed with the allurements and enticements of the world. Accumulating wealth for its own sake, acquiring riches as an end in itself, is not the chosen path of the illustrious spiritual-moral traditions. A Hindu religious text asks, "What joy is there in the increase of our wealth or family, seeing them as the increasing mirage of water which can never satisfy the thirsty? Care increases with the increase of wealth and family; and there is no true happiness in the increase of worldly possessions and affections."¹²

By eschewing the accumulation of wealth, Hinduism is not extolling the virtues of poverty. From the Mahabharata to Mahatma Gandhi, there is the recognition that abject poverty sometimes compels the victim to reject God. It can drive individuals to indulge in acts which are antithetical to morality. Poverty increases one's vulnerability to exploitation and oppression by the wealthy and the powerful. It erodes one's dignity.

Like most other religions, Hinduism acknowledges that "money is not harmful if it is devoted to the service of God."¹³ It is not money which is the problem. It is when making money becomes the sole goal of life that one loses one's equilibrium.

Two, while rejecting both poverty and obsession with wealth, religion articulates in unambiguous terms the whole purpose of human existence. It is to serve God. To serve God in simple language is to perform good deeds. It is to practise noble values. It is to stand up for truth and justice.

If this is what serving God means, any economic activity which leads to the exploitation and oppression of the weak and powerless; that encourages extravagance and opulence; that enhances the scope for corruption and greed, would be illegitimate. This is why one of the wisest sayings in the Judaic faith is, "He that oppreseth the poor to increase his riches, and he that giveth to the rich, shall surely come to want."¹⁴

Three, by serving God, the human being is, in fact, celebrating her own dignity. In Christianity, as in some other faiths, God bestows dignity upon the human being. That dignity is embodied in the idea that Man is made in the image of God. It is reinforced by yet another Christian concept that also has parallels in other spir-

itual traditions: the human being as the steward of God endowed with power and authority over the earth - but power and authority held in trust.¹⁵

To fulfil her role as the trustee of God, to preserve and enhance her own dignity, the human being, indeed the entire human family, should ensure that economic activities do not transgress those divine values and principles that lie at the heart of all the revered religions. An economy that subordinates the welfare of the poor to the wealth of the rich; that allows the few to indulge their desires while denying the many their basic needs; that encourages elite corporations to establish huge monopolies at the expense of genuine but modest enterprises, cares very little for human dignity or social justice.

Four, that brings us to yet another important spiritual-moral imperative that should set the tone and tenor for all economic endeavour. Justice is a paramount value in religion. According to the Holy Quran, justice was the message and the mission of all the prophets.¹⁶ Justice is closest to piety.¹⁷

This is why in Islam justice is the primary concern behind each and every economic principle or precept. In fact, one of the five pillars of the religion - zakat (wealth tax) - has as its cardinal aim the distribution of wealth in society. Inheritance laws in Islam also seek to achieve distributive justice. In the past (more than in the present) Muslims bequeathed their wealth for public purposes and the institutions that managed them were, in a sense, the forerunners of contemporary foundations. These waqfs played a big role in not only the distribution of wealth but also in protecting the well-being of the poorer segment of society.¹⁸

Five, it is only when there is distributive justice that the divisions and the dichotomies that separate the rich from the poor will be overcome. Because there is no mechanism to distribute wealth and opportunities in an equitable manner at the global level (partly because there is no global government or global institution that can be entrusted with this task), the chasm between the rich and poor, as we have seen, is widening at an alarming pace. As long as wealth and social disparities continue to grow, there will be no solidarity within the human family.

It isthe spread of an ideology which glorifies private gain and sacrifices the public good that is largely responsible for the persistence of poverty...

...When accumulating wealth, maximising profits and concentrating economic power in the hands of a few individuals and corporations becomes the global credo, the poor are bound to be vanquished.

And yet solidarity within the human family is a religious ideal. Buddhism, in common with other religions, cherishes the unity of humankind. It is a unity which goes beyond the human family and embraces all living things. The interconnectedness and the interdependence of all that exists¹⁹ - a central theme in the Buddha's teachings - provides a strong and secure basis for an all-embracing unity that recognises the bond within the human family just as it acknowledges the link between the human being and nature. But how will this transcendent unity exert its influence upon the economic life of the planet when there is such a big gap between the global rich and the global poor?

The five spiritual-moral imperatives that should impact upon efforts to eradicate poverty and transform the economy show convincingly that religion is not just confined to charity. Indeed, the religious view of justice and human dignity, properly understood and applied, is far more comprehensive and holistic than any secular idea of economic and social transformation. For religion is concerned with not just economic structures and social relationships. The essence of the transformation it seeks embraces the very purpose of human life and the ultimate destiny of the human being.

The Middle Path

In bringing about this transformation guided by certain spiritual-moral imperatives, religion espouses an approach which can best be described as 'the middle path.' The rejection of abject poverty, on the one hand, and the frenzied accumulation of riches, on the other, which we have discussed, would be an example of a middle path approach. While one should be critical of a consumption pattern driven by the constant stimulation of desires - a pattern sustained by the insatiable thirst for 'more and more and more' - one should not, at the same time, eulogise economic models which deny ease and comfort to the people by coercing them to be contented with the basic necessities of life.²⁰ The middle path would be cognisant of human wants and desires but would, through the inculcation of values and the promulgation of policies, seek to limit them for the public good. In other words, the lifestyle of the middle path would be distinguished by moderation and balance, avoiding the extremes of puritanical asceticism and opulent extravagance.

It is significant that the idea of the middle path exists in one form or another in most of the spiritual and religious traditions. In Confucian ethics for instance, there is a degree of emphasis upon moderation and equilibrium.²¹ Taoism advises us to avoid extremes in order to be healthy and regards balance and harmony as the goal of life.²² For Buddhism, "the Middle Way discovered by the Tathgata (the Buddha) avoids both extremes, giving vision, giving knowledge, it leads to peace, to direct knowledge, to enlightenment, to Nibbana."²³ The extremes referred to are the pursuit of sensual pleasure on the one hand, and self-mortification, on the other. Hinduism too advocates the middle path, as reflected in certain passages of the Mahabharata and the Vriddha Canakya. A Judaic tradition says, "The divine religion does not urge us to lead an ascetic life, but guides us in the middle path' equidistant from the extremes of too much and too little."²⁴ In Islam, the idea that 'the middle nation' 'justly balanced' is worthy of emulation is central to the doctrine. As stated in the Holy Quran, "Thus, have We made of you an Ummah justly balanced, that ye might be witnesses over the nations, and the Apostle a witness over yourselves."²⁵

The Role of Spiritual & Religious Leaders

Leaders from the different spiritual and religious traditions have a moral obligation to propagate the concept of a justly balanced middle community at the local, national, regional and global level. It is a concept that has to be further refined and developed through research, analysis and reflection. How it will shape specific policies aimed at eradicating poverty and transforming the economy will depend upon the ability of economists and social planners with a spiritual-moral vision to give the concept the substance and content it deserves. Indeed, one would like to see how the justly balanced middle approach will impact upon politics, culture, technology, ethnic relations and other spheres of life.

The challenge before religious and spiritual leaders, at this stage, is to awaken interest in, and enthusiasm for, the idea of a justly balanced middle path through their lectures and sermons, their epistles and articles. In the process, they will have to show why avoiding extremes, maintaining a balance, seeking an equilibrium,

are important in life. They should alert people to the danger of veering away from moderation and succumbing to extremism.

More specifically, in the context of the struggle against poverty, spiritual and religious leaders should take a strong moral position against the two extremes: the abject poverty which is the fate of millions and millions of human beings and the opulent extravagance which has become the indulgence of a small but influential global elite. Allowing such a huge proportion of the human family to languish in poverty is not only immoral, it is also dehumanising. It dehumanises not only the poor but also the rest of us who are witnesses to their suffering and misery. Our failure to liberate them from their poverty is a betrayal of our humanity.

Similarly, the opulence of the elite not only transgresses the ethical teachings of all the great religions, but it also dehumanises the elite itself. The lifestyles of the elite violate the essence of faith: that essence that imbues us with a caring and compassionate attitude; that encourages us to give and to share; that makes us human. In a sense, the opulence of the elite has also dehumanised all of us - all of us who through our silence have allowed an elite to monopolise wealth at the expense of the rest of humankind. Because we have failed to speak out against their accumulation of wealth, their obsession with the glitter of gold, we have betrayed our own moral values, our own ethical principles. We stand condemned for sacrificing what is most precious to our lives - our humanity -- at the altar of narrow self-interest.

This is why we have chosen to walk the middle path: to re-affirm our humanity.

ENDNOTES

- 1 This is discussed in Globalisation, The Perspectives and Experiences of the Religious Traditions of Asia Pacific Joseph A. Camilleri & Chandra Muzaffar (editors) (Kuala Lumpur: International/ Movement for a Just World 1998).
- 2 Human Development Report 1997 (New York: United Nations Development Programme (UNDP) 1997) p.2.
- 3 *Ibid* p.3
- 4 Human Development Report 1998 (New York: UNDP 1998) p. 29
- 5 *Ibid* p.30

- 6 Ibid p.29
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- 8 Ibid
- 9 Human Development Report 1997 p. 102
- 10 A convincing case for reasserting the common good is made in Herman E. Daly and John B. Cobb, Jr. *For the Common Good* (Boston: Beacon Press 1994).
- 11 See my *A Spiritual Vision of the Human Being: The Human Being: Perspectives from Different Spiritual Traditions* (Penang: Aliran 1991).
- 12 *The Wisdom of Hinduism* Klaus K Klostermaier (compiler) (Oxford. One world Publications 2000) p. 59.
- 13 Ibid p. 71
- 14 *The Wisdom of Judaism* Den Cohn-Sherbok (compiler) (Oxford: Oneworld Publications 2000) p. 153.
- 15 For a deeper understanding of this and other concepts see John Stott *Issues Facing Christians Today* (United Kingdom: Marshalls 1984).
- 16 *The Holy Quran Text and Translation* by Abdullah Yusuf Ali (Kuala Lumpur: Islamic Book Trust, 1994) Al Hadid. 25.
- 17 Ibid Al Ma'idah: 8
- 18 For an analysis of social justice in Islam see Sayyid Qutb *Social Justice in Islam* (Kuala Lumpur: Islamic Book Trust 2000).
- 19 The various dimensions of interconnectedness are discussed in *Radical Conservatism* Articles in honour of Bhikku Buddhadasa's 84th Birthday Anniversary (Bangkok: Thai Inter-Religious Commission for Development and International Network of Engaged Buddhists 1990)
- 20 *Spirituality and its link to economic transformation is analysed in my The NEP, Development & Alternative Consciousness* (Penang. Aliran 1989).
- 21 There is some discussion of this in *Sources of Chinese Tradition Vol. 1* Wm. Theodore de Bary, Wing-Tsit Chan & Burton Watson (compilers) (New York: Columbia University 1963) especially pp 117-121.
- 22 *The Wisdom of the Tao* Julian F. Pas (compiler and editor) (Oxford: Oneworld Publications 2000) p. 184.
- 23 *The Wisdom of Buddhism* Mel Thompson (compiler) (Oxford. Oneworld Publications 2000)

The above paper was delivered as the Wiegand Foundation Distinguished Visitor Lecturer at Duke University, United States on 13 September 2000. Reproduced from *Commentary International Movement for a Just World*. (Malaysia)

About the Writer: Dr Chandra Musaffer is President of the International Movement for a Just World and is deeply involved in social and political issues in Malaysia.

Fighting beside THE PEOPLE

"When a priest supports grassroots organisations, he does it with his entire being and with arms" socialist leader Diego Delgado says, describing the commitment of Catholic priests and sisters and evangelical pastors who accompany base communities, convinced that this is part of their pastoral work.



Catholic friars protests against government policies

and human rights violations, and sponsor youth programmes, all with the active participation of the local community.

Other churches and communities help low-income Ecuadorians defend themselves against specific problems that threaten their survival.

Clear commitment

Such commitment became clear in January 2000 in the movement that briefly swept to power indigenous leaders supported by progressive sectors of the military and which included church communities and networks that have been working with marginalised sectors of Ecuadorian society, fostering grassroots organisation.

"Our Lord God wants a just society, not a corrupt one. That's what Jesus Christ preached, that's why he threw the money-changers out of the temple and unmasked the hypocrisy of the rich - the same rich who are now the bankers and privatisers," says Sr. Ines Bolanos, who has organised the Ecclesial Communities of Southern Quito, a movement that takes a visible role in protests.

With other groups that oppose privatisation of the Ecuadorian Social Security Institute (IESS), it has formed the Health Defence Committee.

"We Christians must act in solidarity. It isn't possible that a shameless few who seek more power should want the money that workers have saved in the IESS," Bolanos says.

The Ecclesial Communities of Southern Quito operate health care and economic solidarity programmes, provide counseling in cases of domestic violence

and defend themselves against specific problems that threaten their survival.

The Assembly of the People of God (APD), an ecumenical organisation, has been fighting for forgiveness of Ecuador's external debt. The organisation includes evangelical and Catholic groups, which have been working to raise awareness about the debt through the "Way of the Cross of Debt," held in provinces during Holy Week, and protests outside the US Embassy in Quito.

"The debt is the cross of the poor, where Jesus Christ is being crucified again," APD coordinator Teresita Urrego says. "We're trying to bring all Christians together to confront this new form of oppression and contribute to the liberation of the people."

In 1993, the Rev. Felipe Adolf, then president of the Latin American Council of Churches (CLAI), the region's principal evangelical church organisation, and Catholic Bishop Gonzalo Lopez of Sucumbios, on the Colombian border, took on the defence of 11 campesinos accused of being guerrillas. It became clear that ecumenical currents in grassroots groups were forcing a re-evaluation of the role of religious convictions in maintaining community unity and defending human rights.

Fighting oppression

"One common option is the liberation of the people, and that implies liberation from oppression, so they can live with

dignity, equity and justice "the Rev. Neptali Bonifaz, of the Presbyterian Church, says.

David Silva, president of the Association of Christian Communicators, agrees that "the pastoral commitment to communities is the search for a social system tied to the teachings of the Gospel, in which justice, equity and solidarity are the main concepts.

Silva's pastoral ministry includes the development, organisation and political training of indigenous communities in Riobamba province.

But the strongest examples of church participation in civil society have come from the province of Azuay, under former Archbishop Alberto Luna Tobar, and the eastern province of Sucumbios, under Lopez. Both prelates are Disalced Carmelites.

Luna Tobar, who is closely identified with Ecuador's "church of the poor" heads the Assembly of Cuenca, in which grassroots organisations of the province meet

to debate community participation in political activity. Although he was replaced as archbishop in March, a year after reaching retirement age, by Archbishop Vicente Cisneros Duran, who is more conservative, Luna Tobar continues to work with the area's grassroots organisations.

The Assembly of Cuenca played a key role in bringing Cuenca to a standstill in protests in 1997, which forced the resignation of then-President Abdala Bucaram, and in January, when President Jamil Mahuad was ousted. Azuay, once a cradle of conservatism, is now closely watched by the government's security forces. Actions in Ecuador's third-largest city reverberate around the country, and Cuenca has become the most belligerent bulwark of opposition to government economic policies.

In Sucumbios, the Assembly of Civil Society has focused on monitoring actions by local authorities, opposing an increased military presence in the border province, environmental defence in oil-

producing areas, women's solidarity networks, health services, and defence of citizens' economic rights.

Lopez has spoken out against Plan Colombia, which analysts say could displace tens of thousands of Colombians from the southern department of Putumayo. The UN High Commissioner for Refugees expects many to take refuge across the Ecuadorian border.

"The Assembly of Civil Society of Sucumbios is preparing to receive displaced Colombians as our brothers, and radically oppose Plan Colombia," Lopez says.

The assembly's position is helping to shape the view of Plan Colombia in Ecuador.

"They're importing a war that is not ours," Lopez says, "but the people of Sucumbios and the church will not allow that."

- From Quito, Luis Angel Saavedra

Latinamerica Press

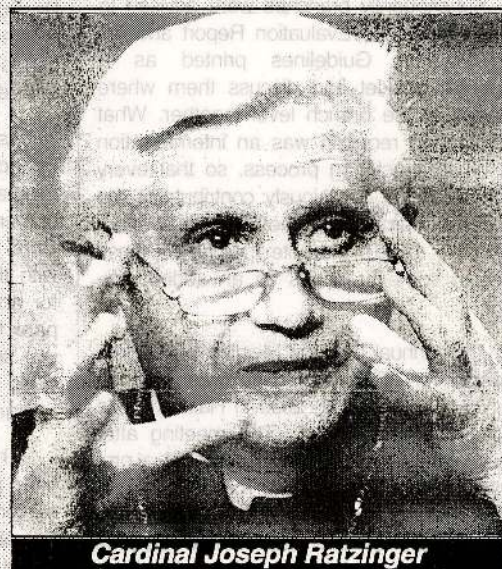
Set back to Ecumenical Dialogue?

Ecumenical dialogue and co-operation during the past 30 years has apparently received a set-back with the publication of the latest Vatican document *Dominus Iesus* - a "declaration" by the Congregation for the Doctrine of the Faith (CDF). The Prefect of the Congregation Cardinal Joseph Ratzinger said that the document related to the work of "more moderate theologians" who hold that owing to the limits of his human nature the revelation of God in Christ cannot be held to be complete and definitive, but must be considered in the light of other possible revelations of God. This led to error. The paths to salvation for followers of non-Christian religions lay in the good that is present in religions as the work of Christ's spirit: it "is not in the religions themselves".

This declaration which portrays Roman Catholicism as the only true faith and superior to all other religions, while it could damage relations with those religions, also had a chapter the "Unicity and Unity of the Church," which stated

that other "ecclesial communities" could not be regarded as "sister Churches." This has apparently raised the ire of the Anglican Church since the Archbishop of Canterbury in early September 2000 issued a re-assertion of the Anglican claim to be truly part of the "one Holy Catholic and Apostolic Church of Christ."

It has been pointed out that Cardinal Ratzinger's view was inconsistent with Pope John Paul II's own encyclical *Ut Unum Sint* which had reaffirmed the "presence and operation of the true Church in other Christian bodies." It also flatly contradicted Pope Paul VI who on the evening before the canonisation of the Forty Martyrs of England and Wales in 1970 consciously added a sentence or two in his own hand to the English section of his solemn allocution where he referred to the "legitimate prestige and worthy patrimony of the Anglican Church," and looked forward to the day when "the Roman Catholic Church is able to embrace her ever beloved sister



Cardinal Joseph Ratzinger

in the one authentic communion of the Family of Christ."

The gift of an episcopal ring to Archbishop Michael Ramsay of Canterbury by the same Pope, the achievements of the Anglican-Roman discussions (ARCIC) and John Paul II's own encyclical *Ut Unum Sint* referred to already have apparently all been forgotten or ignored by Cardinal Ratzinger and his Congregation for the Doctrine of the Faith which claims to speak in the Pope's name!

Contributed by the Christian Workers Fellowship (CWF)

A Unique Restructuring Process- 4

The present report covers the period from September to December 2000 following on the 3rd report appearing on the last issue of *Christian Worker*.

As a follow-up to the workshop held on April 1st, 2000, with the participation of 70 CWF members from branches, there were two other workshops held simultaneously in Kandy and Katunayaka on May 20-21 at which members from all branches divided into two groups met to discuss the Restructuring Guidelines which were now available both in Sinhala and Tamil. The Colombo, Ratmalana, Wattala and Katunayaka branches met in our Katunayaka Centre while the other branches met in Kandy at the Women Development Centre. In both places there were lively discussions followed at Katunayaka with a subsequent meeting to clarify further, certain issues that had been raised.

Subsequently branches were advised to read through the Evaluation Report and the Restructuring Guidelines printed as a separate booklet and discuss them where needed at the branch level together. What was indeed required was an internalisation of the re-structuring process, so that every member could consciously contribute to the process. Members of the Secretariat were also able to help promote thinking on these lines in some branches as an added support.

The Annual General Meeting of the Fellowship for 1998 and 1999 was held on Sunday November 12, 2000 in Hatton. Those present numbered 148. The meeting after the Opening Worship and election of a presidium proceeded with the routine business of reading out the Notice of the Meeting and the Minutes of the last Annual General Meeting held on March 6th the previous year (1999). The Annual Reports for 1998 and 1999 were discussed and approved subject to the insertion of some additions which were to be brought in especially in reporting the activities of some branches. The Audited Statements of Accounts for 1998 and 1999 were taken up next to be followed by a discussion and approval of the Restructuring Guidelines, when attention was drawn to certain omissions and discrepancies on figures of payments made as set out in the Restructuring Guidelines Booklet Annexures when compared with the Audited Accounts. This Guidelines Booklet also contained cer-

tain errors and omissions including a section of the approved CWF Constitution and certain annexures omitted through some accident in printing. In the circumstances it was felt desirable to adjourn the meeting at that stage and make good the deficiencies before the actual discussion and ratification of the Restructuring Guidelines. The Secretariat which met in January to review the position as regards these deficiencies, decided to summon the adjourned meeting for March so as to give enough time for branches to meet, study and discuss the corrections made to the Restructuring Booklet.

Follow-up Action by PWRDF of Canada

The PWRDF having apprised at first hand through Jim Davis who visited Sri Lanka in May 2000, has accepted the bona fides and process of the Restructuring as being sound. Jim Davis is of the opinion that the Restructuring process if done rigorously as is intended will effectively strengthen CWF's capability to make itself sustainable and self-reliant.

As the next step, PWRDF has sent CWF its document titled "Terms of Reference Programme Planning and Proposal Development for Christian Workers Fellowship Core Programme". PWRDF in consultation with the CWF has been actively searching for an independent consultant to help prepare the required proposal. After considering several candidates, PWRDF has decided on Susil Sirvardana to undertake the assignment.

The Core Programme is intended for a 3 year period. It is fully integrated and will reinforce the Core process of Restructuring. It is also intended to make the CWF fully self-reliant economically after a 3 year transition. In effect this means a series of carefully planned and commercially feasible income generating projects of a variety of scales which will have the capacity both to provide internally generated funds for all the recurrent costs of a particular branch but will also provide some surplus for cross-subsidising the recurrent costs of other centres which do not have such projects. Thus PWRDF will after this transition hopefully have to support only non-recurrent funding on a mutually agreed basis. It is expected that PWRDF's document will be studied by the Secretariat and a Core group and be discussed also

under Restructuring at the adjourned Annual General Meeting in March. The PWRDF Board would finally decide on the proposal submitted to them.

The following is a comment on our ongoing restructuring by yet by a priest-theologian who was among those specially consulted for their views on CWF for the 1996 evaluation.

The Revd Dr. Aloysius Pieris SJ's Comment:

"The CWF has earned the reputation of having pioneered a typically Lankan socialist movement capable of enhancing the liberative potential of religions. This unique achievement, begun way back in the nineteen fifties, had anticipated Latin America's movement for Christian Socialism and Korea's Minjung theology by two decades. Its work progressed very fast and ended up creating a massive network of social animation centres among the peasant and the worker class all over the country, serving them with an impressive variety of activities. And yet, a few years ago, as we all know, it crashed down from a staggering height of success to a salutary state of spiritual and temporal poverty.

"Whatever be the foibles and failings that caused this healthy crisis, there was a seed of liberation buried beneath the wreckage. For, it was not a movement that could be completely crushed. Hence, *"The Remnants"* were able to recapture the original spirit of their movement and allow the CWF to rise again from the ashes into a more dignified and less ostentatious version of its former self. A gradual growth in spiritual maturity was also registered among its members during these years of crisis as they had collectively undertaken a self-critical search for Truth as well as a painful restructuring programme which has now produced a new organisational apparatus animated by a new spirituality. The CWF has earned back its former vitality as well as its credibility.

"As one of the many friends who stood by the CWF before, during and after its crisis, accompanying it in its spiritual rejuvenation, I appeal to all people of good will to support its activities generously with whatever resources they can command."

- Aloysius Pieris, s.j.

Kamkaru Sevana

An ancillary body of CWF - Kamkaru Sevana (Workers Shelter) held its Annual General Meeting on October 22, 2000 at its Ratmalana Centre.

Among other matters, the meeting confirmed the suspension of 4 members by the Council of Management on disciplinary grounds and proceeded to elect a new Council of Management which comprised Dr. Devanesan Nesiiah, Wesley Muttiiah, Vijaya Vidyasagara, Ananda Perera, R P Alahakoon, Jude Lester and C P Wijayahewa. The Auditors of the organisation were also changed. The Council of Management which met thereafter elected Wesley Muttiiah as its new Convenor and Ananda Perera as the Treasurer. The Council of Management meets every month and efforts are being made to make the Ratmalana and other centres totally self-reliant.

CWF Badulla

The year 2000 turned out to be an eventful period for the CWF Badulla. In spite of serious financial constraints faced by the organisation, essential activities conducted at the Centre such as the daily worship, English, dancing, music and karate classes had to be continued. Facilities were provided for 50 students attending the music class, 20 for dancing, 25 for English and 20 for karate.

Three pre-schools conducted by the Centre at the following places were also continued with the assistance of parents:

1. Pre-school at Bodhirukkarama Temple Badulla for 18 children.
2. Pre-school at Andeniya for 26 children
3. Pre-school at Sewanagala for 29 children

Recognition gained by the CWF as an active people's organisation in Badulla warrants it to participate in various nationally important activities organised in Badulla. The CWF - Badulla was invited to participate in a workshop conducted on 4th July, by the Ministry of Agriculture of the Uva Provincial Council, on "Export oriented Agricultural Production". The CWF delegates made useful contributions at this workshop.

The CWF played an active role in organising a "Peace Week" between 2- 8th of August in collaboration with other NGOs in Badulla to promote "inter-communal harmony, brotherhood anti 'peaceful co-existence' among various ethnic groups in the island.

Two workshops were conducted at the Sarvodaya Centre in Badulla on "Inter-religious harmony and Understanding" in collaboration with other NGOs in Badulla. The presence of Tamil, Musiim and Malay communities and their respected religious institutions in this small town makes it vul-

nerable to divisive pressures exerted by various extremist elements. Therefore workshops of this nature are periodically conducted by social oriented Buddhist, Christian and Hindu organisations in consultation and collaboration with NGOs and People's Organisations. The CWF has earned the respect of all these organisations and its active involvement is sought on socio-cultural and religious issues.

The "Universal Human Rights Day" was commemorated on the 10th of December 2000, with the participation of all the NGOs in Badulla. The CWF played an active role by inviting other organisations for a discussions at the CWF Centre on 10th November to draw up the workplan for this celebration.

On 6th January 2001, the CWF Badulla celebrated her 13th Anniversary. The Worker's Mass was celebrated with representatives from all the CWF groups on the estates and several villages and a large number of sympathisers and well-wishers were present on the occasion.

On 10th January 2001, a workshop was organised at the historic Muthiyangana Rajamahavihara - a place of worship sacred to the Buddhists to invoke the "spiritual and moral strength of the people" and to unify them with a view to finding a lasting solution to the ethnic war.

Progress of Govi Nipayum Alevi Sanvidhanaya

The ancillary body of the CWF Badulla, Govi Nipayum Alevi Sanvidhanaya (Govi) commenced its seventh year of operation. The marketing activities, more particularly purchase of soya bean from the farmers at Kandeketiya, Buttala and Thanamalwila areas at prices favourable to farmers continued during this year as well. Nearly 10,000 Kgs were purchased from the farmers at prices ranging from Rs.25-35/=.

The production and sale of soya based food products showed a steady progress during the period under review. The production and sale of soya based food products yielded a net income of Rs. 304,185/- during the year 2000, to the organisation. About 200 farmers producing soya beans and 30 young men and women directly employed for production and sales are direct beneficiaries of this project. Its contribution to the improvement of nutritional health of the regular customers in Badulla and Embilipitiya town is a distinctive advantage.

The high quality of soya pastry and bakery products produced by the organisation has earned a high reputation. During the last

General Elections conducted in October 2000, the "Govi" was requested by the Chief Returning Officer to undertake the supply of refreshments to the elector staff during 3 days of election activities. This proved to be a successful new experience.

Harry Abeygunawardhana

We have had to say farewell on Feb. 12 to yet another of our old friends and regular readers of *Christian Worker* - Harry Abeygunawardhana who was the Member of Parliament for Matara in the first Parliament (1947) and also General Secretary of the Communist Party from 1948-50.

Harry was a tireless party activist emerged fully in political activity and living a simple and frugal life in keeping with his convictions. The shift in Soviet policy with the beginning of the Cold War saw him dutifully espousing the ultra-left line of his party which led to the adventurist action referred to as the "Gasnawa Struggle" where workers forcibly took over the Gasnawa plantation and this at a time when the trade union movement had been crushed after the defeat of the General Strike of 1947. Needless to say, the party line ended in disaster before being changed in 1950. Harry however remained faithful to the political position he had espoused and though outside the party from 1953 in consequence, continued to pursue his own politics. He did not however form a separate party or join any other.

Harry was also a dedicated and exemplary teacher who found a novel method of teaching English to the Sinhala educated which he continued to improve on to the end of his life. He knew several foreign languages and engaged himself in research too that was pertinent to his interests and social involvement.

Harry was in the later years of his life deeply concerned about the state of the country and the plight of the working masses. He was convinced that the left parties should get together and pursue a vigorous but non-sectarian programme to give proper leadership to the people. He was specially worried about the position of the youth who were confused and frustrated in the prevailing conditions.

We will miss Harry's visits and the earnestness with which he kept pleading for left unity and action and above all his indomitable spirit.

Christian Worker salutes his passing and extends its sincere sympathies to the members of his family. ■

IS GOOD GOVERNANCE POSSIBLE

**With a Bad Policing
System?**

**And
A Bad Prosecution
System?**

REFORMS NEEDED

De-politisation

**for criminal investigation into and
prosecution of all crimes**

**Create an Independent Prosecution
Department and take this function
away from the Attorney-General**

Restore Rule of Law

And Displace the Rule by Criminals

Asian Human Rights Commission